

Want to Kill Tenure? Be Careful What You Wish For

It faces more peril now than it has in the last 70 years

By Lee Gardner JUNE 18, 2018 PREMIUM



Mike De Sisti, Milwaukee Journal Sentinel

Faculty members protested at the U. of Wisconsin in 2015 after lawmakers proposed weakening tenure protections in state law. The proposals were passed later that year.

The trustee hadn't said a word for an hour as the board of the small

Midwestern liberal-arts college debated ways to turn around its flagging fortunes. But during a lull in the conversation, he finally spoke up. As David Strauss recalls, "He looked at everybody as if we'd all been fools, and said, 'Well, the solution is easy. Get rid of tenure.'"

Strauss, a principal of the Art & Science Group, a consulting firm that works with colleges, had heard the argument before. Almost anyone who works in higher education has. Many outside academe — and some within — see tenure as an entitlement that encourages "deadwood" professors to coast and shields firebrands who spout off, an anachronism that hinders colleges from innovating and drives up costs.

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Strauss says that the trustee's suggestion was politely ignored and talk soon turned back to more pressing issues, such as enrollment and academic programs. Though tenure is increasingly scarce, its status as an ideal in higher education is so sacred that sentiments like the trustee's are rarely expressed openly. Indeed, several academic leaders, lawmakers, and advocates for adjuncts and academic freedom didn't respond to requests for interviews for this article. But the trustee's argument against tenure isn't going away, and may be gaining momentum.

[Wisconsin](#), [Kentucky](#), [Arkansas](#), and [Tennessee](#) have all made policy moves in recent years that have sought to weaken tenure, or that faculty members have interpreted as threats to it. Leaders of some private colleges who want to adapt more quickly to marketplace demands have invoked dire institutional finances as a reason [to propose](#) — if not always follow through on — cutting tenured faculty.

For both political reasons and because of institutional policy choices, tenure arguably faces more peril now than it has in nearly 70 years.

In some respects, tenure is already dying. The percentage of faculty members who are tenured or on the tenure track has been declining for decades, as colleges shed tenure lines and bring in more adjuncts. The share of tenured and tenure-track faculty members has declined from 45 percent in 1975 to less than 30 percent in 2015,

according to [data compiled](#) by the American Association of University Professors. Meanwhile, the percentage of part-time faculty teaching courses has nearly doubled, from 24 percent to 40 percent, over the same period.

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The quiet erosion of the tenure beachhead has been very effective, says Richard P. Chait, an emeritus professor of education at Harvard University and an expert on the subject: "If a little sand disappears every semester, or every academic year, it's not quite as observable."

But the long-term implications of the shift could be substantial, says Thomas L. Harnisch, director of state relations and policy analysis at the American Association of State Colleges and Universities, because tenure protects academic integrity. "What we're really talking about," he says, "is the soul of higher education."

What does the potential end of tenure portend for the future of higher education? What are the benefits and costs of tenure — and of getting rid of it? And are those costs purely economic and straightforward, or is there something deeper at stake, with consequences that are hard to predict?

Tenure came about to protect the ideal of free inquiry, but it soon found a role

in the labor dynamics of academe, too. Up through the 19th century, many academics taught for decades without tenure and without incident, according to John R. Thelin, professor of education at the University of Kentucky and a historian of higher education. But college presidents and boards could, and sometimes did, fire those who displeased them, or those who displeased other powerful people.

For example, the economist Edwin A. Ross was fired by Stanford University in 1900 over his outspoken views. Jane Stanford, the widow of the railroad tycoon and university founder Leland Stanford, took exception to Ross's advocacy of Democratic politics, his anti-capitalist rhetoric, and his public denunciation of immigrants from Asia. David Starr Jordan, president of the university, deflected repeated requests from Stanford to not renew Ross's one-year employment contracts, knowing that the

institution's reputation among its peers would suffer if he did. The president eventually capitulated, and several Stanford professors resigned in protest.

But by the dawn of the 20th century, elite institutions such as Harvard and the University of Chicago had recognized the value to their reputations of protecting scholars from the whims of displeased patrons. Tenure also helped them recruit top scholars. In its [founding documents](#), in 1915, the AAUP argued for the importance of academic freedom and tenure. By 1940, the organization had codified many of the practices and [expectations](#) of tenure that still apply today.

Wide adoption of the practice was gradual, until the post-World War II boom in higher education precipitated an explosion in tenured jobs. Colleges clamored for faculty to educate the flood of soldiers-turned-students, especially in the burgeoning public higher-education sector. "Each state wanted to have a reasonably good state university," Thelin says, and that meant offering tenure to compete with rivals in hiring. As colleges of all types strove for prestige, and, ultimately, for students, a standard practice was born.

