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TENURE AT THE STATE COLLEGES
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Department of Higher Education
Office of the Chancellor
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The tenure situation at the state colleges has been of great concern to the Department of Higher Education over the past several years. The Department has indicated at regular intervals, both to the colleges and to the Board of Higher Education, its belief that reforms in the tenuring process are essential to the proper development of our institutions. A faculty which has too high a proportion of its members on tenure cannot retain the flexibility which is necessary during a period when institutional goals are being re-evaluated and attempts are being made to increase faculty quality.

Data which have been recently collected from the state colleges indicate that a critical situation now exists related to the proportion of tenured faculty at some of the campuses. In the past, policies and procedures governing tenuring have been left in the hands of college authorities. Despite the efforts of many presidents and trustees, however, it has been difficult on some campuses to institute needed changes because of resistance by some faculty groups and the perception that presently-existing contractual relationships limit the colleges in the criteria they could apply to tenure applicants.

To some extent the problem is related to the present tenure statutes which confer tenure upon faculty members upon

their fourth consecutive annual appointment. Because of the time necessary to permit proper faculty and administration participation in the decision-making process, however, tenure decisions are basically made after two years and three months of employment. In most cases, this period of time is satisfactory to properly evaluate individuals initially employed at the ranks of professor and associate professor who come to our institutions with considerable previous academic and scholarly experience and who have completed their formal educational training. For those in the ranks of assistant professor and instructor with little or no previous experience, most of whom have not yet completed their formal academic training, such a limited time period is completely inadequate. It neither permits inexperienced teachers an opportunity to demonstrate the level of achievement which should be expected as a basis for conferring tenure, nor does it allow an institution to make the careful evaluation necessary before conferring a lifetime appointment on a faculty member.

As of the spring of 1972, only 18% of the higher educational institutions in this country with tenure systems had a probationary period of three years or less. An additional 28% had probationary periods of four or five years, and the majority (53%) had probationary period of six years or more. The most common probationary period was seven years, found in

36% of all institutions.¹

The Department has attempted, both by the unilateral introduction of legislation and through negotiations with representatives of the Faculty Association, to increase the probationary period for tenure to at least five years. Each of these efforts has failed. In the absence of legislative relief, it is necessary to consider internal modifications in policies and practices which will assist in ameliorating the problem.

In October, 1971, the Chairman of the Board of Higher Education wrote to the Chairman of the Council of State Colleges indicating concern over the tenure situation and suggesting the establishment of a joint Board/Council Committee to study the matter and bring recommendations to the Board. A copy of this letter is attached to this report. The Council, desiring to initially study the question utilizing its own resources decided instead to establish a Committee on Appointment, Promotion and Tenure under the chairmanship of Dr. Clyde Davis, Chairman of the Board of Trustees of Glassboro State College. This Committee, composed of the vice-presidents for academic affairs of the eight state colleges, submitted a report to the

1. "Faculty Tenure and Contract Systems -- Current Practice", W. Todd Furniss, American Council on Education (Pre-publication Sample Copy, June 19, 1972).

Council of State Colleges at its meeting on June 8, 1972.

The report was transmitted to the Board of Higher Education at its meeting of June 16, 1972 for its information.²

The report contains recommendations relating to policies and procedures in several areas of faculty personnel action. Many of these recommendations deal with internal matters which can be considered by the individual state college boards and adopted as college policy if considered desirable. Several recommendations concerning tenure, however, may have system-wide implications and legal complexities which may make their consideration desirable by the Board of Higher Education. The Board, therefore, asked the Chancellor's Office to prepare a staff study on the tenure situation in the state colleges for their consideration at the Board meeting of July 21, 1972. The purpose of this paper is to present data concerning the tenure status of the state college faculties, to discuss the rationale for limiting tenure, and to indicate the possible effects, both positive and negative, of implementing policies which are recommended in the Davis Committee Report.

