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**The application of civil service appraisal methods to the post-tenure review systems
used for the evaluation of academic tenure**

by

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A thesis submitted to the graduate faculty

In partial fulfillment of the requirements for the degree of

MASTER OF PUBLIC ADMINISTRATION

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Program of Study Committee:
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CHAPTER 1. INTRODUCTION

The debate surrounding the practice of tenure has intensified in recent years due in part to the near collapse of the financial market and the following economic turmoil. As universities across the country cut faculty and raise tuition, the role and performance of the tenured faculty member is placed under increased scrutiny. The general mechanism used to evaluate these valued members of the university, and academia in general, is the post-tenure review. This mechanism operates in a world in which academic freedom precludes most standard forms of evaluation, and in which generally operates outside of the corporate/capitalist models most industries are accustomed to.

The fundamental question one must be familiar with when dealing with the post-tenure review process is best described as an agreement between two ends of a wide spectrum. On one side of this spectrum we have accountability and the need to evaluate persons who enjoy the security of academic tenure. Accountability by itself is simply the practice of being held liable for ones actions, either good or bad. In academic tenure, and when used as the basis for post-tenure review, it can often take on a negative or limiting quality in the eyes of those being reviewed. This is partly due to the external locus of control expressed by faculty who see the mechanisms used for accountability as a force from outside the institution with the purpose of placing limits on their profession (Rotter, 1966). This perception of outside forces placing constraints on what will be considered an appropriate use of time and resources can be unsettling and lead to the conclusion that these mechanisms will limit the ability to pursue avenues of research.

With this unique perception of accountability at one end of our spectrum we can define the opposing side as the fear of what might be compromised, or academic freedom.

This form of freedom is also unique to academia and describes the ability of academics to pursue courses of study without the fear of repercussion. The perfect model for conducting post-tenure review lies somewhere in between these two points and is the topic of discussion for this paper.

The need for accountability can be observed in all professions and forms the basis for advancement through most careers, including the acquisition of tenure. The basic practice used in accountability is the adherence to a defined set of goals for the organization to which a person is employed. Perfect adherence to these goals is generally rewarded with promotion, more money or both; while deviation from these goals can result in punishment or the termination of employment. In other forms, accountability can be used to map progress and recommend areas for improvement or can be used for reassignment to more appropriate tasks within an organization. This latter use is often equated with academia, which precludes more strict forms of evaluation as accountability is often overshadowed by the more laissez faire end of our spectrum. The downplay of accountability to academic freedom in tenure is often a source of discomfort as it is counter to the American capitalist desire for strict review and eliminates the natural Darwinism of healthy business (Smith, 1973).

The counter to the pressing need for accountability comes from the equally important protection of academic freedom which sets academic tenure apart from other professions. The United States version of tenure arose in the late 19th century and continued into the 20th century during a very hostile time for academics outside of the mainstream. Evolutionists, secularists, communists and the like were demonized by the greater public and found no solace within the halls of academia, a place where intellectual progress was presumably the ultimate goal (Smith, 1973). To correct this injustice heavy importance was placed upon the

idea that tenured faculty should have the security to speak their mind in the pursuit of progress toward the advancement of civilization. This idea is as relevant now as it was then and great pains are taken to encourage the creativity necessary for effective teaching and research while limiting the ability for public outcry and changing preferences to have a detrimental effect.

In the pursuit of reform to the practice of tenure we have continued debate over whether accountability or academic freedom should be held supreme. All would agree that it would be most beneficial to afford them “equal supremacy”, but much like the meaning of this word pairing, no practical definition exists. Currently the post-tenure review is the best mechanism we have for evaluating tenured faculty and it is proving inadequate for the wants of society and those in government who heavily fund universities, albeit at decreasing levels. The financial debate essentially comes from the needs of legislators and university administrators to reduce budgets and balance the benefits of tenure against the monetary costs (Clark, 2002). The debate over quality, or performance, comes from the need to motivate faculty and to use these valuable members of the university community properly.

Contrary to popular belief, the failure of post tenure review does not revolve around the financial losses incurred by nonperforming or “deadwood” professors. If a faculty member has achieved tenure it is generally an indication of exceptional ability or at least of an exceptional employee. The real failure of post tenure review is its inability to use accountability as an effective evaluative function or, more importantly, as a motivating tool. Tenured faculty enjoy a long period of job security and their interest areas often fluctuate as society changes or as their own understanding of various topics evolve. As evaluations exist now, administrators have no strong response to faculty who may languish in a field that they

have outgrown or have no real interest in anymore beyond formative suggestions or empty punishments. Post-tenure review as it currently exists also fails to motivate faculty properly who may have reached the highest rank they can as a professor. A reward mechanism that presents a path for continued advancement or financial gain could be a good positive motivator. Motivation could also be derived from professional punishment in the form of reduced salary, benefits or, in extreme cases, the removal of academic tenure. In either case, post tenure review lacks the mechanisms necessary to execute such measures and as such falls short.

In finding a suitable adjustment or replacement for post tenure review it is useful to find organizations in society that operate in similar ways and to pull from their experience. While academic tenure does enjoy the exclusive right of job security derived from academic freedom, other organizations offer similarly secure positions based on other rigid criteria. Unions, for example, use their collective bargaining power to ensure higher pay, shorter work weeks and impressive job security for those within the organization. The unions often argue that having job security can motivate an employee far better than the fear of losing ones job, much like academic tenure is used to encourage faculty to produce more and higher quality research.

Another organization that has very strong job security and possesses many of the problems associated with academic tenure is the civil service and their use of the merit system. In this system the more years one has served generally equates to stronger job security and more freedom to act independently (Daley, 2009). In this case, collective bargaining has created what many politicians over the years have called the “bloated bureaucracy” and what many voters have considered too be a large waste of taxpayer dollars.

Just like academic tenure, the civil service has found itself bogged down with employees that are underutilized, possibly overpaid, but definitely lacking a mechanism for appropriate appraisal.

These similarities could present a formative solution for the woes of the post tenure review. Over the years the civil service has amended many of its evaluative practices to recognize the strong job security that the sector enjoys. They have adjusted their methods to account for the fact that the merit system has created employees who are both difficult to terminate and may be exceptional at their jobs from the experience gained over years of service (Daley, 2009). These newer methods of evaluation from the civil service may have created applicable methods of evaluation for tenured faculty who also enjoy strong job security and independent functioning.

Evaluation methods taken from the civil service sector could have great effects on the appraisal of tenured faculty. The newer civil service methods generally do not end with termination of employment, but rather use their accountability function to reassign employees to more suitable tasks or identify better ways to perform existing ones. These methods also rely heavily on motivation rather than punishment to coerce action from employees, which would work much better in the context of academic tenure than more judgmental appraisal devices. As mentioned earlier, tenured faculty members are important and expensive assets for a university and should be used in the most efficient and appropriate way. By shifting these human resources and properly motivating them, the costs associated with their employment will pale in comparison to the quality of production.

As this topic is discussed more intricately in the following sections, the tenets laid out in this introduction will be reiterated and made clearer. In the next section a review of the

literature surrounding tenure and the post-tenure debate will be examined. For this review we will explore the origins of tenure, as well as how its various features came into being and why they are necessary. A thorough review of the controversy surrounding this practice will then shed light on some of the past attempts at refining the system and the challenges they faced. Lastly, post tenure review will be explored at Iowa State University in both its current form and as a case study of current reforms being discussed at the university level. A final portion of this literature review will delve into a few of the methods for appraisal used in the civil service and how they may be well suited to apply to post tenure review.

The following section will describe the methodology used to obtain preferential data from faculty pertaining to academic tenure. Tenured faculties from the three major state universities in Iowa were to provide feedback to be used to determine an appropriate appraisal method to fit their shared desires. The data obtained from the survey instrument would be used to apply a civil service model correctly to post tenure review. Unfortunately, the survey encountered several obstacles in its application and therefore only secondary data will be explored. This data should shed light on the difficulties that plague the process of formulating a good appraisal method for post-tenure review.

The remaining sections will examine the usable data available from the survey instrument and how its implementation mirrored some of the difficulties institutions have experienced while advancing post-tenure review. Selected appraisal methods from the civil service will then be examined against the case studies and theories developed in the literature review. From this discussion we will conclude with how useful civil service type appraisal methods are in providing more accountability to the practice of academic tenure. The final

section will also include recommendations for further research and underlying principles that should be drawn from this exploration.

CHAPTER 2. LITERATURE REVIEW

Tenure exists in many professions and provides job security in many different ways. Traditionally it has been associated with lifelong obligations, either contractual or cultural, by an employer to protect the position holder from termination without just cause (Smith, 1973). The focus of this paper is the more specific practice of tenure in academia, or academic tenure.

Over the centuries, academic tenure has both struggled and thrived in a variety of institutions. The early church and certain wealthy benefactors are examples of institutions that provided a degree of protection enough to advance knowledge through the works of great thinkers such as Gerbert d'Aurillac. Gerbert endorsed and expanded upon Arabic arithmetic, astronomy and other scientific pursuits in Europe despite his unpopular associations with Islam (Lattin, 1995). In fact the Catholic Church commissioned many scholarly orders such as the Benedictines, Franciscans and Dominicans who enjoyed a form of institutional tenure in that they could pursue research unfettered by outside influence or trappings. These orders valued knowledge, systemic education and their application to problems both spiritual and social, much like the values of modern academic tenure though limited by the constraints of institutional beliefs.

Progress eventually outpaced these institutions as a safe haven for unfettered intellectual pursuits. Affairs involving famous academics including Galileo and Copernicus led to the development of craftsmen associations, or guilds. These guilds allowed thinkers of the day to advance their craft without fear or repercussion from adverse intuitions such as monarchies or the ecclesiastic authorities.

These examples trace the early attempts to create an environment suitable for unfettered research in a variety of subjects. They allowed for freedom of inquiry within the confines of the institution itself but only along lines of thought prescribed by the beliefs of the organization. The evolution from institutional freedom to individual freedom of intellectual pursuit occurred at the dawn of the Reformation movement and the creation of the printing press. These cultural and technological advances allowed for the full fledged creation of universities and of the “gentlemen philosopher.” Education became synonymous with high society and the pursuit of knowledge was held in high regard. Thinkers such as Adam Smith and many of our nation’s Founders have benefited from the cultural acceptance of a good education.

Education became exponentially more important and desired as humanity entered and embraced the industrial revolution. Colleges and universities were the path to wealth and prosperity; this eventually brought academic thought and progress under the inquisitive eye of the general public. At this point in the American experience with academic tenure, benevolent regents and boards of directors served as the mediator between academia and public opinion. These organizations did the work of hiring and firing as well as promoting outstanding faculty. Academic tenure was basically an indefinite contract of employment between a member of the faculty and the institution at the close of the nineteenth century (Metzger, 1979).

