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# The Eroding Foundations of Academic Freedom and Professional Integrity: Implications of the Diminishing Proportion of Tenured Faculty for Organizational Effectiveness in Higher Education

By Ernst Benjamin

The tenure system is the predominant faculty personnel system in the vast majority of universities and colleges, but a declining proportion of faculty actually hold tenure-track appointments. The full significance of this decline is often underestimated because an appreciation of the tenure system requires an understanding not only of its contribution to academic freedom, but also of how tenure contributes to effective academic organizations.

Critics of tenure argue that, though tenure may be advantageous to individual faculty, increased use of non-tenure-track appointments best contributes to organizational economy and flexibility through cost savings, eased response to enrollment shifts, and reduced resistance to curricular adaptation and programmatic reforms. Advocates of tenure respond that non-tenure-track appointments weaken the academic *profession* through the establishment of a two-tier employment structure and diminished protections for professional autonomy. Each of these perspectives finds the value of tenure primarily in its contribution to the rights or privileges of faculty members or of the academic profession. Neither perspective adequately recognizes that tenure is an integral and essential component of academic organization.

Of course, tenure's defenders, like many of its critics, recognize that tenure safeguards faculty academic freedom, but even the defenders often overlook or minimize the contribution of tenure to routine institutional performance.<sup>1</sup> Peter Blau's important study, *The Organization of Academic Work*, asserts, "Tenure and, generally, academic freedom supply many scientists and scholars with rewards that enable a very few to make greater contributions to knowledge than they could without such protection."<sup>2</sup> The argument that many benefit from a privilege necessary to only a few fuels the argument of critics that many or most faculty or even institutions do not need the protections of tenure. This perspective increases the danger that tenure may become in future what some critics have already proclaimed it: a privileged status afforded to a diminishing top tier in a two-tier faculty employment structure.

Conversely, the endurance of the tenure system, and its greater prevalence at more highly regarded institutions, suggests that tenure benefits universities and colleges as well as faculty: "The idea that tenure is a wasteful institution for universities runs up against the puzzling fact that the commitment to tenure is one that academic institutions impose on themselves."<sup>3</sup>

This observation does not mean that such institutional benefits, any more than faculty benefits, are the central purpose of tenure. The 1940 *Statement of Principles on Academic Freedom and Tenure* reasons that: "Institutions of higher education are conducted for the common good and not to further the interests of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition."<sup>4</sup> The statement then proceeds to ground academic freedom in the pursuit and expression of truth, and to base tenure, in substantial part, on the need for such freedom with respect to "teaching and research and of extramural activities." In sum, the *Statement* deems tenure as essential to the fulfillment of the organizational mission regardless of its impact on organizational efficiency.

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<sup>1</sup> For a parallel discussion from an economic perspective see: Michael S. McPherson and Gordon C. Winston, "The Economics of Academic Tenure: A Relational Perspective," in *Paying the Piper: Productivity, Incentives, and Financing in U.S. Higher Education*, edited by McPherson et al., Ann Arbor: The University of Michigan Press, 1993; 109-31.

<sup>2</sup> Peter M. Blau, *The Organization of Academic Work*, 2<sup>nd</sup> ed., New Brunswick and London: Transaction Publishers, 1994; 214-15.

<sup>3</sup> Michael S. McPherson and Morton Owen Schapiro, "Tenure Issues in Higher Education," *Journal of Economic Perspectives*, Winter 1999 (Vol. 13, No 1), 85-98.

<sup>4</sup> AAUP *Policy Documents and Reports*, 1995, 3.

Despite these larger considerations, however, were tenure as organizationally dysfunctional as critics suggest, its systemic persistence would remain difficult to explain. The organizational value of tenure does find a more concrete explanation in the other rationale for tenure provided by the 1940 *Statement*: “a sufficient degree of economic security to make the profession attractive to men and women of ability.”<sup>5</sup> The argument that tenure persists because it is an economic benefit, and would be too costly to replace with higher salary, has some validity; but the inadequacy of this argument is apparent in light of the fact that most non-tenure-track faculty receive lower, not higher, compensation than tenure-track faculty. Accordingly, both the reasons for the organizational persistence of tenure and the organizational implications of the declining proportion of faculty with tenure-track appointments need further examination.

This examination requires, above all, an appreciation of the distinctively bureaucratic characteristics of academic organization. Universities and colleges necessarily incorporate and coordinate the activities of highly trained professionals. Academic professionals rarely work autonomously. They generally need organizational facilities, and often need colleagues, as well as salaried employment. Academic organizations need to coordinate the specialized work of diverse academic professionals. The quality of that work depends on assurance of a delimited, but protected, sphere in which faculty can conduct their work on the basis of appropriate professional standards.

This paper seeks to show that academic organizations based on bureaucratic regulation, specialization, and administration, including particularly the bureaucratic safeguard of tenure, best ensure the quality of academic professional work. Conversely, entrepreneurial or managerial administration, insofar as it successfully enlarges the range of administrative discretion or flexibility, diminishes specialization and engages in intrusive management or micro-management of professional work and diminishes institutional academic performance.

### The Declining Proportion of Tenure-Track Faculty, the Persistence of Tenure, and the Emergence of a Two-Tier Faculty Appointment Structure

The two-tier system of faculty appointments is not a recent innovation. As tenure emerged in the nineteenth century, so did various forms of limited or recurrent appointment. Walter Metzger, the leading historian of tenure, describes this combination as a “two-track system” and distinguishes it

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<sup>5</sup> Ibid.

from the subsequent single-track, “up-or-out” tenure system.<sup>6</sup> The agreement between the AAUP and the Association of American Colleges as enunciated in the 1940 *Statement*, to encompass all full-time faculty appointments within the tenure system, save for special appointments of brief duration, did no doubt reflect and encourage the prevalence of the tenure-track tier. Nonetheless, the non-tenure-track tier has persisted and it is not the two-track system, but its renewed growth and institutionalization as a two-tier system, which is new.

The two-track system developed on the basis of the emerging distinction between tenured and non-tenured appointments. From the beginning, the former were often more qualified and generally more privileged. The two-track system has become a two-tier system to the extent that second-tier faculty are systematically less qualified, less well compensated, and are provided less professional support and fewer professional opportunities. Most non-tenure-track faculty are able individuals and many are well qualified. Nonetheless, their lower compensation, often narrowly defined tasks, and lack of professional support and opportunity tend to diminish their professional contribution. Similarly, not all second-track positions are second-tier positions. Many part-time faculty have valuable professional and technical skills and experience, most often from other or previous employment. Some non-tenure-track faculty are distinguished visiting professors, clinicians, or researchers. Nonetheless, the two-track system is a two-tier system because the non-tenure-eligible positions are held by faculty members who are on average less well qualified and less well compensated, and who are provided fewer professional opportunities and less professional support. Schuster and Finkelstein, who provide a well-documented discussion of the emergence of the two-tier system, especially emphasize the lack of permeability—movement back and forth between part-time and full-time, and even full-time non-tenure-track and tenure-track, appointments.<sup>7</sup>

The recent increase in the proportion of non-tenure-track faculty has taken several forms. As Table 1 shows, since the 1970s, as the total faculty headcount increased by almost 120 percent, part-time and non-tenure-track positions have each increased at twice that rate, while full-time tenured positions have increased only 28 percent and probationary tenure-track positions have increased less than 7 percent. Consequently, nearly 40 percent of full-time positions and 70 percent of all faculty positions

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<sup>6</sup> Walter Metzger, “Academic Tenure in America: A Historical Essay,” in *Faculty Tenure*, Commission on Academic Tenure, San Francisco: Jossey-Bass, 1973, 121-22.

are non-tenure-track. Of all these changes, the most alarming, however, is the relatively miniscule (6.8 percent) increase in the probationary tenure-track positions that represent the future of the profession.

The decline in the proportion of tenure-track positions has occurred, however, without a significant decline in the proportion of institutions that continue to offer tenure-track appointments to their full-time faculty. The most recent NCES National Study of Postsecondary Faculty institutional survey found that 71.5 percent of all institutions awarded tenure. Moreover, although only 64 percent of public community colleges awarded tenure, 100 percent of public doctoral, 98 percent of public master's-level institutions, 93 percent of nonprofit master's, 92 percent of non-profit doctoral, and 84 percent of nonprofit baccalaureate institutions offered tenure.<sup>8</sup>

The continued prevalence of the tenure system is also reflected in the most recent (fall 2007) report of tenure status by type of institution. As Table 2 shows, of the 50 percent of all full-time faculty who teach at public four-year institutions, two-thirds are either tenured (46 percent) or probationary tenure-track (20.8 percent). Nearly three-fifths of the 30 percent of faculty at private four-year non-profit institutions are tenured (37.8 percent) or tenure-track (20.6 percent), as are more than half (55.2 percent) of the 16 percent of faculty who teach full-time at public community colleges. The increase in full-time non-tenure-track appointments, as in part-time appointments, is due in part to the growth of the two-year sector, especially at those colleges that do not employ faculty ranks. Nonetheless, it must also be noted that full-time non-tenure-track positions are now one-third of all full-time faculty positions at four-year public institutions and more than two-fifths at private non-profit four-year institutions.

Taken together, Tables 1 and 2 do not suggest that tenure is in danger of extinction. They suggest rather that tenure prevails disproportionately in institutions that provide more advanced instruction and research. The fact that about two-thirds of two-year and fewer than one-third of four-year faculty held part-time appointments in 2007 reinforces this view.<sup>9</sup> When four-year and graduate institutions do use non-tenure-track instructional faculty, they do so largely in lower-division programs. Indeed, it might be, and often is, argued that the two-tier system is merely an efficient adaptation to the

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<sup>7</sup> Jack H. Schuster and Martin Finkelstein, *The American Faculty, The Restructuring of Academic Work and Careers*. Baltimore: The Johns Hopkins University Press, 2006, Chapter 7.

<sup>8</sup> NCES, NSOPF 2004, "Institutional Policies and Practices regarding Postsecondary Faculty: Fall 2003," October 2006, Table 4.

<sup>9</sup> Percentages extrapolated from AFT, "The State of the Higher Education Workforce 1997-2007," Table 1.

contrasting requirements of lower-division instruction on the one hand, and upper-division instruction and graduate instruction and research on the other.<sup>10</sup>

Of course, it is also long established that faculty salaries follow a similar pattern, with the highest salaries awarded by the institutions and to the faculty members with the greatest emphasis on research.<sup>11</sup> This resource allocation, rather than simply confirming the efficiency of the system, has led to concern that the academic reward system systematically devalues teaching.<sup>12</sup> Moreover, the gender distribution across institutions and by rank, as well as between tenure-track and non-tenure-track positions, again as with salaries, manifests a substantial disparate impact on women.<sup>13</sup> The disparities in access to tenure-track appointments is of particular concern here.

Table 3 shows that, even as the number and proportion of female appointees increased dramatically between 1975 and 2005-7, the proportion of women who held tenure-track appointments declined, while the proportion of non-tenure-track appointments increased. For example, although the proportion of tenured positions held by women increased from 18 to 34 percent, the proportion of faculty women with tenure declined from 38 to 33.5 percent. Overall, the proportion of faculty women in each of the more desirable categories of appointment (full-time, tenured, and probationary tenure-track) declined, while the proportion of women in less desirable part-time and non-tenure-track positions increased. More than half of all female faculty now hold part-time positions and more than 45 percent of full-time female faculty have non-tenure-track appointments. Moreover, even this tenuous participation in tenure-track appointments reflects the fact that tenured female faculty are more likely to have tenure in community colleges, where women make up 47 percent of the tenured cohort, than in doctoral institutions, where they have only about one-fourth of tenured positions.<sup>14</sup> So, the growing

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<sup>10</sup> Donald N. Langenberg, "The Subfaculty," and Barbara A. Wyles, "Adjunct Faculty in the Community College, Realities and Challenges," in *The Growing Use of Part-Time Faculty: Understanding Causes and Effects*, edited by David Leslie, New Directions for Higher Education, Number 104, Winter 1998. San Francisco: Jossey-Bass Publishers, 39-44 and 89-93.