2. "Report of the Special Committee on Appointment, Promotion and Tenure", Council of State Colleges, May 16, 1972.

Tenure and Institutional Flexibility

The granting of tenure to a faculty member awards a continuous lifetime contract which can be dissolved by the faculty member at will, but which cannot be broken by an institution except under certain conditions specified by State Law. The grounds for "de-tenuring" a faculty member, which appear to be relatively simple, are in fact so nebulous and ill-defined that the process itself is likely to be successful only when employed in the most blatant cases of misconduct. The provisions regarding removal of a tenured faculty member have not been invoked during the existence of the Board of Higher Education.

There is a definite advantage to an institution in having a stable group of faculty whose professional careers are secure, whether by tenure laws or by long-term renewable contracts. This security provides for a continuity of educational leadership, fosters institutional loyalty, encourages active participation in institutional affairs, and affords the protection of academic freedom which is essential to sound academic practice. Faculty in an institution which does not provide this security might find their constant concerns for their future employment so compelling that it would take precedence over any other professional interest. This would clearly be detrimental to the faculty as a whole, students, institutions, and ultimately society itself.

On the other hand, an institution in which all faculty members are tenured would find itself in an intolerable situation. Prevented from adding new members, except when vacancies occurred through death, retirement, or resignation, it would quickly stagnate internally and lose most, if not all, of its ability to develop and change over time, consistent with its need to be responsive to the society in which it exists.

There are various reasons why an institution must retain a degree of flexibility in the allocation of its faculty resources. All of these reasons are applicable to the current status of the state colleges. First, an institution must be free to start programs and hire faculty in new academic and professional fields. This is particularly critical for institutions involved in redefining their goals and for institutions committed to preparing students for new employment opportunities in a rapidly-changing economy. Unless new faculty lines are made available through increases in student enrollment, faculty in new areas can be employed only by replacing existing faculty in existing departments. This cannot be done if all faculty are tenured.

Second, an institution must be able to adjust the number of faculty in certain areas to reflect changes in academic programs and student enrollment. The employment of large numbers of tenured faculty in an area which has undergone a

significant decline in enrollment, either due to student choice or a reordering of institutional priorities, places an unfair burden on an institution. At the same time it prevents the hiring of new faculty in areas which have experienced enrollment growth, creating large classes and excessive faculty workloads.

Third, an institution must provide a means of assuring adequate academic development of its faculty, particularly in those areas of the social, physical and biological sciences which are experiencing almost exponential growth of knowledge. One way of achieving this goal is to require that every faculty member take a scholarly interest in his field and keep informed of current research and publications. Because of the difficulty in assuring such interest, it is also necessary to be able to constantly introduce into the faculty young scholars who have just completed their training at the research universities where such new knowledge is being generated, as well as more senior faculty who themselves have engaged in this process. This ability to constantly introduce "new blood" into the faculty serves not only to keep existing programs in touch with current research, but also permits the hiring of faculty with academic or professional specializations that may not have existed only several years before.

Fourth, the ability to bring new faculty into an institution

on a regular basis helps to prevent institutional provincialism. New faculty bring with them different experiences, philosophies, and perspectives in such matters as institutional governance, teaching techniques, faculty evaluation, and curricular development. These experiences often challenge current institutional practice and provide new input in college deliberations which may lead to innovation or change.

Fifth, institutions are often faced with compelling reasons for reassessing personnel policies. These reassessments may reflect legal requirements, matters of urgent social policy, or both. Two current examples are the attempts being made by our institutions to actively recruit minority and female faculty members. This effort not only reflects a social policy goal of eliminating past inequities and creating institutions more fully reflective of the multi-racial nature of our society, but in fact will also soon be legally required by federal authorities of all public institutions. A fully-tenured faculty could effectively prevent the initiation of any affirmative action program.

A statement by the Provost of Cornell University to his deans and department chairmen in 1971 summarizes some of these factors.