Some of the first signs that indicated the need for better protection of academic freedom and tenure in higher education can be examined in the case of Richard Ely. Ely was a professor of Economics, Politics and History at the University of Wisconsin during the late nineteenth century (Miller, 2000). This was a time of economic depression and social unrest

characterized by boycotts, strikes and corporate crackdowns. Ely was interested in the labor movement as well as the causes, both social and economic, that led to violent upheaval. This line of thought proved too dangerous for one particular member of the Wisconsin Board of Regents by the name of Oliver Wells and an investigation was carried out with the ultimate goal of dismissing Ely from the university (Miller, 2000).

The trial lasted three days and eventually garnered the attention of over 200 people who sat in on the deliberations. The trial closed with Ely being completely exonerated and the principle of academic freedom firmly ensconced at the University of Wisconsin (Miller 2000). Ironically it was not Ely who pushed for academic freedom; he was actually opposed to the idea, but rather businessman John Olin. Olin saw an opportunity to provide an affirmation of the universities commitment to academic freedom and took it providing a great early example of the protection of freedom of inquiry.

Events did not turn out as well for Professor Edward Ross during his time at Stanford University around the turn of the nineteenth century. After many years of impressive work and standing in the sociological community, Ross began to speak out against certain volatile issues of the time. His opposition to the use of Chinese labor for the building of US railroads and his advocacy of free silver clashed with certain people in the Stanford Board of Directors, namely Jane Lathrop Stanford (ASA, 2005). The Stanford's were involved in the construction of the Union Pacific railroad and found Ross's outspoken behavior reprehensible. Due to this aversion, Ross was excused by university president David Jordan at the simple request of Mrs. Stanford.

This may have been a lone case of poor judgment by the university had they not proceeded to terminate another teacher, George Howard, for professing his views counter to

the institutions benefactors (ASA, 2005). This pattern caused a dozen more faculty members to resign in protest and became a strong example for an infant reform movement to make strides in protecting a university professor's right to both academic freedom and job security.

Case studies and individual examples of the abridgment of academic freedom are useful, but do not address the larger influences that led to their organized definition. Three factors had a large impact to this end; the rise of German Research University, the Morrill Act and the works of scientists such as Darwin (J. Girton, document correspondence, 2003). The rise of research universities in Germany contributed in one part by allowing American academics to attain the Ph.D they could not attain in the United States at that time. These institutions further contributed to the creation of academic freedom by providing the freedom to publish, lecture, learn and follow any field of inquiry to its end.

The rise of the land grant university also fundamentally changed the makeup of higher education through the passage of the Morrill Act in 1862 (J. Girton, document correspondence, 2003). This allowed for the creation of universities outside of the usual religious channels and pulled heavily from the German university experience to facilitate effective academic freedom for individuals within the profession. Through the leaders of these organizations, the concept that was started in central Europe eventually spread throughout the culture of American higher education.

The final factor mentioned earlier relates almost directly back to the cases of Edwards and Ross as they encountered difficulties similar those experienced by evolutionists. Charles Darwin's *The Origin of the Species* created heated controversy within the institutions of higher learning throughout the United States (J. Girton, document correspondence, 2003). Conservative administrations practiced censorship and dismissed professors who researched,

wrote or taught the controversial subject matter. The treatment was so reprehensible that it may have been the lightning rod that coalesced the academic community around the need for defined and protected individual academic freedom.

This need was satisfied when in 1915 the American Association of University Professors, or AAUP, convened to set out a series of principles that would govern the treatment of university professors and academic freedom. The creation of the organization was prompted in response to the increasing number of cases at US universities involving academic freedom and tenure. The “1915 Declaration of Principles on Academic Freedom and Academic Tenure” laid out principles for governing tenured faculty and the reasons for establishing such principles.

The AAUP argued that such principles were necessary for two connected reasons. First, while in the past universities had to deal with attacks from mainly ecclesiastical institutions and forces, they now had to account for the challenges presented by mainstream thought. “The tendency of modern democracy is for men to think alike, to feel alike, and to speak alike. Any departure from the conventional standards is apt to be regarded with suspicion.” This passage (AAUP, 1915) from the 1915 Declaration of Principles on Academic Freedom and Academic Tenure clearly shows that the biggest perceived threat to academic freedom in twentieth century was not from the church, but rather the public itself.

Threats to academic tenure and academic freedom from the general public presented a different set of problems for academia than from other institutions, such as the church. Universities were entrusted to provide for the public valuable education, insight and advancements in all aspects of modern civilization. In return, universities and consequently the faculty received financial support and political neutrality. This agreement was bound in

large part by mutual respect and a responsibility to the greater good of advancing civilization (AAUP, 1915). When this bond began to evaporate it became necessary to set out a more concrete set of rules and procedures for the protection of both.

This mutual protection is highlighted many times in the 1915 Declaration of Principles on Academic Freedom and Academic Tenure and shapes most of the material laid out in the document. The AAUP condensed their argument down to three basic principles indicating the appropriate scope, nature and function of academic tenure and academic freedom. The first principle deals with the scope of academic authority afforded to the ultimate repository of power in higher education, the boards of trustees. This topic is divided into two separate cases that deal with the sources of this authority in both private and public universities.

In the first case, the university is a proprietorship and has a specific benefactor and mission. These universities are generally private and receive little or no public funding. In a proprietorship, the board has the responsibility to uphold the wishes of the benefactors or founders of the institution. For example, if a religious college which is funded by the Lutheran Church does not wish for evolution to be examined in its curriculum and a professor does so anyway, the board may be within its rights to expel the professor for not following the mission of the college.

This is contrasted by the way ownership works in a public institution whose proprietor is the general public. In this case a board must treat the college as a public trust and not beholden to any particular set of ideologies, inquiries or cultural preferences. The board must respect and defend intellectual investigation as the highest responsibility to that

institution and not bring their own judgments' to bear on faculty outside of mainstream thought.

The second basic principle laid out by the AAUP has to do with the nature of academia itself. In the declaration the AAUP asserts, boldly and appropriately, that higher education is the cornerstone of civilization. This assessment is grounded in the idea that most, if not all, work done at the level of higher education is for the health, prosperity and advancement of civilization. This logic underlies the second principle of a professoriate that is responsible to the general public, but judged only by their peers.

This is not to say that the institution is detrimental academia, but rather that it is necessary as an overseer or benevolent manager. Much like the adage that man cannot live by bread alone, an academic needs sustenance and security to effectively solve problems and advance society. The institution exists to provide this function and should be eager to do so as the institution as an entity is amenable to the general public in the same way as an individual academic.

The third basic principle laid out in the 1915 Declaration of Principles on Academic Freedom and Academic Tenure describes the functions of an academic institution. These functions are threefold and begin with the promotion of academic inquiry in the hopes of advancing the total sum of human knowledge. This function operates under the assumption that higher education is the cornerstone of civilization and adds weight to the idea that academics are responsible to the general public.

The second function acknowledges an invaluable service provided by higher education, the provision of advanced instruction to students. This function illustrates that aside from research; academia has a responsibility to educate with same respect paid to

academic freedom that they receive from the general public. This function ties into the third function of academia detailed by the AAUP which is the development of reliable experts for the various branches and needs of a democratic government. This last function is particularly important for democracies as the people dictate their own future. For this reason, both an educated populace and educated leadership are an invaluable resource.

These three principles outline the focus of the AAUP and their vision of the minimal protection that should be afforded to academics and the institutions that support them. They provided a starting point for discussion and illustrated that the institution and its employees are not in conflict with each other, but instead reliant upon each other. What these principles do not suggest is the way in which they should be cultivated and monitored. Luckily, the last half of the 1915 Declaration of Principles on Academic Freedom and Academic Tenure provides suggestions to promote just these goals.

Taking the last concern first, it is always important to monitor the inner workings of any organization to prevent abuses from arising. In higher education these abuses are usually in reference to lapses in the protection of academic freedom, a practice which is ever evolving and expanding in its own scope. Protection is also necessary for the institution itself which has the equally important responsibility of protecting the public interest.

In either case, the enormity of subject matter and the theoretical nature of academic freedom necessitate a different kind of protection mechanism. The recommendation of the AAUP fit the doctrine outlined in their basic principles by placing those with the greatest stake in preserving academic freedom at the forefront. Therefore, committees of a faculty member's own peers would serve as arbiters in the event that any abuse occurred. This setup

would allow a supposed abuse to be weighed by the other experts in the field as well as those equally charged with a responsibility to the general public.

While peer reviews eloquently handle issues related to lapses in academic freedom or abuses of it by wayward professors, they do nothing in attracting the best and brightest to an institution of higher learning. To remedy this, the AAUP presented a series of suggestions to make the academic profession more attractive. First among these was the creation of a more defined structure for hiring, firing and advancement. This structure would be centered, again, on a board representative of the faculty of the institution. The association also recommended that universities define the role and duties of tenured faculty to avoid any confusion and provide a greater sense of security that one is living up to the expectations of the institution. Last, the AAUP highly recommended that institutions define the grounds used for termination and that judicial hearings be used as an assurance that abuses do not arise.

The principles and suggestions highlighted in the preceding pages were further reiterated in the 1925 Conference Statement on Academic Freedom and Tenure. This conference provided a starting point for additional meetings in which the principles of the 1915 Declaration of Principles on Academic Freedom and Academic Tenure were refined and expanded upon. Several decades of discussion, implementation and elimination led to the 1940 Statement of Principles on Academic Freedom and Tenure.

In this refined statement, the AAUP makes it clear that the purpose of the document is to promote academic freedom and the virtues of tenure to the public. It also reiterates the purpose of higher education as a service which advances the common good of all humanity and the integral part both faculty and the institution play in this purpose. A key part of this

document is the refinement of the definition of academic freedom and of the position of academic tenure.

The basic tenets of academic freedom laid out in the 1915 Declaration of Principles on Academic Freedom and Academic Tenure were repeated with better clarity and force in the 1940 Statement of Principles on Academic Freedom and Tenure for use as a solid definition for American higher education to build on and effectively protect. The resulting definition consisted of three detailed principles of the purpose and scope of academic freedom.

1. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon the understanding of the authorities of the institution.
2. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. [2] Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of appointment. [3]
3. College and university teachers are citizens, members of the learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution. [4]

These three points defined the scope of academic freedom, as well as the responsibilities attached to it, in much better detail. They gave all parties involved a common set of rules and behaviors and brought academic freedom into more practical use by adding definition. Creating set definitions are always beneficial to those who have to work within them; they provide security and eliminate confusions bred by differing perceptions.

The strength of this logic was also the driving force behind the second half of the 1940 Statement of Principles on Academic Freedom and Tenure. Freedom of inquiry and the freedom to perform one's duties will only go so far in attracting qualified people to the world of higher education. Job security and a defined vehicle for advancement are equally strong motivators.

For this reason, the AAUP expanded upon the suggestions they made in 1915 to create a template for the treatment of all appointments made in higher education. The first of these would require precise contract terms and conditions upon appointment of a new faculty member. This contract should be easily available to all parties involved and would start off the relationship between the professor and the university on agreed, precise terms.

The 1940 Statement of Principles on Academic Freedom and Tenure then expanded upon the amount of time that a professor should have to endure before being awarded tenure. A period of seven years was decided upon, after which the teacher will have either attained tenure or be released from the service of the institution. The latter option had an additional provision attached to it specifying that a one year notice should be given if employment will not be continued. Lastly, during this seven year probationary period, academic freedom and the protections afforded through it should be provided as if the applicant had tenure.