<sup>11</sup> Linda Bell, "More Good News, So Why the Blues: Annual Report on the Economic Status of the Profession," *Academe*, Vol. 86, No. 2 (March-April 2000): 17.

<sup>12</sup> James S. Fairweather, "Academic Values and Faculty Rewards," *Review of Higher Education*, 17 (Fall 1993): 43-68.

<sup>13</sup> On salary disparities, see Robert K. Toutkoushian, "The Status of Academic Women in the 1990s: No Longer Outsiders but Not Yet Equals," *Quarterly Review of Economics and Finance* 39 (special issue, 1999): 679-98. For discussions including rank and tenure disparities see Ernst Benjamin, "Disparities in the Salaries and Appointments of Academic Women and Men," *Academe*, Vol. 85, No. 1 (January-February 1999): 60-62; and Martha S. West and John W. Curtis, "AAUP Faculty Gender Equity Indicators 2006," AAUP.

<sup>14</sup> West and Curtis, p. 10.

number and proportion of second-tier appointments clearly parallel, and probably depend upon, the growth in the number and proportion of women in the profession who are more often relegated to contingent positions and less prestigious institutions.

The devaluation of teaching may well be linked to the devaluation of women, who generally place more emphasis on teaching relative to research than men.<sup>15</sup> Gender-based salary disparities persist, however, even when variations in qualifications, academic status, and productivity are controlled.<sup>16</sup> Two-tier labor markets typically depend on the availability of systematically disadvantaged groups such as segregated racial minorities and undocumented immigrants. Absent discrimination or other structural disadvantages, the market should eliminate salary differences unrelated to productivity. The combination of more limited alternative employment choices, greater family responsibilities, lesser mobility, and inadequate social policies may sufficiently disadvantage women so as to have contributed substantially to the expansion of a two-tier system.

Yet, as noted above, many of the status and compensation differences of the two-tier appointment system may also reflect differences in the professional skills required and/or the greater market power of those possessing more scarce and more greatly desired professional attributes. Even tenure might, in this perspective, accrue only to those positions where it is either organizationally most valued and/or allocated to those faculty members with the greatest market power. Conversely, the tendency to favor research over teaching in the allocation of tenure-track positions may, as in the allocation of salaries, reflect an inadequate understanding and appreciation of teaching.

Ironically, many of those who value teaching blame the tenure system for the emphasis on research. This argument depends on a secondary factor: that the specific selection criteria used in awarding tenure incorporate a fundamental institutional preference for research. Perhaps, instead, it is decoupling tenure from teaching that reflects and fosters the devaluation of teaching. In any case, as the data have shown, the erosion of tenure is occurring primarily in teaching-oriented institutions and positions. Hence, in an assessment of the organizational advantages and disadvantages of tenure, one must consider especially such differences as may exist between research and teaching.

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<sup>15</sup> Marcia L. Bellas and Robert K. Toutkoushian, "Faculty Time Allocations and Research Productivity: Gender, Race, and Family Effects," *Review of Higher Education*, Vol. 22, No. 4 (Summer 1999), 367-90.

<sup>16</sup> Bellas and Toutkoushian, 1999.

## Academic Organization, Academic Professionalism, and Academic Tenure

Academic organizations, whether colleges or multiversities, differ in one important particular from most other bureaucracies. Although depicted in a variety of ways (and the precise depiction matters a great deal), there is broad, though not unanimous, agreement that academic organizations incorporate a unique and inherent tension:

The code of academic freedom put forth by the American Association of University Professors . . . postulates an opposition between the administration of the American university and the true professional interests of the faculty members.<sup>17</sup>

[The] authority of professionals, including now academics, which rests on institutionally recognized expert knowledge, conflicts with administrative authority, which is based on official positions in a bureaucratic hierarchy. Hence administrative and faculty expectations tend to come into conflict.<sup>18</sup>

The tension between professionalism and bureaucratic demands is a recurrent theme in discussions about, and examinations of, the professoriate . . . as a national organization struggling to find ways to represent the nation's professoriate, the [AAUP] found that increasingly bureaucratized employment procedures posed substantial challenges to its goal of professionalism.<sup>19</sup>

With professionals increasingly located in organizations, instead of operating as solo practitioners autonomously related to clients, control becomes an issue of professional versus bureaucratic organization . . . So too for academics in higher education organizations: self-determination within the immediate administrative framework becomes the heart of the matter.<sup>20</sup>

I examine the organizational struggle between professionals and the managers of the organizations in which they work. Hence, the title of my book, *Managed Professionals*.<sup>21</sup>

Although all of these statements recognize that conflict between the faculty and the administration is an inherent characteristic of higher-education institutions, even these brief quotations point to

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<sup>17</sup> "The American Concept of Academic Freedom," *The American Scholar*, Vol. 29, No. 1, Winter 1959-60; reprinted in Louis Joughin, *Academic Freedom and Tenure*, Madison: The University of Wisconsin Press, 1969; 240.

<sup>18</sup> Blau, 13.

<sup>19</sup> Philo A. Hutcheson, *A Professional Professoriate*, Nashville, Tennessee: Vanderbilt University Press, 2000; 1.

<sup>20</sup> Burton R. Clark, *The Academic Life: Small Worlds, Different Worlds*, Princeton, New Jersey: The Carnegie Foundation for the Advancement of Teaching, 1987, 148.

<sup>21</sup> Gary Rhoades, *Managed Professionals*, Albany: State University of New York Press, 1998, 21.



substantial differences in perspective. Mumford Jones depicts an opposition between faculty and administration; Blau cites a conflict between professionals and bureaucrats; Hutcheson emphasizes a tension between bureaucratic employment practices and professionalism. For Clark, the profession seeks autonomy within “the immediate administrative framework”; finally, Rhoades envisions an organizational struggle between professionals and managers. Sorting through the similarities and differences in these depictions of organizational conflict is important to understanding the role of tenure in ensuring professional expertise and productivity in higher-education organizations.

It is useful to begin by contrasting the common agreement found in these statements with the quite different perspective taken by Justice Powell, writing for a majority of the Supreme Court, in the *Yeshiva* decision. This decision, which denied faculty in the independent sector the protections of the National Labor Relations Act, rested specifically on the assertion that administration and faculty had no inherent conflict of interest. The majority began with the premise that employers are entitled to the “undivided loyalty” of their representatives. They held that faculty, by virtue of their authority over such academic matters as curriculum, teaching methods, grading policies, and matriculation standards, are managers and should be so “aligned.” Faculty professionalism implied no inherent conflict with this alignment, in the majority view, because “the university itself expects its faculty to pursue professional values rather than institutional interests.”<sup>22</sup>

The majority did not err in recognizing that the professional judgment of the faculty is integral to academic organizations. In this respect, the majority understood well what critics of faculty loyalty to their profession do not. As Justice Brennan wrote for the minority, however, the majority erred in assuming a simple identity of managerial and faculty interest: “The notion that a faculty member’s competence could depend on his undivided loyalty to management is antithetical to the whole concept of academic freedom.”<sup>23</sup>

As the AAUP *Statement on Government of Colleges and Universities* explains in some detail, the integration of conflicting administrative and faculty academic priorities is based upon a complex process of “shared” academic governance.<sup>24</sup> The dissenting minority’s recognition of the opposition of faculty and administration did not take issue with this ideal, but questioned the evolving practice:

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<sup>22</sup> *NLRB v. Yeshiva University*, in *Academe*, May 1980 (Vol. 66, No. 4), 192-193.

<sup>23</sup> *Ibid.*, 196.

<sup>24</sup> AAUP, *Policy Documents and Reports*, Washington, DC: AAUP, 1995, 183.

The university of today bears little resemblance to the ‘community of scholars’ of yesteryear . . . Education has become ‘a big business,’ and the task of operating the university enterprise has been transferred from the faculty to an autonomous administration which faces the same pressures to cut costs and increase efficiencies that impact any large industrial enterprise.<sup>25</sup>

Of course, the “community of scholars” has no American “yesteryear.” Shared governance is a twentieth-century development first enshrined by AAUP in a 1966 document adopted 26 years after the 1940 *Statement* and with far less consensus. Nonetheless, the minority correctly describes a crucial development in university organization that results not simply from increasing size but from a fundamental change in academic organizations.

When Clark Kerr wrote of the emergence of the “multiversity” in 1963, he described the “managerial revolution” it entailed. Yet, he also recognized an essential and continuing role for faculty in university governance generally consistent with that described in the 1966 *Statement*:

Faculties generally in the United States . . . have achieved authority over admissions, approval of courses, examinations, and granting of degrees . . . They have also achieved considerable influence over faculty appointments and academic freedom . . . Faculty control and influence in these areas are essential to the proper conduct of academic life.<sup>26</sup>

Kerr described the limits of faculty authority and growth of administration as well, but he portrayed the university president as a “mediator–initiator” with an “opportunity to persuade,” not a director or manager.<sup>27</sup>

Clark Kerr’s pluralistic university, in which faculty are a “balance wheel” and the president a mediator, is undergoing a further managerial revolution. The herald of this revolution was George Keller, whose 1983 book, *Academic Strategy: The Management Revolution in American Higher Education*, proclaimed:

Retrenchment, constricting finances, new competition, market, and rapid changes in academic and demographic areas all spell the end of the traditional, unobtrusive style of organizational leadership on campuses. In the new era, says policy analyst Robert Behn, ‘The manager’s style of leadership must be

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<sup>25</sup> *NLRB v. Yeshiva University*, 197.

<sup>26</sup> Clark Kerr, *The Uses of the University*, New York: Harper and Row, 1963, 22-23.

<sup>27</sup> *Ibid.*, 29-41.

active and intrusive.’ American higher education needs to transcend the current faculty-administration stalemate . . .

Fortunately the process has begun.<sup>28</sup>

Indeed it had—despite the fundamental factual errors contained in the projections of academic doom employed to justify “intrusive” management. Keller warned of expert predictions that extending the faculty retirement age to 70 would lead to a graying of the faculty, with 35 percent over 55 years of age in 1990 and 52 percent over 55 in the year 2000. In fact, even with the complete elimination of mandatory retirement, only 31.5 percent were over 55 in 1998.<sup>29</sup> Similarly, he opened his book with an allusion to Marx: “A specter is haunting higher education: the specter of decline and bankruptcy. Experts predict that between 10 percent and 30 percent of America’s 3,100 colleges and universities will close their doors or merge with other institutions by 1995.” Yet despite a few closing each year, the number of institutions has continued to grow, exceeding 3,600 by 1992-93.<sup>30</sup> But such dire warnings, however erroneous, are essential to the managerial revolution because, as Keller quotes from a 1966 work on *The Managerial Revolution in Higher Education* by Francis Rourke and Glenn Brooks: “Periods of serious scarcity . . . tend to give more power to financial officials and push a university toward centralized decision-making.”<sup>31</sup>

The threat to shared governance arises, then, not simply from the growth of universities but, as Justice Brennan recognized, from the concerted adoption of financially driven managerial policies imported from “big business” or “industrial enterprise.” Faculty unions did not bring the fabled “industrial model”; they have responded to it. But if managerial enterprise is an emerging form of academic organization, what sort of organization preceded it? Though Clark Kerr’s concept of the pluralistic multiversity as a series of overlapping communities intelligently depicts the political process of much academic decision-making, it neglects the institutional structure that accommodates this process. Outlandish though the notion may appear, because of both the pejorative connotations of the term and fundamental theoretical preconceptions, universities and colleges were and, to a great extent still are, bureaucracies.

