

Tenure at Minnesota: A Postmortem

by Bud A. McClure

In February 1998, the Board of Regents at the University of Minnesota quietly approved a collective bargaining agreement for faculty at the Duluth campus, the only unionized faculty in the U of M system.

This contract settlement ended a contentious debate over tenure that had begun two years earlier when the regents attempted to impose a new tenure code on the university's Minneapolis campus.

The contract negotiated in Duluth contained revisions to the tenure code the regents had adopted for the other university campuses on June 13, 1997. But the revisions were much less draconian than those the Board of Regents initially proposed. Their original proposal essentially sought to unravel the tenure code.¹

Ironically, in the end, arguments about maintaining academic freedom of speech and inquiry did not protect faculty from the unraveling of the tenure code and the

capricious whims of administrators. What protected faculty, simply put, was the threat of unionizing at the Minneapolis campus. It was this threat that led the regents to recant their original proposals to raze the tenure code.

The warfare has now ended, and the faculty at the University of Minnesota have claimed victory in their struggle to preserve tenure. That claim may be premature. The present generation of faculty has indeed secured their future freedom until retirement, but they have done nothing to protect the next generation of scholars from the marketplace-minded whims of corporate-minded regents.

In reality, the regents' original tenure plan simply acknowledged what has already occurred: The university has become a business, with bottom-line mentality ascendant. As corporate deals proliferate on campus, the traditional functions of a university — education, inquiry, and the dissemination of

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knowledge — are sacrificed to a corporate revenue-generating imperatives.² As colleges and universities embrace these imperatives and emphasize the bottom line, they become vocationalized to meet corporate needs. They evolve into enterprises that exist to sell credentials to students.³

Within this corporate-minded environment, workers — the faculty — must be expendable if profits fall or costs escalate, and they must be held directly accountable for their contributions to the financial health of the institution.

This is the mindset that produced the original offensive against tenure. This mindset remains.

Over recent years, as the University of Minnesota has re-engineered itself to meet bottom-line priorities, the presence of faculty who might conduct research unpopular with corporate benefactors has caused concern.

To address these concerns, the university regents and administrators closeted themselves with costly consultants and drafted a new tenure code three years ago. Then, acting within the ethos of the new management style promoted by consultants, university officialdom tried to quickly ram this code down faculty throats.

The initial tenure code changes sought by the regents and adminis-

trators were aimed at rendering tenure useless. These changes included provisions to lay off faculty and eliminate due process. If fully adopted, these new provisions would have infused the university's tenure code with punitive measures that would have changed the basic faculty-university relationship, from semi-independence for faculty to a modern academic version of indentured servitude.

This original assortment of tenure code changes was not adopted. The code revisions that were accepted two summer ago by the non-unionized campuses, and then by the Duluth faculty, differed from the initial draconian revisions in three ways.

The modifications included a five-year post-tenure peer review provision that would be invoked if a professor's performance was found inadequate during the normal annual review process. Punishment for such dereliction of duty ranges from possible salary reduction to termination.

A second change allows for across-the-board salary reductions, with faculty approval, in times of financial crisis.

Finally, the maximum probationary period for tenure-track faculty can be extended from six to nine years — a provision that effectively ensures that no new faculty will be added to the university who

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are not first thoroughly institutionalized and acculturated into the system, thus rendering them harmless.

By accepting these tenure code revisions, the current faculty has preserved tenure in the short run. But faculty have no defense against the wholesale dismantling of permanent positions at the university.

The real-life impact? As faculty leave or retire, the administration is gobbling up the vacated positions and appointing part-time faculty who have no rights, teach twice as much at half the pay, and have little contact with students outside the classroom.

Nationwide, part-time and temporary faculty constitute more than 50 percent of college instructors, up from 32 percent in 1980 and 20 percent in 1970.

Through attrition, over the next several years, an estimated 600 permanent faculty positions will need to be filled at the University of Minnesota. Many of those positions will be relegated to part-time status.

Over the next decade, tenured faculty will become an anomaly on campuses across the country.

During the tenure debate in Minnesota, one unexpected casualty was the notion of shared governance. This idea of mutuality between faculty and university offi-

cial was shattered when faculty governance leaders discovered their cherished roles were only honored as long as they did the administration's bidding. When faculty leaders raised concerns—albeit late and with great timidity—about the new tenure proposals, they were dismissed from the debate.