Faced with stringent budgets and the probable limited growth in faculty over the next decade, the University must modify current enrollment,

employment, and promotion practices and policies. The alternative is the prospect of having most of its faculty at the tenured level with little opportunity to bring in assistant professors because few non-tenure positions will exist.

The quality of the University will surely decline if it does not continue to recruit highly-qualified young scholars with the determination to select only the truly outstanding for promotion to tenure.

If the use of the term "scholars" is defined to include teachers who engage in scholarly activities to increase their teaching competence, as well as those engaged in scholarly research, this statement can be considered applicable to any institution of higher education.

What Proportion of the Faculty Should be Tenured?

On the basis of these considerations, it could be argued that either a fully-tenured faculty or a fully non-tenured faculty (that is, a faculty in which no long-term commitments exist, whether by tenure provision or contract) would be undesirable and that this would be true in reference both to entire institutions and to smaller units, such as departments, within colleges. Is it possible to establish with certainty the precise proportion of tenured faculty between these two extremes which would provide maximum flexibility while at the same time assuring a satisfactory base of faculty security and continuity? Unfortunately the answer is "no". Decisions of this nature are ultimately matters of policy which must be

based upon judgment. However, there are some factual data which may prove helpful in attempting to determine a range of what an appropriate level of tenured faculty might be.

One way of examining the question is to review current practices at other institutions. A 1969-70 study, for example, has indicated the percentage of faculty on tenure for 60 of the 112 members of the National Association of State Universities and Land-Grant Colleges. In total 54.8% of the faculties of these institutions were under tenure. At only 3 of the institutions were as many as 70% of the faculty tenured, and at only 11 were as many as 60% tenured. The largest number of institutions (23) had tenure rates between 50% and 60%, and the second largest number (17) had tenure rates between 40% and 50%.³

A study of 31 major universities in 1961-62 indicated an average tenure rate of 57.6%, reasonably close to the 51.0% seen in the 1971 data, although different institutions were involved and the studies were done at different time periods.⁴ A 1955 survey of 68 institutions in three states indicated a comparable tenure rate of 53%.⁵

3. Academic Tenure in American Higher Education, B.N. Shaw, Chicago, Illinois (1971).

4. "A Review of the Tenure Policies of Thirty-One Major Universities", Paul Dressel, Educational Record, July, 1963.

5. Tenure in American Higher Education, Clark Byse and Louis Joughlin, Ithica, New York, 1959.

The most recent and inclusive study available regarding tenure, just completed in 1972 by the American Council of Education, gives tenure rates for various categories of institutions.⁶ The majority of public four-year colleges (57%) had less than half of the faculty on tenure. An additional 39% had between 51% and 70% of the faculty on tenure, and only 4% of these institutions had 71% or more of their faculties tenured. The median percentage of tenured faculty for this category of institutions was approximately 47%.

These four studies indicate that a tenured faculty of between 50% and 60% is probably normative. While normative patterns cannot, of course, be assumed to reflect sound practice, the general consensus which has developed at many institutions, each operating independently of the others, is perhaps evidence that a faculty tenured at that level is desirable.

It is also possible to consider the question of tenure ratios independent of a consideration of normative practice. For example, approximately 45% of our faculty hold the rank of professor or associate professor. It is to be expected that by and large individuals in these senior ranks should also be tenured and that the tenure ratio for these faculty would be about 90%. An additional 35% of the faculty are in the rank of

6. "Faculty Tenure and Contract Systems -- Current Practice".

assistant professor. Given the need for flexibility to bring in young scholars, it can be argued that perhaps one quarter of the individuals at this rank should be given tenure. At the lowest academic rank of instructor, it could be argued that only infrequently would individuals with the experience and credentials required for initial appointment to that rank be able to exhibit the achievements during their probationary period which would justify a tenure appointment. The level of tenure for such individuals might therefore be no higher than 10% at most of those holding this rank. If these criteria are reasonable, approximately 51% of the state college faculties should be tenured, a rate not far different from that seen in the normative data.