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<sup>28</sup> George Keller, *Academic Strategy: The Management Revolution in American Higher Education*, Baltimore and London: The Johns Hopkins University Press, 1983, 39.

<sup>29</sup> Keller, 22-23; Linda J. Sax et al., *The American College Teacher*, Higher Education Research Institute, UCLA (September 1999), 23.

<sup>30</sup> Keller, 3; NCES, *Digest of Education Statistics*, 1995, 175.

<sup>31</sup> Keller, 59.

It is necessary to recognize an inescapable, if distasteful, fact: Faculty are employees. Most are public employees, as were and are the German professors from whose example American faculty derived both the research university and the concept of academic freedom. Philo Hutcheson's recent history of the AAUP argues that the AAUP was founded as a professional association, in conscious imitation of the AMA and ABA, precisely to resist bureaucratization.<sup>32</sup> But he inadequately considers the fact that the Association did not imitate the AMA and ABA in seeking fully independent self-regulation. Rather, as Walter Metzger has observed, in seeking to fashion a faculty role in faculty regulation, faculty pursued "a bureaucratic response to the problem of bureaucratic disconnectedness" through joint institutional administration–faculty committees.<sup>33</sup>

The bureaucratic problem was not simply to find a way for faculty to share with administrators the responsibility for faculty regulation. As Metzger explains in his history of academic freedom, faculty participation was needed precisely because in "this most bureaucratically controlled of all the professions, it was not easy to decide where free speech left off and insubordination began."<sup>34</sup> In fact, because the AAUP succeeded in establishing the bureaucratic countermeasures encompassed in the tenure system, most professional employees—including today even the medical doctors contracted to HMOs and lawyers employed as associates—are more, rather than less, regulated than faculty. But the tenure system, as is evident in the detailed rules and procedures governing both appointment to tenure and the dismissal of tenured faculty, is very much a bureaucratic solution that operates in a bureaucratic setting.

It is important to understand that Metzger's references to bureaucracy are not anachronistic. When the founders of the AAUP set forth their *General Declaration of Principles* in 1915, they firmly rejected the notion that faculty stood in relation to the trustees as private employees to their employers. They did not, however, portray faculty as autonomous professionals but as holders of an "office." Declaring that trustees held a public trust, they proceeded to explain "why it is to the public interest that the professorial office should be one of both dignity and of independence." To this end, they proposed "the independence, and the reasonable security of tenure, of the professorial office." This they sought to

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<sup>32</sup> Hutcheson, 6-7.

<sup>33</sup> Walter Metzger, "Academic Tenure in America: A Historical Essay," in *Faculty Tenure*, Commission on Academic Tenure, San Francisco: Jossey-Bass, 1963, 143.

<sup>34</sup> Walter P. Metzger, *Academic Freedom in the Age of the University*, New York and London: Columbia University Press, 1964 (2<sup>nd</sup> paperback ed.), 132.

secure through “an unequivocal understanding of the term of each appointment,” the provision of “permanent” appointments “after 10 years of service,” and for a “fair trial” before a faculty-selected body prior to dismissal or demotion.<sup>35</sup> The notion that faculty are appointed to a professorial “office” was subsequently incorporated, along with the protections of tenure and both faculty and governing board reviews prior to dismissal, in the widely endorsed 1940 *Statement of Principles on Academic Freedom and Tenure*. This statement describes faculty as “educational officers” and “officers of an educational institution.”<sup>36</sup>

Faculty tenure thus denotes a continuing appointment in an institution, not a status in the profession. Recognition as a member of the profession is commonly accorded on the basis of the terminal academic degree, but a continuing appointment is awarded to a position in a specific institution on the basis of an institutional evaluation. Dismissal from an appointment is not a sanction administered by the profession but a matter of institutional discipline. Faculty have ethical responsibilities to their profession and their institutions, but only the latter are legally binding. Above all, the professional autonomy and integrity of the faculty depend not on membership in a professional association but on the terms and conditions of their appointments.

The eminent faculty who wrote and implemented the 1915 *Declaration of Principles* did not abandon a golden age of faculty governance and autonomy. They simply participated in a variation of the historical process of organizational rationalization, delineated by Max Weber, from the traditional, paternalistic system of authority that characterized the nineteenth-century American college to the bureaucratic, rational–legal university organizations of the twentieth century. Few, especially among professors, want to perceive themselves as cogs in Weber’s bureaucratic machine: “The individual bureaucrat cannot squirm out of the apparatus in which he is harnessed . . . In the great majority of cases, he is only a single cog in an ever-moving mechanism . . .” Weber at times describes bureaucracy with Kafka’s understanding of its dehumanization and bureaucrats with Nietzschean contempt. He even shares a Marxian recognition of its integral role in capitalism and the crypto-plutocratic

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<sup>35</sup> AAUP, *General Declaration of Principles*, 1915 in *American Higher Education: A Documentary History*, edited by Richard Hofstadter and Wilson Smith, Chicago and London: University of Chicago Press, 1961, 860-78.

<sup>36</sup> AAUP, *Policy Documents and Reports 4*, 7-10.

distribution of power.<sup>37</sup> Nonetheless, Weberian sociology rests on an appreciation of the historical advantages and rational character of bureaucratic organization worthy of Hegel.<sup>38</sup>

In considering Weber's sociological appreciation of bureaucratic organization, however, it is important to establish the fact that Weber, himself a professor, did identify the emerging university system as bureaucratic. In 1918, three years after the AAUP *General Declaration of Principles*, Weber wrote:

In the United States, *where the bureaucratic system exists*, the young academic man is paid from the very beginning. To be sure his salary is modest; usually it is hardly as much as the wages of a semi-skilled laborer. Yet he begins with a seemingly secure position, for he draws a fixed salary. As a rule, however, notice may be given to him just as with German assistants, and frequently he definitely has to face this should he not come up to expectations.

These expectations are such that the young academic in America must draw large crowds of students.<sup>39</sup> (Emphasis added.)

Weber continued with a discussion of how the German university was being "Americanized" through the "separation of the worker from his means of production." He observed, with evident reluctance as it affected his own profession, "As with all capitalist and at the same time bureaucratized enterprises, there are indubitable advantages in all this. But the 'spirit that rules' in these affairs is different from the historical atmosphere of the German university."<sup>40</sup>

Both Hutcheson and Blau resist terming academic organizations *bureaucracies* on the grounds that faculty professionalism entails the autonomous exercise of professional judgment. Hutcheson argues that the "characteristics of professionalization, especially autonomy, expertise, and the lack of specified work rules, are in obvious contrast to bureaucratization."<sup>41</sup> Blau notes that universities have, in varying degrees, some bureaucratic traits such as formal division of labor, administrative hierarchy, and clerical support, but are distinguished from bureaucracies by the derivation of their authority from expert

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<sup>37</sup> From *Max Weber: Essays in Sociology*, edited by H. H. Gerth and C. Wright Mills, New York: Oxford University Press, 1958, 228, 214-16, 143, 230-31.

<sup>38</sup> *Ibid.*, 214 and 244.

<sup>39</sup> *Ibid.*, 130.

<sup>40</sup> *Ibid.*, 131.

<sup>41</sup> Hutcheson, 6.

knowledge rather than official position, the lack of direct supervision of faculty work, and the lack of “detailed operating rules governing the performance of academic responsibilities.”<sup>42</sup>

The curious notion that the exercise of expert judgment is incompatible with bureaucracy may result from Weber’s historical analysis of the replacement of collegial councils of experts with undivided monocratic authority. But Weber emphasizes that bureaucracy depends on trained experts, that the “primary source of the superiority of bureaucratic administration lies in the role of technical knowledge,” and that control on the basis of knowledge is the feature which makes bureaucratic authority “specifically rational.”<sup>43</sup> This is possible because the hierarchic authority of a bureaucracy consists in a “system of super- and subordination” of offices in which each office has its defined sphere of authority and “higher” officers cannot arbitrarily take over the tasks of “lower.” The rules of bureaucracy exist not only to shape official performance but to protect the proper exercise of official authority against improper intrusion even by official superiors.

Peter Blau, despite founding his analysis on the opposition between bureaucracy and professionalism, is driven by his data to recognize the role of bureaucratic organization in protecting faculty autonomy and authority:

A multilevel hierarchy, a large clerical apparatus, and a high rate of succession of top administrators are generally thought of as bureaucratic attributes, yet all three promote decentralization of authority in institutions of higher education. *What appears to encourage centralized control in academic institutions is a paternalistic orientation of the trustees and top administrators, not an impersonal bureaucratic orientation . . .*<sup>44</sup> (Emphasis added.)

Blau goes on to suggest that “what strengthens the faculty’s authority seems to be not so much mere acceptance of professional norms as its bargaining power and an institutionalized faculty government.”<sup>45</sup> This is true as far as it goes, but it neglects the structural foundations of faculty governance.

One foundation is tenure. Weber observes: “Normally, the position of the official is held for life, at least in public bureaucracies; and this is increasingly the case for all similar structures.” Then, very much in accordance with the logic of the 1915 *Declaration*, he observes:

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<sup>42</sup> Blau, 11-13.

<sup>43</sup> Max Weber, *The Theory of Social and Economic Organization*, edited by Talcott Parsons. New York: The Free Press, 1964, 329-39.

<sup>44</sup> Blau, 184.

In contrast to the worker in a private enterprise, the official normally holds tenure. Legal or actual life-tenure is not recognized as the official's right to the possession of office, as was the case with many structures of authority in the past. Where legal guarantees against arbitrary dismissal or transfer are developed, they merely serve to guarantee a strictly objective discharge of specific duties free from all personal considerations.<sup>46</sup>

Bureaucracy is not only compatible with the exercise of professional judgment; it provides, through tenure, a foundation for the exercise of such judgment. Indeed, because legal tenure is conditioned on the proper conduct of professional responsibilities, it not only protects, but also encourages, professional behavior.

Similarly, academic tenure not only enables but encourages professional conduct. The 1940 *Statement* provides, for example: "Teachers are entitled to full freedom in research and in the publication of the results, *subject to the adequate performance of their other academic duties.*" (Emphasis added.) It provides further that: "Teachers are entitled to freedom in the classroom in discussing *their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.*" (Emphasis added.) And again:

College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline . . . *As scholars and educational officers, . . . they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinion of others, and should make every effort to indicate that they are not speaking for the institution.*<sup>47</sup> (Emphasis added.)

As the emphasis shows, even these most general statements of the protections afforded by tenure are closely conditioned on proper professional conduct.

Tenure is not the only bureaucratic structure that supports professional autonomy. Burton Clark, conceding that academic organizations are bureaucratic and political enterprises in their totality, argues cogently that they are collegial within the basic operating units: that is, the discipline-based departments. He points to the frequent election of department chairs and democratic voting as

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<sup>45</sup> Ibid.

<sup>46</sup> Ibid., 202.

<sup>47</sup> AAUP, *Policy Documents and Reports* 3-4.



evidence.<sup>48</sup> Note, however, that the discipline operates here not primarily on the basis of external professional authority—though the role of external disciplinary review in reinforcing departmental autonomy in graduate departments is not insignificant—but on the basis of the bureaucratic structure. This structure not only allocates and delimits departmental authority but also determines its budget and personnel allocation, and reviews and authorizes its decisions from personnel to curriculum.

