

The Definition and Role of Tenure At WCU and in American Higher Education

WHAT IS TENURE?

- ***Due Process***

At its most basic level, tenure guarantees a faculty member the right to due process before he or she may be terminated from a position. Various levels of review of any negative personnel action (sanctions, demotion, termination, etc.) occur to ensure a termination is based upon appropriate reasons and not on inappropriate factors. Such reviews include input from both faculty peers and administrative supervisors.

- ***An Earned Privilege, Not A Right***

Tenure is not guaranteed a faculty member; it is earned after a long arduous process created to ensure tenure is awarded appropriately to productive and competent employees. Popular myths abound that tenure is granted automatically after a certain amount of time, or immediately upon being posted to a tenure position, but those ideas are simply untrue. Any Departmental Collegial Review Document (DCRD) at WCU will show the significant performance – both quantity and quality – in teaching, scholarship, and service required to be considered for tenure.

A Rigorous Process

The process to ensure quality in tenure begins even before securing a tenure track position. In the Humanities, for example, only 17% who attempt the PhD complete it, a third drop out prior to completing the degree, and only half of eventual completers (depending upon discipline) secure a tenure-track position.

Robert Sowell, "Ph. D. Completion and Attrition: Analysis of Baseline Data," *NSF Workshop: A Fresh Look at Ph.D. Education*, March 31, 2008.
http://www.phdcompletion.org/resources/CGSNSF2008_Sowell.pdf &
<http://www.psmag.com/education/why-you-should-go-to-graduate-school-in-the-humanities-59821/>

Academic Responsibility & Academic Freedom

Faculty are "responsible for establishing goals for student learning, for designing and implementing programs . . . and for assessing students' achievement. In these matters, faculty must work collaboratively with their colleagues in their departments, schools, and institutions as well as with relevant administrators." These duties represent their academic responsibilities. Academic freedom allows faculty to decide how to best fulfil their academic responsibilities, how to teach or conduct research to best meet student, institutional, and disciplinary needs. A math professor and a music professor both must grade students (that's their academic responsibility) but how they go about grading will of course differ, and different faculty teaching the same course might have different assignments with different methods of grading (that's academic freedom).

Academic freedom goes hand-in-hand with academic responsibility. Faculty are required to fulfill their academic responsibility, but they have the academic freedom to decide how best to do that.

"Academic Freedom and Educational Responsibility"
 AAC&U Board of Directors' Statement. January 6, 2006
<http://www.aacu.org/about/statements/documents/academicFreedom.pdf>

WHAT TENURE IS NOT

Guarantee of a job for life

(or assurance that a professor will never be terminated, removed from a position, or reassigned duties)

It is a common misperception, both among the general public and among some faculty, that tenure means a faculty member can never be terminated, reprimanded, or otherwise receive deleterious personnel actions. There are a number of acceptable and appropriate reasons to reprimand or terminate the employment of a tenured faculty member, and every year sees examples of personnel actions against tenured faculty. Depending upon the severity and/or recurrence of such activities, for example, a tenured faculty member may be terminated for actions such as negligence, non-performance of duties, termination of the program, or financial exigency.

While it is difficult to terminate a tenured faculty member, that difficulty in part derives from how difficult it is to become one and the checks and balances in place to ensure only the best faculty are tenured. A recent survey of American faculty showed that 20% of probationary faculty (tenure-track) were denied tenure, and even more did not make it to the point where they were considered for tenure. It is uncommon to hear of a tenured faculty member being terminated, but that should not be surprising when the process tenures only small minority of faculty, and only those who have proven exceptional abilities in the classroom and in the field after several years of intense scrutiny by peers and administrative supervisors.

The right to do or say anything, or license to do nothing

While tenure provides some significant protection in the form of due process, it does not mean faculty can do anything they want. They still must teach courses assigned to them and do the work of the institution. Annual faculty evaluations ensure that this happens. And of course violation of certain regulations and laws can lead to termination and other disciplinary action. Furthermore, once tenured, faculty cannot simply retreat from their duties (teaching, service, or research). They are still required to teach well and

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effectively, to remain active in their scholarship, and to serve in leadership roles at the institution. Post-Tenure Review ensures that.

Don't Tenured Faculty Do Less Because They Have Tenure?

- *They actually do more.*

With respect to the work of the university (service), many jobs can only be done by tenured faculty, and they dominate leadership roles in the institution. With respect to teaching and research, several studies show tenured faculty efficacy in both areas does not diminish.¹ Often tenured faculty focus on higher quality and higher impact research once tenure is secured, and they are often in a better position to integrate undergraduate and graduate participation in research work, thus providing a better, more marketable pedagogical experience.

- *Every bushel contains a few bad apples.*

Of course there are examples of tenured faculty withdrawing from their obligations: publishing less, spending less time and effort on their teaching, not participating in service, etc. But those cases represent a small minority, in part because the tenure process is so rigorous to begin with. Every field, discipline, industry, etc. contains some few who tarnish the reputation of the majority; we haven't, for example, abolished democracy because of a few indiscreet legislators – neither should we condemn a cornerstone of academic inquiry and the dissemination of knowledge because of few bad apples.

- *And post-tenure review works.*

Given the rigor and length of the tenure process, it is not surprising that the majority of tenured faculty are appropriately productive and successful in the classroom and in their field. But when they are not, post-tenure review has proven an effective check. Department heads create action plans for faculty, which often leads to remediation and improvement. When it doesn't, termination is a possibility. But in reality, it is more common for faculty identified as not meeting expectations to choose retirement, often earlier than they had planned, rather than undergo a prolonged process of remediation and performance reviews. While we can provide numbers for faculty removed because of poor post-tenure reviews, it is difficult to provide data regarding faculty who choose to retire after such reviews or before such reviews are performed. But that has certainly happened at WCU, and has been documented elsewhere.

Post-Tenure Review

“At two medical schools, for example, most of the small number of faculty whose reviews were unsatisfactory chose to retire from teaching. In a few cases, individuals whose performance was judged to be unsatisfactory were provided performance improvement plans, complied with them, and brought their performance up to a satisfactory level.”

Donna R. Euben & Barbara A. Lee, “Managing Faculty Productivity After Tenure,” *Legal Issues in Higher Education* (October 24, 2005).

WHY IS TENURE GOOD FOR WCU, FOR NORTH CAROLINA, AND FOR THE COUNTRY?

Tenure and academic freedom – to pursue scholarly agendas and to teach according to disciplinary standards – is central to the life of a university, to its ability to teach its students well (using the most current information and approaches), to its ability to attract the best faculty, and to its ability to foster the global competitiveness of our students, our state, and our country. Tenure, and the right to due process that comes with it, ensures that faculty are not removed for capricious reasons or penalized for pursuing research and teaching that may be unpopular or original; it protects them from the winds of political and social fortune and allows them to focus on the kind of innovation and long-term development that has made, and kept, this country on the forefront of economic, social, and cultural development.

¹ Robert T. Blackburn and Janet H. Lawrence, “Aging and the Quality of Faculty Job Performance,” *Review of Educational Research* (Fall 1986): 265-290. See also, Blackburn and Lawrence, *Faculty at Work: Motivation, Expectation, Satisfaction* (Baltimore: The Johns Hopkins University Press, 1995).