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WHY TENURE IS INDISPENSABLE

FOR MANY YEARS, tenure has been a popular target for critics outside of higher education. What's different today is that even some leaders of academe are calling for radical changes in tenure, and even for its abolition.

"Tenure, as it currently operates, has become more of a problem than a help to our endeavors," C. Peter Magrath, president of the National Association of State Universities and Land-Grant Colleges, wrote in The Chronicle in 1997.

James Carlin, chairman of the Massachusetts Board of Higher Education, expressed his view of tenure even more bluntly in a November 1997 speech to the Greater Boston Chamber of Commerce: He called it "an absolute scare" that should be eliminated.

As president of one of the nation's major research universities, I disagree. Tenure is indispensable. Without it, our system of higher education--which is the envy of the world--would be more elitist and less efficient, more costly and less accessible.

Opponents of tenure will find my position preposterous. They will cite the example of the American corporation--also, in many ways, the envy of the world. Corporations don't grant tenure. They downsize periodically to react to changing markets and changing times. If corporations are right, universities must be wrong to cling to tenure.

Let me state the obvious: Universities are not corporations. Their missions are fundamentally different, as are their strategies for managing personnel. Of course, the contrasts are not absolute. Both universities and corporations have had to become more efficient and accountable. Yet tenure still has a vital role to play in higher education.

In corporate America, many new employees take entry-level jobs. From there, individual careers follow dramatically different paths, as a company promotes or shifts employees into slots where they can be the most productive and the most effective--or, in some cases, where they can do the least harm. Conversely, a university offers little internal mobility to faculty members who are granted tenure. Even those professors who move into administration frequently continue to teach. Shifting an employee from one corporate department to another might make sense, but imagine trying to retrain a scholar of medieval French literature to teach astrophysics.

That's why tenure should be hard to get. The lengthy probationary period of the tenure process helps the university make the right decision in filling a specific, well-defined, long-term job. The job security provided by tenure is a suitable incentive for those who embark upon, and make it through, that rigorous process.

Tenure's critics ignore other important ways that the system benefits universities and students. In those fields in which competition between universities and corporations for highly skilled employees is keen--such as business and information technology--universities tend to pay lower salaries than corporations do. A tenured faculty member will accept lower compensation in exchange for job security--knowing that his or her position is unlikely to be eliminated during downsizing or restructuring. If tenure were eliminated tomorrow, taking academic job security with it, faculty compensation would have to increase. Higher pay would mean increases in tuition or the student/faculty ratio. The first result would curtail access to higher education; the second would decrease its quality.

Abolishing tenure would also bring more competition among institutions for top professors. As compensation became increasingly important in the absence of job security, richer colleges and universities would be able to attract even more of the best faculty members than they already do. The disparity among institutions, especially between public and private universities, would grow. Major public universities traditionally have promised that students from varying academic and income levels would be able to study with some of the best minds in their chosen fields. Bidding wars for "superstar" scholars have already chipped away at that promise, and the abolition of tenure would hasten its demise.

But the strongest argument for retaining tenure is its crucial role in protecting academic freedom. That was a central reason for the development of the tenure system in the first place, and academic freedom remains fundamental to higher education's mission of teaching and research.

Some critics of tenure have argued that the courts protect free speech, including that of faculty members. I have serious reservations about that claim. Courts have not intervened in cases when universities have fired faculty members, provided that due process has been observed. The presumption is that tenure and termination decisions are within the province of universities.

Furthermore, First Amendment protections for faculty members do not apply to private universities and colleges. And, as Matthew W. Finkin, a professor of law and labor relations at the University of Illinois at Urbana-Champaign, points out in The Case for Tenure, the Supreme Court has made clear that a public employee is covered only to the extent that the employee's free speech is a matter of "public concern"--that is, a matter of political, social, or other concern to members of the community. At this point, not enough case law exists for us to know whether professional publications and classroom speech fall within the purview of the First Amendment.

ATTACKS on professors' freedom of speech are not the only threats to academic freedom. Tenure also protects faculty members from the pressures of the bottom line. Today's corporate world offers little opportunity for research that does not promise an immediate return on investment. Yet many professors devote their entire careers to studying more-basic problems, or to doing research that has no obvious commercial implications. Of course, the academic freedom that enables faculty members to conduct that kind of research has led eventually to many of the dramatic advances that we have seen in medicine, information technology, and a myriad of other fields.

Any fair evaluation of tenure must include a look at the defects of proposed alternatives. Some critics suggest a system of renewable, multiyear contracts; the idea is that such a system would allow universities to monitor the performance of faculty members more closely and give professors more incentive to maintain high standards of research and teaching. But would that truly be the outcome?

Several universities that now offer such contracts have found that they routinely renew them. Completely evaluating a colleague's work as a teacher and a researcher takes a lot of time. How thorough could that process be if every faculty member on a campus had to go through it every three to five years? Without time to conduct a detailed review, teams of faculty members will naturally err on the side of retaining a colleague. Some faculty members who would not earn tenure might continue to receive contract after contract.

All right, the critic may respond, but if we must retain tenure, how can we motivate faculty members to perform?

That question misses the point. Those who argue that tenure leads to declining productivity do not understand the motivation of faculty members. Professors are far more interested in gaining knowledge and communicating it to others than they are in high salaries. It does not matter if the knowledge is a scientific breakthrough, a new interpretation of a text, or a noteworthy performance of a classical score. It is the activity itself and sharing one's results with students and colleagues that faculty members find rewarding. Being a faculty member is not a job, it's a life.

In response to those isolated cases in which faculty members do lose their commitment to learning and research, the best action is not to dismantle the tenure system, but rather to take the necessary steps to deal with individual cases. That is why many progressive universities have been considering the issue of post-tenure review. Dozens of universities--including state universities in Arizona, Florida, Georgia, Texas, and Wisconsin--have adopted post-tenure reviews of various types.

Some universities have made such reviews mandatory for all faculty members. I think that is a mistake. Not every tenured faculty member should undergo a full-scale review--that is extremely inefficient. Rather, post-tenure reviews should be undertaken only when evidence exists to warrant them. If a professor's annual review for salary purposes suggests that his or her performance is inadequate, then a full-scale post-tenure review should occur.

The primary goal of the review should be professional renewal. If a faculty member's commitment to learning cannot be restored, it may be appropriate to fire him or her. However, that process of termination should be distinct from post-tenure review and must follow all the legal and moral requirements of due process.

That may sound unwieldy and old-fashioned to those used to reading about hundreds or even thousands of workers receiving pink slips when corporations restructure themselves. But if it is considered old-fashioned to stick with a proven, humane system that benefits students, faculty members, universities, and society, I plead guilty.

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By Myles Brand

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