Tenure is now deeply embedded in American higher education, and has provided benefits beyond job security for professors. Tenure protects academic freedom, and both have served colleges, and the country, well, according to Rudy Fichtenbaum, a professor of economics at Wright State University and president of the AAUP. "The American system of higher education has been among the best, if not the best, and a model for the rest of the world," he says, "and the reason for that is largely because of academic freedom."

Tenure bolsters the sharing of information, the most critical function of academe, says Ronald G. Ehrenberg, a professor of industrial and labor relations and economics at Cornell University. Citing the ideas of George J. Stigler, the Nobel-winning economist, Ehrenberg says that, without tenure, senior faculty members would be in potential competition with younger colleagues and Ph.D. students for recognition and advancement, and thus might be less inclined to share what they know. With tenure, he says, "we don't have to worry that they're going to rise up and strike us down," which provides an incentive to try to train students as well as possible.

“Academic institutions are meant to function under different rules because we serve a different purpose.”

Because tenure safeguards academic freedom, it contributes to the development of important ideas and findings that might otherwise be belittled or opposed. For example, climate scientists have endured [attacks on their work](#) and personal harassment, and the Environmental Protection Agency, under President Trump, is considering policy [changes](#) that would limit the climate research it will consider when crafting regulations. Research, by its very nature, "is going to push existing boundaries, and yet there can be enormous political, economic, and cultural investment in the status quo," says Harnisch, of AASCU. "The truth can have well-financed, powerful enemies."

Firing and intimidating scholars can have long-term consequences, says John McCumber, a distinguished professor of Germanic languages at the University of California at Los Angeles who has studied higher education in the McCarthy era. During the 1940s and '50s, many prestigious universities were pressured into rooting out employees with alleged anti-American sympathies. For example, the University of California at Berkeley fired 31 professors in 1950 for refusing to sign anti-Communist ["loyalty oaths."](#)

Many careers, and lives, were ruined in the McCarthy era, and suspicion of certain ideas — atheism, for example — altered disciplines such as philosophy for decades. "Existentialism, which was a very vibrant and world-influential approach, never made it into most American philosophy departments," McCumber says.

But McCumber is no academic-freedom absolutist. He believes, for example, that the tenet should protect professors within the bounds of their disciplines, their labs, and their classrooms, not license them to say anything they please on any subject. He is also dubious about tenure's ability to protect those with unpopular views. After all, he knows the history. During the McCarthy era, he says, "Tenure was kind of irrelevant. It didn't really help."

Let's return to the liberal-arts-college trustee who wanted to "get rid" of

tenure. What if he got his way?

Some benefits for the institution in question seem obvious. Leaders would be better able to make sweeping changes to academic programs. They could, say, prune undersubscribed humanities departments and throw the savings into bigger nursing programs. On a less strategic level, they could fire the scholar behind that controversial tweet.

There is no question that, without tenure, colleges would become more efficient institutions, according to Anthony P. Carnevale, director of the Center for Education and the Workforce at Georgetown University. "Efficiency isn't the whole trip in higher education," he says, "but they will become more efficient and will be able to adapt to change better."

College leaders already have one tool at their disposal: declaring financial exigency, which means the future of the institution is threatened, and program and staff eliminations are needed to preserve it. "Most schools have a financial-exigency plan" as part of their faculty contracts, says Kent J. Chabotar, president emeritus of Guilford College and an expert on higher-education finances. "Tenure goes by the board once you eliminate an entire program."

There are models of colleges without tenure — at for-profit institutions and many community colleges, for example.



John Hart, State Journal

David Vanness, an associate professor of population health sciences at the U. of Wisconsin at Madison, argued against weakening tenure (left, at a faculty meeting in 2015). He recently accepted a new job, with tenure, at Penn State.

These institutions, which generally employ large numbers of adjuncts, have more flexibility to change course quickly than do colleges with significant numbers of tenured faculty. But for the faculty, the prospect of dismissal always looms. "They don't have to fire you," says Jeffrey S. Baker, who has taught psychology as an adjunct at Monroe Community College, in Rochester, N.Y., for 17 years. "They can simply say, We don't have anything for you next semester." He says that if his institution were to end tenure, it would be a blow to academic freedom generally, and to his tenured colleagues, but it wouldn't make much difference to his work. He says he knows that when talking about, say, sexuality in class, he has to be "a little bit careful, but I wouldn't say it's restraining."