While no criterion can be accepted as unquestioned, therefore, it would appear that the establishment of a tenure ratio of approximately 60%, while slightly higher than the average for higher educational institutions, would fulfill the dual and often conflicting institutional needs of both flexibility and stability.

The Current Tenure Status in the State Colleges

Data submitted by the colleges in the spring of 1972 indicate that the tenured faculty in the state colleges was approximately 63% in September, 1971, climbed to 71% in

January, 1972 as a result of yearly tenure decisions made at that time, and will probably drop to 65% in September, 1972 as new faculty are added to meet significant enrollment increases on most campuses. The range of tenured faculty at the colleges in September, 1972 will ^{probably RANGE} be between 58% at the campus with the lowest tenure ratio and 75% at the campus with the highest tenure ratio.

While these data indicate a serious tenure problem on some campuses, four other factors which affect the tenure ratio must also be considered. These include the growth of tenured faculty during the past several years, the effect of decreasing enrollment growth in the years ahead, the distribution of tenured faculty by department, and the distribution of tenured faculty by rank.

First, there has been a small but significant increase in the proportion of tenured faculty over the past several years. This increase has taken place despite the large influx of new faculty during that period. For example, the Department has analyzed data which indicate a tenure ^{RATIO} ~~rate~~ of approximately 59% in September, 1970, compared with 63% in September, 1971 and an estimated 65% in September, 1972. The number of newly-tenured faculty therefore appears to generally exceed on a yearly basis the number of older tenured faculty who leave the colleges. If this trend continues, even this modest increase

of 6% over three years can produce a faculty six years from now which may be 77% tenured. This tenure level will severely inhibit the flexibility of the colleges.

Second, to a great extent the increase in the proportion of tenured faculty in the past has been moderated by the large number of new appointments made during the past several years as a result of increased enrollments. As the enrollment increases taper off and eventually disappear, continuation of present tenure policies will result in precipitous increases in the proportion of tenured faculty. One college in the system has already reached this stage of stabilized enrollments. The proportion of tenured faculty in this institution has climbed from approximately 58% in 1970 (almost exactly the average for all colleges that year) to 67% in 1971 and ^{MAY REACH} 75% in 1972. As other colleges approach their master plan enrollment goals, the same problems may emerge.

Third, tenure must be viewed not only as a college-wide phenomenon but as a departmental problem as well. Individual departments may face even more severe limits on flexibility caused by over-tenuring than colleges themselves. In fact, a college in which 70% of the faculty in every department are tenured might face fewer problems than one in which the total tenure rate were 60%, but in which half the departments were at 90% and half at 30%. Data drawn from the colleges as of

January, 1972 when the total tenure rate was approximately 71% is illustrative of this problem.

At that time there were 128 individual departments in the state colleges. (This includes 5 schools at Montclair for which departmental data were not available.) The distribution of these departments by the proportion of tenured faculty in each is shown below.

<u>Tenure Rate</u>	<u>Number of Departments</u>	<u>Percent of Departments</u>	<u>Cum. % of Departments</u>
90 - 100%	11	8.6%	8.6%
80 - 89	28	21.9	30.5
70 - 79	34	26.6	57.1
60 - 69	24	18.8	75.9
50 - 59	16	12.5	88.4
40 - 49	5	3.9	92.3
30 - 39	4	3.1	95.4
20 - 29	2	1.6	97.0
10 - 19	1	0.8	97.8
0 - 9	3	2.3	100.1
	128	100.1%	

In January, 1972, 30% of all departments in the colleges were over 80% tenured, and 57% were over 70% tenured. If the criterion of 60% is accepted as constituting sound practice, then fully three-fourths of our departments exceeded that level. The median department had 73% of its faculty on tenure. (These rates will decrease slightly in September, 1972 as new faculty are added to the college staffs.)

