


# WPRI

## R E P O R T

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# THE TROUBLE WITH TENURE

**What do the  
UW instructors without it –  
the ones doing much of  
the teaching – think?**

**By Ike Brannon, Ph.D.**

**How the Regents can  
make professors accountable  
to taxpayers and students**

**By Mike Nichols, M.A. & Mike Flaherty  
with Charles Sorensen, Ph.D.**

## President's Note

The University of Wisconsin Board of Regents is just weeks away from adopting a new policy on tenure, and it's no surprise that most of the professors who have it or are on track to get it want to preserve the status quo.

Their opinions matter. That's why the Wisconsin Policy Research Institute sponsored an independent survey by University of Chicago Professor William Howell late last year gauging their perspective – and why we were so chagrined when an effort was made by some faculty members to undermine Howell's valuable and objective research.

It's also why, I presume, the Board of Regents appointed a Tenure Policy Task Force comprised largely of professors and associate / assistant professors throughout the UW System.

The professors, however, are far from the only group with a vested interest in the 26 UW System schools and Extension, and how they are run. And they are far from the only group that should have the ear of regents as they decide whether to stand pat or give our universities, our children and our businesses a fair chance to compete in an ever-changing world.

Human knowledge is growing at an unprecedented rate – almost as fast, it sometimes seems, as student debt levels. Wisconsin will not flourish unless it is able to keep pace, help its citizens create and feed new industries and technologies while also offering them the knowledge and perspective to lead meaningful, fulfilling and prosperous lives. Students, parents, alumni, the Wisconsin business community, legislators, instructors without tenure, and taxpayers all have a deep-rooted interest in and concern about the future of our public universities. Support will invariably depend on whether the regents make sure professors are held accountable.

Howell's research has already been released and is available at [www.wpri.org](http://www.wpri.org). Today, we release "The Trouble with Tenure," a WPRI

report that contains two new and separate pieces of research that we hope the Board of Regents and leaders of individual campuses and the Extension will find useful: "How the University of Wisconsin Board of Regents can make professors accountable to taxpayers and students," and "What do UW instructors without tenure – the ones doing much of the teaching – think?"

You won't find a defense of the status quo in these pages. Wisconsin can't afford that. Nor will you find a full-throated argument that tenure should be abolished outright. You will find carefully considered recommendations informed by people like Charles Sorensen, the former UW-Stout chancellor who knows the UW System inside and out. You will also find the fascinating and informative results of a survey of the folks who teach in the UW System but don't have tenure. Conducted by Ike Brannon, a former tenured UW-Oshkosh professor who now runs Capital Policy Analytics, the results include a key finding: A majority of those surveyed do believe that tenure is a good indication of the quality of research. Only about 30%, however, feel it is a good indication of the quality of instruction or impact on the community, business or economy.

The truth is that tenure can be valuable when used for the right reasons, in the right places. Regents, though, can do more than their task force is recommending to make sure leaders of individual campuses have the flexibility they need to be responsive to students and the job market. In the meantime, individual campuses and the Extension – which vary greatly in their focus on research or on instruction or on community interaction – should be asked to articulate exactly how and when tenure is helpful and when it isn't.

**Mike Nichols**  
*WPRI President*

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### MISSION

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# How the University of Wisconsin Board of Regents can make professors accountable to taxpayers and students

By Mike Nichols, M.A. and Michael Flaherty  
with Charles Sorensen, Ph.D.

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## I. Executive summary

**T**he University of Wisconsin System employs more than 11,000 faculty members and instructional staff at its 26 campuses and in the UW-Extension. Fifty-seven percent of them either have or are eligible for tenure.<sup>1</sup>

Beginning in the 1970s and up until July of 2015, the jobs of those with tenure were protected by state law and the Wisconsin Administrative Code. Wisconsin statutes still govern some aspects of this employment arrangement, including due process and reappointment rights in the event of layoffs. But legislators have now transferred most authority over tenure policy to the Board of Regents.

The regents, in turn, appointed a Tenure Policy Task Force comprised of three chancellors, two vice chancellors and more than a dozen professors and associate/assistant professors throughout System.

The 21-member task force led by Regent Vice President John Behling presented its recommendations to the Regents Education Committee in early February, which approved them and sent them to the full Board of Regents. The full board is expected to vote on that new tenure policy proposal in March.

Behling has said the goal of the new policy is to give chancellors a much stronger management role in allocating faculty resources and holding faculty accountable, while still protecting tenure to encourage academic freedom. Regent President Regina Miller, meanwhile, has called for “an overarching tenured faculty review process for adaptation by individual institutions within the UW System.”

In an effort to maximize accountability and assure flexibility, innovation and adaptation at the campus level — keys to assuring continued support for the System both in the Capitol and across the state — the Wisconsin Policy Research Institute recommends that the full Board of Regents strengthen the policy recommended by the Tenure Policy Task Force in key ways.

- **Direct campuses and individual departments to develop** precise and tailored definitions of “professional and public service” that include tangible, measurable contributions to business, the community and the Wisconsin economy.
- **Mandate annual reports from each campus and the**

Extension regarding numbers of tenured and tenure-track faculty, numbers of instructional staff, data on both annual reviews and five-year post-tenure reviews, including percentages of individuals excelling, failing, choosing to leave before consideration for tenure and those denied tenure. Data should also be available regarding chancellors and regents acceptance or rejections of faculty recommendations for tenure.

- **Direct individual campuses and departments to adopt** a stronger post-tenure review process with clear and defined expectations.
- **Direct departments to publicly post their criteria for** granting tenure and how that criteria conforms to the institution’s mission.
- **To allow true flexibility, innovation and adaptation at the** campus level, give chancellors the ability to lay off faculty for reasons that include significant program reduction or modification, not simply program discontinuance.