A number of nonprofit four-year colleges have never had tenure but otherwise follow the norms of traditional higher education. Richard K. Miller, president of Olin College, says he was concerned in 1999 when he began recruiting faculty for the new institution because it would not be offering tenure. He needn't have worried. Perhaps due to the new college's focus on innovation and experimentation in engineering education, he says, "we had a lot of faculty applications, many of them from people who either had tenure or were on the tenure track at other institutions."

In many ways, institutions like Olin can be indistinguishable from those that have tenure. Isabel Roche, provost of Bennington College, which also does not offer tenure, wondered what the climate there would be like when she first came to the institution as a professor of French in 2002. But she found that Bennington professors taught, did research, and served on committees, just like their tenured peers. "It's not so different that, coming into it, you're like, Whoa, what is this?" she says.

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hat about the costs of cutting tenure? Even threatening it guarantees

swift public blowback and almost certain reputational damage.

When the state legislature of Wisconsin altered the wording of state law regarding tenure in 2015 to expand the circumstances under which a faculty member might be fired, the outcry was immediate and loud. The move was part of a [series of proposals](#), like a \$300-million cut to the system's budget and statutory language to weaken shared governance, that drew national headlines and a pelting rain of op-eds, blog posts, and social-media spleen. Scott Walker, the Republican governor of the state, won points among many conservatives for taking higher education to task, but he also became a national symbol of anti-intellectualism. There's no way to quantify prestige, but the flagship took a hit.

If, in the early days of tenure, institutions that offered it could compete for talent, the opposite may now be happening. Tenured faculty members who find that status threatened may leave their institutions. The uncertainty about tenure in Wisconsin, for example, contributed to several prominent scholars taking jobs elsewhere.

New to Tenure

David J. Vanness, an associate professor of population health sciences at the Madison campus and a Wisconsin native, had once planned to retire from the flagship and had turned down several job offers from other institutions. But, after what he sees as

attacks on the university from "a governor who is openly hostile to the mission of the institution as it stands," he says, "I didn't see a bright future here."

An economist by training, Vanness says he is not adverse to profit, but "if we start having short-term contracts that are being judged by those short-term metrics, we're going to run into the same problem that we see in American business culture — that we're always chasing the returns for the next quarter and not thinking about the long term," he says. "Academic institutions are meant to function under different rules because we serve a different purpose."

He had been among the professors publicly pushing back against attempts to weaken tenure. The system's plans [to close](#) 13 academic programs at the University of Wisconsin at Stevens Point, with layoffs of tenured faculty likely, put Vanness back on his heels. "What's happening at Stevens Point is likely to start happening throughout the system," he says. To continue to fight, "I feel like I would have to either ruin my health, ruin my family, or walk away from my research portfolio." He recently accepted a tenured position at Pennsylvania State University. (Representatives for Walker and Robin Vos, speaker of the Wisconsin State Assembly, did not respond to requests for comment.)

Vanness isn't the only Wisconsin professor to hear from other institutions. According to data from the flagship, during the 2015-16 academic year, 29 professors left the flagship, up from 23 the year before. While that's not a huge increase, it disguises a frenzy of recruiting. Of the more than 2,100 professors at Wisconsin, 37 requested a counteroffer from the university in 2014-15 after being recruited by another institution. That number jumped to 144 the following year; it was 92 the year after.

“It's sort of similar to the amenities arms race on the student side. Nobody can disarm unilaterally.”

Wisconsin has retained more than 70 percent of those recruited faculty members in each of these years, which is comparable to its record over the past decade. But it has been costly: During 2015-16, the flagship spent nearly \$24 million to retain professors with other offers, and nearly \$17 million the following year.

It would seem, then, that any college or state that had offered tenure but then discarded it "would be at an immediate competitive disadvantage" among its peers in hiring, says Chait, of Harvard. "It's sort of similar to the amenities arms race on the student side. Nobody can disarm unilaterally."

Tenure is a powerful perk, among its other functions, and colleges that don't offer it have few tools to rival it. Research conducted in the early 2000s by Cathy A. Trower, former research director of the Graduate School of Education at Harvard and now a consultant to colleges, found that twice as many of the doctoral students surveyed preferred hypothetical tenure-track positions over hypothetical non-tenure-track posts. The two factors that would most induce them to choose a nontenured position were an attractive location and an appealing balance between teaching and research.

Without tenure's inherent promise of stability, colleges and professors could see changes in salaries. The expanding use of adjuncts has demonstrated that plenty of people will fill tenuous teaching-only positions for low pay — and that employment status and wages go hand in hand. "The more insecure that you are, the lower your salary will be," says Fichtenbaum, of the AAUP.

