

ON EXTENDING
THE PROBATIONARY PERIOD
FOR ALL TENURE-TRACK FACULTY

A number of US institutions of higher education are considering multi-year extensions of the well-established and widely accepted seven-year maximum probationary period for all tenure-track faculty endorsed by the American Association of University Professors (AAUP; see "Off The Clock," Robin Wilson, The Chronicle of Higher Education, July 21, 2006, pp. A8-A11). Such a substantial extension is to be distinguished from, and is proposed to exist in addition to, the ad hoc one-year or shorter extensions that many institutions may now grant to individual probationary faculty on a case-by-case basis (e.g., in response to requests for maternity or parental leave, or to care for a sick relative). Hence, such multi-year extensions for all tenure candidates represent a major change in long-standing academic practice, and therefore need to be very thoroughly and critically examined by the faculty before being implemented, even on a trial basis.

The faculty's critical role in assessing the suitability of extending the probationary period follows directly from the faculty's widely accepted and well-established role in a shared governance academic environment (See the AAUP's 1966 "Statement on Government of Colleges and Universities," Policy Documents & Reports, 9th Edition, 2001, pp. 217-223). This statement specifies that the faculty is not just to be routinely consulted in a timely manner on all matters affecting academic affairs, but is to play the primary role in, among other things, institutional decisions regarding faculty status (i.e., appointment, reappointment, promotion, tenure and dismissal).

The recent UI proposal to extend the maximum probationary period provides UI faculty with a convenient opportunity to re-examine the rationale for limiting that period to no more than seven years, a limit that has remained the national standard, irrespective of academic institution and academic discipline, since it was initially proposed and adopted by the American Association of University Professors (AAUP) in its widely accepted "1940 Statement of Principles on Academic Freedom and Tenure" (See Policy Documents and Reports, 9th Edition, 2001, pp.3-7). The purpose here is to suggest that the UI proposal is not just ill-advised, but seriously misguided.

Most informed observers would agree that satisfactory faculty performance during a probationary period of some significant duration is a reasonable requirement to insist upon before granting the privileges and responsibilities associated with a tenured faculty appointment. The only question is what sort of limits should be placed on that probationary period. Most US institutions of higher education adhere to the AAUP standard of limiting the probationary period to six years, with an additional year for relocation purposes if tenure is denied during the final sixth year tenure review. They also generally allow for an early tenure review if one is requested by the probationary faculty member, and may grant ad hoc extensions of up to one year in response to extenuating family circumstances (e.g., health issues, etc.) if requested by the probationary faculty member. Only in increasingly rare circumstances do US institutions

of higher education grant initial faculty appointments with tenure.

The rationale for the AAUP's widely accepted seven year limit on the probationary period is that typical faculty responsibilities in the three traditional areas of faculty activity - - - teaching, scholarship or creative work, and service - - - are of such a nature that it generally takes on the order of six years for a well-qualified, highly-motivated and adequately supported candidate to establish the sort of record of achievement that justifies a tenured faculty appointment.

For example, successful teaching requires extensive experience in the classroom, laboratory, clinic, and during office hours with both undergraduate and graduated students, augmented with the critical review and constructive advice of many students and faculty colleagues over a period of years. Likewise, it takes a significant amount of time to organize and establish a successful independent research program, obtain funding support, equip a laboratory, hire and train support staff, attract students, collect and publish research results, and supervise masters theses and doctoral dissertations to completion. Finally, significant service contributions - - - to students, faculty colleagues, the academic institution, the academic profession, professional societies, and the public - - - also require a considerable amount of time and effort before they begin to make a noticeable and documentable impact. These considerations together imply the need for a nominal probationary period of at least six years before there is sufficient evidence for qualified faculty peers to make an informed judgment about a candidate's qualifications for a tenured faculty appointment.