After adopting a new policy on tenure, the Board of Regents — in recognition of the fact that the missions and duties of faculty and instructional staff differ from campus to campus — should also undertake a systemic review of whether tenure is appropriate and necessary on all campuses and at the Extension.

As part of this review, the regents should direct individual campuses with varying missions to clearly articulate why each department benefits — or doesn’t — from having tenured or tenure-track employees rather than instructional staff operating on contracts. Similarly, each time a person is considered for tenure, chancellors should articulate why the department and university will benefit from having a tenured employee rather than a member of the instructional staff operating on a contract that assures academic freedom. Specific reference should be made to the mission of the individual campus university, and how the candidate is expected to contribute to the various facets of the mission.

Finally, we include one recommendation for legislators:

- **Remove language from statute referencing seniority as** a consideration when determining layoffs of tenured faculty.

## II. Tenure: what it measures – and what it doesn't

Tenure is near-permanent job status for faculty created more than a century ago to encourage the pursuit of ideas and research without fear of reprisal.

Both the renewal of a probationary appointment and the granting of tenure require that faculty members be evaluated on the basis of their “teaching, research, and professional and public service and contribution to the institution,” according to Chapter UWS 3 of the Wisconsin Administrative Code.<sup>2</sup>

The Tenure Policy Task Force recommendation to the Board of Regents, meanwhile, reiterates that criteria used to judge faculty performance must generally fall within three categories of teaching, scholarship/research, and service.

While “teaching” and “research” are clearly understood terms, the phrases “professional and public service” and the even more general use of the term “service” are more amorphous and leave ample room for tenure committees to overlook or ignore whether a candidate is fulfilling his or her responsibility to a key part of the UW System’s mission: extending “knowledge and its application beyond the boundaries of its campuses.”

Commonly alluded to as the Wisconsin Idea, this is not some ethereal goal — or one that applies only to the R-1 doctoral research universities in Milwaukee and Madison.

The other 11 four-year universities are specifically charged with supporting “activities designed to promote the economic development of the state.”<sup>3</sup> Even the two-year colleges, primarily instructional institutions, have an explicitly similar goal: “To make available as a service to business, industry and the general public, the unique professional expertise of the faculty and staff.”<sup>4</sup>

Tenure is not a good indicator of when and whether this happens, according to independent research conducted by University of Chicago Professor William Howell and supported by WPRI.

A survey of 1,400 members of the University of Wisconsin System faculty with tenure or on the tenure track indicated that only 36% overall (31% at the Madison and Milwaukee campuses) think tenure is a good indication of impact on the community, business or economy most of the time or always.<sup>5</sup>

Part of the reason for the low percentage could be that not all faculty on every campus can or should be directly involved in economic

development or some types of community interaction.

Each campus has a “unique culture” that places different emphases on what’s expected of faculty, said UW System Interim Vice President for Academic and Student Affairs David Ward, whose academic career has included tenured professor, former UW System executive, and former chancellor at UW-Green Bay. The differences among UW campuses, he added, can be quite dramatic.

UW-Stout, for example, works directly with regional industries many of which offer their executives as advisors for Stout’s lengthy list of industrial and business programs. Many UW-Stout department faculty evaluators therefore, weigh “community service” more heavily than most campuses in evaluating tenured faculty performance.

By contrast, UW-Madison, one of the world’s top research universities, places a high value on research in its tenure-granting decisions. Several of UW’s 12 four-year “comprehensive” campuses, such as UW-Whitewater and UW-Oshkosh, began as two-year teacher training schools and still highly value teaching as their central mission when granting tenure — a mission that’s even more central to the faculty of the UW System’s 13 two-year campuses.

Tenure “culture” can also vary within departments and programs on the campuses, Ward noted.

The nursing school at UW-Eau Claire places enormous emphasis on public service because that department works directly with area health care providers for internships, training and other resources. UW-Platteville emphasizes teaching in many of its departments, but its engineering school is also involved heavily in applied research and product development with a number of industries.

UW-Extension — which is technically its own UW campus — was created to “extend” university expertise. So the Extension’s tenured professors are heavily judged by the work they do in their respective industries and communities.

In sum, the relative importance of each of the criteria used to judge a candidate for tenure at a particular institution — teaching, research, and professional and public service and contribution to the institution — is determined by departmental, school, college and institutional policies, in light of that institution’s mission and needs.

Some professors will naturally be more involved in fulfilling the UW System’s “public service” mission than others.





However, the widespread failure of tenure to accurately gauge involvement of most faculty in a key mission of our universities cannot be ascribed solely to the fact that some departments and professors are naturally and logically more prone to interaction with the community and industry than others.

Charles Sorensen, a former UW-Stout chancellor, makes this clear in a recent WPRI report, “Beyond the Ivory Tower: How to Get the UW System More Involved in Ground-Level Economic Development.”

Referring to the four-year campuses outside Madison and Milwaukee, Sorensen wrote that “with the exception of UW-Stout, the economic development mission is generally not valued as part of the academic culture. In general, faculties at those campuses face substantial obstacles and disincentives if they devote too much time to serving as industry specialists, business consultants or strong players in region-

al economic development. In some cases, even at UW-Stout, those obstacles are firmly rooted in the faculty culture itself. In others, the obstacles are systemwide — and they’re onerous.”<sup>6</sup>

Obstacles and biases rooted in the faculty culture are particularly detrimental because, as we will explain in the coming section, the faculty determines which colleagues are granted tenure. A lack of recognition of the importance of involvement in economic development or community interaction can, therefore, easily become self-perpetuating.