The last portion of the 1940 Statement of Principles on Academic Freedom and Tenure addressed the termination of tenured faculty and mechanisms for the fair treatment of both the faculty and of the institution. The termination of a professor should always be considered by both the faculty member and the governing board. A hearing should then accompany any dispute of the facts used as evidence for termination with full testimonies of the individual's peers and other scholars openly heard. The hearing should also be recorded in writing as assurance for both parties. In the event that an institution must terminate a tenured professor for financial reasons, the document insists only that the reason be bona fide.

This detailed account of what academic freedom and tenure should entail served as a template upon which many forces weighed in and refined. One such refinement came in the form of a Supreme Court decision that fundamentally changed the way we view academic freedom. *Keyishian v. Board of Regents of the University of the State of New York* (1967) took place in the early 1960's within the environment of McCarthyism. During this time in American history many forms of speech and inquiry were given the label of subversive and essentially silenced through tremendous legal, cultural and political pressure.

This was time period during which the University of Buffalo was merged into the State University of New York and resulted in members of its faculty becoming state employees overnight. The change from private to public employee carried with it contractually obligated compliance with certain statewide regulations. One of these regulations prevented the continued employment of those state employees who were considered "subversive."

Two assistant professors, an instructor and a lecturer in the disciplines of English and Philosophy, Keyishian being the instructor, were fired under these regulations. Keyishian was terminated for his part in not signing a certificate that affirmed that he was not a Communist and if he had ever been one that he had notified the President of the University. Other appellants in the same case were terminated for refusing to answer questions of the same design under oath.

The statute in question was the Feinberg Law which produced the aptly named “Feinberg Certificate.” The law charged the Board of Regents with creating rules and regulations to prevent subversive organizations from permeating state institutions. The certificate of the same name was one such creation by the Board of Regents to fulfill the spirit of the law.

While the Feinberg Certificate was rescinded just before the case went to trial, the Supreme Court ruled on its constitutionality and the merit of preventing controversy or “subversion” in an institution of higher education. The ruling handed down by the Supreme Court in 1967 reversed the lower courts decisions and placed a tremendous amount of legitimacy on the practice of academic freedom. As the majority wrote, “Our nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom” (Keyishian v. Board of Regents of the University of the State of New York, 1967).

Cases such as this one are caused by the same dangers warned about in the 1915 Declaration of Principles on Academic Freedom and Academic Tenure. There will always be aspects of society who do not approve of, or even feel threatened by, the lines of inquiry

pursued in higher education. At times this disapproval could feed into outright censorship as happened during McCarthyism in the United States. It is the shared responsibility of the institution and the faculty within it to safeguard this freedom which now has the force of the United States Constitution to fall upon when all other explanations fail.

A discussion on the difficulties and history of academic freedom could produce several academic papers, but for the purposes of a paper on post-tenure review this exploration may be sufficient. Any discussion on the topic of post tenure review must take into account academic freedom as it uniquely affects any appraisal system applied to tenure. Tenure exists in many forms from medical to legal to civil service, but these all have better defined duties and expectations that make their evaluation slightly easier.

In addition to the difficulty of applying an appraisal system to something as far reaching as academic freedom, the field of academia also has different pressures and financial concerns to grapple with. Pressures on institutions of higher education can come from the students, their parents, interest groups and the state itself. Financially, institutions now more than ever have to deal with rising costs of operation and continually shrinking funding from the state.

Many of the difficulties encountered by those in the academic community inevitably are reduced to a lack of accountability associated with academic tenure. This lack of accountability is almost always a product of appraisal systems which do not satisfy one side or the other. The creation of an appraisal system that satisfies all of the external pressures as well as the institution and faculty themselves may present the greatest difficulty of them all.

One of the external pressures that repeatedly cause an investigation into to post tenure review is public disapproval. Shirley M. Clark (2002) uses the case of the Oregon University

System to highlight this scenario and provide some interesting feedback from their experience. The author then makes recommendations for effective appraisal systems and how they should be applied.

The 1970's were a time of increased scrutiny for higher education and the institutions that support it. Academic tenure, in particular, was in the crosshairs of some in the Oregon legislature due to popular public opinion that there needed to be visible accountability in the system. This prompted the Board of Higher Education in Oregon to conduct a six month study which eventually culminated in a recommendation to create a post-tenure review.

The post-tenure review policy settled on by the state provided a more clear statement of duties and structure for review. The policy was formative in nature and was left to the individual departments to administer as they saw fit. This seemed to placate public disapproval of the profession and ensure them that tenure was in no way related to a sinecure, or title without any responsibilities (Clark, 2002). It seemed that the state had ended the debate until just over twenty years later when the public became suspicious again.

The 1990's brought a wave of inquiry about post tenure review and what was being done about tenure to keep those holding it from having a de facto sinecure. Testimony after testimony indicated that the hiring and probationary processes had been streamlined and that the path to academic tenure had been made clear and attainable (Clark, 2002). What was not clear was the impact of the post tenure review and what exactly occurred after a faculty member had achieved tenure. Internal, informal investigations of the process of post tenure review yielded almost no data about the outcomes of these reviews. The occasional problem professor represented the only data found and these individuals were generally dealt with through the development of a work plan or some other formative mechanism. In short, after

the public had been placated in the 1970's, the university went about its business and paid little attention to post tenure review.

While not exactly honest to the spirit of the process, the data available seemed to indicate that only a few individuals were deficient and all were able to be counseled and return to productivity. More would be needed to satisfy the legislature at this second indictment; a bill was already working its way through subcommittee to limit all tenured faculty to renewable three year contracts (Clark, 2002). This would have effectively ended tenure in Oregon had the director of government relations not stepped in and satisfied the subcommittee that the faculty's dedication to revision was deep seeded and attentive to the legislatures desires.

The resulting post tenure review policy in Oregon was very similar to the one they had previously used. A few changes were made to the language of the policy and many aspects were made clearer. The timing for post tenure review was updated at many of the universities and one (Eastern Oregon University) even included a trigger system by which additional review would be "triggered" by a complaint or some other negative feedback (Clark, 2002). It seems that the Oregon system effectively headed off drastic, external changes by reacting to external pressures in a timely and unified manner.

This case has many lessons for the creation of a good post tenure review policy and the author does a great job of highlighting four of them. When dealing with public disapproval, the conversation seems to drift in the direction of the "deadwood" professor, or an individual who has turned his position into a sinecure. Since these individuals clearly do not make up the vast majority of the tenured profession, it would seem poorly conceived to base an appraisal system upon them (Clark 2002). Acknowledging them and providing

assistance or some formative plan is much more efficient and also addresses the accountability that the public desires.

The use of formative processes also illustrates adherence to the mutual obligations of both tenured faculty and the institution as discussed earlier. The greatest benefit to come from a poor review should be the knowledge of where to improve and how. Given this opportunity, the quality of the individual and the overall institution is most likely to improve.

Situations in which tenure is under increased scrutiny also present a great opportunity to reaffirm the institutions commitment to academic tenure. Post-tenure review can accomplish this by creating another line of dialogue to help keep all parties involved and unified with the goals of the institution. Increased dialogue also keeps faculty suspicion down when issues such as their own job security are forced into the public sphere (Clark, 2002). Using post-tenure review in its conversational capacity can also help to evolve the profession to include the input of new populations such as women and minorities. Again, communication is the best aspect of post-tenure review and it is also an underused benefit which alleviates fear and fosters evolution.

James Applegate and Lois Nora (2002) expand upon the notion that inclusion of all parties affected by a revision of post-tenure review improves the instrument and makes easier its implementation. The case of the University of Kentucky shows just how tremendous the tension surrounding a change in appraisal methods can become and provides some good lessons for other institutions trying to get a revision to post tenure review off the ground. The lessons learned at this institution are very useful in gathering support for a change as well as best practices for creating a policy that will be accepted in the end.

Assuming that changes in the way faculty will be reviewed will illicit strong feelings, it seems logical to involve the faculty in the process. Applegate and Nora (2002) discuss this first and urge any administrator to allow the faculty to lead this process. By doing this, those who will be most affected by the revision will feel less suspicious or divorced from the process and more inclined to accept the new terms.

In addition to the inclusion of faculty at the outset of the process, the administration should also be working closely on the process (Applegate & Nora, 2002). This helps to streamline the implementation after faculty consensus has been reached and also adds credibility to the instrument for those outside of the process. Lastly, when putting together a group or taskforce to study a review process such as this, Applegate and Nora recommend using outside expertise to gain additional insight (2002). Using what other institutions have done as a starting point can lead to new ideas or applications for one's own institution.

The authors found that it is vitally important to include as much of the academic community as possible when redesigning this process as has been already shown in the last case. This takes proper leadership, but more importantly, leadership that is invested in the whole project and not just a specific aim. Using small leadership groups that represent a variety of interests will allow for a more dynamic instrument. The small size of the group is also important since too many voices can stymie the process and be counterproductive. Last, when putting together a leadership team it is important to acknowledge that the process will take years most likely (Applegate & Nora, 2002). For this reason it is important to have continuity of leadership so that progress is not lost when leadership changes.

Other lessons learned from the authors experience at Kentucky are very important to the actual creation of the policy. To start with, the best way to approach a change in the

policy is to make it clear that post-tenure review is not the same as termination. The knee jerk reaction for many, both inside and outside of the profession, is that increased accountability is equated with negative punishments (Applegate & Nora, 2002). Many of the benefits of appraisal systems relate to increasing the efficiency of the individual. This increases the quality of the work by the individual and by extension the quality of the institution.

To gain support for the policy change, the leadership at Kentucky continuously pushed the logic of post-tenure review as good for the whole institution. By putting more accountability into the system, an institution can silence critics and protect tenure by making it less ambiguous. More accountability would accomplish this by attacking the most glaring reason that academic tenure is consistently singled out, its lack of definition.

The authors make an interesting selling point out of this last benefit. Since academic tenure is so closely tied to academic freedom it is naturally vague as compared to other professions (Applegate & Nora, 2002). This perception is one that has consistently put the practice into the crosshairs of legislators and declining budgets. By making those affected by the post-tenure review see this connection; the process becomes less about individual desires and more about satisfying external pressures.

The last big lesson that is shared by the authors from their time at Kentucky is the nurturing of trust. Since academic tenure lacks definition as compared to other professions, changes made can seem drastic to those who enjoy it (Applegate & Nora, 2002). What starts out as a simple definition change today could become a means for termination tomorrow. Worst case scenarios such as these can be kept in check by maintaining a level of trust between all of the parties.

Many of the lessons pulled from the Kentucky case are purely informative and lack defined ways to have repeated success with them. This is reflective of the world of higher education which is ever changing and expanding. Dale Carnegie was famous for writing that one way to win friends and influence people is to “become genuinely interested.” Many of the lessons pulled from Applegate and Nora (2002) are simply suggestions on how to best manage a project such as this in a culture that is built, and exists, within the confines of mutual respect and trust.

