



(REVIEW ARTICLE)



Development of the United States' University tenure system from the perspective of the protection of teachers' rights and interests

Li Lun *

Personnel Division, Central University of Finance and Economics, 100081, China.

International Journal of Science and Research Archive, 2024, 11(02), 186–190

Publication history: Received on 25 January 2024; revised on 01 March 2024; accepted on 04 March 2024

Article DOI: <https://doi.org/10.30574/ijrsra.2024.11.2.0397>

Abstract

As a fundamental system for protecting the rights and interests of teachers, the university tenure system plays a crucial role in the development of universities in the United States. The tenure system has developed and evolved over a long period of time, from the dual track system of university teachers under church management in the 17th century to the formal establishment of the university tenure system in the 20th century and then to the “up-or-out” policy in the 21st century. The foundation of this system's development has always been maintaining teachers' academic freedom and guaranteeing their livelihoods. This article explores how universities and related institutions in the United States have integrated the protection of teacher academic freedom and economic security throughout the development of higher education by studying the development of the US university tenure system.

Keywords: Tenure system; Teachers; Academic freedom; Interests

1. Introduction

Historically, a lifelong protection system for teacher rights can be traced to the Middle Ages in Europe. In 1158, King Frederick the Great of Prussia issued a decree promising scholars safe travel within his territory, protection from domestic attacks, and compensation for illegal harm. In the United States, the tenure system has been studied and referenced by universities worldwide as a protection system for teachers' rights. The purpose of this system is twofold: to ensure that teachers enjoy academic freedom and receive a stable income providing economic security. Although a predecessor of the US university tenure system existed in the 19th century, this system was not established until the early 20th century.

2. Protection of basic rights and interests of teachers: A dual track system for university teachers under church management

In the 17th century and the first half of the 18th century, teaching staff in US universities comprised tutors, who—without exception—were young men, generally under the age of 20. Tutors were responsible for teaching tasks and student supervision but had a high workflow. Therefore, there were difficulties in retaining tutors. For example, before 1685, at Harvard University, of 41 tutors, few tutors had been teaching for four years or more; only six had served for more than 3 years. To improve this situation, many universities aimed to establish “permanent” tutor positions; however, the frequent turnover among tutors did not change. Tutor positions were similar to a “revolving door.” Similar situations occurred at Yale University, Brown University, Dartmouth College, and Bowdoin College.

In the second half of the 18th century, Harvard University established the position of “permanent teacher”—the professor. As William Carrell noted in 1968, there were only 10 professors in US universities in 1750. By 1800, the

*Corresponding author: Li Lun

number of universities had increased twofold while the number of professors had increased tenfold. By the early 19th century, approximately 200 professors were serving in 19 universities. There were two development paths in the tutor–professor relationship. The first was the separated development model followed by Harvard University, where no tutor could become a professor, with the professor existing as an independent position. The second path was the merger development model implemented in Yale University, where more than half the tutors became professors.

In the 19th century, sectarian competition in the United States propelled the explosive development of private universities. Between 1820 and 1859, 225 private universities were established, with 348 universities established in the following 40 years. Most of these private universities belonged to different sects. During this period, the church had a large, stable source of income from taxes, industries, and donations, which was sufficient to achieve its goal of large-scale expansion. However, having a large amount of money did not necessarily guarantee an equitable distribution: A small number of churches or monasteries had a large amount of wealth, whereas most churches or monasteries had insufficient funds. In this situation, the poorly funded churches could not provide equivalent financial support to teachers in their universities compared with the churches or monasteries that possessed substantial wealth, leading to low salary levels for some university teachers.

To attract talent and maintain stability among their personnel, some universities began to promise long-term financial support and lifelong teaching benefits to outstanding teachers; these aspects were not affected by university funding. Thereafter, professors with “permanent” positions gradually replaced tutors. Although the dual track of the tutor and professor system at that time was not yet a modern tenure system, it already represented the embryonic form of the university tenure system.

3. Dual protection of economic income and academic freedom: Formal establishment of the United States’ university tenure system

By the late 19th century, the positions of instructor and assistant professor had become standard practice; initially, they were unable to advance their academic rank. The role of these junior academic personnel was not only a change in terminology but also represented a decrease in the number of tutors. Some university tutorship positions disappeared while some tutors transitioned to professors. In most universities, between the 1870s and the 1980s, these positions became a source of supply for full professors. By the 20th century, the essential characteristics of the role of teachers had become norms that substantially differed from those in the early 19th century.