• **Recommendation:** *Develop a more precise definition of “professional and public service,” one that includes tangible, measurable contributions to business, the community and the Wisconsin economy — a change that would force tenure committees to encourage and consider such contributions and benefit the entire state.*

### III. What nobody currently tracks, but should

The basics are pretty clear:

“Star faculty” recruited from other campuses are occasionally offered tenure as part of the recruitment offer. New associate or assistant professors are placed on “probationary” status, and evaluated every year. If they don’t measure up, they can be fired with little or no recourse.

They have six years to prove their mettle — at which time they must apply for tenure. If not offered tenure by year seven, they must move on.

In theory, it’s all straightforward and simple. In practice, it’s complicated and uneven. Actual policies vary from campus to campus — and even from department to department. That’s because the current UW tenure policy is a highly democratic system in which tenure decisions are made cooperatively by individual department faculty panels and university administrators on each campus (with final approval by the Board of Regents). As such, every department on every campus in the 26-campus system can have different criteria for evaluating candidates and granting tenure. Even the terminology can vary among campuses.

The tenure process starts with an application by an associate professor which is reviewed by the “personnel” committees created for each department on each of the 26 campuses. In some cases, committee structures vary. UW-Green Bay, for example, has “divisional committees” that serve as personnel committees for several smaller programs under one discipline, such as the social sciences.

Along the way, department chairs, deans of colleges, campus-wide personnel committees and provosts all have a say in the process. But in the end, there are only three votes that count to approve tenure: the department faculty tenure review committee, the chancellor of that campus, and ultimately, the Board of Regents, which provides final approval.

From an external point of view — say the view from lawmakers at the Capitol — it’s nearly impossible to follow and evaluate the effectiveness of the tenure-granting process.

Not only does evaluation criteria vary widely, there is little or no data to show how often department committees deny a candidate’s application for tenure, nor any data on how often those

personnel committees’ decisions are overruled by a chancellor or by the Board of Regents.

Critics who charge that the tenure granting system is dysfunctional note only that the rate of promotion to full tenure is extremely high, suggesting that the process is in-bred among faculty — or at least not very critical.

“It is something like 90 to 95 percent,” said Ward, acknowledging that it’s extremely rare for professors to be denied tenure after six years.

Ward believes the approval rate fact does not reflect a lack of rigor in the process because the group is highly self-selecting. Faculty candidates for tenure are evaluated annually for their performance prior to being granted, he said. So even if they’re not fired or asked to move on by their department chairs, those “probationary” professors who are not good fits for their departments usually know well in advance they won’t be granted tenure and voluntarily move on to other universities or colleges before their six-year deadline. Therefore, those who are a bad fit rarely apply for tenure in the first place, he said.

There is, however, no data on how many do or do not apply.

The UW System needs better data on when tenure is being granted and denied, how many associates and assistant professors leave before their sixth year due to weak annual reviews, and how many have been fired for behavioral reasons.

“You can’t manage what you can’t measure,” one regent said in a past interview.

• **Recommendation:** *Mandate annual reports from each campus and the Extension regarding numbers of tenured and tenure-track faculty, numbers of instructional staff, data on both annual reviews and five-year post-tenure reviews, including percentages of individuals excelling, failing, choosing to leave before consideration for tenure and those denied tenure. Data should also be available regarding chancellors and regents acceptance or rejections of faculty recommendations for tenure.*



## IV. Post-tenure review

Supporters of the Legislature's decision to remove tenure from state law argued that campuses needed more management authority to meet the needs of an ever-changing society, which included the ability to terminate tenured faculty who may be underperforming because of the job protections they enjoy.

Defenders of the tenure policy protested that the current tenure policy works, faculty work hard and the policy is crucial to national recruiting and competitiveness. In short, they argued, Republican lawmakers were attempting to correct a problem that really didn't exist in the first place.

The reality, however, is no one really knows. Just as there is no data to determine who is granted or denied tenure (or why), there is also no data to support the effectiveness of annual evaluations and post-tenure reviews of professors as management tools for departments, deans and chancellors.

Professors undergo job evaluations every year by their department chairs in addition to their post-tenure review. Once granted tenure, faculty members' continuing eligibility for tenure is evaluated in a required "post-tenure review" process that is supposed to be conducted every five years. The evaluation criteria, however, vary widely among departments and campuses and the deadlines are soft. There is no data to show whether — or how many — faculty members are ever terminated as a result of their post-tenure review.

Ward said that number isn't likely very high because tenured professors who have been fired are rarely let go as result of the review process. Professors, like all professionals, can have problems with alcoholism, mental issues or personal problems that affect their work. "We have booted people," but firing them would have been in reaction to immediate and serious problems, not behavior taken into account in an evaluation after five years, he said.

Tenure is described as near-permanent job projection because, under former state law, the grounds for terminating a professor are fairly strict. Tenure can only be revoked and faculty fired if they commit "egregious acts" such as criminal activity or sexual harassment, which is extremely rare. And even in those cases, a hearing is required — and lawsuits frequently ensue.

That tends to render annual evaluations and post-tenure reviews of tenured faculty somewhat toothless, critics suggest, because once tenure is granted, faculty have no-job security incentive to work hard. Chancellors — and even some faculty members

— complain privately that underperforming faculty (or in some cases, even non-performing faculty) can pose significant management challenges for successful departments and programs trying to succeed with tight resources in a changing society.

Tenure protections include a vigorous and complicated appeal and hearing process that makes firing even a non-performing professor difficult should the faculty member choose to fight termination. The process is so expensive and problematic, many chancellors confess privately, that when faced with confronting underperforming faculty, they frequently choose the path of least resistance, retaining the professor and managing around them as best they can.