The department is not autonomous; it simply has, like the individual faculty member, a bureaucratically defined sphere of authority. Moreover, Blau finds that the extent of authority enjoyed by department members within the department depends substantially on their tenure status.<sup>49</sup> Clark acknowledges the importance of “the spreading of power among a number of *permanent* professors in the department.” [Emphasis added] He, then, sums up his discussion by observing that “the guild inclinations of the American professoriate essentially become transformed into departmental authority, making the department the building block of faculty hegemony, even as it serves as the main operating component of a bureaucratic structure.”<sup>50</sup>

Faculty professionalism is not antithetical to bureaucracy. It is both protected and encouraged by bureaucratic rules and procedures. Neither the paternalistic colleges that preceded bureaucratic colleges and universities, nor the intrusive managerial enterprises that may succeed them offer better assurance of professional conduct. Indeed, as Rhoades emphasizes with the title *Managed Professionals* and throughout his book, managerialism aims directly at diminishing faculty professional autonomy.<sup>51</sup> To understand this critique, however, it is first necessary to understand a basic controversy concerning academic professionalism: Is the academic profession one or many?

It is increasingly common to speak of the academic *professions*; that is, to identify faculty professionalism with the specific scholarly disciplines rather than the teaching profession in general. Blau, citing William Goode, suggests that professions have two essential characteristics: an “abstract body of knowledge” and an “ideal of service.” Blau suggests that only the various disciplines meet the first criterion, because there is no academic general practice or “academicology.” On the other hand, faculty as scholars have no clients, whereas faculty as instructors serve students. But, though expert in various disciplines, faculty are not expert in teaching, for they are neither trained nor licensed to

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<sup>48</sup> Clark, 150.

<sup>49</sup> Blau, 177.

<sup>50</sup> Clark, 154.

<sup>51</sup> Rhoades, 2-3 and *passim*.

teach.<sup>52</sup> The implication that teaching is not a profession, because faculty teachers neither share a unified body of common knowledge nor experience systematic training in pedagogy, requires careful reconsideration.

The faculty who developed the 1915 *Declaration* and the 1940 *Statement* referred to themselves as “teachers” and, in the former document, as members of the “teaching profession.” They also used the terms “investigators” and “scholars.” The declaration, written with an acute awareness of the growing importance of scholarly research, observed that “freedom of inquiry is everywhere so safeguarded” that the statement would focus largely on teaching and the related issue of extramural expression.<sup>53</sup> The contrary notion, that teaching is somehow less professional than research, and by implication less in need of protection, fundamentally undermines the claims not only to professional autonomy but to academic freedom in the classroom.

Of course, the fact that teaching in higher education is discipline-specific means that it involves more, not less, expertise. As Burton Clark explains, “General education courses weaken subject foundations as they blur materials into larger units, reducing the experts’ claims of specialness. Subjects remain the ultimate base for professorial autonomy: The more arcane the materials, the more powerful the claim to self-determination.”<sup>54</sup> The fact that most faculty no longer identify with “the teaching profession,” but rather with their specific disciplines, enhances both the need and the capacity for professional autonomy in the classroom. It is true, however, that the diminishing identification and organized association of the members of the “teaching profession” as a whole, combined with the self-consciously scientific emphasis of the diverse disciplinary associations, does diminish the organized expression of the faculty’s common claims respecting their rights as teachers.

It is curious that Blau alludes to the lack of formal training in pedagogy to argue for the lack of professionalism in higher-education instruction. Does this mean, for example that the formal training in pedagogy provided to schoolteachers makes them more professional than the university teachers who train them? To the contrary, teachers are more likely to assert their professionalism based on what they learned the hard way in the schools. When professions really were self-regulating guilds, most training occurred through supervised practice or apprenticeship, not formal instruction. As

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<sup>52</sup> Blau, 12.

<sup>53</sup> *Declaration*, 861.

<sup>54</sup> Clark, 185.

professional schools emerged, they taught disciplinary substance, not practice. Most professionals, including schoolteachers, learn their skills more by emulating other teachers and by practice than by formal instruction in practice. The fact that teaching ability is acquired through practice is one of the reasons why higher education continues to require a lengthy probationary appointment. The tenure system is premised on the recognition that formal academic training, though adequate to establish membership in a professional discipline, does not sufficiently prepare for or ensure professional performance.

Certainly it is no coincidence that less specialized lower-division instruction is more frequently assigned to less professionally qualified, less experienced, and less well-supported instructors. As Clark explains above, where the need for disciplinary expertise is less, the power of the faculty to protect professional standards is less. The political and managerial decision to rely upon less costly and less professional lower-division instruction is not, however, based on a demonstrated lack of need for high-quality instruction. On the contrary, the inadequate preparation of entering students, and the inadequacy of lower-division instruction, are widely noted and criticized. Alexander Astin, a leading advocate of improved undergraduate instruction, observes:

It should also be emphasized that [the] strong negative association between Research Orientation and Student Orientation reflects *institutional* characteristics. When we look at individual faculty within a single institution, we find little correlation, or even a very weak positive correlation, between research productivity and teaching effectiveness. . . The problem would seem to reside in institutional policies: Most institutions that hire large numbers of Research-Oriented Faculty apparently give very little priority to effective undergraduate teaching.<sup>55</sup>

Insufficiently professional lower-division instruction is not due to the lack of need for professionalism, or an inherent contradiction between faculty scholarship and teaching, but is a cost and consequence of managerial administration.

### Implications of the Managerial Curtailment of Tenured Appointments for Organizational Effectiveness

In order to assess the implications of managerial administration, it is first necessary to distinguish bureaucratic and managerial administration more precisely. The term *managerial administration* is used

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<sup>55</sup> Alexander W. Astin, *What Matters in College*, San Francisco: Jossey-Bass, 1993, 412.

here to identify an organizational tendency. It does not denote a unique organizational structure but essentially a deliberate effort to diminish structural impediments to managerial authority. Managerial administration differs significantly from bureaucratic administration in that it is fundamentally antithetical to the precise delimitation of authority, tasks, and procedures through formal rules that defines bureaucratic structures. Hence, for example, George Keller's protests that "university management is in shackles . . ." and that the AAUP "ideology appears stuck in a historical freezer while the university has become larger and more complex . . ." <sup>56</sup>

Three specific aspects of managerial administration particularly contribute to the erosion of tenure and effective academic organization. First, managerial administration seeks increased administrative discretion and flexibility, especially with respect to faculty appointments. Second, it seeks to reorganize the academic division of labor so as to reverse the tendency toward specialization and increase the use of unspecialized and more routine functions. Third, in seeking to graft entrepreneurial authority into a bureaucratic organization, managerial administration disconnects means from ends; reducing efficiency to cost reduction and confusing effectiveness with resource enhancement.

The managerial pursuit of flexibility explicitly seeks not only to increase administrative discretion but to diminish faculty autonomy. In the unsigned words of "A Call to Meeting" of several hundred universities and colleges that the Pew Collaborative held to promote "restructuring" the university, "What faculty are being asked to do is return—in effect, to give back—a portion of their independence and ability to define their own tasks and performance standards." In exchange, the authors propose to reduce the growth of administrative bureaucracy—which they attribute not only to administrative entrepreneurialism but to such factors as external regulation and increased faculty discretionary time. This, they note, will require that "faculty provide more and consume less of the services administration has come to provide." <sup>57</sup> Thus, the authors attempt to use hostility toward administrative bureaucracy not only to encourage faculty to relinquish their professional autonomy but also to sacrifice a portion of their professional time to the performance of increased ancillary responsibilities.

The managerial revolution is often presented as a response to public concern. <sup>58</sup> Richard Chait accordingly defines the public perspective regarding faculty tenure:

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<sup>56</sup> Keller, 27 and 36.

<sup>57</sup> "Policy Perspectives," The Pew Higher Education Research Program, February 1993 (Vol. 4, No. 4), 9A.

<sup>58</sup> Keller, 25.

Even the most sympathetic supporters of higher education will be hard-pressed to defend lifetime appointments that are virtually impervious to dismissal irrespective of economic conditions, revenue shortfalls, or market demand. Juxtaposed against extensive corporate cutbacks, especially of white-collar workers, permanent employment of professors stands in sharp relief and presents a formidable public relations challenge.<sup>59</sup>

Chait has perhaps deliberately overstated his argument, to which he provides a partial rebuttal discussed below, to introduce a dialogue leading to proposed revisions to the tenure system.<sup>60</sup>

Other advocates of the managerial revolution are less nuanced in their approach. Consider the remarks of Charles Handy, “Europe’s best known and most influential management thinker,” in enthusiastic conversation with Russell Edgerton:

The ‘Shamrock Organization’ is a metaphor plucked from my Irish heritage . . . It’s always been used in history to suggest you could have three leaflets but there’s still one leaf. It seems to me that’s the way the modern organization is shaping up.

Three very different kinds of workforces are associated with such an organization. If you run it cleverly, they all three think of themselves as part of the whole, but only one—that’s what I call the “core” workforce, the professional core—is actually full-time employed in the organization. The second leaf is the contractual organization, the subcontractors . . . And then the third leaf is the independents, what I call “the hired help,” who are either temporary, part-time, semi-skilled workers helping out at peak times, or independent professionals who are no longer on the payroll of the company but are hired to do specific pieces of work.<sup>61</sup>

Handy goes on to explain that the professionals are “working sixty- or seventy-hour weeks” but are “eased out” of their organizations in their fifties and then “going portfolio” to provide the independent professionals needed to complete the shamrock. Applying the analysis to the university he opines that, while some professionals are needed to run the departments, he “can see tenure being restricted to maybe twenty or twenty-five years, and the faculty being expected to live portfolio lives . . . employed when they’re needed.”<sup>62</sup> (Ellipses in original.)

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<sup>59</sup> Richard P. Chait, “The Future of Academic Tenure,” *AGB Priorities*, Number 3 (Spring 1995), 3.

<sup>60</sup> For a critique see Matthew W. Finkin, *The Case for Tenure*, Ithaca and London: ILR, Cornell University Press, 1996, 165ff.

<sup>61</sup> Edgerton, Russell, “‘Upside-Down’ Thinking: A Conversation with Charles Handy,” *AAHE Bulletin*, September 1993, 4.

<sup>62</sup> *Ibid.*, 4-5.

Managers hope, then, to achieve more flexible staffing by institutionalizing the emerging two-tier, or even three-tier, personnel system and increasing the proportion of fungible second-tier appointees. This is intended to meet the need for reducing and adding staff on a “just-in-time” basis. It can also provide a more responsive staff ready to accommodate to managerial directives. Managers seek to limit the security and curtail the autonomy of many of the remaining professional appointees. This may be accomplished through limiting the duration of tenure, replacing tenure with a system of recurrent appointments, offering faculty economic incentives to forego tenure, or the use of post-tenure review.<sup>63</sup>

Constraining faculty autonomy is the more sophisticated alternative insofar as, like Richard Chait, managers recognize both the faculty resistance to eliminating tenure and the economic fact that tenure-track faculty are more productive than non-tenure-track faculty. Accordingly, Chait acknowledges that those relatively “elite” institutions that need fully professional faculty tend to preserve tenure.<sup>64</sup> Such institutions have, however, sought to diminish faculty autonomy by using departmental and individual economic incentives and post-tenure review to redirect faculty efforts. Many have also expanded the use of second-tier appointments, including full-time, non-tenure-track, and part-time, as well as graduate assistants. Non-elite four-year institutions and two-year colleges rely to a substantially greater extent on second-tier faculty appointments.