So far we have explored a case which highlights some of the external pressures for revision of post tenure in Oregon. This case showed that it is better for the institution to get ahead of these pressures and fix the problem in house. We have also explored a case illustrating some of the best practices to create an environment conducive to developing and maintaining support for a policy. The last case describes some of the problems which can arise after implementation and how to deal with them.

N. Douglas Lees (2002) does this through a lens focused on Indiana University Purdue University Indianapolis (IUPUI). The policy in place at IUPUI had many standard features found in post tenure review. It contained a definition of unsatisfactory performance which broke down the duties of the individual and rated his or her effectiveness. The policy provided for peer review committees to be used for the evaluation of individual professors and decentralized the evaluations to the departments. Last, the policy included sanctions for unsatisfactory performance ranging from loss of travel support to salary freezes and even dismissal (Lees, 2002).

After implementation and a reasonable amount of time to collect opinions and data about the program, several impressions were recorded. The first impression was that, in fact,

a more visible and better supported policy encountered more success (Lees, 2002). This was accomplished through the insistence that these policies were not meant for only poor performers, but were designed to improve the department as a whole. The rationale provided explained that the development of a high producing faculty will have a greater impact on the department than placing sole focus on underperforming aspects (Lees, 2002).

Another impression worth noting was the continued perception within departments that post-tenure review creates a negative environment. The general feeling is, as noted at IUPUI and elsewhere undoubtedly, that putting up with underperforming faculty members is preferable to a rigorous review process (Lees, 2002). The feelings come from the greater fear that the atmosphere created by post-tenure review is more threatening and fosters suspicion. Again, the best way to combat this is to ensure mutual trust and assert that the process is focused on development, not dismissal.

Another issue noted by the author was that many policies, including the IUPUI model, contain loopholes and flaws that limit the effect of negative repercussions (Lees, 2002). For instance, a long standing poor performing faculty member may acknowledge that their performance is lacking but challenge the administration to do anything about it. The poor performer knows that he can appeal and challenge the decision for years, wasting both time and money in the process. Due to this, many administrators simply let the poor performer who does not want to change languish until retirement. Situations like these challenge any sanction regime developed and reinforces the strength and applicability of development over dismissal (Lees, 2002).

These impressions highlight the main cautions presented by the author. One caution not mentioned earlier pertained to the use of quantitative scales in rating performance. Often

these can be perceived as quotas or indications of changes not at all related to the evaluation, or intended (Lees, 2002). Again the best appraisal method seems to be one that is visible and focused on development rather than punishment.

Much if this paper thus far has dealt with the difficulties of implementing a post tenure review policy. The case studies have focused on what mechanisms have worked and not worked at a variety of institutions. The key difficulty expressed by all of the authors from these studies are that faculty are reluctant to take on yet another evaluation, or to have their duties be pigeon holed by some restrictive appraisal method. These fears are justified and more importantly may help to refocus the discussion onto the faculty themselves.

Charles J. Walker (2002) covers this issue explicitly in his paper *Faculty Well-Being Review: An Alternative to Post-Tenure Review*. The first paragraph of this paper presents a very good explanation of faculty suspicion and reluctance for a post-tenure review policy:

Post-tenure review is controversial for a good reason. Faculty did not ask for it, nor have they always played a significant role in its evolution. Post-tenure review has not come from systematic research on faculty work, nor has it been shaped by well established theories on human performance. It often stems from hearsay on a handful of delinquent faculty heard by administrators and legislators, not from sincerely voiced dissatisfactions of professors nor their warnings about the worsening condition of the professoriate. (p. 229)

In this passage, Walker (2002) clearly states that the most pressing issue plaguing the creation of a good appraisal method is the absence of input from those it is created to evaluate. When post-tenure review is shown in this light we can begin to see why the debates last years and no real changes are ever made. Unless the people who are to be evaluated see

some benefit in the process they will not take it seriously and even the most well designed appraisal will fail to get results.

Keeping this in mind it would seem that a better post-tenure review would address problems within the professoriate. Walker's article goes on to describe the many variables that are being stacked against tenured faculty. Professors are already paid twenty to thirty percent lower than in a comparable job in the private sector (Walker, 2002). This is usually justified against the job security that tenured faculty enjoy, but this can also breed a lack of mobility and a feeling of being stuck in one place.

Studies sponsored by the Department of Education indicate that the faculty shows signs of diminished vitality within only three years (as cited in Walker, 2002, p. 230). Add to this an AAUP study Walker references that shows nearly half of all undergraduates are taught by adjunct faculty (as cited in Walker, 2002, p.231). These statistics paint a picture of a professoriate that are not poor performers, but plagued by a lack of motivation. If there is no mechanism for advancement or if appraisal systems only measure bad performance, then an individual may only perform to the point that prevents them from getting harassed.

In order to remedy this, it is important to recognize what steps could be taken to improve the environment and increase the vitality of faculty. Since an institution is only as good as its faculty, Walker indicates several of the top characteristics of universities with flourishing faculty from a study by R.E. Rice and A.E. Austin (as cited in Walker, 2002, p.232-233):

- A genuine mission and clear goals
- A distinctive institutional culture
- Productive faculty-administration relations

- Participatory governance
- Decentralized control
- Effective communication systems
- Competent support staff
- Sufficient technical and other resources
- A heterogeneous, diverse community
- Ample and equitable rewards and recognition
- Opportunities for career flexibility
- Effective leadership among faculty

Contrast these characteristics with those that were indicated to increase the burnout rate of the professoriate by C. Maslach and J. Goldberg (as cited in Walker, 2002, p. 233):

- Overloaded with work
- Lack control of their work
- Feel insecure and lack of trust in their leaders
- Are insufficiently rewarded
- Sense a breakdown of community
- Are unfairly treated
- Report value conflicts

The goal of post-tenure review is to improve the quality of the institution by increasing the quality of the faculty it employs. For the most part this has been done by tackling the external perceptions of what could motivate an individual with a lifetime contract. These external players generally propose some form of dismissal or elimination of some benefit as a negative incentive (Walker, 2002). One problem with this line of thought is that it cuts into the central purpose of academic tenure which is the provision of lifetime job security. Without this security, the position of tenure would be reduced to its nineteenth

century origins and much of the incentive to become a professor would be lost. It is important to remember the initial reason for the provision of a lifetime contract was to attract talented people to the profession through job security.

A second problem with this way of motivating tenured professors is that fear will only motivate a person so far as they have eliminated their fear. In the case of academic tenure this is not very far as most dismissals must go through an appeals process and often academic freedom can be used to justify most actions. If the goal of improving the quality of faculty is central, then positive motivators should be put into play.

Positive motivation could come from many of the characteristics detailed above that helped to increase faculty vitality (Walker, 2002). An appraisal system could be constructed to provide benefits such as increased travel or research budgets. More flexible time schedules or partnerships with other universities for teacher exchanges could be provided to professors who perform exceptionally. It seems that much of the aversion to providing “carrots” as opposed to “sticks” comes from shrinking budgets which often trigger outcry against expensive academic tenure, but motivation does not always have to come from direct monetary compensation.

Motivation at the level of academic tenure could be necessarily environment driven. At the close of the article, Walker (2002) discusses the superior “comprehensive faculty review” that would take into account faculty desires and expectations about the institutions they work for, as well as areas they should improve upon. The fostering of a more community oriented institutions could be the low budget motivator that turns post-tenure review away from a punishment mechanism to one that affirms academic tenure and its place in an institution.

Understanding the history of academic tenure and how its evolution was influenced over the years gives great insight into the philosophical reasons for its existence today. In addition, examining the difficulties encountered while trying to formulate new policies helps us to learn from the mistakes of the past and improve upon them. A deeper look at academic tenure though, will focus on an actual post-tenure review policy and how it is applied in an actual university setting.

Iowa State University is a land grant college founded in 1858 that is continuously ranked as one of the top 50 public universities in the nation. The institution is focused on research in many disciplines and boasts a large and internationally diverse student population (ISU University relations, 2011). The institution is committed to academic freedom and describes this and the relationship with academic tenure in the faculty handbook as follows:

Tenure is the keystone for academic freedom; it is essential for safeguarding the right of free expression and for encouraging risk-taking inquiry at the frontiers of knowledge. Both tenure and academic freedom are part of an implicit social compact, which recognizes that tenure serves important public purposes and benefits society. The public is best served when faculty are free to teach, conduct research, provide extension/ professional practice services, and engage in institutional service without fear of reprisal or without compromising the pursuit of knowledge and/or the creative process. (sec. 5.2.1)

This excerpt is taken directly from the General Policies on Tenure, Section 5.2.1, and continues with more description of the relationship between tenured faculty and the institution (Evaluation and Review, n.d.). This next section makes it clear that in return for the university's respect, protection of their position and academic freedom in general that faculty must be mindful of the following:

In return, faculty have the responsibility of furthering high-quality programs of research, teaching, and extension/professional practice, and are fully accountable for his or her performance of these responsibilities. Additionally, a well-designed tenure system attracts capable and highly qualified individuals as faculty members, strengthens institutional stability by enhancing faculty members' institutional loyalty, and encourages academic excellence by retaining and rewarding the most meritorious people. Tenure and promotion imply selectivity and choice; they are granted for scholarly and professional merit. The length and intensity of the review leading to the granting of tenure ensures the retention of only productive faculty; periodic performance reviews ensure the continuance of a commitment to excellence. (sec. 5.2.1)

These two excerpts from the faculty handbook at Iowa State University show that the relationship between tenured faculty and the institution is built on mutual trust and respect for their unique functions. This is not only vital to an effective working relationship, but also forms the basic principles upon which post-tenure review gains its legitimacy, scope and application. Lastly, the adherence to the spirit of AAUP recommendations and rationale for a strong relationship between individual and institution makes Iowa State University a great case study.

As stated earlier, Iowa State University is a large and diverse research and learning institution that is divided into many departments with strikingly different fields of study. Engineering, Biology, Psychology, English, Agriculture and the Social Sciences all have large numbers of both faculty and students. Partly due to this diversity, the post-tenure review is developed and implemented at the departmental level (A. Vander Valk, personal communication, February 16, 2011). This department oriented model and many of the other

details related to post-tenure review are outlined in the Iowa State University faculty Handbook in Appendix C.

In addition to the post-tenure review, tenured faculty are reviewed annually to the same end. The annual review is generally between a tenured, for the purposes of this paper, faculty member and the department head. At this review two main objectives are accomplished, the first being a review of the individuals works over the past year (A.Vander Valk, personal communication, February 16, 2011). This can be found to be sufficient or deficient which is decided in large part by the Personal Responsibility Statement, or PRS, of each tenured faculty member.

The Personal Responsibility Statement is a tool used by both the tenured faculty member and the department head to determine the quality of work done over the year. It is divided into three areas of focus which closely follow the three realms of tenured faculty influence as discussed earlier by the AAUP; research, teaching and community participation (Evaluation and Review, n.d.). These three focal points can be adjusted to reflect the workload that a faculty member may have during a given period of time. For instance, an individual may be heavily invested in research during a particular year and may not be teaching as many classes or participating in the academic community in any official manner. A PRS statement prevents incorrect perceptions between the department and the individual to arise concerning contribution to the academic community or teaching.