The regents, aided by the administration, attempted to move with great haste to implement their new tenure changes before the faculty awoke to what was happening. Once the import of the proposed changes was revealed, unorganized faculty began mobilizing to form a union — against the wishes of those faculty leaders still hypnotized by the promise of shared governance.

It was this unionizing effort that brought to light the seriousness of the threats to the tenure code and caused a majority of the faculty to demand participation in the decision-making process.

It was the unionizing effort — not the proposed changes to the tenure code — that awoke legislators, the public, the press, students, and alumni to the gravity of what was happening at the university.

And it was the unionizing effort — more specifically, the fear of unionization — that deadened the university's resolve for draconian tenure code change and derailed the fast-tracked, tenure-

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revision train, leaving bodies strewn about the campus and beyond.⁴

With unionization suddenly on the horizon, the regents and administration retreated on their original tenure code changes. They shifted their efforts to defeating the unionizing drive.

The game was then up. Faculty activists had won a softer tenure code revision, but, in the end, they couldn't quite maintain the unionizing momentum. Too many faculty couldn't marry their self-image as professionals with the idea of carrying a union card, just like Teamsters. The voting faculty narrowly voted down the union, 692 to 666 (237 eligible faculty did not vote).

The new university president, Mark Yudof from the University of Texas, rode onto campus on his graying gelding, just as the dust was settling from this union vote. The close vote, he observed, signaled "that he had his work cut out for him."

After surveying the scarred campus battlefield, one of his first official acts — in the tradition of fellow Texan Lady Bird Johnson — was to undertake an effort to beautify the campus. Yudof and other administrators began planting flowers around the university.

The Board of Regents, happy to have the unionizing debacle behind them, gratefully awarded the new

president a \$50,000 raise and a three-year contract after only his first year, perhaps, in part, because the word union had not been heard on campus for Yudof's entire first year.

During Yudof's second year, a brief unionizing uprising by the university's front line teachers, the graduate assistants, was quickly squashed. Ironically, many of the same faculty who had earlier cried foul on the tenure attack, turned a deaf ear to the grad student plea for help.

With unionization moribund at the University of Minnesota, for at least the time being, the bottom-line pressure to treat universities as business enterprises is mounting, and, with it, the means to reign in the biggest item in the expense ledger, labor.

If Yudof and others like him were really serious about cutting costs, they might well heed the advice of Michael Berube:

Perhaps we could generate new revenue for students and teachers by initiating some real university reform — say, capping the salaries of administrators, football coaches, and men's basketball coaches, and diverting the excess to those inefficient departments whose faculty members actually devote their time to educating people.⁵

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These moves are unlikely. Until some moment of enlightened reform occurs, the fight over tenure and job security will continue, not just in Minnesota, but all across the country.

Nationally, one such battlefield is in Massachusetts, where the head of the state's board of higher education, a former real estate hustler, wants to ban "meaningless" research and end the "scam" of tenure.⁶

The bottom-line pressures will, to be sure, vary from one campus to another. Faculties at universities and colleges with large endowments will remain less susceptible to temporary marketplace fads. These institutions should be able to sustain a longer-term vision of education that ensures that basic research, with no immediate practical applications, is core to their missions.

Institutions partially supported by public monies will find themselves in the middle ground between maintaining a long-term view of higher education and eliminating low-enrollment courses, with disciplines like fine arts and modern languages among the earliest targets.

Faculties at tuition-driven private institutions are already finding that tenure is becoming an anachronism. Adjunct instructors and professors with short-term con-

tracts are growing into the majority. Course enrollments at these institutions may often be the primary criteria by which employment is continued: No job security, only student credit hour production.

Even then, with the growing number of Internet distance-learning courses, any instructor, with the exception of a few computer jocks, may become eligible for endangered species protection. Berube calls this romance with universal education through the Internet "the Microsoft version of the Age of Aquarius,"⁷ void of any human contact.

Many independent colleges are ready to abandon the very idea of long-term faculty contracts. These colleges are simply waiting for a critical mass of similar schools to offer no tenure, so they don't find themselves at a competitive disadvantage when recruiting faculty.

New tenure-lite programs are already emerging around the country. One new school, Florida Gulf Coast College, advertised tenure-free contracts when it started up a few years ago. There was no shortage of applicants for every position.

