

Faculty Representative Dan Hare
Remarks to the Board of Regents
November 2015

Thank you, Chair Lozano for the opportunity to speak to the Regents on behalf of the Academic Senate. Today I will take up the privilege of tenure. Events over the past year at other research universities and at the University of California have prompted some to question why university faculty members should enjoy such a privilege. I will discuss the reasons for tenure and how tenure actually works at UC. It is not a free pass as often portrayed by outside observers but a system to ensure excellence and innovation and that personnel actions are based on good cause shown. I also ask you to remember the rigorous seven-year vetting process an assistant professor undergoes before receiving tenure.

Article 10 of the University of California's Academic Personnel Manual, the article about Academic Freedom, states: "the University of California is committed to upholding and preserving principles of academic freedom. These principles reflect the University's fundamental mission, which is to discover knowledge and to disseminate it to its students and to society at large. The principles of academic freedom protect freedom of inquiry and research, freedom of teaching, and freedom of expression and publication. These freedoms enable the University to advance knowledge and to transmit it effectively to its students and to the public."

Tenure insures academic freedom by protecting innovation in both teaching and research, including exploration of non-traditional questions and controversial areas. Without tenure, fewer faculty members would be willing to risk trying new approaches to teaching that might not work and could get them dismissed, and research emphasis could easily shift from big-question breakthroughs to short-run payoffs from low-risk, low-reward efforts.

The current concept of tenure was developed about 100 years ago after nationally visible dismissals of professors for offering views that university administrators did not appreciate. One of the more famous examples was Professor E. A. Ross, who was dismissed from Stanford University in 1900. Professor Ross earned his Ph.D. in political economy with minors in philosophy and ethics. He was controversial at Stanford for speaking out critically on such public issues as railroad monopolies. Those of you who know California history can imagine that Jane Lathrop Stanford, the benefactor of Stanford University, did not appreciate criticism of railroads. Several professors resigned from Stanford in protest after Prof. Ross was dismissed, and the aftermath of this and similar incidents elsewhere led universities and their faculty to establish academic freedom and tenure.

Tenure and academic freedom protect teaching and research in economically controversial subjects as well politically controversial ones. In preparing my remarks, I came across a recent example in which the primary reason for the termination of a tenured extension entomologist apparently was that he refused to support regional soybean aphid spraying recommendations in his home state. His research did not support the recommended timing and quantities of pesticide applications, and he could not advise his constituents to engage in an activity he knew to be wrong or ineffective. That could have been me.

In my first research project for the University of California, I was asked to determine the economic threshold that justified applying pesticide for a specific citrus pest. My research showed that, despite signs of leaf injury, there was no density of the pest that would increase the value of an orange crop enough to offset the cost of pesticide application. We have insufficient time for details, but I concluded that properly maintained orange trees are well buffered from the consequences of pest damage. I recommended that the treatment threshold be raised. Although this pleased some in the agricultural industry, one group that was not pleased was the pesticide salesmen. I saw my name taken in vain in more than one of their letters to their best customers. But I survived and moved on. The experience did raise questions that I still have about the potential conflict between freedom of inquiry and the expectations of those funding our research. Without tenure, investigators might lose their jobs, not just future research funding, if their findings differ from the interests of the funding agency. I should add that my experience is not at all unusual for faculty.

Tenure also encourages innovation in teaching and developing courses that challenge students in new ways and methods of instruction that responded to differences in learning abilities. Last year, Faculty Representative Mary Gilly spoke to you about the ongoing, rigorous review of faculty, both before and after tenure. Serious review of teaching excellence, by one's colleagues, is a significant part of that process, at every stage of a faculty career, and that review process looks for innovation and effectiveness. Renewal of teaching contracts based upon student evaluations would simply incentivize instruction to maximize scores on student evaluations.

I recognize that there may be some faculty who abuse the privilege of tenure. The University of California makes it clear, however, that its tenured professors have no immunity from review or dismissal. The University also has effective tools to deal with faculty who abuse the privilege of tenure. Let me remind you that tenured faculty are reviewed, on average, every three years, and evidence of excellence in teaching, research, and service are required for each merit raise or promotion.

How might UC deal with tenured faculty who do not meet the standards of achievement? APM 075 is entitled, "Termination for Incompetent Performance." It outlines procedures developed to achieve two basic purposes: 1) ensure that tenured faculty who are alleged to perform incompetently can be terminated, and 2) ensure that such a termination is supported by demonstrable facts. Time does not permit a full description of these procedures, but the very existence of APM 075 debunks the myth that tenure at the University of California protects incompetent faculty.

Faculty also can be disciplined up to and including dismissal, for serious violations of the Faculty Code of Conduct. The Regents have delegated to the Chancellor of each campus the responsibility for the discipline of faculty. Yes, discipline cannot be imposed without providing the faculty member an opportunity for a hearing before an advisory committee of the Academic Senate. But the findings and recommendations of the Senate's hearing committee are never binding, and administrators should not hesitate to initiate a discipline process when needed.

In conclusion, tenure promotes innovation and excellence in research and teaching by allowing faculty to embrace unanticipated research results and innovative approaches to teaching. But tenure is a privilege, and it is essential for you to know that the University has effective means to deal with the few that might abuse it.

Chair Lozano, that concludes my remarks.