If the tenured professor being review fails to live up to his or her PRS, or the quality of work produced seems deficient then a negative review will result. Generally what are generated in the wake of a negative review is the tacit encouragement to do better and perhaps a discussion to determine best practices for accomplishing this (A.Vander Valk,

personal communication, February 16, 2011). Often this single instance of negative feedback is enough to illicit a response by the faculty member to do better. Other times a renegotiation of the PRS can shift the focus of a professor's workload to more suitable areas. In any case, the purpose is to be formative and help to develop more appropriate tasks for a tenured professor.

In most cases the annual reviews are found to be positive and accompanied by salary increases as available (A.Vander Valk, personal communication, February 16, 2011). A raise in salary is usually negotiated annually for tenured faculty to reflect time served and good work done. Raises in salary though are contingent upon adequate funding and the results of the negotiations on the part of the individual. These good reviews can also lead to promotions with the rank of Full Professor being the highest level.

While annual reviews occur every year, the post-tenure review is carried out every seven years (Evaluation and Review, n.d.). The key difference between these reviews is that a post tenure review is usually performed by the peers of a faculty member. In addition it takes into account a longer timeline of work and production. This process is again designed to be formative and can result in both good and bad reviews.

In the event of a bad review many of the same actions are taken as with a bad annual review. The faculty member is encouraged to do better and a plan of attack may be proposed and discussed between the parties involved. Currently there is no practical level of punishment beyond the development of a plan to perform better and the pressure of the individual's peer group within the confines of post-tenure review (A.Vander Valk, personal communication, February 16, 2011). In the event of a good review salary increases may follow or a promotion may be recommended, but once Full Professor has been attained this

looses much of its motivating appeal. The salary increase contingent to a post-tenure review is usually simply a recommendation to increase at the next annual review. As with the annual review, raises tied to post-tenure review are only given if funding is available and approved.

While these reviews may seem to lack any practical negative punishment, there is a provision for the chronically poor performing professor within the Faculty Conduct Policy detailed in Appendix C. “Abandonment of Position” can be issued to a tenured faculty member who persistently refuses to perform, or more generally, is not doing their job. This has rarely if ever been used at Iowa State University since it is usually more beneficial for everyone involved to simply reallocate the tenured resource into a position they will perform in (A.Vander Valk, personal communication, February 16, 2011).

This reallocation is easier because of the generally long appeals process a tenured professor can request. These are expensive and almost always result in many appeals and the possibility of a trial. In other words, it is more efficient to provide different duties that they are capable of performing, and are willing to perform, well. It is also important to note that these cases are usually the result of some personal problem or mental illness that impairs the tenured resources ability to perform their standard duties (A.Vander Valk, personal communication, February 16, 2011). As indicated in the excerpts form earlier, tenured faculty are put through a rigorous process to determine if they are capable, intelligent employees. Resources such as this are both expensive and heavily invested in by the institution and should therefore be used in some capacity if their initial focus fades or they show signs of disinterest.

There are problems with the appraisal system described above from both an administrative aspect and from the perspective of tenured faculty. The most glaring problem

is the perceived lack of motivation either positive or negative for the tenured resource to use. While there do exist mechanisms for these incentives issues, the problem may be a lack of definition or a lack of clarity. The lack of positive motivation becomes visible to most tenured faculty after they have reached the level of Full Professor.

Problems with motivation arise before this level has been reached though, since there is not a clear path to promotion. As stated earlier, a good post-tenure review can lead to a promotion recommendation, but this is never set in stone. Even so, once the rank of full professor is attained there is no where to go and no further steps to climb. This is a huge loss of motivation despite the prestige of the title, and may contribute to reduction in production.

After attaining the highest rank there are only a series of annual raises to look forward to and many of these are contingent upon funding, particularly in public universities. The only current path to a significant salary increase seems to require a degree of deviousness and tenacity. Basically, a tenured resource has to receive an offer from another university for higher pay and leverage it as incentive to stay (A.Vander Valk, personal communication, February 16, 2011). The university has in place a retention fund that is used for the purposes of keeping tenured resources from pursuing these offers. This mechanism is not based on merit though and can alienate some faculty who do not prefer the “strong arm” approach to advancement.

The absence of negative motivation is a similar problem, though one that is seen as more problematic by those who do not enjoy academic tenure. The fact is that there is no existing practical mechanism to effectively punish chronically poor performers within post-tenure review (A.Vander Valk, personal communication, February 16, 2011). The level of due process afforded to tenure faculty make direct dismissal costly and time consuming,

while the creation of an appropriate definition for bad work is nearly impossible. Keep in mind that the protection of academic freedom makes the work done by tenured faculty necessarily abstract to protect against the abuses that may occur. Even Personal Responsibility Statements are geared not to provide explicit evidence of poor performance, but rather indicate areas of focus for perception sake.

In the light of these deficiencies, the university is undergoing a reform of post-tenure review to correct the lack of motivation. Reforming this process is not easy as there are many fears from all sides that have to be taken into account. To start, the push for reform was heavily predicated on budget concerns and funding.

State funding to public universities has been dropping for a few decades now and the result is higher tuition and increased scrutiny on spending in general. This problem has been compounded by various mandates from the state legislature on a variety of university services (A.Vander Valk, personal communication, February 16, 2011). Mandated raises and funding to specific projects are sometimes unfunded with the expectation being that the university can find the money elsewhere. The easiest way to gather this money for state mandates is to cut positions since they are annual and include salary as well as benefits.

This environment leads to fear and suspicion among the tenured faculty about the security of their positions. The most serious fear comes from the pressure from outside groups to define what bad performance is and the implications that will follow this definition. Again, academic freedom is necessarily vague to account for the myriad of expanding issues that affect our world. A definition of what activities are improper, or which defines appropriate use of time could have profound effects on the security of academic tenure.

Lastly, the administration is also under enormous pressure from both the state legislators and the Board of Regents. These entities have mandated post-tenure review and placed increased pressure on balancing budgets while also mandating funding for projects without appropriation. The focus of legislative anger and the de facto example of university failure has become the under performing tenured faculty who languishes with lifetime tenure. This places the administration in the tough position of having to penalize their best asset to appease those who provide funding.

In spite of the fears and suspicions, the faculty senate and the administrative forces of Iowa State University have come up with a few proposals and solutions that could appease all parties involved. Arnold Vander Valk, tenured professor in ecology, was faculty senate president in 2010 and began the current process towards a revision of post tenure review. During his time as president he set up a task force for the purpose of researching post-tenure review and compiling any and all solutions available.

Vander Valk, (personal communication, February 16, 2011) proved to be an invaluable resource for teasing out the smaller details plaguing post-tenure review that research on the policy alone could not hope to uncover. His own solutions reflect this understanding and provide a good start for future policy change. His basic solutions were to maintain the decentralized practice of doling out punishment at the department level. This would keep the solution and the problem within the department where peer policing of the deficient individual would be strongest. This would also allow for more direct punishments that may fit the needs of the poor performer much better than an arbitrary sentence.

Vander Valk (personal communication, February 16, 2011) also indicated his support for a better reward system that would provide larger benefits to those outstanding professors

and a clearer path to these rewards. The first part of this scheme would solve the problem of stagnation within the higher faculty by providing a realistically attractive goal to work towards. The second part would create a definite path towards attaining these benefits and eliminate the fear of working harder without any payoff in the end.

The faculty senate has echoed these solutions in many ways and provided more detailed explanations for practical use. These changes have centered heavily on how to motivate faculty through post-tenure review. Motivation is being attacked from two angles, one providing a positive incentive to encourage higher quality and the other a negative incentive to dissuade poor performance.

The positive incentive proposed would try and solve the problem of motivating tenured faculty after they have reached the level of Full Professor. As discussed earlier, the upward mobility of a tenured resource stops at the rank of Full Professor leaving only annual salary negotiations or the occasional offer from another university to motivate. The proposed policy change would institute a salary step system for the tenured resource to have more opportunities to advance (A.Vander Valk, personal communication, February 16, 2011).

This system would mimic Vander Valk's solution for greater rewards and a clearer path to attaining these rewards. The system provides many additional opportunities for advancement even beyond the rank of full professor and could be integrated into the post-tenure review structure. This would help with the problem of stagnation for those tenured resources that perform to very high levels without recognition and would undoubtedly help improve the vitality of the professoriate. The proposal is still undergoing revision, but seems to be a good start to solving the problem from multiple angles and with regard to those who would be subject to it.

The negative incentive proposed by the faculty senate would add a path to dismissal previously unrepresented. With this proposal, a tenured resource could be terminated for producing an unacceptable performance standard. This label would be applied to the tenured resource who fails successive evaluations, either annual or post-tenure. Under this standard, a poor performer would develop a work plan to increase his or her performance with either the department or a group of peers. If the poor performer fails to successfully execute the plan or simply does not follow it, then termination could result (A.Vander Valk, personal communication, February 16, 2011).

This mechanism would also come from the Faculty Conduct section of the Iowa State Faculty Handbook, just as abandonment of position did. By placing this mechanism outside of post-tenure review the formative nature of the policy can be maintained while providing an avenue for dismissal if chronic problems persist. The mechanism is currently being tabled for a variety of reasons, but if put in action would provide a bridge between post-tenure review and faculty conduct with more definition than the previous abandonment of position.

The problem with the unacceptable performance standard is that is relatively undefined that this stage in its development. For instance, it does not address what is considered unacceptable performance and only provides a punishment mechanism. The standard would have to be better defined or it could present a serious danger to the principles of academic tenure and academic freedom.

While it is clear that the proposed policies have some refinement ahead of them, it would be practical to examine the sources used in the development of these policies. The AAUP provides some good starting points for faculty looking for an effective post tenure review. Iowa State University currently bases promotions off of the standards suggested by

the association. In addition, the excerpts from the faculty handbook above include many of the same ideas promoted by the AAUP.

Other universities and institutions provide some useful templates for mechanisms used at Iowa State University. The University of Nebraska, for instance, uses the format of two negative post-tenure reviews leading to disciplinary action. This closely mimics what happens when a tenured faculty member at Iowa State University earns the distinction of abandonment of post (A.Vander Valk, personal communication, February 16, 2011).

Teachers unions can provide some help in negotiating salary policy and subsequent raises. This is not the case at Iowa State University since university professors are not union members, but may be useful to other institutions. While these resources are probably the best places to start when dealing with academic tenure, there may be other institutions that have explored tenure from a different angle.

As mentioned earlier, tenure exists in many professions, and while the acquisition may be different and the boundaries may be more limited through the absence of academic freedom, they may provide some clues for furthering review in this discipline. Legal tenure, for instance, is often attained when granted the title of “partner” and can include similar lifetime contracts. Medical doctors are often afforded tenure to protect against the life and death nature of their work. One area that is particularly similar in both its job security and variety of duties is the public sector.

