

**FACULTY TENURE & ACTIVITY
IN VIRGINIA
REPORTED TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY OF VIRGINIA**



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**FACULTY TENURE AND ACTIVITY IN
VIRGINIA'S STATE-SUPPORTED COLLEGES AND UNIVERSITIES**

**A Report Submitted to the
Virginia General Assembly
in response to
Senate Joint Resolution 106
(February, 1975)**

**State Council of Higher Education for Virginia
November, 1976**

State Council of Higher Education for Virginia
Seventh Floor, Fidelity Building
Ninth and Main Streets, Richmond 23219

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Council staff responsible for preparation of this report:

Richard J. Meisinger, Jr., Coordinator of Academic Programs
Gordon K. Davies, Associate Director

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PREFACE

The 1975 Session of the Virginia General Assembly directed the Council of Higher Education, which by statute is advisory to both the executive and legislative branches of Virginia state government, to study faculty tenure and activities, and to report its findings to the General Assembly by November, 1976. A copy of the Senate Joint Resolution directing the study follows the preface.

This study is probably one of the most extensive ever conducted on the subjects of tenure and activity. Over 12,600 faculty members completed activity questionnaires, and personnel information for each faculty member was provided by institutional administrations. This information was analyzed in detail in order to extract the data from which the summary tables in this report are drawn. It is on the basis of this information, plus a thorough review of literature pertaining to the subject, that the Council has reached its conclusions.

The Council conducted its study in such a way that it has not overstepped its statutory responsibilities. Specifically, the Council is prohibited by statute from any action which affects

either directly or indirectly, the selection of faculty . . .
it being the intention of this section that faculty selection
. . . shall remain a function of the individual institutions.*

Because the decision to grant tenure is an aspect of "faculty selection," the Council was careful to deal only with information in which individual faculty members could not be identified.

* Virginia Code Section 23-9.6:1(b)

Further, because the Code of Virginia states specifically that "faculty selection" is a "function of the individual institutions," the Council has addressed its suggestions for improving the management of tenure systems to the boards of visitors of the institutions. In the last analysis, it is the responsibility of these boards to ensure that the tenure systems, along with other aspects of governance under their purview, are managed carefully and with sound judgment.

One characteristic of a "good" study is that it prompts self-review and constructive change. The study produced far more than a report to the General Assembly. It has been the occasion for constructive change and for the initiation of careful planning processes within Virginia's institutions of higher learning. In many respects, these "by-products" are as important as the report itself.

The Council wishes to add an observation which is related to many of the suggestions contained in this report, but which is not directly within the purview of the study. It is our opinion that a number of the boards of visitors should meet more frequently than they do at present if they are to discharge their total responsibilities that are increasingly multitudinous and complex. There are 14 senior institutions having independent boards of visitors. Nine of these boards meet only quarterly, three meet every two months, and two meet monthly. It is recognized that more frequent meetings are a burden to persons whose schedules are already crowded. We are, however, in a period of rapid change in higher education and prudent oversight of assumed responsibility is an obligation of boards of visitors.

The tenure study has been a difficult one to conduct, both because of the controversial nature of tenure and because of the vast amounts of information which were

required. The study could not have been concluded successfully without the cooperation of the men and women of the colleges and universities. The Council thanks especially Virginia's faculties, whose members responded to the requests for information with a cooperative spirit that does credit to them and to their profession. The Council also thanks the administrators of the colleges and universities, who produced both great quantities of information and many thoughtful comments upon drafts of this report. The Council alone is responsible for the conclusions and recommendations.

We submit the results of the study in the spirit in which it was undertaken . . .

"With malice toward none, with charity for all . . ."

J. Harvie Wilkinson, Jr.
Chairman

SENATE JOINT RESOLUTION NO. 106

Offered January 14, 1975

Directing the State Council of Higher Education to conduct a study of academic tenure in Virginia's State-supported colleges and universities.

Patrons--Messrs. Willey, Burruss and Barnes

Referred to the Committee on Rules

WHEREAS, a policy known as academic tenure has developed in almost all colleges and universities in America and has historically been regarded as a means of ensuring academic freedom; and

WHEREAS, between nineteen hundred sixty-eight and nineteen hundred seventy-three, the proportion of the nation's faculty members who have tenure has increased by one-third and now stands at sixty-five percent; and

WHEREAS, the increase in tenured faculty members has important budgetary and curricular implications for all institutions of higher learning; and

WHEREAS, institutional flexibility will be greatly diminished as the proportion of tenured faculty increases, especially during the next decade when college enrollments are expected to level off and actually decline; and

WHEREAS, prestigious national commissions and educators recommended a re-evaluation of tenure policies and prestige studies have responded by supporting the tenure principle, and recommending that the administration of tenure policies be improved; and

WHEREAS, no Statewide study of the impact of tenure on Virginia's State-supported institutions of higher education and their faculties has been conducted; now, therefore, be it

RESOLVED by the Senate of Virginia, the House of Delegates concurring, That the State Council of Higher Education is directed to study tenure policies in the State-supported institutions of higher education in the Commonwealth, to evaluate the criticisms of academic tenure made during recent years, and to recommend modifications or improvement, if any, in the tenure system.

In addition to studying the policies and procedures employed for granting tenure and the removal of tenured faculty members, the study shall include but not be limited to consideration of the number of courses, hours, and students taught by faculty members, other faculty activities and responsibilities, teaching schedules and performance evaluations.

All agencies and institutions of the Commonwealth shall assist and cooperate with the Council in the conduct of this study and shall promptly provide such information as may be requested.

The Council shall complete its study and report its findings to the Governor and the General Assembly not later than November one, nineteen hundred seventy-six.

PART I

DISCUSSION OF TENURE AND FACULTY WORKLOAD

A. What is Tenure?

Tenure is a system in which the appointments of designated faculty members in institutions of higher education are continued until retirement for age or disability, subject to dismissal for adequate cause as defined by each institution, or to termination on account of institutional financial exigency or change of institutional mission. This general definition is not concerned with the reasons why tenure systems exist; these are generally held to be freedom of teaching and research, procedures for reviews of personnel decisions which may adversely affect a faculty member's career, and assurance of job security against arbitrary acts. These reasons are discussed further on in this part of the study report. Their adequacy is the main issue on which the merits of tenure systems are discussed. The definition of tenure given above is, however, a description of the way in which a faculty member's personnel status is affected by virtue of receiving tenure.

To summarize briefly the way a typical tenure system works, a person is appointed to a full-time faculty position, and begins to serve in the institution for a probationary period. During that period, his performance is monitored and evaluated, and he can be either reappointed or not at the expiration of each contract period.

Finally, at or near the end of the probationary period, the faculty member is considered for tenure. The questions put to the institutional community are quite

straightforward: "Does this person merit, by virtue of his performance during the probationary period, appointment without term, subject only to dismissal for adequate cause, institutional financial exigency, or change of institutional mission? Is the institution prepared to make such a commitment to this person, considering both its present situation and its long-range plans?" If the answer to either of these questions is "no," the faculty member is not awarded tenure and leaves the institution. If the answers are "yes," tenure is awarded.

The criteria upon which the decision to grant or not grant tenure is based will vary from institution to institution, depending upon institutional missions and historical patterns of administration. Generally speaking, a faculty member is first evaluated for tenure on the basis of teaching effectiveness, research productivity and potential, professional development, institutional and public service, and professional qualities. Major research universities tend, of course, to place greater stress on research productivity and potential; teaching effectiveness is stressed more at institutions which see instruction as their predominant mission. All institutions in Virginia do, however, place heavy emphasis upon teaching performance.

After performance and potential are evaluated, if a preliminary recommendation to award tenure has been reached, another kind of decision must be made. This is the decision at the management level whether, regardless of an individual candidate's merits, the institution will be best served by awarding tenure. The candidate's academic specialty may be in low demand, or there may already be a high proportion of tenured persons in his department, or the boards of visitors and administration may be

planning a change of institutional mission which will render the candidate's services unnecessary. Under such conditions, even if the candidate is qualified, tenure may not be awarded.

