THE PROBLEM OF TENURE AND ITS SOLUTION

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Abstract

The elimination of mandatory retirement age, recently enacted by Congress, has created a financial problem to colleges and universities with the prevalent tenure system. Some of these institutions of higher learning have tried to alleviate this problem by offering generous incentives for voluntary earlier retirement or by implementing some kind of threatening and disgracing performance reevaluations of senior tenured professors.

This paper attempts to elucidate the problem of tenured professors, now with no mandatory retirement age, and proposes a possible solution that will relieve the financial burden for the universities and at the same time protect the rights of professors and the integrity of the tenure system.

Introduction

The tenure system was created about 50 years ago as a way to protect academic freedom of professors who, in the course of their teaching and research, may be exposed to retaliation for expressing controversial or objectionable views. As instituted, tenure protected academicians until retirement age, normally set at 65, from being expelled except for flagrant incompetence or immoral behavior. Tenure also gave professors, until retirement normally set at age 65, almost absolute security in the job which other employees in government or in private organizations also enjoyed to a lesser degree.

The tenure system was functioning relatively well until recently when Congress amended the Age Discrimination Employment Act in 1986, extending protection to those 70 and older, and effectively ending mandatory retirement. However, Lawmakers granted a seven-year exception to colleges and universities, because of their unique burden of tenure. Now, tenured professors may remain in their jobs for life, if so desired. This change in the retirement age from 65 to no limit of age, has created a financial problem to institutions of higher learning. Senior professors earn, as a general rule, higher salaries than that of younger instructors who may replace them.

Unfortunately, college and university administrators have tried to resolve this financial problem by means of actions that are destroying the tenure system. One institution, Bennington College, abolished tenure altogether and placed its faculty on term contracts. Other mid-rank schools have introduced schemes such as the so-called "Post Tenure Review" to find justifications for dismissing tenure professors with relatively high salaries. The University of Minnesota [1, 2] tried to abolish tenure and failed. Last year this university was thrown into chaos when the trustees tried a layoff provision and threatened to dismiss professors who did not maintain "cooperative" attitudes. The faculty threatened to unionize and the University's Board of Regents abandoned the plan, realizing that it was driving away young talent. Recently, Marlboro College [3] hired a businessman, now 40, as its president. His mandate was to usher out older professors. He offered an early-retirement plan to five senior professors and in spite of the incentive offered in the plan, only one professor decided to retire.

Tenure under attack

Nationally, universities have adopted a variety of policies for early retirement incentive that have substantially lightened universities' and colleges' payrolls. For example, the University of Louisville has just offered as an incentive to tenured professors of one full year of salary to those that have accumulated a total of more than 74 points by adding age and years of employment at this University. The net result of these policies as reported by the United States Department of Education and the American Association of University Professors [4], is that only 25% of America's 1.2 million college teachers are tenured -- a proportion that is quite small and decreasing. In addition, of the current full-time faculty teachers who do not have tenure, only about 40% are eligible to apply, down from about 60% two decades ago. At the present, the most that an aspirant to teaching in a college or university can look foreword to is part-time work, at best. Almost half of four-year college and 65 percent of two-year community college faculty are part-timers.

Most of these part-timers earn very low pay (about $1500 a course) with no benefits or pension. With such low pay, many of these teachers spend the week rushing from one campus to the next. This leaves little time or no time for faculty meetings, thoughtful preparation of classes and assignments or one-to-one student contact that once was so prevalent even in middle-sized colleges. The Chronicle of Higher Education [5, 6] recently referred to this part-time faculty as "the invisible faculty" who is at the margins of the campus life and disappears when the bell rings. No enterprise could be expected to prosper with such an uncommitted work force.

Proposed tenure solution

Consistent with the above statements, the following points should be made: (1) University administrators do have a financial problem in honoring their contracts with tenured professors, and (2) Teaching is a vocation in which individuals have dedicated their lives to transmitting knowledge to new generations and to advance the state of knowledge which does not require youthful physical strength as may be needed in other professions. Teaching can be performed more effectively as greater experience is accumulated. From both legal and moral viewpoints, the careers of professors should not be terminated for the convenience of administrators. There are other "jobs" which are also for life, e.g., members of the Supreme Court.

There is an urgent need to find a timely solution for the professors of today as well as a permanent solution for the professors of tomorrow that at the same time will alleviate the financial problems of colleges and universities and also will protect the rights of tenured professors and the integrity of the tenure system. The following solution is proposed:

During the course of many years, most professors have accumulated funds sufficient for their needs when they decide to retire. However, these funds remain inaccessible regardless of age, until retirement, because their use is blocked by conditions dictated by the universities. Most astonishing is the fact that this blocking of funds violates the Internal Revenue Service requirement that taxpayers reaching the age of 70½ must withdraw minimum amounts every year from tax deferred savings. This blocking of retirement funds could be justified erroneously as an "incentive" for professors to retire if they ever expect to use their funds to which they have contributed together with their employers. A much stronger "incentive" to tenured professors would be for the University to stop blocking retirement funds, say at age 65, in combination with a reduction of salary of say 5% to 10% yearly. For the sake of argument, let us assume 7½% yearly reduction and a merit increase of 2½ %. These assumptions will result in a net decrease of the salary of 5% yearly. After 10 years, at age 75, this tenured professor will be paid only 60% of his normal salary, probably at a level below the beginning salary offered to new candidates to faculty positions. Taking this scenario further, in 20 years, at age 85, the professor will be working full time with a pay of only 36% of the normal salary. The results of these calculations are plotted in Fig. 1 for 5%, 7.5% and 10% net annual salary reduction beginning at age 65. However, during all these years of salary reduction, he will have sufficient income by resorting to his accumulated retirement funds.

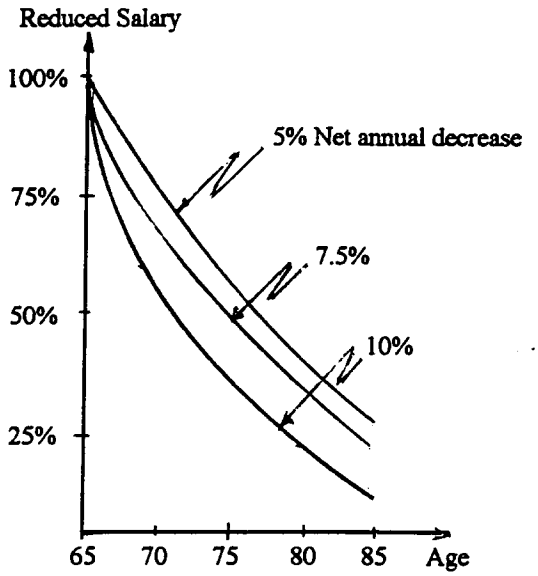

Fig. 1 Reduced salary for a net annual salary decrease of 5%, 7.5% or 10%

Conclusion

After a life of dedicated work, professors do deserve to be treated with respect and not subjected to an undignified auditing of their value. Also, universities should be respectful of laws concerning discrimination because of age and discontinue disingenuous schemes to dismiss senior professors.

The plan suggested in this paper of simultaneously unblocking retirement funds and reducing salary would solve both the financial

reducing salary would solve both the financial problem of colleges and universities and of professors who continue to pursue their vocations.

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