Again, however, there is little or no data to show how many appeals were made by faculty members poised to be terminated. There is no campus or system data to show how many faculty members might be considered "underperforming" — or for that matter even a uniform system-wide definition of "underperforming." (The new, proposed policy offers two measures: "Meets expectations," and "Does not meet expectations." Campuses and departments can flesh out what those expectations are.)

Not all 6,000 tenured professors perform at a high level, admitted Ward, who served as interim chancellor at UW-Green Bay, where he had to manage nearly 200 full-time faculty members. The vast majority of faculty not performing up to university standards, though, can be dealt with outside of the tenure process, such as during annual reviews or, if needed, using disciplinary actions while they're still associate and assistant probationary-status professors, he said.

"Most faculty gear up for tenure, really kick it up a notch in their fifth and sixth year. It's a competitive thing — and that motivation tends to stay with them to perform at a high level during the rest of their careers," Ward said. "The physics department at River Falls is an example. It's outstanding — and would be a top-ranked program at any university in this country. The faculty in that department, which includes a former astronaut, work hard to set high standards, hire the right people who can meet their high standards for teaching, research and public service. You get a department that works — and faculty who work well together."

The difficulty: There is, again, little documentation available to indicate whether the physics department at River Falls is typical or anomalous. In addition, system officials concede that the review process is vague, varies widely, and doesn't provide faculty

committees or chancellors with effective policies or guidelines to uniformly measure faculty performance, either during annual reviews or for the critical post-tenure review.

Howell's independent survey found that even tenured and tenure-track faculty question the process.

Slightly more than half of all respondents (51 percent) say the current post-tenure review process is largely a pro forma exercise that has little bearing on their professional activities, while 49 percent overall say the review process is a valuable check that ensures they remain productive and active contributors.<sup>7</sup>

The Tenure Policy Task Force has recommended that the Board of Regents adopt a stronger post-tenure review process. This is essential and we encourage the Board of Regents to follow through. But the regents can and should go further than the Tenure Policy Task Force has recommended.

The Tenure Policy Task Force is recommending that each institution develop a policy that includes, among other things, categories "reflecting the overall results of the review." Those categories, it is recommended, should include:

**a. Meets expectations:** This category is awarded to those tenured faculty members whose performance reflects the expected level of accomplishment.

**b. Does not meet expectations:** This category is awarded to those tenured faculty members whose performance reflects a level of accomplishment below the expected level, and which requires correction.

The task force also recommends that institutions be allowed to add an additional category of "Exceeds expectations." As "expectations" is a somewhat nebulous term, the Board of Regents should also encourage institutions to require clear definitions of and metrics for what — in the case of each individual professor — the "expectations" actually are.

• **Recommendation:** *Direct individual campuses and departments to adopt a strong post-tenure review process with clear and defined expectations.*

• **Recommendation:** *Departments should publicly post their criteria for granting tenure and how that criteria conforms to the institution's mission.*

## V. Expanded managerial flexibility for chancellors

**P**rior to Act 55, faculty could be laid off only in cases of financial emergency. The new statute permits layoffs when programs are curtailed, modified, redirected or discontinued.<sup>8</sup>

The Tenure Policy Task Force is recommending that the Board of Regents narrow that language down, and allow layoffs only in the case of financial emergency or program discontinuation. If the regents adopt the narrower language proposed by the task force, chancellors who get Board of Regents approval would only be able to lay off faculty if they discontinue a program in its entirety.

Critics of the statutory language that allows layoffs to occur because of curtailment or modification or redirections of programs — who include UW System faculty and some chancellors — argue that this would allow chancellors to simply get rid of faculty with modest program changes, effectively undermining tenure, or at least faculty confidence in tenure protections.

Supporters of stronger tenure policy revisions counter that the policy proposed by the Tenure Policy Task Force doesn't go far enough, noting that the language in the new state law, 2015 Wis-

consin Act 55, allowed the Board of Regents and campuses much more latitude.

There will likely be considerable pressure on regents from both critics and proponents of stronger reforms to make last-minute changes to the recommendations of the Tenure Policy Task Force.

Some background is helpful in considering the two options.

UW System campuses do eliminate, suspend, and add programs nearly every year. Over a 10-year period ending in 2014, the system eliminated 50 programs, suspended 18 and added 149, according to data provided by the system. In the past, those tenured faculty affected by the termination of programs would have to be re-assigned to other programs. Under the new proposed policy, they would not. At least in theory, this would give chancellors more flexibility to manage their campuses, terminate faculty and, if needed, hire new faculty for new programs.

On the other hand, eliminating 50 programs over 10 years in a system with 26 campuses and an Extension means that program

terminations are rare. Between 1974 and 2014, the number of degree-granting programs, including graduate and doctoral degrees, dropped only slightly from 1,252 to 1,224, with undergraduate degree programs increasing by 23 to 733, master's programs shrinking by 56 and Ph.D. programs rising by five. The numbers aren't static or linear (program numbers dropped to as low as 1,201 in 1998-1999), but they are fairly stable, especially considering that the UW System grew from 116,445 students to 156,162 over the same period.

UW-Stout's establishment of a bachelor's degree in manufacturing engineering in the 1990s illustrates how some programs are redirected rather than eliminated outright is an example of why latitude is needed to lay off faculty when programs are being curtailed or modified. An older applied technology program had to be phased out and transformed in order to keep pace with rapidly changing marketplace demands, according to Sorensen.

While giving chancellors the ability to lay off faculty when programs are discontinued is a step in the right direction, campus leaders need more latitude to shrink or redefine programs that are still useful but are evolving or becoming less popular or necessary.