It is often supposed that, once he has acquired tenure, the faculty member rests easy and is never again subjected to performance evaluation. While there is perhaps some truth to this supposition, two factors render it, on the whole, invalid.

First, some institutions have always subjected their tenured faculty members to periodic, formal performance evaluations. In contemporary higher education, increasing numbers of institutions are adopting this practice, in part because of criticisms of personnel management within tenure systems.

Second, while formal performance evaluation has not been the norm, informal evaluations have always been conducted and significant personnel actions have been taken as a result of them. It is not at all true that a faculty member, once tenured, is shielded from all forms of management control which are in the hands of the institution's administrators or trustees.

Salary increases, promotions, teaching assignments--all matters of considerable importance to the faculty member whatever his tenure status--remain the prerogatives of administrators and trustees. So do a host of other inducements to high quality performance: endowed chairs, travel, leaves of absence, and access to research funds. As in industry, the threat of dismissal is only one management control over employees, and it is not necessarily the most effective one. It is such a severe action that administrators frequently hesitate to use it.

B. The Origins of Tenure

Tenure, as we know it today, is a distinctly American and modern phenomenon. The systems of tenure which exist at the vast majority of colleges and universities across the United States today are almost all derived from the 1940 Statement of Principles on Academic Freedom and Tenure of the American Association of University Professors. These principles, in turn, derive from the creation of the AAUP and the introduction of the modern concept of tenure in 1915.

Yet tenure, in its intention and its practice, is almost as old as the university itself, dating back into the 12th century and the creation of the great European centers of learning. Then the scholar was admitted to a community of scholars, and enjoyed considerable benefits which were both material and prestigial. At the same time, he was subject to the specific rules of the community which governed not only personal behavior but, in some instances, the limits of academic freedom. Then, as now, the threat to academic freedom from within the community of scholars itself was as significant as the threat posed by external powers.

Faculties have sought, since the beginning of the Middle Ages, to regulate themselves with relative freedom from external intervention. Other institutions, for the most part representing either church or state, have sought over the centuries either to control the academic centers or to be assured at least that their activities were conducted responsibly and for the public good. Tenure, as it has evolved in modern American colleges and universities, is simply one form among several of academic personnel management which attempts to meet the perceived needs of faculties,

administrators and interested groups outside of higher education. The present study is an inquiry into how well tenure systems in Virginia's state-supported colleges and universities actually meet these perceived needs and what improvements are indicated.

The AAUP 1940 Statement of Principles contains the most widely accepted framework for interpreting academic tenure; the majority of the tenure systems in operation today have used it as a basis. Coupled with the AAUP's 1958 Statement of Procedural Standards in Faculty Dismissal Proceedings, it provides a generalized guide for interpreting tenure and creating tenure systems.

The preamble to the 1940 statement contains the basic precepts of the modern tenure system:

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspects is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

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.

Subsequent statements concerning tenure include provisions for "dismissal for adequate cause or unavoidable termination on account of financial exigency or change of institutional mission" (Commission on Academic Tenure in Higher Education, 1973:256).

C. The Tenure Debate

Tenure systems have two central objectives: the protection of academic freedom, and the provision of job security. Most persons are sensitive to the need for some form of job security, and recognize that it is an essential component of healthy working conditions. In its concern for job security, academic tenure contains provisions which are actually quite similar to those of government civil service.

Fewer persons, however, may be sensitive to the importance of academic freedom as colleges and universities attempt to perform their traditional roles in society. "Academic freedom" is the freedom of teachers and researchers to pursue their work without the threat of inhibition or prohibition either from within the college or university or from outside it. Institutions of higher education are, in part, society's transmitters of extant knowledge, preservers of cultural heritage, and discoverers of new knowledge. To carry out these responsibilities, the colleges and universities must at times function as critics of society, challenging accepted ways of thinking and behaving. This is understandably not a comfortable experience for those who are being challenged, and tension is created between institutional faculties and the elements of the broader society which may wish to silence views conflicting with their own. In such situations, the protection of academic freedom is essential in order to permit the institutions to continue to meet their societal responsibilities.

Academic freedom is, therefore, supported vigorously by faculties, institutional administrators, boards of visitors, and concerned persons throughout the society as a whole. It is clearly more than an individual privilege; it is an essential attribute of colleges and universities, and, in the broadest sense, an essential attribute of a free and healthy society. What remains at issue, however, is whether or not academic tenure systems are really essential to the preservation of academic freedom, as proponents of tenure have argued.

It has been argued that academic freedom is now adequately protected in the courts under the guarantees of the Bill of Rights, thereby obviating the need for its protection by tenure systems. But academic freedom goes beyond minimal guarantees against governmental infringement upon intellectual freedom; it also protects scholars and teachers against non-governmental pressures which may influence their work. Protection from such pressures is not routinely provided by the courts.

Academic freedom is guaranteed in several ways, however, with tenure being only one of them. It is possible to enjoy academic freedom without tenure; the non-tenured faculty in colleges and universities are in this position, because all members of the academic community are supposed to be protected equally under the concept. Moreover, the tradition of academic freedom is strong in Great Britain, which has no tenure systems, and there certainly was some measure of academic freedom in this nation's colleges and universities before the modern concept of tenure was formally introduced in 1915.

Proponents of tenure systems argue that a tenured body of faculty is necessary to create a climate of academic freedom in which even non-tenured faculty members

are protected. The mere presence of tenured faculty is said to be enough to prevent academic administrators and faculty from yielding to external and internal influences which would thwart intellectual inquiry. This is a weak argument, however, with obvious structural flaws. While it can hardly be said that the nation's higher education faculties are beleaguered and endangered today by external forces which seek to limit the scope of intellectual inquiry, there is no evidence, other than the personal testimony of individual observers, that the presence of tenured faculty on campuses is responsible for the relative security with which academic freedom is enjoyed. It was enjoyed before modern tenure systems were developed, and it is enjoyed today in many places where they are not in use.

In fact, Kingman Brewster, the president of Yale University, has observed that academic freedom is threatened more subtly and seriously by forces within the academy than by those outside of it. Brewster reaches the conclusion that tenure is necessary to ensure academic freedom. John Silber, the president of Boston University, disagrees with Brewster on the need for tenure but speaks to the same point:

Tenured professors may be able to keep non-tenured faculty from developing their intellectual interests according to their own professional judgment. That is, the non-tenured faculty may find themselves compelled to follow a doctrinal orthodoxy defined by the seniors in their department.

It might be added that internal pressures on academic freedom can arise from administrative as well as faculty sources.

In the more prestigious institutions, where world-reknowned scholars hold tenured positions, the sheer stature of tenured faculty might well discourage external attacks upon the academic freedom of all faculty members. Ironically, however, it might well

be in these same institutions that the subtle pressures to conform tend more to erode academic freedom from within.

The Council of Higher Education concludes, therefore, that tenure as practiced in American higher education is not itself a necessary condition for academic freedom. However, academic due process--the assurance of procedures to guarantee the fairness of personnel actions--is an essential condition. Academic due process includes not only administrative review of actions affecting retention, promotion, and the granting of tenure; it also includes peer review of these same actions. For this reason, it offers even more protection than many grievance procedures in use within government and industry. The Council believes that the boards of visitors, administrators, and faculties of Virginia's institutions should regularly and carefully review their policies and procedures governing due process, and should seek the advice of the Attorney General to ensure that these policies and procedures are in conformity with relevant law.

The Council also believes that the privileges of tenure cannot be defended without accepting the responsibilities which are assumed by tenured faculty members. These have not been adequately defined in most tenure systems, and the boards of visitors of Virginia's institutions are urged to have them defined as precisely as possible and to cause them to be communicated to the faculty. However generalized and simple these definitions may be, their very existence reflects appropriate concern by the governing body.

The responsibility to use one's academic freedom soberly is a grave one, and should be emphasized to every faculty member who is awarded tenure at one of Virginia's

institutions. Generally, the tenured faculty member should be reminded that he is responsible for what he does and says, remembering that the public may judge both his profession and his institution by his words and deeds. The faculty member, as professional and scholar, is competent in only a few fields at most, and is no more qualified to speak outside these fields than any other citizen.