The increasing division of labor in academe, as in other organizations, has two particular advantages, according to Peter Blau: “It makes it possible to accomplish many jobs with less skilled personnel and to recruit specialized experts for the more difficult jobs so that more complex work can be performed better and with fewer highly trained employees to boot.”<sup>65</sup> The managerial expansion and institutionalization of a second-tier faculty furthers an academic division of labor that increases the proportion of positions that do not require, or at least receive, full professional qualifications and support. These second-tier positions are not synonymous with non-tenure-track or part-time positions. Some full-time visiting and non-tenure-track research positions in four-year institutions require highly qualified faculty. Many part-time faculty positions and full-time community college positions require highly specialized professional and vocational expertise. The second-tier positions involve primarily lower-division, introductory, and general education. By separating these functions from more

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<sup>63</sup> Chait, *passim*.

<sup>64</sup> *Ibid.*, 8-10.

<sup>65</sup> Blau, 66.

specialized instruction, institutions can reduce their need for specialists and increase the proportion of less expensive and more compliant staff.<sup>66</sup>

Faculty, as Blau observes, generally prefer more specialized and challenging jobs to less-specialized and more routine ones.<sup>67</sup> Indeed, one of the common arguments for excluding lower-division instruction from the tenure track is that such routine teaching causes intellectual burnout. The best undergraduate colleges avoid this problem by avoiding an excessive division of labor. In these colleges, most faculty participate in both lower- and upper-division instruction as well as scholarly research.<sup>68</sup> The creation of a second-tier faculty confined to lower-division instruction and denied scholarly opportunities or recognition frequently diminishes the enthusiasm of the faculty and, thereby, the quality of instruction. In research universities, the opportunities for specialization attract highly qualified faculty who are, according to Blau's research, the most effective undergraduate instructors. But, where what he terms "bureaucratization" leads to the disengagement of the best faculty from teaching, larger teaching loads, less student involvement with faculty in general, and mechanical teaching, the quality of instruction suffers.<sup>69</sup>

Specialization is both a fundamental characteristic of bureaucratization and, as Weber and Blau agree, the fundamental precondition of scholarship not only in science but in the broad pursuit of knowledge and understanding.<sup>70</sup> Accordingly, Blau lauds the collegial department structure for its ability to promote further specialization, and bases his assessment of an institution's capacity for innovation on its ability to create new departments and abolish weak ones. He finds not only that decentralized institutions foster specialization and innovation, but even that, in contradiction to the assumptions of managerialism, centralized presidential budgetary authority makes it less, rather than more, likely that "old departments have been recently abolished." He concludes that "decentralization promotes the structural flexibility of academic institutions on which institutional innovation and ultimately the progress of science depend."<sup>71</sup>

The exponents of managerial administration view professional specialization and innovation not as a measure of scientific progress but as a symptom of faculty excess. Two of the editors of *Policy*

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<sup>66</sup> Rhoades, 269.

<sup>67</sup> Ibid., 84.

<sup>68</sup> Astin, 412.

<sup>69</sup> Blau, 245-46.

<sup>70</sup> Blau, 190ff; from Max Weber, 134ff.

<sup>71</sup> Blau, 213.

*Perspectives* (Robert Zemsky and William F. Massy) have proposed the term “academic ratchet” to describe the tendency of faculty and departments to recruit additional faculty specialists. The anonymous authors of the *Policy Perspectives* essay “To Dance with Change” argued that: “An even more pointed reason to simplify the curriculum is to reduce costs . . . The central lesson the ‘academic ratchet’ teaches is that faculty specialization—and the discretionary time necessary to fund it—are the principal drivers of collegiate costs.”<sup>72</sup> This statement was contrary to the then-recent past. Increases in instructional costs lagged behind increases in average institutional costs in general and administrative costs in particular in all types of institutions.<sup>73</sup> Nonetheless, the statement makes clear that, from a managerial perspective, the specialization Blau regards as essential to scholarship entails unacceptable instructional costs.

The claims that these and similar cost-cutting efforts by managerial administration reflect the relative efficiency or businesslike quality of this management style require careful assessment. Weber argued that bureaucracy, including modern capitalist enterprises, is technically superior to other organizational forms. Weber attributes this superiority, in part, to its formal system of authority, in contrast to that of collegiate bodies where the compromise of colliding interests causes delay.<sup>74</sup> In this respect universities seem both least like bureaucracies and least efficient. Managerialism then presents itself as an essential corrective.

But universities most approximate Weber’s collegial model of honorific administration not in the carefully delimited sphere of shared academic authority but in the allocation of final authority for mission, budget, and personnel to elective or appointive lay-boards. Weber also states, however, that bureaucracy is “capable of attaining the highest degree of efficiency,” that the “primary source of the superiority of bureaucratic administration lies in the role of technical knowledge,” and that the “exercise of control on the basis of knowledge” makes bureaucracy “specifically rational.”<sup>75</sup> If, therefore, involving experts may diminish the speed and certainty of institutional decision making, simply overriding faculty with regard to those matters within their sphere of expertise, or diminishing

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<sup>72</sup> “To Dance with Change,” *Policy Perspectives*, April 1994 (Vol. 5, No. 3), 10A.

<sup>73</sup> Ernst Benjamin, “A Faculty Response to the Fiscal Crisis: From Defense to Offense,” in *Higher Education Under Fire*, edited by Michael Bérubé and Cary Nelson, New York and London: Routledge, 1995, 61.

<sup>74</sup> *From Max Weber*, 214-15.

<sup>75</sup> Weber, 337-339.



the availability of that expertise by substituting less qualified personnel, deprives an institution of the primary requisite of rational decision making.

Whatever the obstacles to efficiency in universities and colleges, efficient decision making is not enhanced by increasing managerial discretion; nor is efficient decision making the distinguishing feature of managerial administration. Managerial administration is not more economical; it is more entrepreneurial. It models itself not on the corporate enterprise, which is a bureaucracy, but on the corporate entrepreneur who, according to Weber, “has been uniquely able to maintain at least relative immunity from subjection to the control of rational bureaucratic knowledge.”<sup>76</sup>

George Keller provides a useful delineation of the difference between bureaucratic administration and entrepreneurial administration:

Administrators tend to be cool, amiably neutral, businesslike; managers tend to be spirited, committed, entrepreneurial. Administrators are usually cautious, passive, and conservative; managers are often risk takers, active and adventurous. Administrators love detail and *efficiency*; managers love large objectives and effectiveness.<sup>77</sup> (Emphasis added.)

Keller concedes efficiency to bureaucratic administration, which has orderly decision-making procedures intended to ensure the prudent use of available resources, including faculty expertise, to work toward organizational objectives. Entrepreneurial administration recognizes the need to involve faculty expertise in institutional planning, but seeks to cut through or circumvent established procedures: “The campus president must move more quickly and vigorously but continue to have faculty advice and guidance—and have someone with whom to share the blame for mistakes . . . Enter a new body: the Joint Big Decisions Committee.”<sup>78</sup>

In a current echo of Keller’s advocacy of entrepreneurial leadership, David Breneman writes:

I submit that we are well into a period of the entrepreneurial institution, an era when each college and university is rather mercilessly cast into competition for survival, for growth, for quality enhancement. Market forces are operating on institutions in powerful ways, and without the buffers that earlier periods provide.<sup>79</sup>

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<sup>76</sup> Weber, 339.

<sup>77</sup> Keller, 68.

<sup>78</sup> Keller, 61.

<sup>79</sup> David W. Breneman, “Alternatives to Tenure for the Next Generation of Academics,” *New Pathways*, AAHE, Working Paper 14, 1997, 2.

Note that the entrepreneurial manager competes simultaneously for “survival, for growth, for quality enhancement.” As this intense and confused competitiveness permeates the institution, it tends to disrupt the structures and procedures that safeguard academic judgment and link organizational means and ends. Managerialism often focuses on cost reduction without adequate consideration of the interrelation of costs and outcomes. In its unleashed entrepreneurialism, it also often seeks to maximize revenue outcomes without adequate regard for mission. As in Keller’s theory of strategic management, the pursuit of quality in one area may lead to serious inadequacies in another.

The multi-track personnel system that Breneman’s argument is specifically intended to support reflects these inconsistencies of managerial logic. Breneman argues that the “up-or-out” system of probation on which the unified tenure system rests is contrary not only to the institution’s need for financial flexibility but also to the younger faculty member’s desire for continued employment.<sup>80</sup> As an economist proposing that young faculty accept revolving contracts rather than tenure, Breneman does disclose the fact that youth may have a propensity to discount the future excessively. But in this case the danger may be greater to the institution. Richard Chait, despite his reputation as the leading advocate of alternatives to tenure, has consistently acknowledged that the absence of an “up-or-out” decision diminishes the quality of faculty evaluation and reduces turnover.<sup>81</sup> Low turnover may even lead to effective “instant tenure.” Breneman dismisses this argument on the peculiar grounds that leading institutions, by implication the only ones where quality matters, are less likely to experiment with alternatives to tenure.

Breneman argues further that, since tenure depresses salary rates, many able faculty members, given a choice, would welcome an opportunity to forego tenure or exchange it for higher salaries.<sup>82</sup> Assuming this argument were true, it implies that the institutions offering such a choice make a permanent commitment to their-less able faculty while paying a premium to retain the option of jettisoning their more marketable faculty. Even were institutions to accept this uncharacteristically humane proposal to protect the weak and jettison those who can fend for themselves, the individuals whose market power justified the risk of such a trade-off are more likely to be found at the leading

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<sup>80</sup> Breneman, 5.

<sup>81</sup> Chait, 9.

<sup>82</sup> Breneman, 5. For a thorough critique of Breneman’s arguments, see Matthew W. Finkin, “Tenure and the Entrepreneurial Academy: A Reply” in *Sociological Perspectives*, “The Academy Under Siege,” edited by Charles F. Hohm and James L. Wood, 1998 (Vol. 41, No. 4), 729-746.

institutions that Breneman concedes are unlikely to engage in the experiment. In the real world, in any case, the reverse is all too true.

With few exceptions, non-tenure-track faculty are paid less. It suffices to note that the salaries of instructors, lecturers, and unranked faculty in the AAUP's annual compensation survey are generally less than those of assistant professors.<sup>83</sup> The economic argument that institutions would need to offer economic compensation to persuade faculty to forego tenure presupposes that the institutions actually seek to recruit faculty members of equal or greater market value, but this is not the common practice.

The major exceptions are worth consideration. Some research universities employ full-time, non-tenure-track faculty in grant-funded lines. Those faculty members in these lines who are actually responsible for the entrepreneurial task of securing or maintaining funding, including overhead, for their research institution may hold senior rank and commensurate salaries, as may non-tenure-track physicians who generate substantial practice income and overhead. Particularly in the case of the research faculty, the cost to the university consists in the loss of the contribution these faculty might make to the overall academic program, in order to maximize their revenue production, establish positions for which institutional resources are otherwise unavailable, and minimize the risk of having to retain them if their funding dries up.

The university also takes a substantial risk in view of Peter Blau's finding that the "factor that exerts the strongest influence on a faculty member's loyalty to his academic institution is that he has a tenure appointment."<sup>84</sup> This is particularly important in the case of able researchers who have the greatest disciplinary attachment and market visibility. The institutional loyalty of less-able faculty, on the other hand, reflects their weaker disciplinary affiliation and stronger dependence on the institution and institutional colleagues. As with Breneman's proposals, the university puts able faculty at risk, but at least they are not core faculty and it does not pay a premium to do so.