While it would seem reasonable that a college consider the proportion of tenured faculty in a department as one factor when making tenure appointments, in fact it is difficult under present circumstances to do so since, in many colleges, present policies and practices focus almost entirely on the qualifications of the individual involved, rather than on departmental or college-wide needs. For that reason, 65 of the 138 faculty members given tenure in 1972 (47%) were located in departments whose tenure rate exceeded the median for the colleges. If policies were in effect which were related to the proportion of faculty tenured in a department, it would be expected that a much smaller number of tenured faculty would be added to departments already heavily over-tenured.

Fourth, the tenure situation can be viewed as it relates to the ranks of tenured faculty members. In some institutions tenure is awarded only to faculty members at the two senior ranks. The majority of institutions, however, include assistant professors as eligible for tenure, and a small proportion permit the tenuring of instructors. In the recent study of AASULGC institutions cited earlier, it was reported that of 80 institutions reporting, 19% gave no tenure below the rank of associate professor, and 65% gave no tenure below the rank of assistant professor. Of the remainder, 28% gave tenure to

instructors, and 8% did not designate a required rank.⁷

Because of these differences, the proportion of faculty tenured was significantly different at each rank. For 60 responding institutions 94% of all professors and 83% of all associate professors were tenured, compared with 18% of all assistant professors and 5% of all instructors.

The distribution of tenured faculty by rank as of September, 1971 at the New Jersey State Colleges was quite different. While our tenure rates for professors (89%) and associate professors (76%) were reasonably close to the normative AASULGC data, our tenure rate for assistant professors was 53% and for instructors was 43%. These rates were three times higher for assistant professors and eight times higher for instructors than the AASULGC findings. It is primarily the tenuring of large numbers of individuals at these lower ranks that has caused the tenure problem which we now face.

The excessive tenuring of assistant professors and instructors is to a great extent related to present tenure legislation which provides for a legal probationary period of three years and an effective probationary period of slightly more than two years. In contrast, 46 colleges in the AASULGC study reported average probationary periods of 5.3 years for

7. Academic Tenure in American Higher Education.

assistant professor and 6.5 years for instructor. Almost all of our instructors and the majority of our assistant professors are employed directly from graduate school and have not had significant teaching experience. Almost without exception they lack the terminal degree. It is difficult to justify the granting of a lifetime commitment to significant numbers of such individuals, and in fact in many cases, tenure decisions are granted on the lack of negative information rather than on the availability of positive evidence of scholarly achievement and excellence in teaching. In the absence of regulations concerning institutional needs, it is difficult for colleges to use this as a basis for decision making. As a result, our colleges have extraordinarily large proportions of junior teaching staff on tenure, ^{MANY} ~~most~~ of whom lack the qualifications for ever being considered for promotions to associate professor.

Policies Related to Tenure

A college must establish certain policies and practices if it wishes to properly control its tenure situation. Some of the New Jersey colleges have incorporated such policies and practices either in written statements or in unwritten but commonly understood and accepted procedures and have therefore exercised reasonable control over the tenure process. Other institutions, for various reasons, have found it more difficult

to do so. There are at least four components to a reasonable policy regarding tenure, including the philosophical context for tenure decisions, the need for institutional planning, a consideration of an appropriate tenure ratio, and the requirements for faculty qualifications for tenure. The Davis Committee⁸ has recommended policies in each of these four areas for consideration by the individual college boards of trustees and possible implementation. Each of their recommendations are appropriate, consistent with sound academic practice, and would be of great benefit to an institution in its tenuring process. The recommendations which follow are based upon the Davis Committee Report, although they may differ slightly in wording and emphasis. The question which must now be discussed by the Board of Higher Education is whether the Board itself wishes to leave any or all of these matters to the discretion of local boards, or whether it wishes to incorporate any or all of them into Board policy or regulations.