Webster College offers similar five-year renewable contracts, with sabbatical leaves every fifth year, as opposed to the traditional seven. Some colleges like the University of Central Arkansas offer new faculty

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hires a choice between traditional tenure track and three-year renewable contracts with a higher salary.

Faculty at Boston's School of Management, at the end of a six-year probationary period, can choose either tenure or a 10-year renewable contract, with an 8-10 percent salary premium to compensate for the perceived lesser job security. The faculty is evenly split on the choices they make.⁸

The Massachusetts governor, overflowing with juicy ideas, has even suggested creating charter colleges, freed from unions, tenure, and other bureaucratic impediments that might hinder warp-speed flexibility.

Even if universities do no more than they're doing now, tenured faculty will likely become a very small minority in less than two decades.

The real issues driving the movement to purge tenure from the land, as James Perley has noted, are power and control. This battle for power starts with restricting speech.⁹

Ultimately, this is what attacks on tenure are all about. The price we would pay for the abolition of tenure would be the loss of academic freedom. Our academic bosses assert that the First Amendment, not tenure, provides the only real

defense for free speech. But who can afford the costly litigation to enforce that protection?

The freedom to speak up in the classroom or speak out against administrative or political policies with which you disagree, or even to assert oneself at faculty meetings, would effectively end with the end of tenure. True, most tenured faculty are cautious, often sheep-like in their approach to anything controversial. But tenure offers protections, inside and outside of the classroom, for those who wish to assert their convictions.

Tenure was not a totally adequate protection during the purges of the late 1940s and early 1950s, but it does give pause to those in charge today, before they move in to expel dissenters.

The power to control faculty was exactly what ignited the firestorm at the University of Minnesota. What the board of regents wanted, from the very beginning of the tenure debate, was a compliant faculty who could demonstrate a "proper attitude of industry and cooperation with others within and without the university community."

Most faculties are well-behaved and mindful of their place, without being told, but the engine of change is often driven by unpopular and even radical challenges to orthodoxy.

These challenges seem to emanate less and less from inside the academy today. But academic freedom is something very impor-

tant we should still want to protect, and nothing, no promise, no contractual agreement, can match the protection that tenure offers. ■

Authors note

I would like to thank Steve Chilton, former president of our faculty union, for his acumen in first recognizing and foreseeing the consequences that ensued from the Board of Regents' decision to change the tenure code.

Endnotes

¹ McClure, 1996. During the time of the tenure controversy at the University of Minnesota, McClure served on the executive board of his faculty's union and was in attendance at all Regents' meetings and most faculty and senate meetings on the Twin Cities campus when the tenure issue was debated.

² A ten year, \$28 million exclusive contract to peddle Coca-Cola on campus; franchizing deals for the U of M sports teams; privatizing the University Hospital and Clinics by selling it to Fairview Health System are three examples.

³ Aronowitz, 1998.

⁴ President Hasselmo retired and was rescued at the last minute from the alumni dinner circuit when he accepted a job as president of the Association of American Universities. Vice-president Infante was exiled to Vanderbilt University as Dean of the College of Arts and Sciences. William Brody, then provost of the Academic Health Center, who fueled the tenure revision debacle by embracing downsizing, bailed out early, using the chaos he created and his corporate metaphors to land himself the job as president or more correctly CEO of Johns Hopkins University.

Regent Hyon Kim, the first Asian-American to serve on the board, did not seek reelection amid pressure from the legislators in her district. On the day the regents gave final approval to the new tenure at the Twin Cities campus Chairman Tom

Reagan, who asserted very early on that "most boards don't have the guts to tackle this issue [tenure] head-on," was dethroned.

He was replaced by Regent William Hogan, who acknowledged at the end of the tenure debate that "we have stumbled a bit... we love the faculty." Vice Chairman H. Bryan Neel, who had insisted during the debate, that the university must become "meaner and leaner," was ousted from his position and replaced by the Patricia Spence.

By far the biggest loss to the university was Regent Jean Keffeler, who mis-stepped when she first boldly pushed for a review of the tenure code. She was forced to resign. Too bad, for she was an extraordinary brilliant watchdog for the public, and the only regent I ever observed asking tough questions of the administration.

⁵ Berube, 1998.

⁶ Healy, 1997.

⁷ Berube, 1998.

⁸ Lataif, 1998.

⁹ Perley, 1998.

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