

Tenure and UW-Extension

Gerald R. Campbell and John Tallman

Tenure in the academic community is a topic simultaneously steeped in tradition and alive with contemporary issues. In UW-Extension, both tradition and contemporary issues have their own unique elements. The evolution of the broad tradition of academic freedom as an essential right of university faculty is vital, to a discussion of tenure. The process for awarding tenure and the development of shared governance roles for UW-Extension administration and faculty rest on foundations established early in this century.

In the United States, tenure, as the assurance that a faculty member cannot be dismissed without just cause, means that scholars can investigate and teach freely without fear of arbitrary interference. Thus, the notion of tenure and academic freedom are inexorably linked. In the, United States, most people associate university faculty employment with the opportunity to earn tenure. Henry Rosovsky, the former Dean of the Faculty of Arts and Sciences at Harvard University, cites a 1972 study that found that 94 percent of all faculty members in American Colleges and Universities serve in institutions that award tenure.¹ He notes that, while in most universities tenure is linked to the ranks of associate professors and professors, at Harvard, in the Faculty of Arts and Sciences, only full professors have tenure. Rosovsky indicates that the actions which established the norm for tenure in the United States trace back to the 1920's.

Gerald R. Campbell is Provost and Vice Chancellor, University of Wisconsin-Extension. John Tallman is Senior Legal Counsel in the Office of General Counsel, University of Wisconsin System. This paper is primarily based on remarks originally presented at an orientation meeting for faculty participants in the tenure process for UW-Extension, September 1, 1994, The Wisconsin Center, University of Wisconsin-Extension, Madison, WI.

Prior to the 1920's, American colleges and universities were often ruled rather autocratically by Presidents and Boards of Trustees. Faculty were often dismissed without regard to their professional capacity and they had limited roles in fashioning the direction of the curriculum. The University of Wisconsin was at the forefront of the developments which reinforced the notion of academic freedom for university faculty. The now famous plaque on Bascom Hall reads:

"Whatever may be the limitations which trammel inquiry elsewhere, we believe that the great state university of Wisconsin should ever encourage that continual and fearless sifting and winnowing by which alone the truth can be found." (Taken from a report of the Board of Regents in 1894.

The sentiments expressed in the plaque resulted from a series of accusations against Richard T. Ely, a professor of Economics who was accused of fomenting strikes in Madison. The Board of Regent's defense of academic freedom in the Ely case has become a prominent part of the history of higher education in the United States.³ It is particularly noteworthy that 1994 was the one hundredth anniversary of the Regent's action defending Professor Ely, which ultimately resulted in the plaque being placed prominently on Bascom Hall.

While the extent of academic freedom was being argued across the country, the evolution of the role of faculty as the primary decision makers about academic policy was yet to emerge. Frederick Weaver describes the efforts of several professional societies, which joined together to found the American Association of University Professors (AAUP) in 1913 as a step to assert the role of faculty in governing universities.⁴ In 1915, the AAUP committee on academic freedom issued a report which said:.

"The responsibility of the university teacher is primarily to the public itself, and to the judgment of his own profession; and while, with respect to certain conditions of his vocation, he accepts a responsibility to the authorities of the institution in which he serves, in the essentials of his professional activities his duty is to the wider public to which the institution itself is morally amenable." (Weaver, p. 23-24.)

This statement contains a fundamental assertion that the primary authority for major academic decisions lies with the faculty as professionals. It also promises that they are accountable to the broader society. As the assertion became practice, it was the disciplinary professions which came to be the locus for judgments about the quality of faculty work. The principle of professional responsibility for judging quality is widely accepted and has been reinforced by such practices as blind peer review used by most professional journals. In most United States universities and colleges, the decisions about the quality of faculty work is made through the peer review of colleagues in an academic department. This peer review usually includes some attempt to ascertain from others in the profession whether the candidate has demonstrated professional excellence.

The opportunity for faculty professionals to make the major curricular decisions in the academy comes with an obligation to the profession as well as to the public. Professionals have the obligation to review the work of their colleagues to assure the integrity of the profession. This obligation carries with it a dilemma. How does one function as a professional in an academic department, balancing the role as judge of professional peers with the role of personal friend to faculty colleagues? There is no easy answer to that question. We can only observe that when you enter a profession, you gain the special opportunity for professional self regulation and the corollary obligation to judge, and be judged by, your professional peers.

In some instances, faculty will choose to "opt out" of the judgment responsibility because the conflict between friendship and the obligation to judge is just too great. However, faculty cannot "opt out" of all obligations for judgment of peers without risking the loss of self regulation of their professional activity. To reject broadly the obligation for judgment reinforces the public perception that professional peer review is a charade designed merely to protect those on the inside from those on the outside.