The critics of tenure are many, and its defenders are legion. The "tenure debate" has raged for years, focusing on academic freedom, job security, faculty activity, and institutional management flexibility. The first of these issues has already been discussed as an argument in support of tenure systems. The remaining three issues are usually seized by critics of tenure as bases for their attacks.

The Council has considered the criticisms of tenure, which are summarized here and discussed more comprehensively in Appendix A to this document. It is the Council's general conclusion that recent criticisms of tenure systems are not persuasive, although they are certainly not without justification. Viewed dispassionately, however, modern tenure systems appear to be one form of personnel management system among several, one which appears to work well if administered well, and poorly if administered poorly. The same can be said for alternative personnel management systems in higher education, as they have been developed by colleges and universities throughout the nation.

The Council believes that the tenure systems of Virginia's senior state-supported institutions should be continued, as should the multi-year contract system of the Virginia Community College System. The major issue is whether or not the personnel

management systems currently in use are well administered. This is the key question with which the Council deals in this report.

Critics of tenure contend that it provides, without justification, a unique form of job security to higher education faculty members. It is, in fact, probably true that few other people in the working world enjoy the privileges afforded by tenure. But it is also true that tenure systems are very similar to civil service systems for public employees, and have features which are comparable in some respects to the seniority, job security, and grievance procedures frequently written into collectively bargained labor contracts. Even in non-unionized industrial settings, where there is nothing resembling a formal tenure system, the corporate benefits of providing job security to employees very generally lead to informal protective systems.

Critics of tenure frequently contend that faculty members, once they receive tenure, begin to pay less attention to their teaching responsibilities. They are alleged to spend fewer hours each week in contact with students, and more time doing their own research or, at worst, doing nothing at all.

This is a criticism that has been around for a long time. Only four years after the founding of the AAUP in 1915--57 years ago--researchers had already begun to study faculty activity in an effort to determine how faculty members spend their time.

To be sure, there are individual situations in which tenure has been abused, even though the methods of analysis did not attempt to identify individual cases. It would be naive to suppose that there were not people who take unfair advantage of tenure, just as it would be naive to suppose that there are not factory workers, business executives, and civil servants who similarly abuse their employee privileges.

As a major part of its study, the Council of Higher Education analyzed the weekly activities of faculty members in order to determine whether or not there were significant differences based upon tenure status, age, sex, or academic specialty. The data show that faculty members with tenure continue to teach courses at all levels of study, to meet with students, to serve on institutional committees, and to be professionally active.

In the aggregate, institution-by-institution, rank-by-rank, measured overall, Virginia's faculties do not abuse the privileges of the tenure or contract systems. The Council believes that any attempt on the part of central state government to identify the few individuals who may abuse the systems would be decidedly counterproductive. It would seriously erode the prerogatives of institutional boards of visitors, which are statutorily responsible for personnel actions. The relative autonomy of institutions that operate under independent boards of visitors is one major reason for the general good health of higher education in the Commonwealth today. The Council believes that the incidents of abuse are actually few in number, and do not warrant corrective action at the state level which may weaken the governance and administrative structures of all higher education. Boards of visitors, administrators, and faculty are urged to exercise diligence in order to assure that the privileges of tenure are not granted without the expectation that the responsibilities of tenure will be discharged.

Critics of tenure also allege that a high proportion of tenured faculty reduces an institution's ability to change as needed in order to serve the needs of society. The Council is convinced that this is a sound criticism of tenure systems, but one which has more to do with their administration than with the concept of tenure itself.

The large majority of Virginia's state-supported institutions are not burdened by high proportions of tenured faculty. The community colleges, of course, operate without a tenure system and are therefore not threatened by a loss of flexibility as long as long-term contracts are awarded only after thorough reviews of performance. The great majority of the senior institutions appear to have reasonable flexibility. At the same time, the institutions appear to enjoy the stabilizing effects of a mature and experienced body of tenured faculty. This balance, between flexibility and stability, is the most desirable position and appears to be one which Virginia's colleges and universities can maintain in the next decade through prudent management of their faculty staffing policies and procedures.

Virginia's institutions are, however, approaching a time when enrollments will cease to increase and may in fact decline. This means that institutions will be deprived of the flexibility gained from growth and the creation of new faculty positions. It is essential to focus attention on the dangers inherent in becoming "tenured in," therefore, because in the early 1980's institutions will have to deal with a situation in which their present faculty members gain seniority and become eligible for tenure, without many new positions being created. In anticipation of this situation, institutional boards of visitors are urged to monitor carefully the granting of tenure during the next several years.

The sound administration of tenure systems will be crucial in this period. On the one hand, if tenure is granted to deserving faculty members at the same rate as it has been in the past decade, institutions will find themselves with less and less ability

to hire new persons who can shift the curricular emphases of the institution. On the other hand, if tenure percentages are severely restricted, very few faculty members now untenured will receive tenure; as a result, the young faculty hired to shift curricular emphases may find themselves without prospect of staying at the institution, caught in a revolving door which inevitably will turn them out at the completion of the pre-tenure probationary period.

Several management alternatives need to be considered in dealing with this potential problem. The number of non-tenurable appointments can be increased, as can the number of persons employed part time; turnover of faculty can be increased through more careful review and evaluation of performance; the probationary period can be lengthened or extended indefinitely; programs which are no longer viable can be discontinued. All of these actions and others, combined to meet the various needs of the institutions and students they serve, can help to create a situation in which management flexibility is maintained and in which new persons can still be admitted to the ranks of tenured faculty.

Institutions can also gain additional flexibility by helping the tenured members of their faculties to develop competencies in new academic disciplines. This does not, of course, bring new members into the faculties. It does, however, recognize that the tenure contract carries obligations for both the faculty member and the institution. In return for the tenured faculty member's development of skills needed by the institution, the institution offers career security. When an enrollment decline occurs in a discipline, tenured members in that discipline should be assisted, if resources are available, to

develop skills in areas of greater demand. Indeed, an established program of continual faculty development is the hallmark of a well-governed educational institution.

Part II of this study includes tenure projections developed by all Virginia institutions having tenure systems. The projections are based upon a relatively uncomplicated model proposed by John Kemeny, president of Dartmouth College, and modified for use in Virginia. While uncomplicated, the model does permit institutions to project their tenure situations in a single, uniform manner. This model, however, while appropriate for a statewide assessment of tenure, does not include all of the policy-related variables which must be considered for effective individual institutional management. For this purpose, each institution should use models which can deal more effectively with the many factors involved in faculty staff planning.

The inclusion of this report of a tenure projection by each institution is a matter of more than casual consequence. Each institution has stated its intention to manage its tenure system responsibly and with awareness of the future implications of present staffing patterns. This will involve careful planning and control over general faculty attrition and the actual process of awarding tenure. Obviously, institutional plans will change as circumstances change. But a statewide process of systematic planning within the context of tenure systems has begun, and the boards of visitors are now urged to ensure that this planning continues on a regular schedule.

D. Faculty Activities

To measure faculty activity, the Council collected questionnaires from over 12,600 faculty members at Virginia's state-supported colleges and universities. The data from these questionnaires were then analyzed in detail to provide the summary information contained in this report.

The most striking conclusion drawn by the Council from its examination of the data is the consistency of the reported faculty activity. Not only are the data consistent across the State from 12,600 persons; they are also generally consistent with faculty activity surveys conducted in other states and at individual non-Virginia institutions during the past several years. In fact, the data are even generally consistent with activity surveys conducted over a 50-year span and with those conducted in several European nations.

Asking faculty members themselves to report their activities runs the risk that the faculty reports will not be accurate. The Council screened out of its averages the few apparently excessive or illogical reports it received. Beyond those few, however, the consistency of the data collected and its general consistency with those collected at other times and in other places leads the Council to conclude that the reports are, on the whole, a reliable basis on which to build a profile of faculty activity in Virginia.