In considering the wisdom of extending the probationary period, one might first ask what problem the proposed change is designed to address and resolve ("If it ain't broke, don't fix it!"). Advocates of a multi-year extension apparently are convinced the problem is that the seven-year maximum probationary period simply does not allow enough time for capable and motivated tenure-track faculty to establish a record of achievement sufficient to justify a tenured appointment. Their proposed solution is simply to extend the maximum probationary period by an appropriate amount (e.g., two or more years), and their rationale is based on concerns of fairness to tenure candidates. Advocates assume the conditions that generally determine an appropriate length of the maximum probationary period are all satisfied and not in need of review and possible modification. These conditions include, but are not limited to, the following.

1. The recruitment process used to identify and appoint probationary faculty is sufficiently selective.
2. The standards for achieving tenure are appropriately selective.
3. The procedures used to reappoint and evaluate probationary faculty identify potential tenure candidates in a timely manner and appropriately direct their efforts.
4. Institutional support for probationary faculty is adequate.
5. Experiences gained by probationary faculty encourage them to continue to actively pursue an academic career (e.g., adequate compensation and benefits, effective mentoring, acceptable teaching and service assignments, attractive research opportunities, sufficient time for recreational activities and family responsibilities, etc.).

Clearly, if the faculty recruitment process does not yield well-qualified appointees, or if the standards for achieving tenure are set too high, or if the reappointment and evaluation procedures do not identify and appropriately direct the efforts of potential tenure candidates in a timely manner, or if institutional support is not adequate, then in the absence of addressing these problems, extending the maximum probationary period would need to be considered. And if probationary faculty discover by experience that an academic career is not as rewarding or satisfying as they thought it would be, they would likely lose much of the motivation needed to be successful, and require more time to satisfy the standards for achieving tenure.

Unfortunately, however, there is little if any evidence in the research literature to suggest that these underlying conditions are all satisfied at even a majority of US institutions of higher education. In fact, many tenured faculty would acknowledge that tenure standards have been slowly raised and continue to rise, that the peer review process leading to tenure recommendations does not always receive the critical peer attention it requires, that institutional support of probationary faculty is not always what it should be, and that probationary faculty experiences do not always reinforce the individual's initial choice to pursue an academic career.

Coupled with trying to establish the effect of each of these shortcomings on the appropriate length of the maximum probationary period, is the difficulty in determining the real reason(s) why individual probationary faculty are denied tenure, or why they resign before they are considered for tenure. Exit interviews and/or printed survey forms are two common ways of trying to obtain such information. Unfortunately, however, the reliability and validity of the information obtained by these efforts is problematic, making it difficult not only to know the real causes for early resignations or tenure denials, but also to motivate and sustain the collection of such information over any significant period of time.

One is thus left with the problem of how best to respond to the perception that the seven-year maximum probationary period is too short, where the reasons for this insufficiency are not well understood. Three options appear to exist. The first option is to decide to accept the existing status of all the associated conditions that effect the proper length of this period, and simply increase the probationary period by some appropriate but more or less arbitrary time-interval. The second option is to decide to retain the standard maximum seven-year probationary period and make appropriate changes in all of those conditions that otherwise would justify an appropriate extension of the probationary period. The third option is to combine the previous two options by changing some but not all of the associated conditions that would justify an extension, and then extend the probationary period by some appropriate but essentially arbitrary time-interval to accommodate the remaining unaddressed conditions. The first option is the one preferred by advocates of simply extending the probationary period. The second option is the one that tenured faculty would be wise to consider and examine carefully, particularly because the consequences of extending the maximum seven-year probationary period are so significant and threatening.

It is also worth noting there is a fourth option to consider. In some academic disciplines (e.g., the biological sciences), it has become common practice for many of those who have recently received a PhD degree to seek a multi-year post-doctoral research scientist appointment prior to applying for a tenure-track faculty position. These appointments generally involve only research responsibilities, and allow recipients to get a head start in their research programs before they obtain a tenure-track faculty position and the probationary period begins. Such a situation resembles to some extent what is intended by extending the maximum probationary period. The main difference, of course, is that these specialized non-tenure-track research scientist appointments are generally free of any teaching or service responsibilities, whereas the probationary faculty member is not. The problem with considering such an option here is that the funding for such appointments is not widely available at US institutions of higher education.