A second type of trade-off between tenure and compensation for top-tier faculty occurs at those institutions that have the most demanding requirements for tenure and, therefore, offer new assistant professors a somewhat lower probability of attaining tenure. One study has shown a slight tendency for such institutions to pay a small premium for these risk-taking assistant professors relative to peer institutions. The more substantial finding of the study, however, was that institutions with more

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<sup>83</sup> AAUP, "The Annual Report on the Economic Status of the Profession, 1999-2000," *Academe*, March-April 2009 (Vol. 95, Num 2); 25.

<sup>84</sup> Blau, 124.

demanding tenure requirements pay a premium to those associate professors who succeed in attaining tenure.<sup>85</sup> Thus, the study primarily demonstrates the value of the tenure system as an incentive to productivity.

The tenure system is more effective in encouraging productivity than is the use of renewable contracts. It is also, as McPherson and Winston explain, more efficient than renewable term contracts or post-tenure review. The long period of probation and demanding tenure review process are necessary because the institution anticipates a long-term commitment to a highly specialized position. Even so, faculty work does not lend itself to supervision. Monitoring and assessing faculty require time and depend heavily on peer evaluation. Recurrent review “would prove very costly to universities committed to it. The resources required to evaluate everybody seriously every few years would be simply enormous.” Moreover, the collegial strains intrinsic to peer review would be exacerbated by the increase in frequency of review.<sup>86</sup>

Although McPherson and Winston draw back from the further argument that insecure faculty are unreliable evaluators, they do recognize the danger that recurrent review will become perfunctory, leading to “instant tenure.” A less nuanced analysis might simply observe that in an insecure environment, the choice frequently comes down to mutual back-scratching or mutual back-stabbing. McPherson, in a more recent essay co-authored by Morton Schapiro, does acknowledge the importance of the protection from managerial intervention afforded by tenure. This protection contributes both to the credibility and the integrity of faculty decision making—not only in the evaluation of colleagues but of students.<sup>87</sup> This observation is particularly important because, unlike the arguments based on specialization, it applies with equal, or even greater, force to faculty engaged in lower-division instruction. Especially in view of the increasing reliance of college and university managers upon enrollment and student evaluation of faculty, epitomized in the managerial equation of students with customers, safeguarding the bureaucratic “impartiality” of faculty judgment of peers and students is a vital concern.

The managerial preference for more flexible, less specialized, less expensive, and more customer-oriented lower-division instruction has observable productivity costs. Tables 4 and 5 contrast the

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<sup>85</sup> Ronald G. Ehrenberg, Paul J. Pieper, and Rachel A. Willis, “Do Economic Departments with Lower Tenure Probabilities Pay Higher Faculty Salaries?” (manuscript), 1997.

<sup>86</sup> McPherson and Winston, *passim*.

scholarly and teaching activity of tenure-track faculty with that of non-tenure-track and part-time faculty.<sup>88</sup> Table 4 shows, as might be expected, that tenure-track faculty report substantially more refereed publications and juried exhibitions than non-tenure-track faculty. In doctoral universities, tenured faculty report almost six times as many such works as non-tenure-track faculty ((2.8 to 0.5); probationary faculty report almost four times the non-tenure-track faculty rate (1.9 to 0.5). In four-year institutions, the ratio is better than two to one for tenured (1.5) and probationary (1.3) compared to non-tenure-track faculty (0.6). In two-year colleges, the ratios are 2:1 tenured to non-tenure-track (0.4:0.2) and 4:1 (0.8:0.2) for probationary contrasted to non-tenure-track faculty.

In doctoral universities, non-tenure-track faculty teach about 50 percent more classroom hours per faculty member than do tenure-track faculty (12.5 to 8.7 or 8.5). But in other four-year institutions, the non-tenure-track faculty teach only about 10 percent more credit hours (12.1 to 10.8 or 10.7). Moreover, non-tenure-track faculty report only 45 institutionally related work hours at doctoral and other four-year colleges and 44 at community colleges; whereas tenured faculty report 50, 48, and 47 hours and probationary faculty consistently report the most work hours (52, 50, and 47). The fact that probationary faculty work the most hours will not surprise anyone familiar with the difficulty of achieving tenure. What may surprise, but should not, is that tenured faculty continue to maintain the demanding work schedules to which they are socialized by the probationary experience and their professional aspirations.

Furthermore, because tenure-track faculty devote more time to instructional activities (out-of-class preparation, grading, and interaction with students) per course hour than do non-tenure-track faculty, there is little variance in the mean number of hours devoted to instructional activities. Non-tenure-track faculty do spend more time on instructional activities (31.8 hours) than tenured faculty (28.8), though far less per credit hour, and slightly more than tenure-track faculty (30.9) at doctoral institutions; but probationary faculty devote noticeably more time to instruction than non-tenure-track faculty in other four-year (34.4 to 32.7) and community colleges (35.8 to 33.5). In community colleges non-tenure-track faculty actually report less time spent on instructional activities even than tenured faculty (33.5 to 34.2).

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<sup>87</sup> McPherson and Schapiro, 94.

<sup>88</sup> Similar tables were previously published in: Ernst Benjamin, "Chapter 8: Reappraisal and Implications for Policy and Research," Benjamin, ed., "Exploring the Role of Contingent Instructional Staff in Undergraduate Learning," *New Directions for Higher Education*, No. 123, Fall 2003.

The substantially lower salaries paid to full-time non-tenure-track faculty and their greater credit-hour production lead to substantial savings in costs per credit hour. These savings help explain why institutions have increased their reliance on non-tenure-track appointments. However, these savings are achieved by appointing less experienced and less well-qualified faculty. Only 20 percent of non-tenure-track faculty (and 40 percent of faculty at institutions without tenure systems) compared to almost three-fourths of tenured faculty have more than ten years experience at the institution. Non-tenure-track faculty are 40 percent less likely than tenure-track faculty to have PhDs in doctoral universities and half or less as likely in other four-year and two-year institutions.<sup>89</sup> Reliance on non-tenure-track faculty also has a significant opportunity cost, most clearly evident in the loss of research productivity and specialized instruction.

Less evident, but possibly more important, is the educational cost due to the loss of instructional time per credit hour. Although tenured-faculty instructional time costs noticeably more than that of either probationary or non-tenure-track faculty, probationary-faculty instructional-time costs are only marginally higher than non-tenure-track faculty in four-year institutions and actually lower than those of non-tenure-track faculty in two-year institutions. The cost of this loss of faculty involvement in student learning—reflected in diminished instructional time per credit hour—is more evident and more clearly demonstrated by considering the effects of the excessive reliance on part-time appointments.

Part-time faculty, not only because they are because they are part-time but because they are paid by the course or credit hour rather than a pro-rata proportion of a full-time salary for the full range of faculty duties, work substantially fewer hours at any particular institution. In four-year colleges, shown in Table 5, they report less than one-half as many instructional work hours as full-time faculty; in two year colleges, they report less than one-third the instructional time. The most significant variance, however, is in the ratio of classroom to non-classroom teaching hours. Specifically, the ratio of part-time faculty to full-time faculty instructional work hours per credit hour ranges from 1.7 to 3.2 at doctoral institutions; from 1.9 to 3.0 at other four-year institutions; and from 1.4 to 2.1 at community colleges. There are several components that contribute to the tendency of part-time faculty to spend less instructional time per credit hour than full-time faculty. Part-time faculty report fewer hours per

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<sup>89</sup> *Ibid.*, p. 7, Table C; p. 83, Table 8.2.

week of informal contact with students than do full-time faculty; the ratios range from 1.2 to 2.4, to 1.0 to 3.6, and 0.9 to 3.5. Part-time faculty, who rarely have offices or receive payment for office hours, unsurprisingly have far fewer office hours. The ratios are 2.2 to 5.3, 2.0 to 6.7, and 1.6 to 7.1. Similarly, part-time faculty are somewhat less likely to use essay exams, which require more substantial grading time than machine-gradable exams.<sup>90</sup>

Part-time faculty understandably also have less opportunity for scholarly development and publish substantially fewer articles than full-time faculty, except in community colleges where the emphasis on instruction results in generally low rates of publication.<sup>91</sup> In community colleges, the full-time-faculty teaching loads and service requirements often discourage scholarship, while those part-time faculty in specialized technical and professional fields may draw on scholarly activities entailed by their outside full-time jobs. Nonetheless, community-college faculty generally have far less time for scholarly activity and, therefore, have less current scholarly learning to bring to their teaching. In four-year institutions, the increased reliance on non-tenure-track and part-time faculty clearly diminishes both faculty scholarly production and the value it adds to instruction.

The two-tier system does buy more classroom hours for less money but, as we have seen, it often does not buy more, or even as much, time spent on instructional activity. Faculty interaction with students has long been widely recognized as a crucial factor in student learning.<sup>92</sup> The systemic shift of lower-division teaching responsibilities to community colleges reliant on part-time faculty and full-time faculty with excessive teaching loads is the counterpart to the excessive reliance on non-tenure-track full- and part-time faculty for lower-division instruction in four-year institutions. Managerial policies that encourage this devaluation of lower-division education may reduce costs, but increasing evidence supports the findings of Astin, Pascarella, and Terenzini that diminished faculty involvement with students diminishes student learning.<sup>93</sup> Several recent regression studies have confirmed that

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<sup>90</sup> For data on exams as well as breakouts of variations by major field of instruction see Ernst Benjamin, "Variations in the Characteristics of Part-Time Faculty By General Fields of Instruction and Research," *The Growing Use of Part-Time Faculty: Understanding Causes and Effects*, edited by David Leslie, New Directions for Higher Education, Number 104, Winter 1998, San Francisco: Jossey-Bass Publishers, 57-58 and passim.

<sup>91</sup> Ernst Benjamin, "Declining Faculty Availability to Students Is the Problem—But Tenure Is Not the Explanation," *American Behavioral Scientist*, Vol. 41, No. 5, February 1998, p. 728.

<sup>92</sup> Astin, 382-4.

<sup>93</sup> Ernst T. Pascarella and Patrick T. Terenzini, *How College Affects Students*, San Francisco: Jossey-Bass, 1991, 393-97.

over-reliance on part-time faculty diminishes faculty involvement in student learning and diminishes graduation rates in both community colleges and four-year colleges and universities.<sup>94</sup>

Yet, even those tenure critics who blame tenure for privileging research over teaching and those tenure defenders who recognize the need for tenure to ensure scholarly research and instruction seem prepared to discount lower-division instruction, especially at less prestigious institutions. For example, tenure critic Richard Chait acknowledges the relative productivity of tenure-track faculty at “first-tier” institutions and suggests that experimentation with alternatives to tenure may be more successful and appropriate at “less selective” institutions. On the other hand, tenure defenders McPherson and Schapiro note that their argument that tenure is necessary to faculty specialization applies especially to research universities or (by implication) research faculty and not to community colleges or (by implication) non-technical, lower-division education generally. Moreover, they observe that their data shows, as does Table 2 above, that tenure is more prevalent in research-oriented institutions than in community colleges.<sup>95</sup> All in all, today as in 1915, the need to protect scholarship is more widely recognized than the need to protect teaching or service.