The perception of college faculty by the public is an ongoing subject of faculty and administrator conversations. Alleged faculty irresponsibility has lately been the focus of talk

shows and several critical books. The writing of the late Bart Giamatti, former president of Yale and later commissioner of baseball, may help us understand the broader context for our reflections on tenure. Giamatti writes:

"The college teacher, who is my special focus, is in popular myth a bumbler, prey to malign influences because he is so innocent, a figure unfit for the rigors of what is still constantly called 'the real world', as if schools at any level were not real, or were not part of the reality of America. At best, the popular image of the college teacher, endlessly retailed by television or popular literature, is that of a rumpled child, fit to tend his grazing herd of adolescents across academic groves but totally lost before machines, money, and worldly temptation. He is always dressed out of season, often has an accent, and is, if anything, more peripheral and weaker than the frontier woman who teaches below him in the system. If she was your maiden aunt, he is her pale brother.

"Popular images are caricatures, their heightened features reflecting society's submerged convictions. Perhaps we should ignore them, but that would be to ignore ourselves, and how we think of the teacher. At bottom, these images and their variants show us figures who have either never been out there or who have retreated back in here, and who in both cases do not really do anything. They go to class but not to the office. They meet neither trains, payrolls, nor the public; what they sell cannot be seen and probably, therefore, does not exist. If it does, it is suspect.

"Beyond caricature, there are other misapprehensions. There is, for instance, a widespread conviction that college and university teachers seem to require a peculiar form of job security, called tenure. Such has been the result of the academic community's remarkable lack of success in communicating the nature of its work. The academic has never persuaded the society at large that tenure is not job security only, as it can (perhaps improperly) be construed in civil services or labor unions or the partnerships of law firms, but that it is the manifestation of a principle called academic freedom, a principle that says one must have the right, responsibly, freely, to pursue and express the truth as one sees it. The principle of academic freedom is not intended to buffer incompetence in teaching from the consequences of an open, competitive marketplace of ideas. Tenure, embodying in a word a principle and a whole set of policies for its assumption, is not a perfect device for the protection of the free inquiry into the truth. But tenure is essential to the ideal of free inquiry, and that ideal is the essence of the mission of a college or university in a free society. Have we strayed from our subject? I think not. The role of the teacher is linked to the nature of the institution in which the teaching is performed, and to the nature of the society that the institution serves.

“The popular view of the marginality of certain types of teachers has traditionally found its response in academic hauteur, in college and university teachers' overreacting to a sense of marginality by asserting a view of themselves as a mandarin class. This new class believed that if society would not value them, even as it sent them society's young, then they would scorn a society that entrusted its future to those it treated as servants. Academic people in America have often felt undervalued and therefore have tended to over appreciate themselves. It would have been better to assert the central value of the profession rather than to claim more for professors than anyone else, particularly they themselves, in their heart of hearts, would have been willing to grant.

Those working in extension can relate Giamatti's words to the marginalization of the county based extension worker in the television series “Green Acres.” The county agent is frequently the butt of jokes on the farmer banquet circuit as someone who is both impractical and unobservant of the realities which farmers face. Home Economists, 4-H and Youth Professionals, Community Development Professionals and Environmental scientists all have been subject to similar characterizations. Extension professionals are not immune from the sort of hauteur which Giamatti describes. Extension professionals have been observed to occasionally characterize their clients as less knowledgeable, less worldly and less progressive than themselves. This temptation for mutual disrespect can immensely complicate building support for the connection of extension to the university.

History of Faculty Rank and Tenure in Extension

The evolution of extension at the University of Wisconsin includes a clear and early commitment to the key role of faculty in carrying their work beyond the walls of the University. This is evident in the development of the Extension Division.⁶ In the development of "agricultural extension" work at Wisconsin, Dean Harry Russell made the county agents members of the legal faculty in approximately 1915. He wrote that county agents were to be "assistant professors in order that departmental solidarity be maintainedBut we refrained from the use of the word 'professor' in this connection for the effect it would have in their field operations."⁷ We do not know how faculty status for those doing extension work was related to tenure in these early years.

In the early 1960's, the question of tenure for county based faculty, was clarified.^s This was a period when University Vice President Robert Clodius was leading the codification of faculty governance, including the development of rules which put in place the requirement that if one did not earn tenure within seven years after initial appointment to the faculty, one must leave the University. During this period, College of Agriculture Dean Rudy Frokker appointed a committee chaired by Glen Pulver "to formulate standards or criteria, review and recommend on individual cases submitted to it."⁹ The committee was entirely made up of faculty who were state specialists, including Patrick Boyle, James Crowley, John Schoenemann and Louise Young. The committee developed four general areas for the evaluation of extension workers:

Professional Training and Experience -- including formal training, graduate training and continued professional development.