There are, of course, problems which stem from the kinds of activities in which faculty members engage. Unlike workers on a production line, it is difficult to draw a precise distinction between "work" and "non-work." This is a common problem,

however, and is not peculiar to academics. Business executives, attorneys, civil servants--persons whose work has a highly cognitive orientation--all tend at times to work independently, away from their formal places of employment, and at odd hours. The same is true of the faculty member, whose course preparation, research, scholarly reading, grading of papers, and even counseling will occur at home or on campus, during the day or in the evening, or on weekends.

The Council attempted to establish guidelines to help standardize activity reporting and, in early Fall, 1975, its staff visited every senior institution in the State and met with representatives from the community colleges to convey its guidelines as to what should and should not be reported as faculty activity. Again, while there are obviously variances, the Council is satisfied that the data collected reflect the general guidelines sufficiently to make them an appropriate basis for a profile of faculty activity.

The Council deliberately avoided expressing faculty instructional activity in terms of course credit hours because to do so has in the past led to unfortunate confusion. It has been standard practice to say that a faculty member who teaches four courses, each worth three credit hours, has a "12-hour load" ($4 \times 3 = 12$). This practice, however, encourages the general public to think that the faculty member works 12 hours per week, which is far from an accurate representation of the average faculty work week.

Therefore, the Council has expressed faculty instructional activity in several alternative ways which more accurately reflect activity:

- (1) The number of course preparations;
- (2) The number of courses, their credit hour value, and their enrollment;
- (3) The number of scheduled hours of contact with students per course, plus the number of hours spent in preparation, reading and grading student work, office hours, and special unscheduled hours of class contact;
- (4) The number of courses taught at each level of instruction (freshman/sophomore, junior/senior, doctoral, etc.); and
- (5) The number of courses taught without any scheduled contact hours (independent study, dissertation and thesis advising, etc.).

While not as simple and tidy as the "12-hour load," these expressions of faculty instructional activity are far more comprehensive and accurate.

Virginia's faculty members appear, on the basis of data collected for this study, to be carrying adequate teaching loads, and to be conducting themselves in a creditable fashion insofar as the amount of their activity is concerned. In general, faculty at all ranks work about the same number of hours per week, and teach courses at every student level. There is not a general pattern of senior, tenured faculty working less hours, teaching fewer courses, or teaching only graduate students. Of course, at institutions with larger graduate schools and major research missions, senior faculty tend toward graduate teaching and research. Still, however, the data indicate strong involvement in undergraduate teaching by senior faculty at these institutions.

The general assessment of the Council of Higher Education, then, is that Virginia's institutions are healthy not only as regards their faculty personnel policies

and their proportions of tenured faculty, but also in the amount and kinds of activity faculty members of all ranks, tenured or not, spend in the performance of their responsibilities. Parts II, III, and IV of this report discuss these issues in greater detail, and Part V contains a summary of the Council's recommendations. The various appendices contain still more detail, while the data upon which this report is based are in the Council files.

PART II

TENURE IN VIRGINIA'S STATE-SUPPORTED COLLEGES AND UNIVERSITIES

Chapter One

Institutional Tenure Profiles

A. Introduction

In addition to collecting activity information from individual faculty members, biographical and contractual data for the Council's Faculty Tenure and Activity Study were provided by the central administration of each institution rather than by individual faculty members. Participants in the study were full-time or part-time teaching and research faculty members. All part-time faculty who taught only off-campus were excluded.

This chapter provides summary tenure profiles of Virginia's institutions by rank, sex, age, and discipline division. It also provides salary profiles by rank and age. Data are clustered into a number of categories throughout this chapter: (1) doctoral institutions (The College of William and Mary, Old Dominion University, University of Virginia, Virginia Commonwealth University, Virginia Polytechnic Institute and State University); (2) two- and four-year institutions (the remaining senior institutions and Richard Bland College); (3) the Virginia Community College System; (4) all institutions except the community colleges; and (5) all institutions combined.

Tenure profiles are important guidelines in both the fiscal and academic areas of institutional management and planning. The Council had three options in computing the tenure profiles--the use of faculty headcount, the use of full-time-equivalent faculty, or the use of full-time headcount faculty. Each of the three bases would have produced a somewhat different result.

To illustrate the differences in approaches to calculating tenure percentages, hypothetical examples for each procedure are shown below:

NUMBER OF FACULTY MEMBERS				
<u>Full-Time</u>	<u>Part-Time</u>	<u>Headcount</u>	<u>FTE</u>	<u>Tenured</u>
80	40	120	100	60
<u>Tenure % Headcount Base</u>		<u>Tenure % Full-Time Headcount Base</u>		<u>Tenure % FTE Base</u>
50		75		60

All three methods of computing tenure percentages are used in this chapter, depending upon the availability of data and upon the purpose of the particular analysis.

These tenure profiles, especially the tenure percentages, must be used with caution. For example, calculations show that 66.5 percent of the FTE associate professors in the four-year institutions and Richard Bland College are tenured, compared with 76.0 percent of the FTE associate professors in the doctoral-granting institutions. Although the percentages are similar, a thorough comparison of the two clusters cannot be made without taking into account that 66.5 percent of the associate professors at four-year institutions and Richard Bland College represents 375 tenured FTE faculty

positions (out of 564 FTE positions), whereas 76.0 percent of the associate professors at doctoral-granting institutions represents 848 tenured FTE faculty positions (out of 1,116 FTE positions). That is, a comparison based on percentages alone does not show that the doctoral-granting institutions have more than twice the number of tenured FTE associate professor positions as the four-year institutions and Richard Bland College.

B. Summary of Statewide Tenure Profile

The overall tenure profile for Virginia's institutions, computed in the three ways discussed above, can be summarized as follows:

Percentage of Tenured Faculty Members by Institutional Cluster

<u>Basis for Calculation</u>	<u>Four-Year Institutions and Richard Bland College</u>		<u>Doctoral Institutions</u>		<u>Community Colleges</u>		<u>Total</u>	
	%	N	%	N	%	N	%	N
Headcount	40.2	(2,600)	35.5	(5,707)	8.6	(4,298)	27.2	(12,605)
Headcount/ Full-time	43.0	(2,431)	42.5	(4,738)	16.5	(2,237)	36.5	(9,406)
FTE	43.0	(2,454.36)	41.2	(4,910.36)	13.1	(2,817.07)	33.8	(10,181.79)

The over-riding conclusion reached by the Council is that Virginia's institutions are, as a group, in an extremely strong position as regards the proportion of the faculties which hold tenure. Compared to other states, Virginia's percentages are very low, indicating potential staff flexibility in its institutions that has already been lost in other states throughout the nation. Even without the Virginia Community College System, which has only a residual tenure system with its contract procedure, Virginia's percentages

are low. This favorable situation is highlighted by the following national data, collected in a different way and at a different time, which indicate that Virginia has the ninth lowest percentage of tenure faculty members:

PERCENTAGE OF FULL-TIME INSTRUCTIONAL FACULTY
WITH TENURE BY STATE, 1975-76₁

<u>VIRGINIA</u>	<u>44.9%</u>
Alabama	52.1
Alaska	27.4
Arizona	28.7
Arkansas	54.7
California	74.7
Colorado	56.8
Connecticut	71.4
Delaware	35.0
District of Columbia	27.6
Florida	60.6
Georgia	42.9
Hawaii	66.2
Idaho	49.8
Illinois	62.2
Indiana	57.2
Iowa	47.6
Kansas	54.4
Kentucky	55.1
Louisiana	60.0
Maine	52.2
Maryland	55.3
Massachusetts	64.9
Michigan	68.7
Minnesota	52.7
Mississippi	30.2
Missouri	51.2
Montana	59.8
Nebraska	48.7
Nevada	58.9
New Hampshire	67.5
New Jersey	67.0
New Mexico	54.1
New York	54.4
North Carolina	35.8

North Dakota	51.0
Ohio	44.8
Oklahoma	55.6
Oregon	66.2
Pennsylvania	63.5
Rhode Island	56.2
South Carolina	31.1
South Dakota	66.5
Tennessee	50.6
Texas	46.6
Utah	63.7
Vermont	57.6
Washington	72.3
West Virginia	57.5
Wisconsin	62.4
Wyoming	54.0
ALL STATES	56.8%

¹ Source: National Center for Education Statistics Report NCES 76-117 (January 27, 1976). The difference between Council and NCES tenure percentages for full-time faculty members results from the inclusion of different faculty members in the data. The NCES data, collected from the 1975-76 Higher Education General Information Survey (HEGIS), excluded the following faculty groups which were included in the Council data:

1. Instructional faculty appointed for periods other than the 9/10-month academic year (Thus, instructional faculty on 11/12-month contracts were excluded in the NCES data.);
2. Teaching and Research Administrators with faculty rank (Thus, librarians and administrators with faculty rank were excluded in the NCES data.);
3. Instructional faculty in the ROTC program if their salaries are determined on a different basis than the salaries of the civilian faculty at the institution;
4. Faculty members who taught less than one-half time;
5. Faculty members employed less than two semesters or three quarters of the 1975-76 academic year.