Even then, it should be noted, faculty will not be without recourse.

Layoffs — by statute — could only be made in accordance with numerous procedures and provisions. Any faculty member laid off would have to be given 12 months of notice, would be entitled to a written explanation of the reasons supporting the need for the layoff and why the individual position was accepted for elimination, and would have the right to a hearing before a faculty hearing committee.<sup>9</sup>

Moving forward, chancellors, past and present regents, and most faculty are acutely aware that universities are changing dramatically in the face of distance learning technologies (and competition) and the rapidly changing needs of today's students — and tomorrow's. That almost certainly means new ways of teaching, new programs. Programs are already being redirected or modified rather than discontinued, and if schools are to become more nimble and responsive, chancellors need the ability to lay off faculty even when entirely eliminating an entire program is not merited.

**Recommendation:** *The Board of Regents, in order to allow true flexibility, innovation and adaptation at the campus level, should allow the universities to lay off faculty for reasons that include significant program reduction or modification, not simply program discontinuance.*

## VI. The seniority issue

Regents are hamstrung by statutory language laying out who might be selected for layoff in the event of a financial emergency or program change.

By statute, "layoffs would normally follow seniority unless a clear and convincing case is made that program or budget needs dictate other considerations such as the need to maintain diversity of specialization within department."<sup>10</sup>

The Tenure Policy Task Force, in turn, recommends that the Regents adopt a virtually identical policy and alludes to the statute, Wis. Stat. s. 36.22(3)(a).

If all members of the task force truly believe that program-related layoffs should be possible only in cases of discontinuance, it seems odd that that they included this section on seniority. If a program were discontinued, all faculty members would presumably be laid off and the recommendation regarding seniority would be unnecessary.

It would also make little sense, though, to include the seniority

provision in a world where chancellors have the ability to lay off faculty when programs are modified or redirected or curtailed rather than outright discontinued. Retaining faculty simply because they have been on the job longer — with no consideration of how up to date their knowledge and skills are — does not help keep Wisconsin's universities in sync with the rapidly changing needs of its students or the marketplace. Quite the opposite.

Unfortunately, given the way the statute is written, Regents have no choice in this matter.

• **Recommendation to legislators:** *Remove language from statute alluding to seniority as a consideration when determining layoffs.*





## VII. The bigger picture

The UW System encompasses 13 two-year campuses, the statewide UW-Extension and 13 four-year campuses — two of which award almost all of the system's doctoral degrees and traditionally have engaged in most of the system's research. Research and community interaction responsibilities differ widely, but so do the types and levels of instruction and the percentage of employees with tenure.

Most of the press reporting on tenure policies in the UW System focuses on tenured faculty at UW-Madison and, to some extent, UW-Milwaukee. But a slight majority (54%) of tenured and tenure-track faculty work outside those two major campuses. Meanwhile, more than 4,700 of the 11,000 (43%) are instructional staff members who work under contracts and will never be eligible for tenure.<sup>11</sup>

Percentages of tenure and tenure-track faculty versus instructional staff vary, depending on the type of institution in the UW System. The top research universities have 2,922 tenure and tenure-track faculty and 2,329 full-time equivalent positions for instructional staff (56%-44%). All other four-year institutions have 2,840 tenure and tenure-track positions and 1,141 full-time equivalent positions for instructional staff (71%-29%). The two-year colleges and Extension have 522 tenure and tenure-track faculty and 264 full-time equivalent positions for instructional staff (66%-34%).

These percentages could change over time because there is no set number of tenured faculty positions predetermined by the Board

of Regents, the chancellors, or even the departments themselves. Instead, the number of tenured faculty in each department in each college on each campus tends to be based on:

- 1) The number of probationary faculty in the “pipeline” who are eligible for tenure.
- 2) The growth, or lack thereof, of the program or department in which they teach.
- 3) Departmental budgets that provide new faculty positions or provide the funds to replace retired professors or those who leave for other institutions.
- 4) Hiring priorities on campuses. Some professors are more successful and in demand elsewhere than others. It is often argued that programs facing national market pressures for top talent have to compete, and tenure can be a factor in job offers or retention. Purely from a competition perspective, tenure protections are more vital to the university in some areas than others.

• **Recommendation:** *Direct chancellors to clearly articulate to the Board of Regents, each time a person is considered for tenure, why the department and university will benefit from having a tenured employee rather than a member of the instructional staff operating on a contract. Specific reference should be made to the mission of the university, and how the department and candidate are expected to contribute to the various facets of the mission.*

## VIII. Conclusion

Tenure Policy Task Force Chair Behling told the Regents Education Committee in early February that the goal of the task force was to preserve both the intent and the language of faculty tenure protections. In fact, the new proposed policy begins: “Tenure is the keystone for academic freedom and excellence and is awarded for academic and professional merit. Tenure is an essential part of the guarantee of academic freedom that is necessary for university-based intellectual life to flourish.”

Board of Regents President Millner reflected last year in an interview that even the new state law itself wasn’t all that radical because, in effect, it simply turned tenure policymaking authority back to the Board of Regents, which is where was for three-quarters of a century before it was written into state law in 1978.

Behling introduced the task force proposal by noting that it is “comparable and competitive” with tenure policies at UW System’s peer institutions, including Minnesota state universities, the University of Texas, South Carolina, Colorado, California state universities, the Universities of Maryland and Michigan — and that the proposed policy is also consistent with tenure policies supported by the American Association of University Professors.

Millner noted that University of Michigan — one of the most competitive and comparable UW-Madison peer institutions — has a tenure policy that allows faculty termination for both budget and academic program reasons. “It doesn’t seem to be an issue there,” she said, adding that the University of Michigan seems to have little problem recruiting and retaining top academic and research talent.