Performance as an Extension Educator -- including program planning, execution and evaluation.

Understanding of the Role of the Extension Educator -- including the primary role as teacher, recognition of the link to the university and the need to seek counsel and resources from the entire university and other sources as needed to solve specific problems and develop desirable educational outcomes.

Professional Leadership and Stature -- including professional conduct, cooperation with other staff and agencies and management of time and resources.

The committee does not address the process for applying these. criteria. It is clear however, that the committee's criteria are the precursors for the criteria we have in place today.

Tenure and Governance in the UW System and UW-Extension

As the new institution of UW-Extension emerged in the mid 1960's, the foundation for: our current governance structure was laid. The UW-Extension borrowed heavily from UW-Madison as the "parent"

institution. The essential concepts of academic departments and divisional committees remain with us today. That system is today applied within the Wisconsin Statutes (Chapter 36), which outline the essential shared governance relationship between the board of regents, the chancellor and the faculty. In that contemporary relationship, the "faculty, subject to the responsibilities and powers of the board, the president and the chancellorshall be vested with responsibility for the immediate governance of such institution and shall actively participate in institutional policy development. The faculty shall have primary responsibility for academic and educational activities and faculty personnel matters. "10 With respect to tenure, " ... the board (of regents) may grant a tenure appointment only upon the affirmative recommendation of the appropriate chancellor and the appropriate academic department or its functional equivalent...." (recently amended to allow a tenure appointment without the affirmative recommendation of the academic department under specific alternative procedures). A tenure appointment may be granted to any ranked faculty member who holds or will hold a half-time appointment or more. In UW-Extension, we rely on the academic department chair to oversee the tenure review process within each academic department. The academic department forwards its recommendation to the academic dean, who consults with one of two divisional review committees and then makes a recommendation to the vice chancellor. The vice chancellor reviews the tenure materials and makes a recommendation to the chancellor. The chancellor reviews the material and forwards his/her recommendations to the UW System president. More recently, UW System has required chancellors to include with their recommendations a letter stating that the candidates are excellent teachers.

General Premises About Tenure Decisions Today

The following general premises are drawn from observations of the University of Wisconsin System's faculty personnel system in action over time. These are not necessarily prescribed by law:

First and foremost, tenure should help produce quality education and services for our

7

students and clients.

Tenure should help assure that quality education and services are delivered by quality faculty and academic staff. Quality is evaluated in the context of institutional mission and needs.

University of Wisconsin faculty who have already received tenure are judged to be best, but not exclusively, qualified to evaluate faculty credentials, and performance.

As a legal matter, tenure is earned. It is not an entitlement.

Junior faculty deserve a fair crack at earning tenure.

Junior faculty deserve proper notice of requirements for and factors influencing renewal and tenure.

Faculty mentoring, which provides consistent guidance to junior faculty during their early years on the faculty, can help dramatically in making their progress toward tenure and, the tenure system more effective~"

In the final analysis, tenure involves the exercise of professional judgment and therefore requires the thoughtful and reflective application of a set of criteria to evidence of professional accomplishments.

In the event of a tenure denial that results in a non-renewal, the faculty member may appeal.

The 14th Amendment to the U.S. Constitution assures due process in matters which the state can alter and which can affect property interests. Tenure as defined, for example, under Wisconsin law, creates a property interest under the 14th amendment.

Several of the above principles were touched in the Wisconsin case of STEBBINS V. WEAVER (396 F. Supp. 104(1975)). In that case, involving an appeal in federal court in a tenure denial decision, Judge James Doyle wrote:

"The basic governmental and private interests at stake in tenure decisions are readily identifiable. Wisconsin has a valid and substantial interest in maintaining the highest possible standards of quality in the educational opportunities offered in its institutions of higher learning. Because the grant of tenure is virtually a lifetime guarantee of the opportunity to teach and to engage in research within the University of Wisconsin System, the state has an interest in ensuring that those who are offered tenure are highly qualified to meet those responsibilities. The state is entitled to investigate the academic qualifications of faculty candidates, to assess those qualifications, and to grant or deny tenure to a given candidate on the basis of that assessment...."