### Overview: Some Contributions of Tenure to Effective Academic Organization

The authors of the 1915 *Declaration* understood that it was not academic freedom in research but academic freedom in teaching and public service that were most in need of the protections of tenure.<sup>96</sup> There was, and is, wider recognition of the controversial nature of innovative research than of ordinary instruction or applied research. Moreover, the organizational value of the specialized and often distinguished faculty who pursue research and the highly visible resources and rewards that such faculty bring to their institutions are more readily apparent. Conversely, there is far less appreciation of the need to protect the integrity of teachers, especially those whose teaching does not require highly specialized knowledge or the presentation of novel findings. Nor is there adequate general

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<sup>94</sup> Daniel Jacoby, “Effects of Part-Time Faculty Employment on Community College Graduation Rates,” *Journal of Higher Education*, November 2006; R.G. Ehrenberg and L. Zhang, “Do Tenured and Tenure-track Faculty Matter? (NBER Working Paper No. W10695), Cambridge, MA, National Bureau of Economic Research; Paul D. Umbach, “The effects of part-time faculty appointments on instructional techniques and commitment to teaching,” paper presented to ASHE, November 5-8, 2008.

<sup>95</sup> McPherson and Schapiro, 95.

<sup>96</sup> 1915 *Declaration*, 861.



understanding of the need to safeguard the exercise of independent academic judgment in the teaching or conduct of applied research and in service to the institution and the public.<sup>97</sup>

The importance of tenure to instruction is often underestimated because of a liberal or progressive bias that runs through many otherwise sound statements in support of academic freedom and a corresponding conservative reaction against the protection of what appears to them a leftist sanctuary. For example, Post and Finkin follow the 1915 *Declaration* in premising their defense of academic freedom on the university mission to “to promote inquiry and advance the sum of human knowledge” and their defense of academic freedom in teaching on the university’s responsibility to teach students “to think for themselves and to provide them access to those materials which they need if they are to think intelligently.”<sup>98</sup>

But the *Declaration* is notable also for its more inclusive and balanced statements of principle. For example: “If education is the cornerstone of the structure of society and if progress on scientific knowledge is essential to civilization few things can be more important than to enhance the dignity of the scholar’s profession, with a view to attracting into its ranks men of the highest ability, of sound learning, and of strong and independent character.” (294) Note the emphasis on education as the “cornerstone of society” that precedes the affirmation of progress, and the “sound learning” that precedes “independence of mind.” These observations provide a foundation for the *Declaration’s* balanced argument that the university should be, on the one hand, “an intellectual experiment station, where new ideas may germinate,” and on the other, “the conservator of all genuine elements of value in the past thought and life of mankind which are not in the fashion of the moment.” (297)

Academic freedom and the protections of tenure, therefore, are no less important to preserving knowledge than to enhancing knowledge. Moreover, the conservative quality of teaching is not confined to the fact that, where the aim of research is the acquisition of new knowledge, teaching is of necessity primarily focused on transmitting existing knowledge. The *Declaration* persuasively argues further that the university is “likely always to exercise a certain form of conservative influence.” It continues,

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<sup>97</sup> For the best recent discussion of the place of academic freedom in research, teaching, and intra- as well as extramural expression see: Matthew W. Finkin and Robert C. Post, *For the Common Good: Principles of American Academic Freedom*, New Haven and London: Yale University Press, 2009.

<sup>98</sup> *Ibid.*, 35, 80-81.

For by its nature it is committed to the principle that knowledge should precede action, to the caution (by no means synonymous with intellectual timidity) which is an essential part of the scientific method, to a sense of the complexity of social problems, to the practice of taking long views into the future, and to a reasonable regard for the teachings of experience. (297)

Is it only those of us who were there who remember that much of the sixties student revolt was substantially directed at the alleged conservatism of the university, and the many faculty who emphasized that knowledge should precede action, science should be disinterested, and social problems are complex; as well as the need for the long view and the teachings of experience?

Tenure also provides an essential safeguard for the exercise of independent judgment and collegial participation in the formulation of academic policies through academic governance. Although the 1915 *Declaration* never refers directly to academic government, its authors do observe that faculty have responsibilities equal to those of trustees and, “in relation to purely scientific and educational questions, the primary responsibility.”<sup>99</sup> This assignment to faculty of primary responsibility for such matters of academic policy as curriculum and instruction, admissions and graduation standards, and faculty status decisions is central to the AAUP’s 1966 *Statement on Government of Colleges and Universities*.<sup>100</sup> The majority of faculty who perform these everyday functions lack the protections that derive from the individual market power, entrepreneurialism, or extraordinary professional standing of the few truly distinguished faculty. Consequently, tenure is an essential safeguard for professional integrity in the determination of academic policy as well as in teaching and extramural activities.

Tenure critics and managerial administrators often sidestep these issues, and simply assert that many teachers prefer non-tenure-track positions—especially women who allegedly prefer teaching part-time in order to accommodate family responsibilities. Some faculty do prefer part-time positions—especially those engaged in professional and vocational instruction who hold full-time jobs elsewhere. A majority of those teaching liberal-arts classes do not—especially not the women teaching these classes, two-thirds of whom report that they would prefer, but cannot obtain, full-time positions.<sup>101</sup> Many of those full-time non-tenure-track faculty who are assigned to teach exclusively in lower-division programs do, however, prefer these positions because they cannot meet, or do not wish to

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<sup>99</sup> 1915 *Declaration*, 295.

<sup>100</sup> AAUP *Statement on Government of Colleges and Universities*, 1966, *Policy Documents and Reports*, 10<sup>th</sup> ed., 135-140.

<sup>101</sup> Benjamin, 1998, 55-6.

meet, the publication requirements for tenure-track positions. This preference is rooted not in any inherent defect of the tenure system but in the managerial insistence on imposing tenure criteria that are inconsistent with actual job assignments and requirements.

Tenure is no more established for the purpose of furthering research and publication over teaching than it is designed to accord with individual faculty preferences. The purpose of tenure is to ensure academic freedom and professional integrity in the conduct of all those professional duties the institution assigns to specific faculty positions. Where tenure decisions reflect expectations consistent with institutionally assigned duties, including research and publication, faculty should meet these standards.<sup>102</sup> But it is unreasonable to deny faculty the protections of tenure because they do not perform activities that the institutions do not assign them, or because they do not measure up to criteria the institutions do not apply to decisions on appointment and reappointment to their type of positions. When faculty appointed to conduct lower-division instruction on a regular basis are denied the research time and support available to other faculty, it is unreasonable either to expect them to meet the obligations of research positions or to deny them the protections of tenure if they meet standards appropriate to their assigned responsibilities.

Both teaching and institutions suffer where tenure is not available to those engaged in lower-division instruction. The tenure system includes both the rigorous evaluation of probationary faculty and the assurance to prospective faculty that successful completion of a lengthy and demanding period of probation will be rewarded with reasonable assurance of continued employment. Max Weber observed that these evaluations too often seem more a matter of chance than fair-minded evaluation, and that some candidates—Jews in his time—suffer from discrimination. Nonetheless, he continues, the proportion of sound decisions is greater than in other areas of society and far lower when political bodies intervene in university affairs.<sup>103</sup> The system of evaluation has improved somewhat since Weber's time but it is still too often discriminatory, uncertain, or unfair and needs further improvement. Ann Franke has summarized several of the needed improvements under the headings: clarity, consistency, candor, and caring.<sup>104</sup>

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<sup>102</sup> AAUP, "Contingent Appointments and the Academic Profession," *Policy Documents and Reports*, 10<sup>th</sup> ed., 108-109.

<sup>103</sup> *From Max Weber*, 132-133.

<sup>104</sup> Ann H. Franke, "Why Battles Over Tenure Shouldn't End Up in the Courtroom," *The Chronicle of Higher Education*, August 11, 2000, B6-7.

Nonetheless, when managerial administration imposes a more “flexible” appointment system, it simply prolongs indefinitely the uncertainty and potential arbitrariness of appointment decisions. Those more likely to suffer discrimination, such as women and disadvantaged minorities, are even less well protected. At the same time, the institution sacrifices both the quality of evaluation and the incentive to a high level of performance. Managerial administration justifies the less-demanding appointment and promotion requirements for non-tenure-track faculty on the argument that those who perform poorly may be more easily dismissed, but the more common result is “instant,” but indefinitely uncertain, tenure. Where flexible appointments do increase turnover, recruitment, evaluation, and replacement costs also increase. Nor is there any reason to expect that similarly recruited and appointed faculty will outperform those whom they replace. Moreover, where tenure encourages institutional loyalty from able faculty, insecurity encourages these faculty to improve their external market position and to seek other employment.

None of these arguments assumes that no cost savings result from building some flexibility into the faculty appointment structure. They do imply that, since flexibility has costs as well as benefits, there is a substantial organizational cost to doing away with tenure or even to relying on temporary or short-term positions in excess of those truly needed for short-term enrollment adjustments or programmatic flexibility. The appropriate ratio may be debatable, but the fact that more than half of lower-division instruction is performed by part-time and non-tenure-track faculty, and by graduate students, suggests that the actual reliance on temporary appointments far exceeds variations in program and enrollment. Hence, the various costs of the current levels of flexible appointments certainly exceed whatever benefits they may be thought to provide.

To fully appreciate the organizational costs of flexible appointments, it is necessary also to understand the organizational presuppositions of such appointments. One crucial presupposition is the restructuring of the faculty division of labor to increase the proportion of less specialized, more routine tasks. Managerial administration seeks the flexibility to reorganize the curriculum on the assumption that it will then be possible to offer fewer different courses, in larger sections, taught by less specialized faculty. Because specialization is increasingly essential to scholarship, this effort to diminish specialization de-skills the faculty. The attack on specialization often rests on the popular but erroneous assumption that less specialized faculty can educate their students more broadly. To the contrary, competent generalists need to be competent in a wider range of specialties.

When community colleges rely on faculty who do not have the qualifications, time, or opportunity to keep up in their disciplines, those faculty cannot as adequately prepare those of their students who plan to complete, or might be inspired to complete, a four-year education. When college and university departments assign lower-division instruction to faculty who lack the qualifications, time, or opportunity to participate fully in the department and the profession, they are less likely to educate students as well, or to recruit or adequately prepare departmental majors. Moreover, both the systemic reliance on the community college and the institutional reliance on second-tier faculty for lower-division general education tend to encourage the separation of teaching from scholarship. It is not that all faculty need to pursue publication, but it is widely understood, even by critics who complain of the excessive emphasis on research and publication, that good teaching requires at minimum that faculty engage in some appropriate form of scholarship.<sup>105</sup>

In any case, the development of a two-tier system gradually diminishes the organizational flexibility it is alleged to promote. When the faculty in an institution are divided into tiers, budget constraints encourage the proliferation of second-tier appointments and impede the restoration of first-tier appointments. Community colleges typically spend less than one-third as much for part-time as for full-time instruction. Moreover, part-time faculty salaries are relatively static. So, it is all too easy to cannibalize full-time positions to create part-time ones, but very difficult to restore full-time positions, no matter how evident the educational need.

In four-year institutions with tenure systems, where non-tenure-track positions are offered to lower-division instructors, a similar problem emerges. Departments faced with growing enrollment increase the proportion of non-tenure-track positions, but when enrollment declines so does the budget; departments are often unable to fill tenure-track vacancies. These budgetary constraints have caused the non-tenure-track fix to become an addiction that has gradually displaced educational considerations and explains why the current reliance on non-tenure-track appointments exceeds any reasonable expectation of enrollment or program variations.

Within the institution, the two-tier system also impairs the collegiality important to teaching, curricular planning and evaluation, personnel decisions, and academic governance generally. David Breneman acknowledges the problem that would emerge if, in accordance with his proposal, the more

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<sup>105</sup> Ernest L. Boyer, *Scholarship Reconsidered*, Princeton, NJ: The Carnegie Foundation for the Advancement of Teaching, 1990.

able faculty were to elect higher salaries rather than tenure and, as a result, the less able but tenured faculty governed the department.<sup>106</sup> But there are also serious costs when part-time or non-tenure-track faculty do not have the opportunity to interact with their full-time colleagues. Not only does teaching experience become disconnected from curricular planning, but teachers learn less from one another about student needs. Second-tier faculty often lack the benefits of peer professional interaction as well as peer evaluation. First-tier faculty prefer not to share academic or departmental governance with insecure and often less qualified second-tier faculty, but thereby fail to benefit from the skills and experience these faculty offer.

