



Senate Bill 18

Texas Senate Subcommittee on Higher Education

Good afternoon,

My name is Tom Lindsay. I'm the distinguished research fellow in higher education at the Texas Public Policy Foundation, testifying in support of the bill.

When I entered the job market as a newly minted Ph.D. in the late 80s, tenure was what we wanted first and foremost. My already-tenured colleagues assured me that, once I had tenure, it would take an act of Congress to remove me!

Since then, I have received tenure from two institutions, most recently at the University of Dallas, where I served as dean of the Graduate School of Liberal Arts and then provost. In those senior administrative roles, I sat on and presided over more than my share of promotion and tenure discussions and decisions. I also was able to look at this and other education issues from a national perspective while serving as the deputy chairman of the National Endowment for the Humanities under President George W. Bush. Experiencing the tenure review process from both sides of the table, I think that I have learned some things that I hope are helpful as you deliberate over this bill.

As I reviewed SB 18, my three primary concerns going in were:

1. Would the bill undermine academic freedom?
2. Would it undermine the academic quality of both the professors hired in the future and, thus, our universities themselves? And
3. Would it adversely affect professors' economic status?

First, what is tenure?

As the [AAUP 1940 Statement of Principles](#) asserts: *“Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.”*

So, academic freedom and economic security are what all of us new Ph.D.'s sought in seeking tenure. Why, then, would I support this bill?

First, my experience over the past 34 years has been that too many of us academics, after getting tenure, enjoy something tenure was never originally intended to produce—a lack of accountability, in our case, to the taxpayers who fund public universities and to the legislators who represent them. That is to say, it's become well-nigh impossible in practice today to lose tenure except in the most extraordinary of circumstances. Here's why that's a problem:

All occupations, throughout all history, carry incentives and disincentives. It would seem that human nature is such that we require regular “accountability” checks in our occupations. This seems to be a requirement that flows from the fact that we are human—all too human. Now, as someone who has been a university teacher for over 30 years, I would love to think that I, as a Ph.D., along with my colleagues, are above humanity, but I know better. Therefore, it seems common sense to apply the same accountability to us who are college teachers as to anyone else—unless I want to claim that as a Ph.D., my virtues are such that I alone can safely dismiss the accountability required of the rest of us mere human beings.

Some hold that tenure is required to protect academic freedom. This is not true, although it is true that when tenure means lifetime employment, with no accountability, this will provide academic freedom. But happily, tenure is not the only way to do so, whereas no-accountability tenure also comes with a host of negative outcomes that can be avoided with other mechanisms that protect academic freedom.

Worse, *with* tenure today, we have, as we all know, an academic freedom crisis on campus. As recently reported in a [national survey](#) conducted by the nonpartisan, nonprofit Heterodox Academy, “63.2% of students agreed that the climate on their campus prevents people from saying things they believe because others might find those views offensive.” [Stanford Law School’s debacle](#) on March 9 of this year is only the most recent example.

Also, as my fellow invited panelist, Dr. Adam Kissel has testified, academic freedom at public universities is *not dependent* on having tenure. Supreme Court rulings over the past 60 years all agree that public university professors are protected by the First Amendment, whether they have tenure or not.

Recall that tenure was initially designed to promote a marketplace of ideas, in accordance with the classical liberal trust in the power of human reason and with the expectation that from such a clash of competing opinions the truer views would ascend. Here we find a parallel to our democratic politics, which rests on the faith that the people, if exposed to different views and free to discuss and debate them, will end up choosing the wiser policies and those who espouse them.

But tenure today, as C. Vann Woodward warned, has become a vehicle to establish an ideological monopoly on campus—which, both sides of the political aisle should worry about, because it strangles critical thinking. Back in the early 1990s, C. Vann Woodward, the liberal civil-rights and free-speech hero, who authored Yale’s 1974 “Report of the Committee on Free Expression at Yale,” gave [an address](#) in which he criticized academic “illiberals” whom he said were “denying academic freedom by acting to control and police academic appointments, admissions, curriculum, teaching, and thought in order to promote their political programs.”

Especially noteworthy here is the fact that, in researching the issue of tenure, I found critiques from academics on both sides of the political aisle William Egginton, professor in the humanities at the Johns Hopkins University, penned a piece in the *Chronicle of Higher Education* titled, “[The Left-Wing Case Against Tenure](#).” There, he argues, “Safeguarding intellectual freedom is an indispensable goal, especially today. But ... we need to ask whether processes that give cover for arbitrary and politically motivated personnel decisions, reproduce arcane power structures, and reinforce disciplinary insularity are really fulfilling the sacred mission of protecting truth from the contagion of power.” Other concerns with tenure found in this critique are tenure’s effect at stifling innovation; at increasing intellectual conformism, its lack of accountability; the disparate impact that tenure has on the percentages of Blacks and Hispanics who receive tenure, and with its resulting two-tiered system of faculty on our campuses.