The four major positions regarding tenure, as adopted by the Davis Committee but with some additional Departmental comments, are as follows:

8. "Report of the Special Committee on Appointment, Promotion and Tenure".

(1) The Context for Tenure Decisions

There are many views regarding the meaning of the tenure decision, but they can be roughly divided into two basic philosophic positions. One position argues that once appointed, a faculty member acquires a presumptive right to reappointment and by implication to tenure. There is therefore no basis upon which an institution can deny reappointment to a faculty member who basically discharges his obligations in a generally satisfactory way, unless an institution can present evidence that a faculty member is not satisfactory. The burden of proof in such a case falls upon the institution to indicate why reappointment should not be made, rather than upon the faculty member to indicate why he should be reappointed.

The second position is based upon the belief that a significant change occurs in a faculty member's status upon acquiring tenure. This position, which is supported by traditional academic practice, is based upon a belief that during the probationary period the faculty member bears the burden of present evidence which indicates the desirability of his reappointment, with no presumption of reappointment accruing to him as a right. Moreover, the criteria used by the institution in judging his eligibility for reappointment is significantly different depending upon whether the reappointment confers tenure. For reappointment without tenure, the

institution may merely look for evidence that the individual is performing his functions in a satisfactory manner. When a reappointment confers tenure, however, the criterion becomes not merely satisfactory performance but also should include evidence that the individual will make a substantial and significant contribution to the future development of the institution. This additional criterion is a reflection of the fact that reappointment with tenure imposes a lifetime commitment upon an institution, a commitment which is not implied by a non-tenure reappointment. Under this philosophy, the annual reappointment of a faculty member is not at a later stage a valid argument for his reappointment with tenure, since different criteria are used in both cases. This latter concept of tenure is the most sound, and the following four statements of policy should assist institutions in establishing an appropriate context for decision making in the tenure process:

(a) Tenure should be awarded only to individuals whose performance during their probationary period gives clear evidence of the ability and willingness to make a significant and continuing contribution to the growth and development of the institution.

(b) Tenure should be awarded after presentation of positive evidence of excellence in teaching, scholarly achievement, contribution to college and

community, and fulfillment of professional responsibilities, and not solely because negative evidence to the contrary is not presented.

(c) In granting tenure to individuals, the needs of the college as evidenced by the proportion of presently-tenured faculty on both the college-wide and departmental-wide basis should be considered.

(d) Each college shall undertake to evaluate tenured faculty at least once each five years after the granting of tenure.

(2) Institutional Plans

The establishment of an institutional master plan indicating the personnel requirements of an institution is an essential prerequisite to proper tenure decision making. Each state college should prepare a master plan for faculty personnel actions in accordance with agreed-upon procedures in each institution. The plan should be formally approved by the board of trustees. Such plan should be as specific and precise as possible for the first two years of the plan and may be more general for the following three years. Planning should be considered an on-going process involving faculty, administration, students, and trustees, as appropriate, and should serve as a basic guide for personnel actions.

In preparing the master plan, institutions should consider the following factors:

- (a) Present distributions of faculty by department, rank, and tenure status as they relate to student enrollments.
- (b) Projected distribution of student enrollment and credit hours of instruction by department, with their implications for the needs of faculty in these areas.
- (c) The desirability of broadening the range of skills, specializations and concentrations available within a department.
- (d) The desirability of a diversity of educational preparation of faculty members to prevent inbreeding or over-recruitment from specific graduate schools.
- (e) The need for distinguished senior faculty, either to replace a loss or to strengthen a department.
- (f) Personnel needs which may arise due to planned retirements.
- (g) The desirability of limiting the number of tenured faculty members on both a department- and college-wide basis to permit flexibility in institutional development.

The master plan itself should indicate precisely, for at least a two-year period and generally for the following three years, how many faculty members shall be recruited, promoted, and given tenure by department, specialization, rank, and academic preparation.