The Chronicle article cited previously contains a number of reasons offered for and against extending the probationary period. Advocates assert that research has become much more complicated and time-consuming than it used to be, that extensive peer review processes delay the initiation of externally funded research projects as well as the final publication of research results, that there is more high risk - high gain research leading to more research dead ends and delays in obtaining and publishing results, and that extending the probationary period would appear to benefit women who tend to be particularly burdened by family responsibilities.

Opponents of extending the probationary period point out that there is little evidence to suggest that a significant number of failures to achieve tenure are due to an insufficient probationary period, or that the seven-year maximum probationary period is responsible for a significant number of tenure-track faculty resigning before being considered for tenure. They also maintain that extending the probationary period risks keeping tenure-track faculty in a precarious and vulnerable situation where they have lower pay, less influence, and little job security. Finally, they maintain that well-qualified applicants are unlikely to join faculties where a longer probationary period will delay achieving tenure, and that extending the probationary period is likely to foster mediocrity because those faculty who most need a rigorous tenure review in their sixth year are likely to be attracted to institutions where that tenure review is delayed until a much later date.

There is, of course, some basis for the assertion that the current seven year maximum probationary period is simply too short to allow tenure candidates who have or wish to have children enough time to both establish a clearly adequate record of achievement sufficient to warrant a tenured faculty appointment, and enough additional time to also effectively fulfill the demanding added new responsibilities associated with being the sole or co-equal parental caregiver. The UI faculty has previously concluded that extending the probationary period for parental leave purposes is a very special case among many possible claims for extension, and it now grants, on an ad hoc case-by-case basis, short-term extensions for one year per child to primary or co-equal caregivers, allowing up to a total of two additional years in probationary status. The UI faculty must now decide if it should agree to a major change in its well-established tenure system to

accommodate all tenure candidates for reasons that are not well understood. Prudence suggests that such significant changes to something that has worked so well for so long should be very carefully and critically examined and justified before adopting.

Although the AAUP has not yet approved an official position statement regarding proposed multi-year extensions of the maximum probationary period, AAUP leaders have indicated their strong opposition to making such a change. The AAUP's position, as reported in the Chronicle article, appears to be as follows.

1. Tenure is a cornerstone of the academic profession, and the standards for achieving tenure (i.e., establishing a clearly adequate record of achievement in teaching, scholarship or creative work, and service during the seven-year maximum probationary period) are considered sacrosanct.

2. Extending the probationary period amounts to an unacceptable weakening of well-established and widely accepted AAUP standards, and as an attack on tenure itself (If tenure standards can be increased without limit, what is to prevent the maximum probationary period from being extended without limit, thereby eliminating tenure?).

3. The only legitimate reason for considering an extension of the seven-year maximum probationary period is in response to extenuating family circumstances (e.g., research complications are seldom if ever considered adequate grounds for an extension).

It is also important to note that the AAUP's widely accepted seven-year limit applies to all US higher education faculty, regardless of the academic institution and irrespective of the academic discipline. This broad application works because those who are primarily responsible for making the critical judgment about the candidate's qualifications for tenure are the candidate's qualified faculty peers and the administrators of the candidate's academic units. Thus, the particular institution's and academic unit's missions, the candidate's academic discipline and particular areas of specialization and emphasis, and the institution's standards for the granting of tenured appointments, are all automatically incorporated into the candidate's tenure review and recommendation process. Consequently, there is little if any justification for the argument that differences in academic institutions and academic disciplines necessarily imply the need for differences in the duration of the probationary period.

Historically, there has always been a concern about appropriately limiting the probationary period, and thereby forcing a tenure decision to be made. The reasoning that has been accepted for this seven-year limit appears to be that although an extended probationary period is a necessary safeguard to protect the institution from making a premature long-term commitment before a candidate's qualifications can be effectively demonstrated and documented, limiting that period to seven years is also necessary to protect the candidate from prolonged exploitation by the host institution.