At a number of institutions the exclusions in the NCES data represent a significant number of faculty members. For example, the majority of the faculty members in the VPI&SU College of Agriculture have instructional appointments of less than one-half time (the remainder consisting of research and extension appointments) and are thereby excluded from the NCES data. Also, the number of administrators and librarians excluded in the NCES data is considerable.

Virginia's enviable position results, in part, from the fact that Virginia public higher education is still in a growth situation when in a number of states enrollment is leveling and even beginning to decline. Clearly, good management practice would indicate that institutional boards of visitors should be alert to maintain this advantageous position, and prevent Virginia's institutions from losing the flexibility which will be so important in the years ahead.

Having stated that Virginia's relatively low percentage of tenured faculty places it in a favorable position among the states, the Council wishes to emphasize its conviction that a proper balance between tenured and non-tenured faculty is the most desirable position for any institution. It is emphatically not the Council's position that the lowest possible tenure percentage is the healthiest possible condition. Tenured faculty bring maturity and experience to an institution. They are a stabilizing influence, as are the senior members of any profession. For this reason, each institution should attempt to arrive at its proper balance, represented by an acceptable range of tenure percentages.

C. Distribution of Tenure by Rank (FTE Basis)

Generally, persons in senior ranks are assumed to hold tenure and those in junior ranks are assumed not to. The data support this assumption. The combined ranks of associate professor and professor account for 80 percent of the total FTE tenured faculty at the senior institutions and Richard Bland College. While some senior institutions report a few tenured instructors, assistant instructors, and lecturers, the total number of

tenured FTE faculty in these ranks represents only 1.4 percent of the total tenured faculty at the senior institutions. The following table provides the tenured faculty by rank as a percent of the total tenured faculty at the senior institutions and Richard Bland College:

Rank	Percent of Total Tenured Faculty			
	Total FTE	FTE Tenured Faculty	% Tenured in Rank to Total Tenured	% Tenured within rank
Lecturer	230.42	8.08	.3%	4%
Assistant Instructor	33.81	2.00	.1	6
Instructor	1,026.54	31.00	1.0	3
Assistant Professor	2,667.16	501.81	16.3	19
Associate Professor	1,680.32	1,222.98	39.7	73
Professor	1,401.28	1,222.83	39.7	87
Professor and Eminent Scholar	96.69	87.60	2.8	91
Unknown	228.50	2.00	.1	1
Total	7,264.72	3,078.30	100.0%	42%

Even though persons in senior ranks hold tenure and those in junior ranks do not, other important conclusions can be drawn from the data. First, there are almost 800 more FTE faculty in the ranks of assistant professor and below than there are in the ranks of associate professor and professor. The faculty in these lower ranks account for almost 56 percent of the total faculty at the senior institutions. Much of this group will be eligible for tenure in the next five to ten years. The assistant professor rank is probably the most significant in that only 19 percent of the faculty in this rank are tenured, but at the same time this rank has the largest number of faculty (2,667). The growth years of the late 1960's and early 1970's, when the number of faculty and students increased dramatically, account in large part for the significant number of non-tenured faculty who will be eligible for tenure in the coming decade. Tables II-1 and II-3 in

this chapter summarize the percentage of faculty tenured in each rank by institutional cluster. Table II-4 compares these same data on one bar graph.

D. Tenure Status by Age (Headcount Basis)

Expressed in percentages, the study data indicate that older faculty are more apt to hold tenure. Less than one-half of one percent of the faculty between the ages of 20-29 are tenured. The highest percentages of tenured faculty (almost 74 percent at senior institutions and Richard Bland College; almost 60 percent overall) are those in the 60-69 age group. The following table provides the percentage of faculty tenured in each age group by type of institution:

<u>Type of Institution</u>	<u>AGE GROUPS</u>					<u>Not Specified</u>
	<u>20-29</u>	<u>30-39</u>	<u>40-49</u>	<u>50-59</u>	<u>60-69</u>	
Doctoral	.2	24.8	61.2	69.9	71.5	23.5
Four-Year and Richard Bland	1.7	25.4	60.5	70.4	73.8	25.0
Community Colleges	.1	6.6	13.6	20.1	25.3	--
Total All Institutions	.3	18.4	46.1	55.5	59.6	23.1

There is obviously a strong relationship between tenure and age, but percentages do not present a completely accurate picture because of the small number of faculty at the upper age levels. There are actually more tenured faculty in each of the age groups 30-39, 40-49, and 50-59 than there are in the 60-69 age group, but there are also more faculty in each of these age groups than there are in the 60-69 age group.

A more interesting conclusion to be drawn from these data is that the faculty between the ages of 30 and 49, who were hired during the late 1960's and early 1970's

when higher education was experiencing major growth, are now beginning to receive tenure. This has serious implications for the institutions in the next five years.

The large cohort of younger faculty who will become eligible for tenure in the next few years will swell the ranks of senior, tenured faculty if they are given tenure at an accelerated rate. Institutions will assume major staff commitments to persons with 25-30 years of service to perform before retirement. On the other hand, if institutions adopt more stringent practices in awarding tenure, many younger faculty will be leaving the institutions in the next few years, thus increasing turnover. Many of these younger faculty may be well qualified and would, more than likely, have received tenure five years earlier. Here again, the central issue is not whether tenure systems are good or bad, but whether they are properly administered to the best interest of the people who need, want, deserve, and support public higher education. The public interest in higher education must never be forgotten; tenure systems are not ends in themselves, but means toward the proper end of good higher education for the people of this Commonwealth and the entire nation.

E. Average Salary by Rank and Age (Headcount Basis)

The statewide average salary for all ranks and ages is \$15,138. The average salaries by rank and types of institution are presented on Table 11-5. As expected, there is a very strong relationship between salary and rank. There is, however, a weaker relationship between salary and age. Within each rank the average salary tends to be highest in the 40-49 age group. This is probably due to the fact that younger faculty

were from competitive necessity, employed during the past 15 years on salary scales generally higher than those on which their senior colleagues were earlier employed and on which they have since remained.

F. Tenure Status by Discipline Specialty (Headcount Basis)

Table II-6 provides a detailed breakdown of tenure status by academic specialty of the faculty members. Agriculture has a higher percent of tenured faculty members than any other discipline taught in senior institutions and Richard Bland College. The high percentage of tenured faculty members in agriculture (65 percent) and engineering (61 percent) probably reflects more the "age" of the two academic disciplines, especially when they are viewed as the foundation of Virginia Polytechnic Institute and State University, than any other variable. The high percentage of tenured faculty members in agriculture also reflects Virginia's strong agribusiness interests.