In 1900, Stanford University professor Edward Alsworth Ross was dismissed by the university administration for publishing controversial political views. This incident demonstrated to university teachers that practical institutional safeguards were needed to avoid retaliation if they held differing views from university administrations or other authorities. If the university administration could dismiss teachers at will, academic freedom would simply be a catchphrase. Therefore, in 1915, the American Association of University Professors (AAUP), the first and largest higher education teacher organization in the United States, was officially established. At its inception, the AAUP established a vision dedicated to safeguarding university teachers’ academic freedom, promoting high-quality and fair university education, and safeguarding the professional interests and rights of those in the education industry.

After the AAUP’s establishment of the AAUP, *The Principles of Academic Freedom and Tenure* was published in 1925. Subsequently, the AAUP, representing teachers, and the Association of American Colleges and Universities, representing universities, held a series of meetings to discuss their views on academic freedom and tenured teaching position and eventually reached a consensus. In 1940, the associations published the famous *Statement of Principles on Academic Freedom and Tenure*.

Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society. (AAUP, 1940)

This statement provides a clear definition of tenure, including the length of the probationary period. Tenure primarily refers to the university not being able to arbitrarily dismiss professors who have obtained tenured teaching status, with only two exceptions: a serious financial crisis rendering the university unsustainable or the professor has severe violations of university policies. This joint statement formally established the tenure system in US universities.

4. Trade-off between job competition and rights protection: Reflection on “up-or-out” mechanism in the United States’ university tenure system

By the 1960s, the tenure system was widely adopted in US universities. In the 21st century, US universities have generally implemented the tenure system and become a learning model for the reform of university teacher appointment systems worldwide. According to relevant statistics, by 2020, 87% of four-year US universities had implemented this system. In the vast majority of US universities, the pass rate for tenured positions is very high, and a rigorous screening process is often implemented in the competition for assistant professors. Universities hire scholars who are deemed to have the potential to obtain tenure in 6 years; it is typical that most of these individuals ultimately meet the eligibility standards to obtain tenure.

However, since the 1990s, the tenure system has received criticism and scrutiny. In 1998, a survey of state governors showed that the vast majority disagreed with the tenure system. A survey by the Institute for Higher Education Research at the University of California, Los Angeles, found that 38% of teachers believed that tenure was an outdated concept. Disagreements from other sections of society led to a reform of the tenure system. At the state level, in the 1960s and 1970s, approximately 20 states began to modify or eliminate the tenure system through legislation. For example, the state of Massachusetts believed that the tenure system was the main reason for the wastage of university funds. Therefore, the state began to reform the tenure system, negotiating with the teachers’ union, which agreed to implement a post-tenure review system. At the college level, in 1998, only 3 of the 46 institutions in the AAUP had a post-tenure review policy. By 2005, 61% of 680 colleges and universities had a post-tenure review policy. In some top universities, the tenure system had already undergone significant changes, leading to the phenomenon of “up or out.”

In 1920, Princeton University introduced the “up-or-out” system, which stipulated that instructors could apply to be assistant professors in the third year of their term and for tenure in the fourth. In 1939, Harvard University introduced a similar program, stipulating that the maximum contract period for non-tenured teachers was 8 years: those who could not obtain tenure positions in this time would not be renewed. Yale University followed suit in the same year and offered a probationary period of 4 years to instructors and 5 years to assistant professors. Meanwhile, at Princeton University, the Department of Mathematics has promoted very few assistant professors for a considerable period of time. In recent years, the department’s tenure rate has only increased by approximately 10%. The main reasons for the “up-or-out” system are as follows. First, to enhance their reputation, top universities hope that non-tenured teachers can provide influential academic achievements within a limited period. Second, the tenure track is used to attract scholars from countries worldwide who have achieved outstanding achievements.

However, Harvard University has found that if most assistant professors are unable to obtain tenure positions, the university’s reputation of talent development is damaged; further, the university loses its appeal to outstanding young scholars around the world. Therefore, Harvard University has implemented reforms in recent years. From 2009 to 2020, 239 assistant professors participated in an evaluation of associate professors, with a pass rate of 97%. A total of 200 associate professors participated in the final evaluation (Harvard’s tenure system directly appoints full professors), and 141 obtained tenure with a pass rate of 70%. This number is far higher than the number communicated in various rumors. Nevertheless, in the report, the committee recommended improving the approval rate without lowering the standards.

For the 59 professors who did not pass the final evaluation, 71% found teaching positions at other universities, 12% found other types of research positions, and 12% found non-teaching positions in industries and other places. In 2020, the President of Harvard University said to young teachers,

You have our pledge: We take this work as seriously as we do anything. There’s nothing more important. A university is its faculty. Our job as senior administrators is to enable you to do your best work. To provide you with a rich environment with great students and great colleagues. So everything we try to do is towards that end. We appreciate the time and effort you put into this. We want people to succeed, but we also want Harvard to be the best place it can be. Our collective job is to enhance the scholarly reputation of the institution. We won’t always agree on how to do it. But I hope we recognize that disagreements are honest ones.