At Suffolk University, a private college in downtown Boston, it’s been the opposite. New management “tools” were proposed, including removing the faculty committees from the tenure review process entirely, that sparked an eruption among faculty, who protested the university had essentially eliminated the intellectual freedoms and protections tenure was created to protect.

Many universities, meanwhile, operate without tenured faculty at all.

Concordia University in Mequon has had a “contract” system in place for the last 30 years in which associate and full professors

receive three- and five-year “rollover” contracts instead of tenure. The professors are evaluated every year and, if they perform well, their three- and five-year contracts are extended. If not, they’re allowed to teach until their current contracts expire.

Concordia’s nine sister campuses around the country actually have both systems in place: Some campuses offer traditional tenure, others use the Concordia-Mequon contract system. All have seen much the same results in terms of recruitment, retention and compensation, according to Concordia University President Patrick Ferry.

“This really isn’t an issue because candidates know (Concordia’s hiring system and its expectations) going into the process,” he says. So the real challenges occur during the interview in which candidates are questioned extensively to ensure they’re a “good fit” for Concordia. Once hired, he says, the contract system seems to work well, adding that he could only recall one faculty member’s contract not being extended in his 24 years on campus.

The Milwaukee School of Engineering also has a similar “contract” system in place. All new faculty members are required to teach for two years at MSOE before they receive a contract offer. If they clear that two-year evaluation, assistant professors receive a four-year contract offer, associate professors a six-year contract offer, and full professors an eight-year contract.

Every faculty member is evaluated every year, regardless of their contract status, but that contract is still an added, positive force that helps push faculty to stay current in their teaching and research, says MSOE’s Vice President for Academic Affairs Fred Berry. “It holds faculty to some degree more accountable.”

Yet while MSOE has some faculty turnover like all academic institutions, he says he can recall only three cases in the last 15 years in which a faculty member’s contract at MSOE wasn’t renewed.

Both tenure and the contract system work, says Berry, who has worked under the tenure system at Louisiana State University and under a contract system at Rose Holman, a private college in Ohio. The fact is, he says, that university faculty — as a group — are fairly motivated professionals. At both institutions, he says, there may have been a problem faculty member or two not staying current in their field, or not showing up for work. “But they were the exceptions, in both systems.”

The difference, of course, is that at Rose Holman, college admin-

istrators had an added tool to address those exceptions: They can terminate contracts of professors they consider to be under- or non-performing.

Finally, while the UW System still has a fairly high percentage of tenured and tenure-track faculty, higher education in general has scaled back dramatically. In 1969, nearly 80% of positions in higher education were on the tenure-track. By 2009, that number was down to 34%.<sup>12</sup>

**Recommendation:** *After adopting a new policy on tenure, the Board of Regents — in recognition of the fact that the missions and duties of faculty and instructional staff differ from campus to campus — should undertake a systemic review of whether tenure is appropriate and necessary on all campuses and departments as well as at the Extension.*

Higher education is operating under a traditional model that will almost invariably change in the coming decades. Student debt levels are widely considered to be unsustainable. Online learning is already changing how classes are taught and the role of instructors, even in the UW System. State budgets are under considerable stress, and taxpayers, let alone legislators, will scrutinize how

tax dollars are being spent and demand either accountability or systemic change.

While tenure protections are here to stay for the foreseeable future, tenured positions are dramatically decreasing across the country and make more sense in some institutions than others. While the Board of Regents is devising a new tenure policy in the short term, we encourage the regents to also consider where and how tenure fits into the array of employment arrangements already being used elsewhere and, in fact, throughout the UW System itself.

There is clearly immense pressure on the regents from tenured and tenure-track faculty to keep longtime tenure guarantees in essentially the same form they have been for decades. However, adopting a tenure policy that does not assure taxpayers and legislators that the regents are serious about holding faculty accountable, does not give chancellors the latitude to nimbly align their campuses with the needs of students and the marketplace, and does not recognize that higher education will invariably undergo immense change and reform in the coming decades, will not serve the long-term interests of either highly-valued professors or the rest of the Badger State.



**Mike Nichols** is the president of the Wisconsin Policy Research Institute. He has also been a WPRI senior fellow, syndicated newspaper columnist and communications consultant. He is the author of numerous papers and articles focusing on public policy topics, as well as two books, "The Waking" and "Just a Few Sleeps Away." He holds a bachelor's degree from Boston College and a master's degree from the University of Chicago.

**Michael Flaherty** is a Wisconsin writer and owner of Flaherty & Associates, a public policy communications firm in Madison. Prior to opening the firm in 2000, he was a journalist for 25 years in Madison, Washington, D.C., and Minnesota. For the last two decades he has taught a writing class at UW-Madison's Department of Life Sciences Communications in the College of Agricultural and Life Sciences. He holds a bachelor's degree in journalism from the University of Minnesota.

**Charles W. Sorensen** retired as chancellor of the University of Wisconsin-Stout in 2014. He served as a teacher, historian, academic dean and academic vice president prior to joining the Stout staff in 1988. A native of Moline, Ill., Sorensen received a bachelor's degree in history and political science from Augustana College in Rock Island, Ill., a Master of Science degree in history from Illinois State University and a Ph.D. in American history from Michigan State University. He also attended the Harvard University Institute for Educational Management.