Tenure is clearly related to age and rank rather than to academic subject area. The uneven distribution among subject areas may suggest different departmental tenure policies or surpluses of qualified faculty in some fields. Profiles of tenure status by discipline are crucial guidelines for academic and fiscal planners seeking to meet shifts in student enrollments with parallel shifts in faculty members. It is a healthy sign, for example, that the academic area Education is tenured only 37.7 percent in the senior institutions and Richard Bland College. As the demand for elementary and secondary teachers drops throughout Virginia, administrators should be able to reduce the size of Education faculties through the careful management of attrition rates and tenure policies

and procedures without being constrained by "tenured in " faculties. The same potential for a planned reduction in faculty strength exists in the Foreign Languages, which are only 40.3 percent tenured in the senior institutions and Richard Bland College. In managing for growth in other areas, such as Business and Management (31.2 percent tenured in the senior institutions and Richard Bland College), administrators and boards of visitors must carefully monitor the application of tenured policies and procedures to ensure that flexibility is maintained in those academic disciplines.

G. Tenure Status by Sex (Headcount Basis)

Generally, it is assumed that the percent of tenured males is higher than for females. The study data support this assumption. In all of Virginia's state-supported institutions of higher education, one of every three male faculty members and one of every six females is tenured. In all of the senior institutions and Richard Bland College, 41.3 percent of the males and 24.6 percent of the females are tenured. The following table provides the percent tenured by sex for each of the three institutional clusters:

<u>Type of Institution</u>	<u>Percent Tenured</u>	
	<u>Male</u>	<u>Female</u>
Doctoral	41.1	14.6
Four-Year and Richard Bland	41.9	38.7
Community Colleges	<u>9.2</u>	<u>7.4</u>
TOTAL ALL INSTITUTIONS	31.2	17.6

H. Tenure Status by Academic Rank (Full-Time Headcount Basis)

It is common practice at most institutions in Virginia that a faculty member who holds an administrative or non-teaching position, such as dean, department chairman, or registrar, can hold tenure only in the faculty position which he holds conjointly with such administrative position. Tables II-7 to II-11 summarize tenure status by academic rank. The data collected as part of this study do not indicate whether any administrators hold tenure without appointment in a faculty position.

In reviewing the tenure profiles by academic rank, it is more instructive to focus on absolute numbers. The senior institutions and Richard Bland College have 186 tenured administrators, representing 6.0 percent of all the tenured full-time headcount faculty members. The greatest number of tenured administrators (74, or 39.8 percent) are academic deans; the next largest group of tenured administrators (22, or 11.8 percent) is composed of directors of academic divisions. Thus, the majority of tenured administrators have responsibilities in the academic areas, which is to be expected. Professional librarians (21, or 11.3 percent) represent the only other large group of tenured administrators. However, of all professional librarians, only 8.8 percent are tenured.

The community colleges have only 30 tenured administrators, representing 8.1 percent of all tenured headcount faculty members. Eight (26.7 percent) of the tenured administrators are directors of academic divisions, and 16 (53.5 percent) of the tenured administrators are professional counselors. (However, only 10.2 percent of all professional counselors are tenured.) The community colleges employ considerably more

professional counselors than the senior institutions, explaining in part the percentage of tenured professional counselors of the total tenured count. Again, it should be emphasized that the people holding tenure in the Virginia Community College System are few and that their status was acquired before introduction of the present contract system.

In some cases administrators who hold tenured faculty positions can reduce institutional flexibility in personnel actions. For example, it may not be easy for an administrator to return to his faculty position, especially if his department's complement of faculty is filled and there are no funds budgeted for an additional salary. However, a number of academicians prefer to maintain the joint appointment option. Rather than making a distinction between those who administer an academic institution and those who teach in it, they prefer to see administrators exercising active teaching responsibilities, and they feel that this can be achieved best by retaining their faculty status. Proponents of this argument, notes C. William Chance, author of Academic Tenure in Washington Higher Education (1972:39), believe that:

. . . the best administrators are drawn from the top faculty ranks. If faculty are allowed to retain their professional rank and concomitant tenure, they will be more amenable to serving in administrative posts: if not, then not.

Chapter Two

Institutional Tenure Projections

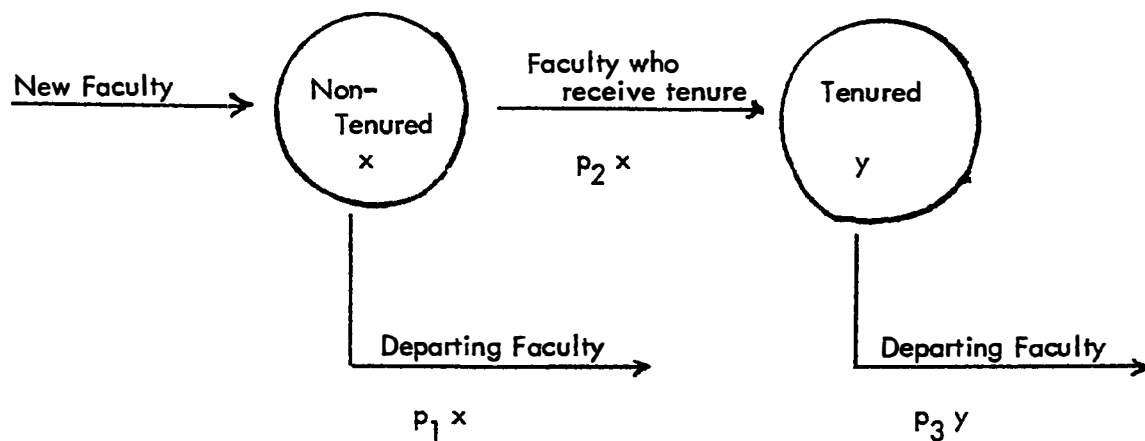
A. Introduction

As part of the study's examination of tenure, institutions were asked by the Council of Higher Education to project their tenure profiles through 1984. A subcommittee of the Instructional Programs Advisory Committee developed a reasonably simple projection model that required a minimum of historical data. In the model, future institutional faculty levels were based on Council-approved enrollment projections through 1984.

B. The Tenure Percentage Projection Model

The tenure percentage projection model is a variation of a model developed by John G. Kemeny, president of Dartmouth College. Each institution begins the base year with "x" faculty members who are in the non-tenured category, and "y" faculty members in the tenured category. At the end of the base year period, some proportion, " P_1 " of the non-tenured faculty do not return to the institution the following year, and some proportion, " P_2 " of the non-tenured faculty are promoted to tenured status the following year. Similarly, some proportion, " P_3 " of the tenured faculty do not return the following year. The model assumes that all faculty who depart are replaced by full-time, non-tenured faculty. (If an institution chooses to replace departing

tenured individuals with tenured faculty, it is possible to make such adjustments in the input data.) The model has the flexibility to allow institutions to change input parameters from one year to the next. The following diagram illustrates the flow in the model:



The tenure ratio is simply $\frac{y}{x + y}$

C. Institutional Tenure Percentage Projections

The base year for the projection was either 1974-75 or 1975-76, as determined by the individual institution. It is important to note that for some institutions the approved enrollment projections, especially for 1975-76, are rather inaccurate. Also, the size of the faculty on hand during the base year may not have been the same as the total number of authorized faculty positions. (For the base year, institutions were permitted to use whichever of the two FTE counts was larger.) Thus, some institutional projections showed a discontinuity in tenure profiles between the base year and the

first year of projection. The FTE percentages used for the base year in the model do not correspond exactly with the percentages reported in Table II-1 because some approximations were used in providing input to the model.

The Council will approve new enrollment projections late in 1976. Institutions are urged to project their tenure percentages again on the basis of the new projections.

Institutions were encouraged to experiment with a range of parameters in the modeling exercise. The parameters which could be adjusted were: (1) the estimated average percentage of non-tenured faculty members to leave the institutions for each year of the projection; (2) the estimated average percentage of tenured faculty members to leave through resignation, retirement, or death, for each year of the projection; (3) the estimated average percentage of non-tenured faculty members to be tenured for each year of the projection. Changes in parameters reflect possible changes in institutional tenure policies and procedures. The parameters or ranges of parameters used in the projections finally reported to the Council are those which the institutions are, at present, planning to use in the development of more specific models.