Public sector employees enjoy strong unions with strong bargaining rights that protect their positions to both good and bad ends. They also possess difficulties with poor performers and public demand for more accountability. As of early 2011, the state of Wisconsin was embroiled in controversy over these perceived lucrative contracts of the government

employees. Aside from eliminating the union's collective bargaining rights to effect change, there are appraisal methods that have evolved to account for worker performance in these situations. Employees who may be in the wrong positions, languishing in positions that they are not performing to the highest quality or are taking advantage of sometimes unclear state motives can be reevaluated.

Some of the appraisal methods do just this and have taken on the flavor of some of the more formative aspects of review mechanisms. A few that may be tried under the umbrella of academic tenure are the 360-degree appraisal system, pass/fail and progressive discipline system, and the star appraisal system (Daley, 2009). Each of these methods attempts to improve the overall environment workers exist in through the individual review then applied to the whole organization. They take into account factors that benefit both the employee and the organization and that might not be necessarily defined.

The 360-degree appraisal system is designed to observe a variety of evaluative sources (Daley, 2009). By taking into account the shared knowledge of those within the organization, this system creates a shared culture with similarly shared objectives. It is also suited well for post-tenure review as it does not rely on large hierarchies with assigned duties to function efficiently, but can be applied to flat hierarchies with ratings coming from sources such as department head, tenured peers, subordinates and perhaps students. Since tenured faculty are assumed to be highly effective and knowledgeable employees, this system could provide very useful feedback for the department head charged with managing many tenured resources.

The system is useful in large part to the development of formative purposes, when applied to judgmental purposes it tends to lose its effectiveness (Daley, 2009). Using peers

and subordinates can have the adverse effects of biasing judgments if connected to punishment. If student criticism is added to the mix then the added bias of rating those who evaluate you is added. In general the benevolence of the tenured resource cannot be counted to avert the perception of post review reprisals. Therefore, the 360-degree appraisal system is more useful as a formative tool than a judgmental one.

The pass/fail and progressive discipline system is another method that could be very useful in the review of academic tenure. This system operates under the assumption that organizations do not hire people to fail and therefore operate with an abundance of skilled workers (Daley, 2009). Under this assumption, the appraisal method does away with performance ratings as most employees will score in the higher ranges anyway and may see this as a waste of time. In addition, this would allow the manager to deal exclusively with those who are under performing and not waste time on those performing their duties well.

The addition to the pass/fail system of a discipline system would allow for the creation of developmental reviews for those who are underperforming and provide progressive examples of those actions which would indicate poor performance (Daley, 2009). This would still maintain a formative relationship between the department and the tenured resource while also fostering better communication and building trust. In the event of a critical lapse in judgment by a tenured resource, the disciplinary action could be more localized and not have to burden the rest of the faculty with unnecessary restrictions in the event that a lapse occurs.

Admittedly, this system would require a high degree of trust between the administration and tenured faculty. This seems to be negligible though as trust is the basis of the relationship between institution and academic in the first place. When added to the

assumption that this system operates upon stating that organizations do not hire people to fail, then the risk factor drops considerably. In addition, this system would free up effective tenured faculty that may see the whole process as a waste of time by only strictly reviewing those that fail the preliminary assessment. Aside from this initial step, the process could remain the same with a peer review and formative processes following a grade of fail.

The star appraisal system attacks the problems that the pass/fail and progressive discipline system possess, namely the application of rewards. While the pass/fail system does a good job at indicating which employees are not performing, it is not well suited to rewarding those exceptional employees within an organization. The star appraisal system is based on peer reviews that lead to recommendation for monetary reward rather than pitting peers together towards the prevention of a negative incentive (Daley, 2009). By allowing those within the organization to all have a say at what is considered exceptional, the organization also provides a collective example of what is considered excellent.

This peer oriented model also averts the perception of issuing rewards based on a distribution system with excellence based on set qualifications. Peer review would set progressive qualifications that could change from year to year depending on relevant environmental factors and not be perceived as archaic or impractical. In addition, this model would stay true to the AAUP principles outlined in 1915 that asserted tenured faculty members peers are the best judge of performance. This system would simply streamline and provide greater cooperation to many of the mechanisms already in place.

Academic tenure is unique because much of what defines the position is tied to the principle of academic freedom. This plus the fact that the profession is made up of experts in all fields of study with all manner of research and teaching styles make the application of an

appraisal system difficult. Despite these difficulties, increased calls for greater accountability and the pressure tied to shrinking budgets make the development of a widely acceptable post-tenure review essential for the survival of the position.

This review would best be developed within the institution rather than being forced onto it by outside sources such as the legislature. History has shown that a mixture of institutional trust, formative review structures and an active peer community are essential to the effective application of a post-tenure review. Public service models provide solutions with these characteristics and have developed them under similarly difficult conditions such as high job security and variable duties or objectives.

CHAPTER 3. METHODOLOGY

Research on the topic of academic tenure and the application of post-tenure review presented some similar indicators of success. These indicators centered on faculty acceptance of the instrument, peer inclusion in the process and the use of appraisals with developmental purposes. It seemed fitting to survey the field of tenured faculty since these indicators are all centered on the perceptions of those who would be reviewed by the instrument.

To accomplish this, a survey was developed that would gauge the preferences of tenured faculty at the three largest public universities in Iowa. These preferences would indicate which appraisal model to apply, or which characteristics to favor, through analysis of the final data. Tenured faculty were chosen as participants for the simple reason that they are the ones being reviewed, as mentioned earlier. Faculty members without tenure or in the process of gaining tenure were left out since they are reviewed for different purposes and with different constraints.

The use of the three largest public universities in Iowa as the pool from which to pull participants served two purposes. The first was to center the discussion on just one state since the Board of Regents for each state mandate post-tenure review with different qualities and for different reasons. The second reason was to address the pressures felt by public universities in the wake of reduced budgets. In addition, the application of a public service model to a public university may have presented similar challenges regarding legislative mandates and pressures.

The survey would quantitatively measure the preferences of tenured faculty from Iowa State University, University of Iowa and University of Northern Iowa. This would yield a pool of a few thousand participants and give a statistically significant view of tenured

faculty perceptions. These perceptions would then be applied to an appropriate model from the public sector or discussed as characteristics for future research.

The survey itself was broken down into simple questions that did not apply directly to any current post-tenure review system. They were merely used to gauge very simple preferences in the hopes of creating a basic platform of what tenured faculty believe they should be reviewed upon. These questions mimicked many of the policies and evaluative procedures already used, but were again simplified so as to be useful in describing both academic tenure and public sector employment. The participants were asked to gauge their agreement with the statements in ascending strength from strongly disagree to strongly agree with the alternate option of having no opinion on the subject.

The survey was administered via email with a link provided to the survey website *SurveyMonkey*. The results would be completely confidential and participation was completely voluntary. The data would be used to statistically assess the strengths of the agreements to make judgments about a variety of topics. These judgments could be used to determine if tenured faculty across the state are more focused on teaching, research or administrative purposes. They could also be used to determine how tenured faculty would like to be evaluated and whether rewards past the attainment of tenure are necessary.

By looking at the data from the survey the researcher could determine basic preferences based on a few statistical techniques. First the strength of preferences from each question could be gauged to determine how the survey pool feels about each of the question areas. These preferences could also be input into a linear regression formula to determine if any two preferences correlate. This correlation could help to better understand how preferences relate to each other. For instance, those tenured faculty members who value the

recognition of seniority could also be those who believe that teaching is the most important variable of academic tenure. This revelation would allow us to apply a much better civil service model based on multiple preferences.

These characteristics would be a good starting point for recommending a public service model and provide a neutral vocabulary for discussion of any and all shared responsibilities between the two professions. Unfortunately, the implementation of the survey ran into difficulties from the very start which actually came to mimic difficulties experienced by many of the mechanisms related to this topic. These difficulties would come to showcase the suspicion and fear illustrated by the many authors on this topic and limit the scope of the instrument significantly.

In order to conduct any human research the Institutional Review Board of my own institution requires approval from the universities involved in the study. This approval allows the conduct of research on the selected campus and is given by appropriate officials at each university. From the outset this supposedly simple requirement proved to be a daunting task.

The University of Iowa was the institution that proved to be the biggest obstacle to this stage of the implementation of the survey. After many weeks of emails and phone calls trying to find the correct individual to obtain approval I was finally directed to appropriate official. After many more weeks and exchanges I was eventually denied approval to conduct the simple survey on that campus. This denial is perfectly acceptable and is the reason for such an approval process, the environment and nature of the denial may prove to be useful when later discussing the findings of the survey instrument.

After approval had been obtained from cooperative institutions email lists were acquired to disseminate the survey to the around two thousand tenured faculty still left in the

pool. At Iowa State University this was a simple matter of obtaining the list and sending the survey. University of Northern Iowa had a different method that eventually led to the failure of the survey instrument entirely.

At University of Northern Iowa emails to specific faculty are sent via the postmaster using a series of codes to indicate the destination. Although having approval from the Director of Research Services and being told to use the service explicitly, said service was denied. The reason given was that the subject matter was considered spam and that the instrument should be using a different service. Explanation of the nature of the instrument and the specific population it targeted proved useless and the survey was sent to the suggested service called UNIONline. This service required a brief explanation of the message after which the mass email would be sent on three separate occasions. This was not perceived to be a problem as the description used repeatedly throughout the process, and viewable in Appendix B, indicated a plea to only be used by tenured faculty members.

Meanwhile the survey was sent to tenured faculty at Iowa State University where it received several hundred responses and a couple dozen emails providing further feedback. The University of Northern Iowa population was sent their survey a week later immediately after which the university asserted that again, this method was an inappropriate use of campus services. Apparently UNIONline was intended for UNI students only and the survey was again directed to the postmaster. This step proved unnecessary though as the UNIONline staff had rewritten parts of the explanation related to sending this survey to only tenured faculty. This change and the email trail that led to it between the researcher and UNI representatives is detailed in Appendix B of this paper.

The explanation given by those in charge of the service was that the directions provided were confusing due to a typo which left out a piece of punctuation. To correct this, UNIONline took the liberty of changing the directions themselves rather than referring the question back to the researcher. The change converted my status from a graduate student to a tenured faculty member and changed what was a confusing lack of punctuation into an explicitly misleading statement. The result was the pollution of the survey pool as a few hundred responses had been submitted from the university. The anonymous nature of the survey prevented the weeding out of these misled participants and resulted in abandonment of the instrument altogether.

This failure at the UNI could be the product of a larger failure of Weberian bureaucracy. It is obvious from the explanation provided above that the various levels of bureaucracy at UNI suffered from a lack of communication. The emails provided in Appendix B show this disconnect as the researcher is forced to move from one level of bureaucracy to another in order to accomplish the simple act of disseminating a survey. While the purpose of this thesis is not the critique of Weberian bureaucracy, it provides a solution that contrasts the experience at UNI from that at the University of Iowa.

The abandonment of the survey that did result from this failure comes from the anonymity of the instrument itself. Due to this anonymity, the researcher was unable to separate the results that were polluted from the overall data pool. This caused an additional problem which stems from the process used to survey human populations.

The process to submit a survey through the Institutional Review Board is explicit about, and goes to great lengths to preserve, the maintenance of the rights of the participants. This comes from the gross excesses of the past where human subjects were not treated with

the respect they should garner, from Nazi human experimentation to the Tuskegee experiments. From these events in human history the process has taken on a decidedly protective nature.