The greatest organizational cost of the two-tier system is the lost opportunity to appoint more fully qualified and productive faculty. This is most readily apparent in the now-common circumstances in which an institution denies tenure to very able and productive faculty members who fall slightly short of tenure requirements, but recurrently reappoint part-time and non-tenure-track faculty who would not qualify even for an entry-level tenure-track position. The argument that these are temporary appointments rather than lifetime commitments is hardly persuasive when the same or similarly less qualified faculty members are recurrently appointed. The alternative argument that the institution gains flexibility is equally unpersuasive when the institution budgets less compensation and professional support for second-tier positions and so cannot afford to upgrade the positions.

At bottom, the rationale for employing second-tier faculty is to reduce costs. If this practice did not damage student learning, it would make sense. But there is damage to learning as a result of appointing less qualified faculty and providing them less time and professional support to conduct their duties. The institution incurs a substantial loss if non-tenure-track appointments actually result in frequent turnover and substitution of inexperienced for experienced teachers. The quality of faculty instruction depends primarily on disciplinary learning and teaching experience. Frequent turnover sacrifices experience, while continued reappointment to an insecure position discourages investment in professional development.

The public and policymakers are, and should be, concerned about the apparent decline in the quality of lower-division instruction. This concern cannot be resolved by improving the pedagogy of tenure-track faculty when these faculty teach fewer and fewer lower-division students, owing to the

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<sup>106</sup> Breneman, 13.

creation of more and more exclusively lower-division non-tenure-track positions. Nor can this serious problem be resolved by shifting the responsibilities of existing tenure-track faculty more toward lower-division instruction, unless additional tenure-track positions are created to take on some of their upper-division, graduate, and research responsibilities. Similarly, in community colleges the full-time faculty already have excessive teaching, advising, and personnel responsibilities. Some part-time positions require conversion to full-time to correct these problems.

Finally, although tenure's assurance of academic freedom ultimately serves society, it also serves the academic organization. Faculty independence is the principal counterweight to the societal and budgetary constraints that divert institutions from their missions. In this respect, research is as endangered as teaching. As the competition for research funding intensifies, tenured researchers have somewhat more support in resisting pressures to compromise the direction and even the integrity of their research. Even with tenure, the increasing competition for funding and reliance on corporate funding lead to the need for safer projects and quicker results. Without tenure, faculty cannot invest the time or sustain the independence that has made the leading universities the predominant national locus for basic research.

In the case of teaching, faculty independence and integrity are both a condition of competent instruction and an essential component of such instruction. Faculty independence and integrity are part of the message in that students are more likely to learn to think independently from faculty who do so themselves. Faculty independence is the institutional safeguard against interference in the transmission not only of intellectually novel ideas, but of the well-established science (evolution and cosmology), widely respected literature (Mark Twain and James Joyce), and well-documented findings about human behavior and society (gender and sexuality) that have inspired controversy in communities across the nation. Academic freedom in these matters, as in clinical instruction and in applied research, not only serves the larger society but also protects the institution from the loss of educational integrity and reputation that may otherwise result from parochialism or economic constraints. "Freedom and economic security, hence tenure, *are essential to the success of an institution* in fulfilling its obligations to its students and society."<sup>107</sup> (Emphasis added.)

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<sup>107</sup> 1940 *Statement*, 3.

<b>Table 1: Changes in Faculty Distribution By Type of Appointment, 1975 to 2007</b>			
	<b>1975</b>	<b>2007</b>	<b>% Change 1975-2007</b>
<b>Full-Time Faculty:</b>	435,037	702,491	61.5%
% of All Faculty	68.6%	50.6%	
<b>Tenured Faculty:</b>	227,562	290,581	27.7%
% of Full-Time Faculty	52.3%	41.4%	
% of All Faculty	35.9%	20.9%	
<b>Probationary Faculty:</b>	126,465	134,826	6.6%
% of Full-Time Faculty	29.1%	19.2%	
% of All Faculty	19.9%	9.7%	
<b>Non-Tenure-Track Faculty:</b>	81,010	277,084	242.0%
% of Full-Time	18.6%	39.4%	
% of All Faculty	12.8%	20.0%	
<b>Part-Time Faculty:</b>	199,139	684,668	243.8%
% of All Faculty	31.4%	49.4%	
<b>All Faculty:</b>	634,176	1,387,159	118.7%
<p><b>Source:</b> The 1975 data are based on Tables 9 and 10 of "Fall Staff in Postsecondary Institutions," NCES, 1993. The 2007 data are based on Table 1 for part-time faculty and Table 4 for full-time faculty of "Employees of Postsecondary Institutions, and Salaries of Full-Time Instructional Faculty, 2007-2008," NCES, IPEDS, December 2008.</p>			



**Table 2: Tenure Status of Full-Time Faculty by Type of Institution, Fall 2007**

	Total Faculty		Tenured		Probationary		Non-Tenure-Track	
	N	%	N	%	N	%	N	%
<b>All Faculty</b>	702,491	100.0%	290,581	41.4%	134,826	19.2%	277,084	39.4%
<b>Sector of Institution</b>			N	% of Sector	N	% of Sector	N	% of Sector
<b>Public 4-Year</b>	354,289	50.4%	163,041	46.0%	73,847	20.8%	117,401	33.1%
<b>Public 2- Year</b>	112,846	16.1%	46,024	40.8%	16,559	14.7%	50,263	44.5%
<b>Non-Profit 4-Year</b>	215,100	30.6%	81,203	37.8%	44,258	20.6%	89,639	41.7%
<b>Other</b>	20,256	2.9%	313	1.5%	162	0.8%	19,781	97.7%

**Source:** The data are based on Table 4 of "Employees in Postsecondary Institutions," Fall 2007, and "Salaries of First-Time Instructional Faculty 2007-08," NCES, IPEDS, December 2008.

**Table 3: Changes in the Proportion of Female Faculty by Type of Appointment, 1975-2007**

Type of Appointment	Percentage of Type of Appointment Held by Female Faculty		Percentage Distribution of Female Faculty by Type of Appointment	
	1975	2007	1975	2007
	<b>Distribution of Full-Time Female Faculty</b>			
<b>Full-Time Faculty</b>	24.7%	41.8%	100.0%	100.0%
<b>Tenured Faculty</b>	18.1%	33.9%	38.2%	33.5%
<b>Probationary Faculty</b>	30.6%	46.0%	35.8%	21.1%
<b>Non-Tenure-Track Faculty</b>	33.8%	48.2%	25.4%	45.4%
	<b>Distribution of Female Faculty Full- and Part-Time</b>			
	1975	2005	1975	2005
<b>Part-Time Faculty</b>	32.8%	49.1%	37.9%	52.4%
<b>Full-Time Faculty</b>	24.7%	40.6%	62.1%	47.6%
<b>All Faculty</b>	27.2%	44.6%	100.0%	100.0%

**Source:** The 1975 data are based on Tables 9 and 10 of "Fall Staff in Postsecondary Institutions," NCES, 1993. The 2007 data for full-time faculty are from Table 4 for full-time faculty of "Employees of Postsecondary Institutions, and Salaries of Full-Time Instructional Faculty," 2007-2008, NCES, IPEDS 2008. The all-faculty and part-time faculty 2005 data are based on "Digest of Education Statistics," 2007, Table 235, NCES, IPEDS, March 2008.

**Table 4: Full-Time Primarily Instructional Faculty Productivity, by Type of Institution and Tenure Status**

	Mean hours/ week activities at institution	Mean percent of time actually spent teaching	Mean total classroom credit hours	Mean Instructional Time	Total regular scheduled office Hours/week
<b>Type of Institution/ Tenure Status</b>					
All Doctoral	49.4	60.6	9.4	30.0	5.3
Tenured	50.1	57.5	8.7	28.8	5.4
Tenure-Track	52.0	59.4	8.5	30.9	4.8
Non-Tenure-Track	45.1	70.4	12.5	31.8	5.8
All Other Four Year	47.8	69.5	11.1	33.2	6.7
Tenured	48.1	68.3	10.8	32.8	6.4
Tenure-Track	49.8	69.1	10.7	34.4	7.3
Non-Tenure-Track	45.1	72.6	12.1	32.7	6.6
All Two-Year	44.7	76.5	16.3	34.2	7.1
Tenured	44.6	76.7	16.9	34.2	7.0
Tenure-Track	47.1	76.0	15.1	35.8	7.0
Non-Tenure-Track	43.8	76.5	16.0	33.5	7.2
	Mean basic salary from institution	Mean dollars per credit hour	Ratio of instructional time to credit hours	Mean dollars per hour of instructional time	Recent articles/ creative works - refereed/ juried
All Doctoral	59,767.8	6,331.3	3.2	1,995.0	2.2
Tenured	69,267.8	7,961.8	3.3	2,405.6	2.8
Tenure-Track	47,912.5	5,610.4	3.6	1,551.1	1.9
Non-Tenure-Track	44,758.0	3,592.1	2.6	1,408.0	0.5
All Other Four Year	47,075.6	4,260.2	3.0	1,418.5	1.3
Tenured	54,474.5	5,067.4	3.1	1,659.0	1.5
Tenure-Track	41,298.4	3,870.5	3.2	1,201.2	1.3
Non-Tenure-Track	36,052.0	2,986.9	2.7	1,101.4	0.6
All Two-Year	43,980.4	2,698.2	2.1	1,285.9	0.4
Tenured	49,846.1	2,953.0	2.0	1,458.4	0.4
Tenure-Track	36,975.4	2,453.6	2.4	1,032.9	0.8
Non-Tenure-Track	38,146.6	2,390.1	2.1	1,139.8	0.2

Source: NCES, National Study of Postsecondary Faculty, 1999; includes all faculty whose principal activity is instruction. Full-time faculty "instructional" work hours include only that fraction of their institutional activity time that they attribute to instructional activities.

**Table 5: Comparison of the Instructional Activity of Full- and Part-Time Primarily Instructional Faculty by Type of Institution**

Type of Institution	Mean Classroom Credit Hours		Instructional Work Hours*		Instructional Work Hours Per Credit Hour		Mean informal contact hrs/week with students		Mean regular scheduled office hrs/week	
	P-T	F-T	P-T**	F-T	P-T	F-T	P-T	F-T	P-T	F-T
	Four-Year	7.5	9.4	12.7	30.0	1.7	3.2	1.2	2.4	2.2
Doctoral										
Four-Year	6.9	11.1	12.8	33.2	1.9	3.0	1.0	3.6	2.0	6.7
Non-Doctoral										
Two-Year	9.1	16.3	13.0	34.2	1.4	2.1	0.9	3.5	1.6	7.1

\* "Instructional work hours" include only that fraction of their paid and unpaid institutional time that faculty attribute to instructional activities (teaching, grading papers, preparing courses, developing new curricula, advising or supervising students, and working with student organizations or intramural athletics).

\*\*To adjust for the outside, non-academic work of some part-time faculty, the percentage of time part-time faculty attribute to instruction has been increased by recalculating it as a percentage of academic time exclusive of the "other work time" attributed to consulting and non-academic activities. Credit-hour and hourly time allocations are only for the specific institution where the faculty member received the survey.

Source: NCES, National Study of Postsecondary Faculty, 1999; includes all faculty whose principal activity is instruction.