The Council also emphasizes that it views the tenure projections which are a part of this study as guidelines to specific management actions by the senior institutions and Richard Bland College. The projections are, in short, not merely an exercise in theoretical modeling, but should be understood to represent a general intention of the institutions to manage their tenure systems responsibly. Obviously, planning is a dynamic enterprise, and projections will have to change as new data become available. But the Council views these projections as planning statements made in the

present on the basis of the best data and knowledge available. Institutions are urged to develop and use models which more realistically represent the wide range of variables that affect staff planning.

The projections of tenure percentages are summarized in Table II-12. Multiple projections are presented for those institutions which made them. From a statewide perspective, it does not appear that institutions are in danger of being "tenured in" within the next decade. Only two institutions project a tenure percentage in excess of 75 percent by 1984, while 13 institutions project less than 70 percent by 1984. It is true that, with the exception of Mary Washington College and Richard Bland College, the percentage of tenured faculty members in Virginia's institutions is expected to increase between 1975 and 1984. This trend coincides with the anticipated gradual slowdown in enrollment growth in Virginia. As the rate of enrollment growth declines, so does the growth rate of faculty size. The increasing tenure percentages reflect this decline in the number of new positions which are usually filled by non-tenured individuals.

Virginia Military Institute (85 percent) and Clinch Valley College (86 percent) anticipate the highest tenure percentages in 1984. Virginia Military Institute and Clinch Valley College both have small faculties and low turnover among tenured faculty members. Virginia Military Institute's tenure percentage will not increase significantly from its 1975 base. Clinch Valley College, however, does anticipate a rapid increase in the proportion of tenured faculty members.

Clinch Valley College did not become a four-year institution until 1968. During its first years as a four-year college, it employed a number of new faculty. The

sudden jump in tenure percentage projections for 1977 and 1978 reflect the fact that those hired during the faculty growth period are reaching the tenure decision point. After 1977, Clinch Valley College assumes that the only tenured faculty to leave will be those who retire.

Although The College of William and Mary projects a tenure percentage of 74 percent in 1984, the institution appears to be in control of its faculty mix. At William and Mary a relatively stable enrollment generates a fairly constant number of faculty. Officials of the institution emphasize that, "if an institution is tenuring good people, there are few bad features to a highly tenured faculty."

This observation is more appropriate for a college like William and Mary than it may be for other institutions. In the first place, a tenure commitment is made on the basis of about seven years' work, but is a commitment to 30 or more years' employment; there is no foolproof way in which an institution can be sure it tenures only "good" people. In the second place, even good people can reduce institutional flexibility if an institution must change its mission and its curricular emphases in significant ways. The good people might, for instance, be tenured in the field of education, which would make it very difficult for an institution to scale back its education offerings as the demand for public school teachers diminishes. The College of William and Mary has a stable enrollment and is not likely to change its mission significantly; for these reasons, its projection of a highly tenured faculty is not cause for concern. The same can be said for Virginia Military Institute.

The high tenure percentage projected by Clinch Valley College is, however, a matter of concern to the Council, since that institution, in its first decade as a senior institution, is in an important transitional phase.

The Council also notes the significant proportion of tenured faculty projected by Virginia State, Radford, Madison, and Christopher Newport Colleges and George Mason University. All of these institutions project that their faculties may be more than 60 percent tenured by 1984. Their missions, however, seem to the Council to be subject to change and future development, and a high proportion of tenured faculty could adversely affect such development.

Generally, the other institutions do not project tenure percentages which might show cause for concern. In particular, the three largest institutions (University of Virginia, Virginia Polytechnic Institute and State University, and Virginia Commonwealth University) appear to be in a very good position with respect to tenure. The two urban institutions, Old Dominion University and Virginia Commonwealth University, are in a better position than most institutions in that they can select adjunct part-time faculty from a larger pool of high-quality people, thereby controlling the number of tenurable positions. At Mary Washington College, the number of actual faculty members in 1975-76 exceeded the number of authorized positions. Thus, Mary Washington College is faced with the task of keeping tenure within bounds while at the same time reducing the size of the faculty. With the careful control of tenure awards, Mary Washington College projects a leveling of the proportion of tenured faculty members at approximately 60 percent by 1984.

The projections prepared by the institutions indicate that they will not become excessively "tenured in" as whole institutions. Attention should, however, be given to ensuring vitality within all academic departments of the institution. Individual department tenure percentages must be prevented from climbing so high as to create potentially stagnant academic conditions while at the same time the institution-wide tenure profile could be relatively good.

Administrations and boards of visitors of Virginia's colleges and universities are urged to watch the proportion of tenured faculty at the institutions for which they are responsible with great diligence. The coming decade will be one of transition for higher education, and Virginia's institutions must maintain the capacity to meet new challenges and demands.

D. Tenure Decisions Since 1971-72

Tenure projections by the senior institutions and Richard Bland College are reassuring on the whole. They indicate, however, new, and in most instances more stringent, practices for the granting of tenure than those which have been used during the past several years.

As part of its study, the Council asked institutions to indicate how many persons had been considered for, and how many had been granted, tenure in each of the past five years. The purpose of this inquiry was to seek an indication of how vigorously tenure policies had been applied in practice; the Council wished to determine whether tenure was conferred to almost everyone who became eligible for it, or whether difficult evaluative decisions were in fact made.

In general, the data provided by the institutions could not be compared across institutions, and several institutions could not furnish complete data. For this reason, they are not included in this report. The Council did note, however, that when the historical record for granting tenure was compared with the projected tenure percentage on an institution-by-institution basis, the institutions appear to anticipate tighter control over tenure-granting practices than evidenced during the past five years.

TABLE II-1

TENURE PROFILE: PERCENTAGE OF TENURED FTE FACULTY WITHIN RANK BY INSTITUTIONAL CLUSTER

Institutional Cluster	Lecturer	Assistant Instructor	Instructor	Assistant Professor	Associate Professor	Professor	Assistant Professor and Eminent Scholar	Associate Professor and Eminent Scholar	Professor and Eminent Scholar	GTA/ Unspecified	Cluster Total
Four-Year Institutions and Richard Bland College	2.42%	33.33%	3.77%	27.98%	66.47%	88.63%	--	--	33.33%	.00%	42.97%
Doctoral Institutions	4.11	3.24	2.63	13.69	75.97	86.62	--	--	92.75	.00	41.20
Community Colleges	.00	.00	2.45	16.23	33.96	37.58	--	--	--	--	13.06
Statewide Total	.97%	3.33%	2.78%	18.19%	64.17%	82.95%	--	--	91.63%	.00%	33.84%

TABLE II-2

TENURE PROFILE: PERCENTAGE OF TENURED FULL-TIME HEADCOUNT FACULTY WITHIN RANK BY INSTITUTIONAL CLUSTER

Institutional Cluster	Lecturer	Assistant Instructor	Instructor	Assistant Professor	Associate Professor	Professor	Assistant Professor and Eminent Scholar	Associate Professor and Eminent Scholar	Professor and Eminent Scholar	GTA/ Unspecified	Cluster Total
Four-Year Institutions and Richard Bland College	1.36%	33.33%	3.89%	28.10%	66.84%	88.68%	--	--	33.33%	--	43.02%
Doctoral Institutions	5.12	3.12	3.01	13.96	76.15	86.76	--	--	92.55	.00	42.50
Community Colleges	.00	.00	2.42	16.17	33.95	37.59	--	--	--	--	16.49
Statewide Total	3.01%	3.22%	2.92%	20.64%	64.28%	83.03%	--	--	91.66%	.00	36.45%

TABLE II-3

TENURE PROFILE: PERCENTAGE OF TENURED HEADCOUNT FACULTY WITHIN RANK BY INSTITUTIONAL CLUSTER

Institutional Cluster	Lecturer	Assistant Instructor	Instructor	Assistant Professor	Associate Professor	Professor	Assistant Professor and Eminent Scholar	Associate Professor and Eminent Scholar	Professor and Eminent Scholar	GTA/ Unspecified	Cluster Total
Four-Year Institutions and Richard Bland College	1.04%	33.33%	3.61%	27.89%	66.72%	88.48%	--	--	33.33%	3.44%	40.23%
Doctoral Institutions	2.35	3.12	2.01	13.71	75.53	85.95	--	--	92.55	.00	35.28
Community Colleges	.00	.00	2.42	16.17	33.88	37.59	--	--	--	--	8.58
Statewide Total	.31%	3.22%	2.45%	18.16%	63.95%	82.49%	--	--	90.72%	3.12%	27.20%