Also, [as reported](#) in the left-leaning *Slate*, Cathy Trower, a tenure researcher at Harvard University, says the current system may actually be scaring talented young people away from academia. “This one-size-fits-all, rigid six-year up-and-out tenure system isn’t working well,” she says.

“But how will universities without traditional tenure be able to attract star faculty?” is a question asked by critics of SB 18. Trower’s response is corroborated by my experience in academia. She states, “All sorts of brilliant people want to be members of academe,” says Trower. “I don’t think it’s because of tenure. It’s because of the work.’ The life of the mind is its own reward.” I would add that the star academics don’t need tenure. The Howard Hughes Medical Institute (HHMI) is one

of the finest medical research centers in the world. Its faculty is populated by stars. None of them has tenure, because HHMI offers none.

The bipartisan critiques of tenure reflect the happy fact that both sides of the aisle still recognize the need to heed the words of John Stuart Mill, author of *On Liberty*. Mill writes:

He who knows only his own side of the case knows little of that. His reasons may be good, and no one may have been able to refute them. But if he is equally unable to refute the reasons on the opposite side, if he does not so much as know what they are, he has no ground for preferring either opinion... Nor is it enough that he should hear the opinions of adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations. He must be able to hear them from persons who actually believe them ... he must know them in their most plausible and persuasive form.”

In other words, our students need to hear competing views in order to develop their critical thinking. But we know that our students’ critical thinking skills are not what we want them to be. The landmark national study, [Academically Adrift](#), measured students in their first and fourth years to assess their levels of critical thinking, quantitative reasoning, and writing skills. It found that only 36% of students showed any statistically significant increases in these collegiate skills *after four years invested in college*.

The ideological conformism on campuses today, made possible by tenured faculty’s control of hiring and promotion, doesn’t help develop critical thinking—to put it mildly.

But what about job security for academics? After all, attaining a Ph.D. takes a very long time. In answering, the *Slate* piece offers a constructive alternative—multiyear, renewable contracts: “Some universities have already made the leap. Evergreen State College in Washington implemented renewable contracts back in 1971. Florida Gulf Coast University scrapped tenure when it was established in 1991. Boston University now offers salary premiums to professors who decide not to take tenure.”

Note that Florida Gulf Coast University [is accredited](#) by the Southern Association of Colleges and Schools (SACS). As this example demonstrates, SACS does not require traditional tenure as a condition of getting and maintaining accreditation.

In fact, none of the regional accreditors requires traditional tenure as a condition of accreditation. *Unfortunately, this fact is little-known.*

In conclusion, recall that I approached SB 18 with three primary concerns in mind:

1. Would the bill undermine academic freedom?
2. Would it undermine the academic quality of both the professors hired in the future and, thus, our universities themselves? And
3. Would it adversely affect professors’ economic status?

As has been demonstrated, academic freedom for public university professors depends, not on tenure, but on the First Amendment.

Regarding recruitment of star faculty, these academics care little for tenure, as the HHMI example indicates. Such high-performing, self-starters are the core out of which any “university of the first class” arises. The opportunity provided by SB 18, then, is to build world-class universities *through accountability*. Accountability for performance. Accountability for high standards. Accountability to the Texans who fund our universities.

Finally, multiyear, renewable contracts have been demonstrated to provide economic security for academics.

When it comes to tenure, then, the choice is this: We can choose job security without real accountability, or we can choose the path of accountability and high achievement—and through these, set a standard of excellence for the whole country.

For all these reasons, I support passage of SB 18. I am happy to answer any questions you might have.

Thomas Lindsay, Ph.D., is the distinguished senior fellow for Next Generation Texas. He has more than two decades' experience in education management and instruction, including service as a dean, provost, and college president.

Lindsay was the director of the National Endowment for the Humanities' (NEH) signature initiative, *We the People*, which supports teaching and scholarship in American history and culture. He was later named deputy chairman and chief operating officer of the NEH.

Lindsay co-authored the American government college textbook *Investigating American Democracy* with Gary Glenn, published by Oxford University Press. He has published numerous articles on the subject of democratic education, many of which have appeared in the world's most prestigious academic journals, including the *American Political Science Review*, the *Journal of Politics*, and the *American Journal of Political Science*.

Lindsay has published articles on higher-education reform in *Real Clear Policy*, *Los Angeles Times*, *National Review*, *Inside Higher Ed*, *Washington Examiner*, *Knight-Ridder Syndicate*, *Dallas Morning News*, *Houston Chronicle*, *American Spectator*, *Forbes*, and *Austin American-Statesman*, among others.

In recognition of his scholarship on democratic education, Lindsay was the 1992-93 Bradley Resident Scholar at the Heritage Foundation in Washington, D.C.

Lindsay earned a Ph.D. and an M.A. in political science and government from the University of Chicago and a B.A. summa cum laude in political science from Northern Illinois University.

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