

## FREQUENTLY ASKED QUESTIONS

### **Regarding the Implementation of the AAUP's "Recommended Institutional Regulations on Academic Freedom and Tenure" for Instructors at the University of Colorado**

1. *What is the basic plan?*  
Instructors who have completed a probationary period not to exceed seven years must be offered permanent employment, after undergoing a final review similar to previous reviews.
2. *Should we call "instructor tenure" something else, so as not to confuse it with "professor tenure," or arouse animosities of politicians opposed to tenure altogether or of tenured faculty who are possessive of the term?*  
According to state law, CU faculty (with very few exceptions) must fall into one of two categories: "tenured" or "at-will." To call it something other than "tenure" will require changing state law, an endeavor that will likely stop the movement in its tracks. We make every effort to refer consistently to tenure for teaching faculty as "instructor tenure" in order to distinguish it from "professor tenure."
- 3\* *What is the process for putting instructor tenure in place?*  
First, instructors will be given an opportunity to vote for or against the resolution in a secret, online referendum scheduled April 23-27, 2007. Assuming that instructors pass the resolution, it must be approved by the Boulder Faculty Assembly (BFA) and then by the Faculty Council. The Board of Regents gives final approval.
4. *Will instructor tenure require a restructuring of the systems already in place?*  
No. This plan merely formalizes the system that is already in place.
5. *Will I have to do research?*  
Your workload formula will remain the same. Neither the responsibilities nor the expectations of your appointment will increase under instructor tenure.
6. *Will the standard for continued employment be raised if instructor tenure is implemented?*  
No. The standard of review must be similar to that of previous performance reviews.
7. *What if we don't have procedures and standards for performance review already in place?*  
We recommend that contingent faculty within your unit create procedures, in accordance with University regulations, and then present them to your unit for approval and enactment. If you wish, the AAUP-CU chapter will help you formulate procedures consistent with your current responsibilities and expectations.
8. *What is the difference between the two kinds of tenure?*

The protections are identical. Professor tenure, as it does now, will require research, teaching and service. Instructor tenure will require only teaching and service.

9. *Will instructor tenure open the door to larger class sizes and increased teaching loads?*

Not as a result of this proposal. In fact, tenure provides instructors with the academic freedom to speak out against such increases.

10\* *Will I be eligible if I teach part-time or my contract is different from 75/25?*

Part-time contingent faculty are also tenurable, at a level commensurate with their current position. For example, a faculty member who has taught and served an average of 50%-time for the duration of the probationary period is eligible for a 50%-time tenured position. Workload formulas do vary, but you will be tenured according to your current workload formula.

11. *Will this system cause tension between us and tenured faculty?*

It shouldn't. Tenured faculty's academic freedom interests are not distinct from those of their contingent colleagues. After all, the institution of tenure is under constant attack. Considering the numbers at CU today, where 83% of the faculty are not tenured, it can't be long until tenure for the remaining 17% vanishes. Tenure can only survive if all faculty, rather than a small minority, maintain purchase in its survival. Further, in that instructor tenure is a prescription to improve the quality of undergraduate education at CU, all faculty will benefit from it.

12. *What will prevent administrators from firing us in retaliation?*

Nothing, just as nothing prevented them from firing us last year or yesterday and nothing is to prevent them from firing us now or tomorrow. Tenure is the only protection we can have against such capricious action.

Still, as a practical matter, the era when firing contingent faculty as a solution to the problem of contingency has passed. We are the majority of the faculty now, and we teach most of the courses, including those identified as most essential by the University. It is possible, of course, that the administration will choose to undertake the time and expense of firing most of CU's faculty, restructuring the University, weathering the public relations nightmare, watching CU's ratings plummet, jeopardizing relationships with current and potential donors who do not want their names associated with controversy, and risking AAUP censure. Or, as another possibility, they can implement instructor tenure and formalize the system already in place, at no additional personnel cost to the University.

13. *What has happened when this has been tried elsewhere?*

While rumors exist of steps taken by administrations at other institutions to subvert tenure for instructors, these rumors—typically of wholesale firings—are the academic equivalent of urban myths. This will be the first time a college or university has implemented the AAUP's "Recommended Institutional Regulations on Academic Freedom and Tenure" or any equivalent instructor tenure system.

14. *Will instructor tenure precipitate systematic non-renewal of our contracts as we approach tenure eligibility in order to prevent us from having it?*

No. Final review prior to tenure must be similar to previous reviews. Also, denying tenure to qualified candidates runs contrary to the interests of the departments. Such a practice would not only diminish the purchase of a department within the University structure but would acknowledge that the department has (1) failed to prepare the instructor to receive tenure and (2) has provided

students with inferior teaching over the past seven years (assuming seven years constitutes the probationary period). It is similarly not in the University's interest to deny tenure to eligible instructors. To do so would acknowledge that the University has offered inferior instruction. Additionally, if CU were to acquire a reputation for denying tenure, few superior candidates would apply for CU positions. Conversely, a great strength of instructor tenure would be that CU's commitment to its teaching faculty will attract the most outstanding teachers in the country.