Judge Doyle goes on to explain where the decision making power about tenure might best be placed:

"Because the quality of the faculty of the university is importantly affected by the exercise of the tenure decision, the state has a valid and substantial interest in placing the power of operative decision in appropriate hands. Initially, the question is whether to place this power within or without the university community; it is reasonable to place it within the university. The question then becomes where to place it within the university; it is reasonable to place the power with the members of the departmental faculty concerned.

"If this allocation of power within the institution comports with the due process clause of the Fourteenth Amendment, and I believe it does, many consequences flow. Perhaps the most consequential is that the operative decision will be formed by the departmental faculty over a period of years, based upon observation of the candidate, based upon intuitive responses to the candidate, based upon the particular member's developing opinion, and based upon the developing opinions entertained by other members to the extent that these opinions are shared from time to time, whether expressly or subtly. Although it is to be hoped that the members of the departmental faculty will develop their opinions of the candidate with all the objectivity and care they can muster, it is quite apparent that inevitably the subjectivity quotient will be high.

"When the time for decision comes, it will not be entered upon a blank page--as it might be by a judge or a jury carefully chosen so as to exclude from the process any earlier acquaintance with the candidate and any earlier knowledge of his professional capacity and personal characteristics.

To demand of the members of the departmental faculty that they consciously shed all earlier impressions of the candidate would be sharply to diminish the very justification for lodging with them the power of decision." (Judge Doyle, Stebbins vs. Weaver pp. 111-113.)

Today the pressure for institutional accountability puts new significance on shared governance, including tenure decisions. The University of Wisconsin will not have increasing resources in the foreseeable future. If UW-Extension is to maintain the resources it has, it must be responsive to the changing educational needs of Wisconsin. This also means taking seriously the obligations for faculty and administration to make tough decisions. These times require that faculty and administration participate in tenure decisions with an acute awareness about the obligations they have in managing UW-Extension and maintaining flexibility of resources to respond to changing needs. UW-Extension faculty must exercise their judgments in granting tenure with a clear understanding of the mission and context in which candidates for tenure work. The opportunity for faculty to manage the tenure decision is an opportunity given by the public. If it is not exercised conscientiously, it could be taken away. There should be no conflict between what it takes to do high quality work in Extension and what it takes to be recognized as deserving of a tenure appointment. The challenge for all participants in UW-Extension's governance and tenure processes is to assure that tenure appointments are awarded to those with demonstrated high levels of professional accomplishment. If faculty and administrators continually strive for that outcome, they will have met their obligation to assure that the faculty of UW-Extension are of the highest quality, and they will have taken a major step in providing Wisconsin citizens with the quality extension education which will earn UW-Extension their continued support.

End Notes

1. Rosovsky, Henry. *The University -- An Owner's Manual*. New York: W.W. Norton and Company, 1990, p.179.
2. Gard, Robert E. *University-Madison-U.S.A.* Madison, WI: Wisconsin House, 1970, pp. 33-35.
3. John Wiley, Interim Provost and ,Vice Chancellor at University of Wisconsin-Madison said in a speech recently that every history of academic freedom written since its time has discussed the Ely case and the University of Wisconsin Regent's actions in Ely's defense.
4. Weaver, Frederick Stirton. *Liberal Education: Critical Essays on Professions, Pedagogy, and Structure*. New York: Teachers College Press, Columbia University, 1991, 198 pp.
5. Giamatti, A. Bartlett. *A Free and Ordered Space: The Real World of the University*. New York: W.W. Norton & Co., Inc., 1988, pp. 197-199.
6. For a general description of the evolution of the Extension Division at the University of Wisconsin, see Merle Curti and Vernon Carstensen, *The University of Wisconsin, A Short History 1848-1925*, Madison, WI: University of Wisconsin Press, 1949. Two Volumes. In Volume I beginning on page 700, and in Volume II, Chapter 17.
7. Russell's comments are taken from: Glover, W.H. *Farm and College: The College of Agriculture of the University of Wisconsin, A History*. Madison, WI: The University of Wisconsin Press, 1952, p. 233.
8. This section is based on a personal conversation with UW-Extension Chancellor Emeritus Patrick G. Boyle and Professor Emeritus Glen Pulver. Chancellor Boyle was able to supply correspondence of the special committee created by Dean Frokker.
9. Information about the work of this committee is derived from correspondence to the committee provided by Patrick G. Boyle. The letter appointing the committee is dated February 17, 1964.
10. References to the rights and responsibilities of the board, chancellor and faculty are taken from Wisconsin Statutes, Chapter 36. A copy of Chapter 36 can be found in *The UW System Fact Book* published by the UW System Office of University Relations, 1856 Van Hise Hall, 1220 Linden Drive, Madison, WI.