Also factoring into the rationale for the seven-year limit is the recognition that the qualifications for tenure, whatever they may be in any particular academic unit, are not just an initial standard for all candidates to meet or exceed, but they also represent a level of sustained effort, commitment and achievement that all successful tenure candidates are henceforth expected to demonstrate. When viewed from this long-term perspective, the

seven year limit has proved to be a sufficient period of time for qualified faculty peers to make an informed judgment regarding the candidate's ability and motivation to continue to fulfill the responsibilities of a tenured faculty member, and to progress on to the highest professorial rank and the standards this rank requires.

There is also at least one other important and related reason for opposing a multi-year extension of the maximum probationary period. During the probationary period, tenure-track faculty members have only very limited job security, and exist in an environment where their academic future (i.e., recommendations for promotion and tenure, salary raises, awards, leaves of absence, etc.) rests primarily in the hands of their qualified faculty peers and their academic unit administrators. Consequently, probationary faculty generally have many colleagues and several administrators to please, not just a single individual. And since peer group recommendations that are not unanimous or near unanimous may be rejected at some higher administrative level, especially during periods of financial austerity, pleasing all of one's tenured faculty colleagues and academic administrators is the common goal of most if not all probationary faculty.

Many probationary faculty learn to survive in this precarious environment by operating in a way that is inconsistent with the sort of behavior that is expected of responsible and effective members of the tenured faculty. That is, they learn to retreat from their colleagues into their office, laboratory, clinic, library and classroom, and to avoid possible confrontations and to suppress opinions that might irritate or annoy their tenured faculty peers and academic administrators, rather than openly discuss and debate these important and sometimes controversial issues. In fact, probationary faculty exist in an insecure and threatening environment very similar to that experienced by non-tenure-track, renewable term (contingent) faculty. And the longer the probationary period lasts, the more well-ingrained this inappropriate faculty behavior becomes, and the more likely it is to persist after tenure because successfully pursuing that strategy led in the first place to the achievement of tenure and academic success.

In summary, there are a number of possible reasons why seven years may not provide enough time for well-qualified and motivated probationary faculty to establish a record of achievement sufficient to justify a tenured appointment. Among the more plausible are that tenure standards are set too high, that procedures for re-appointing and evaluating probationary faculty do not identify and direct the efforts of potential tenure candidates in a timely manner, that institutional support for probationary faculty is inadequate, and that experiences gained by probationary faculty discourage them from continuing to actively pursue an academic career.

It is also clear that there is little if any evidence to indicate which if any of these possible reasons for the alleged inadequacy are in fact important contributors. Based on current conditions in US institutions of higher education, it certainly would not be surprising if further research revealed they all contribute to some degree. And it also seems reasonable to speculate that after experiencing several years of service on the tenure-track, a significant number of probationary faculty simply conclude that

continuing to pursue a tenured faculty position is not as attractive a career choice as it may have once appeared to be.

In these circumstances, extending the already substantial seven-year maximum probationary period seems like a particularly poor response to make, especially if one is interested in fairness to tenure candidates. A multi-year extension for all tenure-track faculty would likely lead to mediocrity within the faculty, it would unnecessarily prolong the low pay, lack of influence, and insecurity associated with the probationary period, and it would encourage the sort of isolated and dysfunctional faculty behavior that is likely to erode and eventually destroy effective peer review processes, and tenured appointments themselves.

Those who advocate extending the AAUP's well-established seven-year limit must necessarily believe it is insufficient for well-qualified, highly-motivated and adequately supported candidates to demonstrate the appropriately selective qualifications required for a tenured faculty appointment, or it is insufficient for qualified and conscientious faculty peers to make an informed judgment regarding those qualifications, or perhaps a mixture of both. In the absence of any convincing evidence that the seven year limit is responsible, in whole or in part, for inappropriate tenure denials, the advocates for extension have simply failed to make their case. Until that evidence is presented, debated and successfully defended, the academic profession will be best served by adhering to the seven year standard it has employed so successfully for the past 66 years, and which has been so instrumental in making the US system of higher education the acknowledged world leader.