## Endnotes

<sup>1</sup> Faculty Opinions on Tenure in Wisconsin, William G. Howell and Susan C. Mullaney, December 16, 2015. <http://www.wpri.org/WPRI/Polls/UW-System-Faculty-Opinion-on-Tenure-.htm>

Howell and Mullaney report that there are 6,283 tenure and tenure track faculty and 4,764 instructional staff. Whereas all tenure and tenure-track faculty are full-time, some instructional staff are part-time. Full-time equivalents for instructional staff total 3,731. Therefore, while 57% of the total are eligible for tenure when counting all positions, the percentage rises to 63% of full-time equivalent positions.

<sup>2</sup> Wisconsin Administrative Code, UWS#, Faculty Appointments, Criteria: [https://docs.legis.wisconsin.gov/code/admin\\_code/uws/3](https://docs.legis.wisconsin.gov/code/admin_code/uws/3), UWS 3.06 (1)(b)

<sup>3</sup> The Core Mission of the University Cluster Institutions (the University of Wisconsin-Eau Claire, the University of Wisconsin-Green Bay, the University of Wisconsin- La Crosse, the University of Wisconsin-Oshkosh, the University of Wisconsin-Parkside, the University of Wisconsin-Platteville, the University of Wisconsin-River Falls, the University of Wisconsin-Stout, the University of Wisconsin-Superior, and the University of Wisconsin-Whitewater): <https://www.uwrf.edu/AboutUs/mission.cfm>

<sup>4</sup> Mission, Goals and Vision of the UW Colleges: <http://www.uwc.edu/about/overview/mission-goals-and-vision-uw-colleges>

<sup>5</sup> Faculty Opinions on Tenure in Wisconsin, William G. Howell and Susan C. Mullaney, December 16, 2015. <http://www.wpri.org/WPRI/Polls/UW-System-Faculty-Opinion-on-Tenure-.htm>

<sup>6</sup> Charles Sorenson and Michael Flaherty, “Beyond the Ivory Tower: How to Get the UW System More Involved in Ground-Level Economic Development,” May, 2015, pg. 4: <http://www.wpri.org/WPRI-Files/Special-Reports/Reports-Documents/UWsystemsorensenmay2015vol28no2.pdf>

<sup>7</sup> Faculty Opinions on Tenure in Wisconsin, William G. Howell and Susan C. Mullaney, December 16, 2015. <http://www.wpri.org/WPRI/Polls/UW-System-Faculty-Opinion-on-Tenure-.htm>

<sup>8</sup> Wisconsin State Statutes, “Layoff or termination of faculty member due to certain budget or program changes,” 36.22(1)(b) <https://docs.legis.wisconsin.gov/statutes/statutes/36/22>

<sup>9</sup> Wisconsin State Statutes on notification in the case of layoff, hearing rights, hearing committee composition, board review, layoff status, alternative appointments and layoff rights: 36.22 (4) – 36.22 (17): <https://docs.legis.wisconsin.gov/statutes/statutes/36/22>

<sup>10</sup> Wisconsin State Statutes, “Seniority,” 36.22 (3) (a) <https://docs.legis.wisconsin.gov/statutes/statutes/36/22>

<sup>11</sup> Faculty Opinions on Tenure in Wisconsin, William G. Howell and Susan C. Mullaney, December 16, 2015. <http://www.wpri.org/WPRI/Polls/UW-System-Faculty-Opinion-on-Tenure-.htm>

<sup>12</sup> Faculty Opinions on Tenure in Wisconsin, William G. Howell and Susan C. Mullaney, December 16, 2015. <http://www.wpri.org/WPRI/Polls/UW-System-Faculty-Opinion-on-Tenure-.htm>

# A Survey of System Instructional Staff Opinions Regarding Tenure

By Ike Brannon and Philip Coyle,  
Capital Policy Analytics

**W**hile tenure imposes specific costs on a university in terms of limiting its flexibility to jettison unproductive or redundant employees, it also brings with it myriad benefits. The perception of those benefits from the perspective of college instructors who operate outside the confines of the tenured system are illuminative. For this group of employees, a majority believes that tenure is a good indication of the quality of research. However, only 30 percent feel it is a good indication of the quality of instruction or of a professor's impact on the community, business or economy.

We surveyed approximately 3,000 instructional staff members in the University of Wisconsin System who teach 75 percent or more of a full-time load and, therefore, receive health insurance – our preferred standard for full time. Of those 3,000, we received 459 responses. We chose instructional staff, those who teach but are not eligible for tenure, in order to get a picture of attitudes toward tenure among a group of individuals who have an excellent perspective on the performance of professors but who themselves have a limited vested interest in the benefit.

We asked six questions regarding tenure. The first three related to their opinion on how effectively tenure measures the performance of the faculty at various activities, and the last three on how it impacts their school more broadly. For the first three questions we gave respondents five options: that tenure always, mostly, sometimes, rarely or never is good indication of performance. We assigned these responses a numerical value from 5 (always) to 1 (never) and then reported the mean and standard deviation, which is about the limit that can be done with such qualitative data.

### **Tenure and research**

The survey was sent to instructional staff at all 26 campuses – including the two R1 research universities in Madison and Milwaukee, the 11 other four-year universities, the 13 two-year schools and the Extension. While universities not granting doctoral degrees are thought to place a greater emphasis on teaching performance on their staff – who have a higher teaching load than at UW-Madison or UW-Milwaukee – the reality is that research is the main determinant when it comes to awarding tenure at all four-year schools. This is reflected in the positive relationship the surveyors perceive between tenure and research activity: The respondents generally believe that tenure is a good indicator of the quality of academic research, the *sine qua non* of the professoriate. One-third of respondents felt tenure is sometimes a good indicator, and 14

percent said rarely or never. The mean of those sampled was 3.5, with a standard deviation of 1.

### **Tenure and classroom instruction**

Next, we asked those surveyed to assess whether tenure is a good indication of the quality of instructors' performance in the classroom.