In presenting any tenure recommendation to the board of trustees, the president should be required to indicate whether the recommendation is consistent with the institutional master plan. Recommendations not consistent with the master plan should be supported by specific reasons which indicate that the proposed action is for the good of the college.

(3) The Establishment of An Appropriate Tenure Ratio

The need to limit the proportion of tenured faculty in order to provide for institutional flexibility has previously been discussed. It is critically important for colleges to consider the proportion of tenured faculty on both an institution-wide and departmental-wide basis when evaluating candidates for tenure. While no stated proportion can be said to be the "best" one, in general when the tenure rate rises above 60% in a department or college, special action is needed to protect the needs of the institution. At the same time, provision must be made to permit institutions to make tenure decisions in cases which fall above this level when it is clearly in the best interests of the college to do so.

The board of trustees of each state college should therefore establish internal policies which indicate either that it will impose specific restrictions or more intensive and rigorous review procedures for any tenure appointment which brings the proportion of individuals in a department or in the college as a whole above the level of 60% tenured. Appointments raising the tenure rate above that level should be made as an unusual action when judged by the college board of trustees to be in the best interests of the college.

(4) Qualifications for Tenure

At the present time, criteria exist for appointment to each academic rank, but no criteria exist for tenure. Since the appointment process and the tenure process are not identical and have different implications for the long-range viability of an institution, it is appropriate that the criteria for tenure be different as well.

Some of the colleges have already imposed "significant progress toward the doctorate" or "receipt of the terminal degree" as a criterion for tenure. The establishment of this criterion is being attacked both through contractual grievance procedures and through the courts. Without commenting on the possible outcome of the cases, it would appear that the establishment of Board policy dealing with such criteria might prevent such legal actions in the future.

Since a major source of tenured faculty without the doctorate has been the instructors rank, it has been suggested that a policy might be established preventing the tenuring of individuals at the rank of instructor as one way of dealing with this issue. This is not a satisfactory resolution since there are circumstances under which an institution may wish to tenure a specific instructor. Moreover, such a policy would probably be illegal since the present tenure laws specifically permit the granting of tenure to individuals at that rank.

A preferred alternative would be to establish a policy regarding faculty qualifications for tenure regardless of rank. Such a policy would indicate that tenure may be awarded only to faculty members who possess an appropriate terminal degree or its equivalent, except under unusual circumstances when the granting of tenure to an individual not having these qualifications is judged by the board of trustees as being in the best interests of the institution.

Requiring a terminal degree for tenure appointment is a matter upon which reasonable men may reasonably disagree. Particularly in institutions in which the major criterion for promotion or tenure should be excellence of teaching, it can be argued that the attainment of a terminal degree may be irrelevant at best, or deleterious to the teaching mission at worst.

On balance, however, the terminal degree criterion is consistent with sound academic practice and should be adopted. While it is true that receipt of the degree does not automatically define one as a good teacher, it does indicate scholarly achievement at a certain level which should be required of all tenured faculty. It is probable that a large enough number of qualified faculty members with the terminal degree and with the potential for teaching excellence will be increasingly available for employment during the next decade, so that faculty members without the credential should not normally be considered. Those faculty members meeting a high level of scholarly achievement but not proving to be outstanding teachers should not, of course, be tenured. By the same token, however, faculty members without the terminal degree who give evidence of equivalent scholarly attainment and outstanding teaching ability should be considered for tenure. The recommended policies permit a college board to use its own discretion in making this judgment.

The Effects of These Policies

These recommended policies would have both positive and negative effects on our colleges. While, on balance, the advantages far outweigh the disadvantages, it is important that the Board be fully aware of their impact upon the colleges.