The fact that the survey was misrepresented to the participants provided the main reason for abandonment. By portraying the researcher as tenured faculty member instead of a graduate student the participant was immediately misled. When this is added to misrepresentation of the researcher as a faculty member from a different institution, the survey begins to deviate substantially from its stated purpose.

These factors led to the abandonment of the survey as a safety precaution for both the participants and the researcher. The participants have a right to know who is conducting the survey and a more basic right not to be misled. The researcher should be averse to using data that has come from participants that may have added a different bias based on the misinformation. In addition, the researcher would want to work within the confines of the IRB so as to be assured of conducting legitimate, quality data.

CHAPTER 4. RESULTS AND DISCUSSION

Data from the survey on tenured faculty at the three largest universities in the state of Iowa would have been the sole focus of this section had the events detailed earlier not occurred. The inability to conduct research at the University of Iowa, the inability to send the instrument at the University of Northern Iowa and the pollution of useable data from Iowa State University has forced the examination of other aspects of the survey. The data that will be examined in this section was taken from two sources related to both the instrument and the problems encountered in its implementation.

The first source will draw from the administrative hurdles put in place of this instrument and compare them with repeated difficulties discussed earlier in the formation of post-tenure review. The second source will look at direct input from faculty who took the survey and the suspicions and concerns voiced through email comments. In both of these cases no statistically significant data exists and therefore any suggestions are based purely off of the cases in question.

As detailed in the literature review about the problems associated with the creation of post-tenure review, a large obstacle is the general suspicion and fear associated with it. This fear can come from both the administration and the faculty since both are in difficult positions, the outcome of which may drastically affect their jobs. From an administrative standpoint, the creation of a successful post-tenure review that satisfies both the Board of Regents and the institutions own faculty is vitally important. The former controls important aspects of a university such as funding and the latter is vital to even the basic functions of a university.

For this reason, an administrator charged with reforming post-tenure review would want the best environment possible to allow for a quick and painless reform. A preferred environment as discussed earlier would foster trust and reduce the fears related to job security as much as possible. The introduction of any externality that could arouse suspicion or fear among the faculty could be construed as detrimental to the process, process which was underway at the University of Iowa.

Using this argument, the denial of approval for research at the University of Iowa could be considered a carefully made decision to prevent such an environment from manifesting. A purposefully simple survey with questions that could not be easily identified with any particular part of post-tenure review may arouse the suspicion of an edgy faculty. Considering that the survey in question was denied after many weeks of passing responsibility around the bureaucracy, the assumption could be made that the preference of the administration would be for it to simply disappear.

A political decision such as this is would be perfectly rationale, particularly since the university was undergoing a revision to its post-tenure review. The same may be said for the administrative hurdles at the University of Northern Iowa where the chain of command had to be climbed twice to achieve the goal of sending a mass email. This could be the result of a political decision after the fact to prevent any negative externalities from effecting the productive creation of a new review model. In the case of the University of Northern Iowa though, the problem seemed to be less political, particularly when compared to University of Iowa, and more related to the incompetence of parts of that bureaucracy.

Of course without any hard evidence aside from the circumstantial these assessments are just blind explanations of particularly difficult circumstances. The second resource from

which data was collected in lieu of the original instrument are the very rich comments sent by tenured faculty from Iowa State University. These twenty two emails sent from tenured faculty from various disciplines around the university paint a very critical picture of the instrument and its application to the topic at hand in particular.

It is important to note that the description attached to the survey link only indicated that the tenured professors input was appreciated and would be added to a larger pool of responses. As detailed earlier it was intended to simply gauge perceptions of job preferences to develop a basis for discussing civil service models. Despite this, around 7% of the respondents chose to comment on the issue under the assumption that they knew the end application of the survey. While this is understandable and the questions do lend themselves to supporting many of their conclusions, the suspicion is evident.

The comments received from the faculty who took the survey were predominantly negative with around 15 critical comments or 68% of the responses. They ranged in value from “This is a poorly written survey. I do not wish to fill it out” to more detailed comments such as, “I feel your questions are too one sided.” In all of the negative comments though, the assessment was made that this survey did not truly capture the practice of tenure for a variety of reasons.

The constructive comments were written along the same pattern of not capturing what the participant thought was the real essence of academic tenure. In nearly all of the comments, the participant wished to share their feeling about the true meaning of tenure in order to clear up the inability of the instrument to truly capture it. While this is exactly what a comment is meant to do, the nature of them is the most telling data of the instrument.

The best data came from people who wrote comments with definite emotional overtones as these indicate the people most invested in the topic. One participant wrote “Those are the most bizarre and useless questions that I have ever been asked about tenure. In fact, they have absolutely nothing do to with tenure per se. I don’t know who you are or what you hope to accomplish but you have not thought very hard about what is an interesting question.” The substance is very emotionally charged and illustrates pretty clearly that the participant has his own reservations about academic tenure.

Statements such as this one, the abundance of comments and the possible political aversion to allowing a simple survey on ones campus all can be related back to premise that post-tenure review can be badly hampered by suspicion and fear. If these are the responses that a ten question survey illicit, then the implementation of full policy changes must take extra care. Faculty acceptance has proven to be a vital necessity in this case as either the largest hindrance to reform or the biggest asset.

CHAPTER 5. CONCLUSIONS

The creation of an appraisal system for any organization is difficult, particularly if the goal is to be developmental as opposed to judgmental. Post-tenure review adds to this difficulty variables such as academic freedom, peer review and strong job security. In addition, these factors are all balanced against the wants of the general public, the legislature and all of the ideologies and viewpoints that accompany them. The effects of these variables have been shown to hinder the process of modifying post-tenure review and of applying a universally satisfactory appraisal system.

The review of the literature and history surrounding this issue has brought to the surface some commonalities for creating both an unsuccessful and a successful review system. Among these commonalities is the need to foster a trusting environment within the organization. This type of environment is best for both creating and implementing an accepted appraisal method. Again, the duties of academic tenure are based on academic freedom which has no defined scope or boundaries. This makes the inclusion of all parties involved very important because these parties will have to work together to determine what constitutes good performance in an organization as symbiotic as higher education.

In the spirit of determining what does constitute good performance, all parties involved have weighed in their own desires. The characteristics such as peer orientation, rewards structures for motivation and increased clarity have come to dominate the faculty side of this debate. In contrast, the echoing call for more accountability over the years has led to the desire for more strict punishment mechanisms and assurances of higher quality production and service. Both of these viewpoints can agree that increased motivation is the key to an effective post tenure review and that incentives must be used to accomplish this.

Negative incentives should not be dismissed, but would be particularly hard to apply to academic tenure in the form of a blanket policy. The definition would have to determine what is considered acceptable performance in a field that demands shelter from elements outside of the institution. The cases detailed in the literature review show that even an institution owned and for use by the general public can fall prey to censorship and cannot count on the protection of benevolent leadership. For this reason, negative incentives should be tackled on an individual basis and with the assistance of those who would be most hurt by abuse of the system, other tenured faculty.

On the flip side of this argument is the application of positive incentives to achieve the same end. These incentives could come in the form of additional benefits like sabbaticals, research money or additional levels of promotion and salary increases. The last of these incentives pose the biggest problem to the application of them all in that they require financing. Part of the current interest in post-tenure review has come from shrinking budgets and the desire for cutting waste that follows in the wake. While positive incentives would seem to be counterproductive to this end, they are thrifty when weighed against the money that could be spent in trials and appeals to terminate a tenured resource. Additionally, with the goal of post-tenure review being to improve the overall quality of the institution it would seem wise to improve the quality of the individual in a higher education setting.

It takes a minimum of seven years to attain tenure and during this time an individual is encouraged to perform incredibly if they wished to be retained long enough. Academic tenure is an expensive investment that is generally given only to those that a university sees as a valuable addition to their faculty. This fact lends itself to the idea that organizations do

not hire people to fail and forms the most basic assumption that one should carry when addressing post-tenure review.

When this is taken into account not only can post-tenure review be correctly constructed, but it can also have a greater chance of being implemented. Both the case studies in this literature review and the experience of the survey instrument show that the environment in which post-tenure is created and applied is important. Suspicion over the continued reform of a review that many tenured faculty do not want can truly stall a process that must be done within the institution to be both effective and maintain the academic freedom that is so vital to an institution of higher learning.

Understanding the desires of all parties involved and of the environmental constraints involved is important to the successful development of post-tenure review. From this understanding certain appraisal methods can be applied more appropriately and with greater certainty. Of the models discussed from the public sector, a hybrid of two of them seems to provide a good fit for the purpose of improving the quality of individual and by extension the institution.

The pass/fail and progressive discipline system combined with aspects of the star appraisal system would seem to please all parties and positively affect the quality of work produced. The use of a pass/fail system would acknowledge that tenured faculty are consistently good performers and provide more time for the individual development of poor performing tenure resources. The use of annual reviews, like those at Iowa State University, could be continued under the same format and the post-tenure review could then be more exclusively used for problem resources.

The addition of a progressive discipline system would also provide a more appropriate individual discipline system. An individual discipline system would eliminate the need for a uniformed definition of poor performance and allow the department and the poor performer to discuss and determine the correct course of action. This would most likely be a formative plan for improvement, but could still lead to termination if the agreed upon plan is not accomplished. The cooperative aspect of this would foster better communication and the benefits associated with it as well as eliminate much of the tenured resources claim in appeal that academic freedom was abridged.

Adding to these system parts of the star appraisal method would provide an additional incentive and a progressive example of good performance. Since much of the star appraisal is based upon peer review the content would come from the best possible source. Using peer evaluations to award incentives allows tenured faculty within the discipline to assess what is appropriate for the field of study at that time. This would provide a fluid example of not only what it takes to gain positive incentives, but also what is considered poor performance.

This suggested model fulfills the most important criteria laid out in the literature review towards the end of an effective and accepted review. The model relies heavily on peer review which stays true to AAUP principles keeps the maintenance of academic freedom in the hands of those who exercise it. Positive and negative incentives both play a role in the model, but in a way that places them in a more effective, decentralized level of department that better observes the constraints of academic freedom. Lastly, the model itself would foster a better climate of increased communication and reduced suspicion for successful implementation and continued use.

Future research on this topic should delve into the specifics of this suggested system to determine if it could be realistically applied. Since direct data could not be collected for this examination, faculty preferences may be valuable to determine the perceptions of this model. These preferences could measure the desire for peer centered reviews and what level of power a tenured resource would like their peers to have over their own appraisal. An instrument could also measure the desire for positive incentives versus negative incentives and make adjustments accordingly.

More interesting could be an examination of those outside of academic tenure to determine if this model would satisfy their desires. How would the model satisfy a state legislature, student, taxpayer or member of the Board of Regents? These forces are equally, if not more, important since they are the forces that continually pressure for stricter review.