A third of all respondents said they felt that tenure was always or mostly a good indication of quality. Another third of respondents (35 percent) felt tenure was only sometimes a good indication of the quality of instruction. The final third indicated that they felt tenure was rarely or never a good indication of the quality of instruction. Those who felt strongly that there was no relationship between tenure and teaching performance (12.5 percent) were larger than the 9.6 percent who felt that there was a strong relationship between the two. The mean of those sampled was 2.9 with a standard deviation of 1.1.

### **Tenure and community interaction**

The respondents reported an almost identical perspective for tenure as an indication of the quality of a professor's interaction with the community, business, and economy. Thirty-seven percent of respondents felt that tenure does not appear to be associated with a more active role in the community, business and economy while only 29 percent thought tenure was most of the time or always a good indication of impact in these areas. The mean response was 2.9, with a standard deviation of 1.1.

### **Changing the mix of teaching**

To elicit another perspective on how the respondents felt that tenure related to teaching performance, we also asked the respondents to opine on how increasing the proportion of non-tenured professors would impact the quality of instruction in the department. This is something that's been commonly done across the country as schools seek to economize teaching costs in order to spend money elsewhere.

Respondents were split: One-third thought there would be a negative impact on instruction while 40% anticipated little or no impact if the proportion of non-tenured professors were increased and 23% said it would help a little or significantly. Of those who felt there would be negative impacts on the institution, a small minority (11 percent) indicated they believed the impact would be significantly detrimental to their institution. There was a mean of 2.45 – or halfway between “some impact” and “little impact.”



This is probably one question where it is conceivable that the respondents could have a self-interested reason for their vote, since a move away from tenured and tenure-track professors would increase the demand – and presumably the wages and number of jobs – for instructional staff.

### **If everyone had tenure**

Next, the survey asked about how the caliber of an institution would change if all university faculty members were



on a tenure track. Of the possible responses – much worse (1), a little worse (2), would not change (3), a little better (4), much better (5), and don't know (6) – respondents were split among responses. About 14 percent believe the caliber of instruction would be a little or much worse, 22 percent believed that it would not change, 21 percent believed that it would help a little and 25 percent believed that it would help a lot. 18 percent said they did not know. There was a mean of 4.1 and a standard deviation of 1.4.

### **If no one had tenure**

Finally, the survey explored how the lack of a tenure track within a university would impact the institution's caliber. The majority of respondents (55 percent) felt that its absence would have a negative effect, while 15 percent felt that it would not change the status. Less than 15 percent of respondents believed it would have a positive impact on the university's caliber. Ignoring those respondents who said they did not have an opinion, the average response was 1.8, suggesting that many of those surveyed strongly feel removing the tenure track will be detrimental to the university's caliber.

### **Analysis**

The last three questions should be considered within the context that the respondents took them, which is as a change to an existing school within the University of Wisconsin System. Another context for this question could have been to consider how the institution of tenure would matter if we were considering a new university altogether. Ending tenure protection at a school that's had it since its inception would be a wrenching experience for all employees. However, beginning a new system with job protections that encompass multi-year contracts, multiple layers of review, and the right of due process within the system – but not a lifetime job guarantee – might be something conceivable.

The gist of our results is that tenure matters in the eyes of the non-tenure-track academic staff members. They perceive it to be positively associated with research by faculty, but they are less convinced that it is a good measure of teaching quality or service to the community. Whether its benefits are in line with the costs it imposes is beyond the scope of the data from this survey.

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*Ike Brannon is president and Philip Coyle is a statistical analyst at Capital Policy Analytics, a consulting firm in Washington, D.C.*

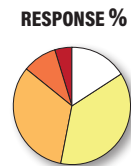
## Topline Analysis

Survey of instructional staff members in the UW System who teach 75 percent or more of a full-time load

► Do you think tenure is a good indication of the quality of an instructor's research achievements?

Never	Rarely	Sometimes	Most of the time	Always	Mean & SD
4.7%	9.2	33.0	37.1	16.0	1.02
21	41	147	165	71	3.50

445 RESPONSES



► Do you think tenure is a good indication of the quality of an instructor's performance in the classroom?

12.5%	22.6	35.0	20.3	9.6	1.14
56	101	157	91	43	2.92

448 RESPONSES



► Do you think tenure is a good indication of the quality of an instructor's impact on the community, business or economy?

10.3%	27.1	34.0	18.3	10.3	1.13
46	121	152	82	46	2.91

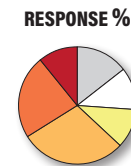
447 RESPONSES



► Would increasing the proportion of classes taught by non-tenured instructors harm or improve the overall quality of instruction in your department?

Significantly harm	Harm a little	Would not make a difference	Help a little	Significantly help	Don't Know
11.0%	23.0	29.1	11.0	11.6	14.3
49	103	130	49	52	64

447 RESPONSES



► How would the caliber of instruction change if all faculty at your university were on the tenure track system?

Much worse	A little worse	Would not change	A little better	Much better	Don't Know	Mean & SD
3.1%	10.8	22.4	20.6	24.9	18.2	4.08
14	48	100	92	111	81	1.38

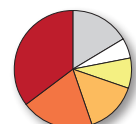
446 RESPONSES



► If there was no tenure at your university, how would the caliber of instruction be affected?

35.4%	19.9	14.6	8.4	5.5	16.2	2.77
160	90	66	38	25	73	1.82

352 RESPONSES



Source: Online survey sent out to approximately 3,000 members of the instructional staff, conducted by Capital Policy Analytics and Washington, D.C.  
Ike Brannon is president and Philip Coyle is a statistical analyst at Capital Policy Analytics.

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