But many salaries might rise, especially in high-demand fields. Ehrenberg, of Cornell, did research earlier in his career that found that universities that offered lower probabilities of tenure had to pay higher salaries. In high-demand fields such as business and computer science, where top talent has lucrative options outside academe, Ehrenberg says, the lack of tenure would put even more upward pressure on costs.

Chait offers a scenario: Imagine a Ph.D. chemist with a job offer from a large chemical company and another offer, with tenure, from a research university. She may not make as much money at the university, but she knows she won't be fired overnight, or laid off during a downturn. "It's a trade-off thousands of people will make," Chait says. Without tenure, however, she'll probably want more money to take that faculty position.

Losing tenure may also diminish faculty loyalty, and the ancillary benefits that go with it. Over the longer term, institutions that drop tenure may find that they don't get the same level of engagement — or the same amount of value-added labor — from professors who aren't as invested in their workplace.

At Iowa's Cornell College, as at most institutions, the tenured faculty does far more than teach classes, says Jonathan Brand, the president. These professors devote many hours to student advising and mentoring, as well as to participating in the governance of the college. Brand can't imagine Cornell getting rid of a core of tenured faculty members, not least because of "a fear that we would lose that sense of shared commitment to the students and the school were they not those stakeholders."

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ne of the main arguments for ending tenure is that it would allow colleges

to be nimble in a shifting higher-education landscape. But it's not clear how well such a benefit would pan out.

At certain institutions without tenure, conditions strikingly resemble those at colleges that have tenure: a relatively stable faculty, with members evaluated by their peers at intervals, many of whom stay for decades.

Many colleges without tenure offer the faculty renewable contracts. Such agreements, which may range from a single year to 10 years, offer both professors and institution a measure of predictability. They also allow institutions to re-evaluate the faculty, including senior faculty, more regularly. The latter idea would seem to appeal to those who view most post-tenure review processes as toothless formalities.

Recent history at Bennington suggests that the distinctions between tenure and long-term contracts aren't so clear. After a contentious [battle](#) over contracts that were treated as "presumptive" tenure played out in 1990s, the institution came to the arrangement it has today: It offers professors contracts ranging from one to 10 years, though Roche, the provost, says the evaluation process is more nuanced than it once was. A faculty member up for renewal whose teaching has declined might not lose his or her job, but the next contract might be shortened, as the college "would want to check back in on that in shorter order," Roche says.

But such a system doesn't necessarily facilitate the ruthless weeding-out of faculty. Sometimes, Roche said, when an instructor is underperforming, it can be easier for his or her peers to recommend another one-year appointment, so it will become a problem for the next committee. "It's really hard," she says, "to compel people to make hard decisions."

According to John Bullock, associate dean for faculty affairs at Bennington, the 22 reviews of senior faculty over the past 10 years were all positive. Over all, 95 percent of faculty contracts were renewed over the same period, a figure close to estimated retention rates for tenured professors elsewhere.

Olin tells a similar story. While Miller, the president, declined to share data about the institution's faculty-turnover rate, he says it compares with those of research universities with tenure where he has worked in the past.

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ith all the uncertainties of ending tenure, such a move could amount to

betting current reputation against future gains that are far from guaranteed. If a struggling college were to end tenure, the resulting attention, and the instability that might follow it, could worsen its financial problems. If a state system were to stop granting tenure to new faculty members, it would signal that the system had stopped competing in the prestige sweepstakes that have defined how four-year institutions have functioned for more than a century.

There's little evidence that students care whether or not professors have tenure, but it matters "to the extent to which the faculty, their research and scholarship, contribute to the overall reputation of the institution," says Richard A. Hesel, a principal of the Art & Science Group. Students do care a great deal about reputation, he adds.

Even more than a college's outward reputation, students care about their own experiences. Most institutions are aware that they need to make the education they provide "a more unified, aligned, harmonious overall experience over four years," says Brand, the president of Cornell College. He worries that without a core of long-term faculty members who are deeply invested in the institution and its success, "those experiences would become splotchy, with lots of one-off experiences, rather than helping our students pull it all together."

Strauss, of the Art & Science Group, says that successful colleges must find a middle path between serving the market and tacking with the political winds, and upholding the core values of their missions with blinders on. "If you lean too heavily on either of those sides, you're going to lose," he says. "Simply doing away with tenure — now we can manage them better, so to speak — you can also lose your soul with it, and the market will sense that you lost your soul."

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