5. Academic community’s viewpoints to the United States’ university tenure system

Undoubtedly, the future of the US university tenure system continues to be based on reform. The academic community has focused on bettering the tenure system to improve higher education in the United States. Regarding the advantages of the current tenure system, some academic views are as follows: First, tenure incentivizes young scholars to work

hard and accept low salaries in the early stages of their careers, improving the efficiency of selective recruitment and attracting risk-averse talent to the research institution. Second, in academia, professors are able to identify scholars with strong abilities, and are willing to recruit scholars increases because the arrival of new teachers does not threatening their position. Third, tenured scholars are incentivized to supervise the leadership of a university or research institution without the fear of being fired. Finally, tenured scholars can devote more energy to groundbreaking research, even if such innovation is risky, due to having a secured position.

Meanwhile, the academic community has raised varied concerns regarding the true impact of the tenure system. In 2018, Jonathan Brogaard from the University of Washington; Joseph Engelberg from the University of California, San Diego; and Edward Van Wesep from the University of Colorado published a paper in *Journal of Economics Perspectives* titled “Do Economists Swing for the Fences after Tenure?” The research data comprised information on the scholars (>2000) of the economics and finance departments of the top 50 US universities between 1996 and 2014. The data were collected and sorted by hand. The research indicators included the number and quality of published papers, with the quality measured by the number of papers published in high-impact journals (referred to as “home runs”). By comparing the differences in the number and quality of published papers among scholars before and after obtaining tenure, the authors examined the impact of tenure on scholars’ research, with the following key results.

First, before the researchers received tenure, the number and quality of their publications increased annually, peaking in the year of tenure. Second, within 2 years after achieving tenure, the number of publications decreased by an average of 30% and continued to decrease by an average of 15% in the following 8 years. Simultaneously, the number of high-quality publications decreased by an average of 30% and continued to decrease by an average of 35% in the following 8 years.

Regarding these viewpoints, some scholars claim that the true impact of the tenure system cannot be analyzed by examining only the number of papers. First, a requirement for the evaluation of tenure is the number of published papers; therefore, the mean-reversion of the number of published papers after obtaining tenure is normal. Scholars adjust the time of publishing papers when applying for tenure. For example, if the early period is relatively high-yielding, they will apply for tenure in advance; if they do not want to obtain tenure at the first institution, they will change institutions and aim to publish as many papers as possible before the end of the probation period. Second, after obtaining tenure, tenured professors primarily focus on training new teachers and students, leading to a decrease in the number of published papers. These efforts may nevertheless benefit academic research or the development of professional theories. Removing the burden of utilitarian academic research may result in professors focusing on other basic theories or conduct special research, benefiting higher education in the United States.

6. Conclusion

The reform of the tenure system is an ongoing process, with a focus on balancing academic freedom and responsibility. However, maintaining academic freedom for teachers, ensuring their economic security, and providing them with sufficient academic research resources remain the core concepts of the development of the US university tenure system.

References

- [1] Richard I Miller. *Evaluating Faculty for Promotion and Tenure*. Jossey—Bass Publishers, 1987.
- [2] Morison Samuel E. *Harvard College in the Seventeenth Century*. Cambridge: Harvard University Press, 1936.
- [3] Finkelstein J. Martin. *The American Academic Profession: A Synthesis of Social Scientific Inquiry since World War II*. Ohio State University Press, 1984.
- [4] Xiong Heyu, Zhao Yiling. Sectarian Competition and the Market Provision of Human Capital. *The Journal of Economic History*, 78 (2):618-619, 2018.
- [5] American Association of University Professors. 1940 Statement of Principles on Academic Freedom and Tenure (with 1970 Interpretive Comments). Retrieved from <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>
- [6] Geng Yiqun. The Dilemma and Solution of the Tenured Professor System in American Universities. *Comparative Education Research*, 2006(7), 47.
- [7] Ernst Benjamin. Some Implications of Tenure for the Profession and Society. Retrieved from <https://www.aaup.org/Issues/tenure/Ebten2.htm>

- [8] Qiao Yuquan. 21st Century American Higher Education. Beijing Higher Education Press, 2000(38):161-162.
- [9] Richard. P. Chait. The Questions of Tenure. Cambridge: Harvard University Press,2002.
- [10] GongYu. The Evolution and Think about American Tenure System. Higher Education Research& Evaluation, 2009 (4):21-22.
- [11] Aloysius Siow. Tenure and Other Unusual Personnel Practices in Academia. Oxford University Press, 1998.alcohol: the ESCALE study (SFCE). Cancer. 2008.