Advantages

The major advantage of these policies is to permit the flexibility required by the colleges to respond to changes in educational and social needs. This advantage has already been described in detail and need not be reviewed here. It is important to note, however, that prompt action is required if this is to be accomplished. At each of our colleges, at least 50% of the faculty anticipated under the maximum enrollment envisioned in New Jersey's Master Plan is already employed and tenured. At some colleges the proportion is much higher. These data by themselves indicate that to a great extent the future courses of the colleges over the next decade have already been charted. Of course, there are various factors which can lower this proportion, but at present none of these factors appear to offer significant relief. The retirement age is now 70, job mobility is difficult given the present academic market, and de-tenuring procedures are difficult and unlikely to be implemented on a scale great enough to have any real impact.

On the other hand, the initiation of new policies may still have a vital effect on the colleges. Faculty size will increase significantly over the next five years at most colleges to support increased enrollments, and the movement towards single-session institutions will mean the employment

of more full-time faculty to teach courses in the evening, formerly taught by part-time adjunct personnel.

These new policies, if approved by the Board of Higher Education, would also strengthen the position of some institutions which in fact have already implemented similar internal policies and procedures. While these institutions have the authority to individually adopt such policies, their implementation on a system-wide basis would put an end to actions directed towards individual colleges questioning that authority. In addition, it will permit those colleges which have found it difficult in the past to implement such policies in the light of serious internal opposition to now do so.

The new policies would also make available to faculty members a more explicit understanding of the conditions under which decisions concerning their tenure status in an institution may be made. If a faculty member knows of an institution's long-range plans for his department, and of the philosophy underlying decision making for tenure, career plans can be made in a more rational manner.

Disadvantages

The disadvantages of these proposed policies are less obvious than the advantages, but are nonetheless of great importance. In many colleges these policies, whether implemented through local board initiation or Board of Higher Education

regulation, will severely conflict with present procedures and faculty expectations. Some faculty members without the terminal degree will oppose them for personal reasons and others who are fully credentialled may argue that they arrogate certain rights to the college or State Board which they believe inherently reside in the faculty. The Faculty Association will almost certainly cause them to be subject to judicial scrutiny, a test from which, it is believed, they will emerge unscathed. The proposed policies will therefore engender conflict on the campuses; the extent of such conflict cannot now be determined.

The proposed policies will also, ironically, initially inhibit the development of a more highly-qualified faculty on some campuses. Because of the fact that many departments and many colleges are already heavily over-tenured, the rate of tenuring over the next several years will be lower than in the past. In many respects the younger faculty now eligible for tenure are stronger in scholarly preparation than the older presently-tenured faculty, and the effects of the proposed policies would be to deny tenure to qualified individuals who have been recruited to strengthen the existing faculty. Such individuals might include numbers of women and minority group members who are now being increasingly recruited by the colleges. In making tenure decisions, therefore, a college

board of trustees must exercise its own discretion in determining which of two policies, which may be inherently in conflict, should take precedence in making decisions which are in the best interests of the institution. The loss of such individuals is a severe price to pay for problems caused by improper decisions in the past, but may be essential to maintaining and enhancing the quality of the faculties in the future. As long as a college board maintains some discretion in tenure appointments based upon the needs of the institution, and as long as the pool of qualified replacements continues to grow as it has during the past several years and as it is predicted to do during the present decade, it is probable that an institution will not gravely suffer from the implementation of these policies.

The same may not be said about the faculty members involved. Given present job market conditions, many of these individuals with satisfactory personal qualifications will find alternative jobs difficult to secure if they are not given tenure because they were employed in a department which otherwise was completely tenured.

It should also be noted that while consideration of the proportion of tenured faculty in a department or a college when making tenure decisions is not uncommon in colleges and universities, the establishment of specific policies to that

effect is still atypical. Only 8% of public four-year colleges in this country limit the proportion of tenured faculty,⁹ although 37% indicate they are presently reviewing their tenure system and by inference may consider this as a possibility in their revised policies.

9. "Faculty Tenure and Contract Systems -- Current Practice".