Whatever the research methods that are employed or the model that springs from this research, it is important to remember who this appraisal is applied to and for what purpose. Institutions of higher learning are a necessity of modern civilization and provide important duties and functions to this end. The tenured faculty member needs the institution to provide a place and funding towards the goal of educating our populace and providing research for the advancement of civilization. This relationship should be a galvanizing force that pulls post-tenure review away from the punishing those enigmatic “deadwood” professors and towards the encouragement of quality performance out of proven employees.

APPENDIX A: SURVEY INSTRUMENT

The following 10 questions will gauge your preferences regarding the duties and responsibilities of tenured faculty. The information will be used to recommend a performance evaluation method to be used in the post-tenure review process.

For the following questions please rate your responses on the scale provided.

1. A tenured professor's number one priority should be to educate his or her students.
1=strongly disagree, 2=disagree, 3=no opinion, 4=agree, and 5=strongly agree
2. A tenured professor's number one priority should be to conduct research for his or her institution.
1=strongly disagree, 2=disagree, 3=no opinion, 4=agree, and 5=strongly agree
3. A tenured professor's number one priority should be to serve the community in which he or she resides.
1=strongly disagree, 2=disagree, 3=no opinion, 4=agree, and 5=strongly agree
4. When performing his or her duties, working well with others is the most important consideration for a tenured professor.
1=strongly disagree, 2=disagree, 3=no opinion, 4=agree, and 5=strongly agree
5. When performing his or her duties, it is more important that a tenured professor be capable of finishing one task outstandingly rather than finishing many tasks well.
1=strongly disagree, 2=disagree, 3=no opinion, 4=agree, and 5=strongly agree
6. It is important that a tenured professor be able to complete large volumes of work, rather than concentrating on a few smaller projects.
1=strongly disagree, 2=disagree, 3=no opinion, 4=agree, and 5=strongly agree
7. All tenured professors are in the position they are in because they are great employees.
1=strongly disagree, 2=disagree, 3=no opinion, 4=agree, and 5=strongly agree
8. Increasing the pay of tenured professors should be tied to outstanding performance rather than to length of time served.

1=strongly disagree, 2=disagree, 3=no opinion, 4=agree, and 5=strongly agree

9. Tenured professors should be critiqued on their improvement in certain areas from year to year and rewarded for this improvement.

1=strongly disagree, 2=disagree, 3=no opinion, 4=agree, and 5=strongly agree

10. Tenured professors should always be seeking to improve upon any weaknesses they may have that could influence their ability to perform their duties.

1=strongly disagree, 2=disagree, 3=no opinion, 4=agree, and 5=strongly agree

APPENDIX B: EMAIL CORRESPONDANCE

Blair Boehm <bboehm@iastate.edu> Fri, Nov 19, 2010 at 11:30 AM

To: ----- <-----@uni.edu>

Thank you again for the list of faculty at UNI. Would it be possible to retrieve a list with emails? I recently received approval from UNI to conduct research and failed to ask for the appropriate list. Thank you for your help and time.

[Quoted text hidden]

----- <-----@uni.edu> Fri, Nov 19, 2010 at 11:35 AM

To: Blair Boehm <bboehm@iastate.edu>

Blair,

We have a mailing list for the various groups on campus. Please view <http://www.uni.edu/its/services/network-services-mailing-lists/administrative-list-position-classification>

[Quoted text hidden]

Blair Boehm <bboehm@iastate.edu> Wed, Jan 26, 2011 at 4:27 PM

To: HRS-UF-Ten@uni.edu

University of Northern Iowa Faculty

As a tenured faculty member of the University of Northern Iowa you have been selected to participate in a short survey. The link below will direct you to the online survey website SurveyMonkey where you will be asked ten questions about your perception of the practice of tenure. The answers are completely confidential and I urge you read the statement at the beginning of the survey to be assured of this. Your answers will become part of a larger pool of responses from other Iowa universities and your input is greatly appreciated.

Thank you for your time, the survey should not take more than ten minutes.

Survey Link: <https://www.surveymonkey.com/s/GYGPF8F>

--

Blair Boehm
Teaching Assistant, ISU
bboehm@iastate.edu

----- ←-----@uni.edu> **Thu, Jan 27, 2011 at 7:31 AM**

To: Blair Boehm <bboehm@iastate.edu>

This is inappropriate use of UNI mailing lists and is considered spam. Please do not send such messages as these lists are used for official UNI communications.

--

Phone: -----

[Quoted text hidden]

Blair Boehm <bboehm@iastate.edu> Thu, Jan 27, 2011 at 8:07 AM

To: ----- ←-----@uni.edu>

Mr. -----

I am sorry that this was not the appropriate channel for a request of this type. I am a graduate student at Iowa State University conducting a survey of the perceptions of tenured faculty. I received the appropriate approval from UNI and was told to use this service. Could please direct me to another method of surveying tenured professors at UNI or does this clear up the confusion. Thank you.

----- ←-----@uni.edu> **Fri, Jan 28, 2011 at 8:20 AM**

To: Blair Boehm <bboehm@iastate.edu>

Blair,

Sorry on the late response, I was out of the office yesterday.

I will give you the same advice as I do UNI graduate student's who want to administer similar surveys to faculty.

A mailing called UNIONline is emailed to all UNI employee's twice a week and it includes a section for Faculty. I would advise you to submit the link to your survey to UNIONline.

Since our faculty do not have a chance to opt in to your mailing, it would be considered spam. Furthermore, if I allowed these types of things to be bulk mailed to our faculty, they wouldn't be too happy and would want off the lists. This is the reason UNIONline was created, to see that all bulk email comes in one email rather than a dozen or more emails throughout the week.

Hope that helps,

--

Phone: -----

----- ←-----@uni.edu> Tue, Feb 8, 2011 at 12:03 PM

To: bboehm@iastate.edu

Blair,

This item will not be run again. Submitted items must be sponsored by a UNI department, program or organization.

TENURED FACULTY PERCEPTIONS QUESTIONNAIRE

A UNI tenured-faculty member is requesting your input in the form of a short survey about your perception of the practice of tenure. The answers are completely confidential and will be combined with responses from other Iowa universities. Your input is appreciated. The 10-question survey is at <https://www.surveymonkey.com/s/GYGPF8F> and should not take more than 10 minutes.

The University of Northern Iowa provides transformative learning experiences that inspire students to embrace challenge, engage in critical inquiry and creative thought, and contribute to society.

Researchers Note: The break in the email chain just prior to the last correspondence is due to the submission mechanism for UNIONline which is done through a website. The email sent to HRS-UF-Ten@uni.edu is a duplicate of this submission.

APPENDIX C: FACULTY HANDBOOK SELECTIONS

5.3.5 Post Tenure Review Policy

Faculty in each department are charged with developing and implementing a plan for review of each tenured faculty member in the unit. Such review should be done periodically, at least once every seven years, for faculty on full-time or part-time appointment. The review should address the quality of the faculty member's performance in the areas of teaching, research/creative activities, extension/professional practice, and institutional service, consistent with the faculty member's position responsibility statement. Ideally, the review shall result in recommendations for enhancing performance and provide a plan for future development. The review should also discuss the effectiveness of the part-time appointments.

This review does not change the university's commitment to academic freedom, nor the circumstances under which tenured faculty can be dismissed from the university. Grounds for dismissal for adequate cause remain those listed in the Faculty Handbook under [Section 7 Faculty Conduct Policy](#).

The plan for review should designate the following:

- the review participants
- review procedures and timelines
- materials to be reviewed
- distribution and use of the results of the review including communication beyond the department
- mechanisms for the faculty member to respond

The departmental post-tenure review plan shall be reviewed, approved, and revised in accordance with the collegiate governance approval process that applies to departmental promotion and tenure documents.

7.2.2.5.1 Abandonment of Position

Faculty members who substantially fail to perform any duties and who do not respond to inquiries regarding their status have abandoned their positions. In cases of abandonment, salary may be suspended by the provost upon recommendation of a Faculty Review Board if the faculty member fails to respond to a charge of abandonment.

REFERENCES CITED

- American Association of University Professors. *1915 Declaration of Principles on Academic Freedom and Academic Tenure* [PDF Document]. Retrieved from Policy Documents and Reports Online Web site:
<http://www.aaup.org/AAUP/pubsres/policydocs/contents/1915.htm>
- American Association of University Professors. *1940 Statement of Principles on Academic Freedom and Tenure* [PDF Document]. Retrieved from Policy Documents and Reports Online Web site:
<http://www.aaup.org/AAUP/pubsres/policydocs/contents/1940statement.htm>
- American Sociological Association. (2005). *Edward Alsworth Ross*. Retrieved from
<http://www2.asanet.org/governance/ross.html>
- Applegate, J.L & Nora, L.M. (2002). Post-Tenure Review in Kentucky: A Clash of Cultures. In C. M. Licata & J.C. Morreale (Eds.), *Post Tenure Faculty Review and Renewal: Experienced Voices* (pp. 35-49). Washington, DC: American Association for Higher Education.
- Clark, Shirley M. (2002). Ahead of our Time at the End of the Trail? Post-Tenure Review in the Oregon University System. In C. M. Licata & J.C. Morreale (Eds.), *Post Tenure Faculty Review and Renewal: Experienced Voices* (pp. 19-34). Washington, DC: American Association for Higher Education.
- Daley, Dennis M. (2009). The Trials and Tribulations of Performance Appraisal: Problems and Prospects in the Twenty-First Century. In Eric Stano (Ed.), *Public Human Resource Management: Problems and Prospects* (pp. 107-115). New York, NY: Longman.
- Evaluation and Review. (n.d.) In *Iowa State University Faculty Handbook*. Retrieved from
<http://www.provost.iastate.edu/faculty/handbook/current/section5.html>
- Iowa State University, University Relations. (2011). *ISU at a Glance*. Retrieved from
<http://www.iastate.edu/about/>
- Lattin, H. P. (1995) Sylvester II. *Encyclopaedia Britannica* Academic ed.
- Keyishian v. Board of Regents of the University of the State of New York, 385 U.S. 589 (1967).
- Lees, Douglas N. (2002). The Evolution of Post-Tenure Review at Indiana University Purdue University Indianapolis. In C. M. Licata & J.C. Morreale (Eds.), *Post Tenure Faculty Review and Renewal: Experienced Voices* (pp. 97-110). Washington, DC: American Association for Higher Education.

- Metzger, Walter P. (1979). The History of Tenure. *Current Issues in Higher Education*, 6, 3-12.
- Miller, Harry. (2000). *Sifting and Winnowing: Academic Freedom and Ely Trial*. Retrieved from http://www.wisconsinstories.org/2002season/school/closer_look.cfm
- Rotter, J. (1966). Generalized expectancies for internal versus external control of reinforcements. *Psychological Monographs*, 80, Whole No. 609.
- Smith, Bardwell L. (1973). What Price Tenure? In Bardwell S.L. et al. (Eds.), *The Tenure Debate* (pp. 1-9). San Francisco, CA: Jossey-Bass Inc.
- Walker, Charles J. (2002). Faculty Well-Being Review: An Alternative to Post-Tenure Review? In C. M. Licata & J.C. Morreale (Eds.), *Post Tenure Faculty Review and Renewal: Experienced Voices* (pp. 229- 241). Washington, DC: American Association for Higher Education.