15. *Is this movement going to lead to unionization?*

Only if instructors want to unionize. But until instructors have job security, we are in no position to unionize or negotiate for pay raises or fairer workloads or any other improvements to our working conditions. Being perpetually "up for reappointment" keeps us docile.

16. *Why is instructor tenure good for students?*

Instructor tenure provides teaching faculty with the tools to reach their potential as educators. They will be able to teach with the assurance that they cannot be fired for holding students to rigorous standards, or for presenting them with unpopular ideas. Thus students will benefit by exposure to ideas with which they are not already familiar and which might challenge their worldview, and encourage them to accommodate such ideas rather than pretend that they don't exist or don't matter—a stance that ultimately threatens the existence of democracy. Students will also graduate with the assurance that they received an education from teachers who were empowered to give them the best that they have.

17. *Doesn't the University need to maintain a certain amount of flexibility in the workforce?*

Yes, which is why all tenured faculty can be dismissed in times of bona fide financial exigency. However, at the moment, 83% of the faculty are non-tenured; surely the University does not need 83% flexibility. Furthermore, the fact that contingent faculty teach most of the core courses—courses least likely to be affected by changing conditions—and have done so extensively, belies the "need for flexibility" argument. In fact, we are the least, not the most, disposable members of the faculty. Finally, the need for flexibility is not so pervasive that it is worth the cost—denying academic freedom protected by due process to those who teach the majority of classes at CU.

18. *What if the administration offers pay raises, longer contracts, and assurances of academic freedom in lieu of instructor tenure?*

Unless these inducements are accompanied by tenure, we will continue to teach our classes and participate in faculty meetings without the assurance of academic freedom protected by due process. Our jobs may be slightly better, but many of us will remain unable to achieve our potential as educators, at the expense of the quality of undergraduate education.

Assurances of academic freedom are already in place at CU. As a matter of policy, the University harbors no distinctions between the academic freedom of tenured and non-tenured faculty. However, the record suggests that as a matter of practice, such distinctions are often drawn. Without the protection of tenure, additional assurances will undoubtedly remain similarly meaningless.

19. *Should I support instructor tenure if I feel that more moderate proposals stand a better chance of passing muster with tenured faculty, the administration, and the Board of Regents?*

The proposal for instructor tenure has intensified efforts on the part of the administration to improve working conditions for contingent faculty. If the resolution for instructor tenure doesn't

pass, more moderate, alternative proposals may also diminish or disappear altogether. Realistically, the failure of the resolution will result in the loss of crucial leverage. However, if the resolution is endorsed by instructors, it is less likely that the BFA, the Faculty Council, and the Board of Regents will balk. Finally, in that instructor tenure offers a prescription to improve the quality of undergraduate education at CU, opposing the initiative runs counter to the mission of tenured faculty, the administration and the Regents.

20. *Should the resolution demonstrate a more thorough understanding of the budget complexities of a major research institution?*

In terms of instructor tenure, budgetary constraints are not an issue. All faculty can be dismissed (tenured or not) for bona fide financial exigency. When instructors teach courses, they will always be compensated from some source. Tenure doesn't change that. However, in academic units that depend upon soft money, when declining research overhead results in reduced instructional budgets, tenure profoundly reduces one's vulnerability.

21. *Could tenure be optional rather than mandatory after seven years?*

Making tenure optional would seem the humane option, but it could backfire. If departments have the option of not granting tenure, they may routinely opt not to. They may pressure instructors by saying, "As long as you don't ask for tenure, we'll keep employing you. But if you ask for tenure, you're out." This option could subvert the intentions of instructor tenure, which is to end the exploitation as well as to improve the quality of education at CU by providing teaching faculty with the protections necessary to deliver excellence both in the classroom and at faculty meetings. Once again, that final review must be similar to previous reviews. If the instructor has passed previous reviews, there should be no reason he or she will not pass the final review. If the unit suddenly raises the bar, the unit will be in violation of the policy.

22. *Nothing's perfect. I may not have real academic freedom, but nobody pays too much attention to me if I keep my head down, the chair likes me, and students don't complain. I fear that the proposal will invite increased scrutiny of my teaching. Why should I support instructor tenure?*

Assuming your unit has performance procedures already in place, your performance will warrant no more scrutiny than that to which it is already subject. On a further note, someday you may be moved to contribute your expertise to the University, and if your expert opinion runs contrary to the current orthodoxy, you might want to express it without fear of being fired. Someday you may wish to be taken seriously as a professional.

23. *Who is the AAUP?*

Founded in 1915, the AAUP is the foremost—and, many times, the only—watchdog for academic freedom and tenure in academia. In fact, the practice of academic freedom and tenure as staples in American colleges and universities did not materialize out of thin air but is the result of policies formulated and enforced by the AAUP in the first half of the 20<sup>th</sup> century. That is why, on every campus in America, the AAUP has the credibility to speak and act on behalf of all faculty, whether they are members or not.

—Don Eron and Suzanne Hudson  
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\*Recent, substantive changes in the resolution and FAQ, based on feedback from contingent faculty, administrators, and tenured friends.