TABLE II-4
TENURE STATUS BY RANK AND CLUSTER

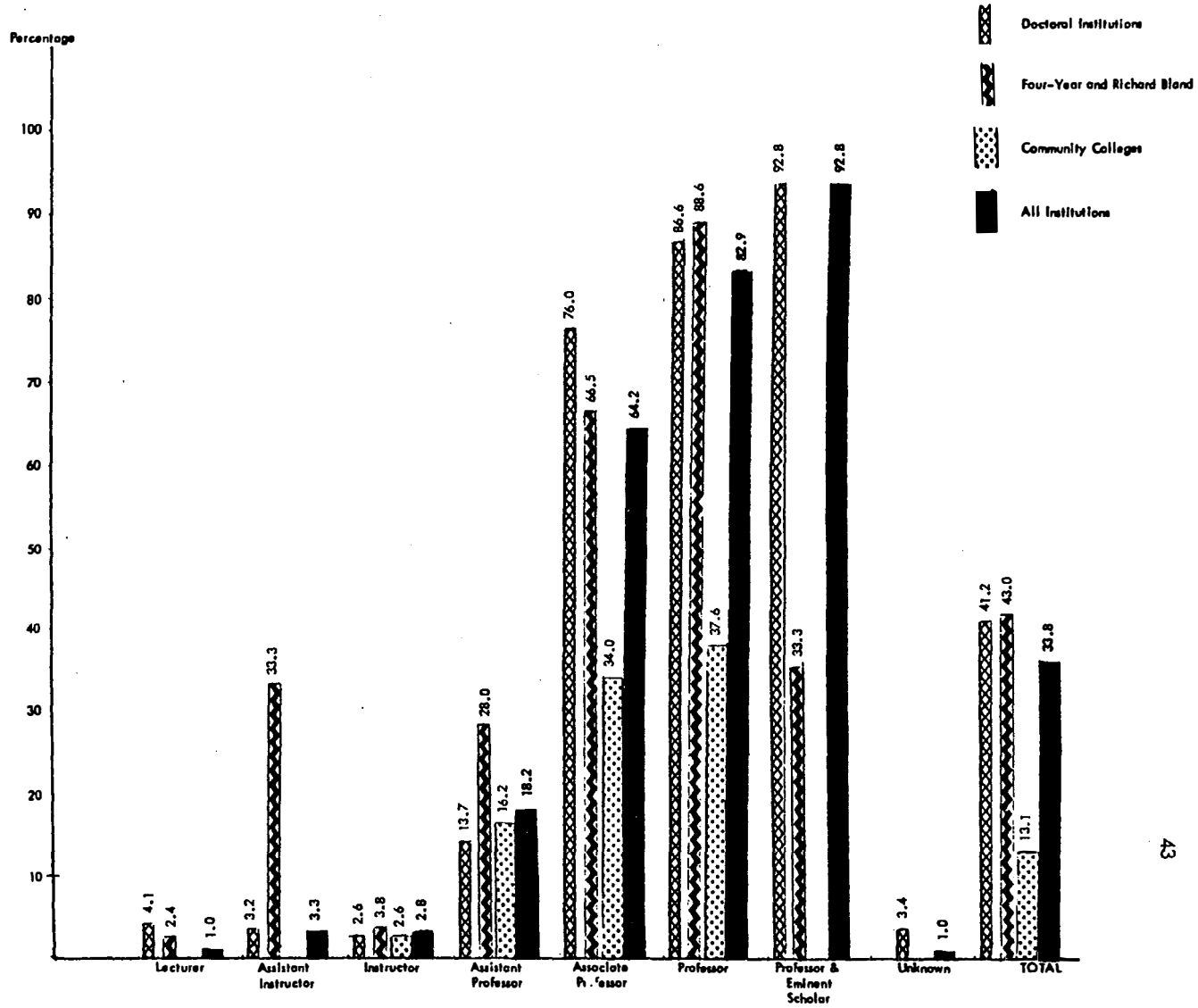


TABLE II-5

AVERAGE FACULTY SALARIES BY AGE DECADE, RANK, AND INSTITUTIONAL CLUSTER

	Lecturer	Assistant Instructor	Instructor	Assistant Professor	Associate Professor	Professor	Eminent Scholar	GTA/ Unspecified
<u>Doctoral Institutions</u>								
20 - 29	\$ 6,531	\$ 9,550	\$10,824	\$13,411	\$18,238	\$ 4,185	--	\$10,179
30 - 39	13,597	9,391	11,184	15,555	19,227	25,862	\$27,780	9,567
40 - 49	16,242	15,800	11,593	17,013	20,186	26,311	28,794	10,694
50 - 59	14,040	24,950	10,616	16,580	19,024	25,876	34,525	--
60 - 69	14,398	--	12,125	16,020	18,886	25,092	34,317	--
Other	4,212	--	11,500	16,400	28,100	27,075	31,000	3,050
<u>Four-Year Institutions and Richard Bland College</u>								
20 - 29	6,362	11,328	11,219	12,182	10,055	--	--	8,510
30 - 39	5,800	12,950	11,317	12,823	15,608	19,588	18,000	3,145
40 - 49	7,328	--	11,026	13,426	15,909	19,447	--	1,714
50 - 59	6,261	--	12,138	13,707	16,213	20,352	19,500	906
60 - 69	7,917	--	11,262	13,539	15,556	20,534	18,000	1,184
Other	7,905	--	10,550	13,300	--	22,310	--	--
<u>Senior Institutions and Richard Bland College</u>								
20 - 29	6,477	9,635	10,963	13,708	15,259	4,185	--	10,033
30 - 39	9,869	10,206	11,230	14,624	18,081	23,764	25,713	8,198
40 - 49	13,365	15,800	11,417	15,499	18,814	24,144	28,794	4,578
50 - 59	12,088	24,950	10,947	15,203	18,005	24,011	34,176	906
60 - 69	12,315	--	11,992	14,639	17,029	23,924	34,773	1,184
Other	5,913	--	10,550	14,333	28,100	27,075	31,000	3,050
<u>Community Colleges</u>								
20 - 29	2,728	9,055	10,904	12,079	19,106	--	--	--
30 - 39	2,561	9,052	11,642	13,224	16,108	18,297	--	--
40 - 49	2,712	11,733	11,907	13,582	15,965	20,026	--	--
50 - 59	3,020	8,270	11,887	13,802	16,207	20,275	--	--
60 - 69	2,597	--	12,038	13,702	16,191	18,128	--	--
Other	2,267	--	--	--	--	--	--	--
<u>Statewide Total</u>								
20 - 29	3,825	9,364	10,937	12,838	15,675	4,185	--	10,033
30 - 39	4,173	9,808	11,384	14,326	17,672	22,719	25,713	8,198
40 - 49	5,851	14,444	11,623	14,977	18,196	23,847	28,794	4,578
50 - 59	6,124	16,610	11,556	14,742	17,532	23,774	34,176	906
60 - 69	6,397	--	12,009	14,284	16,834	23,417	34,773	1,184
Other	4,914	--	10,550	14,333	28,100	27,075	31,000	3,050

TABLE II-6

PERCENTAGE OF TENURED HEADCOUNT FACULTY BY ACADEMIC AREA

Academic Area	Percentage of Tenured Faculty (Headcount Basis)				
	Doctoral Institutions	Four-Year Institutions and Richard Bland College	All Senior Institutions and Richard Bland College	Community Colleges	All Institutions
Administrators with Faculty Rank	19.0	22.0	19.9	5.2	14.7
Agriculture and Natural Resources	65.4	57.1	65.1	--	65.1
Architecture and Environmental Design	33.0	--	33.0	--	33.0
Area Studies	--	100.0	100.0	--	100.0
Biological Sciences	44.8	49.2	45.9	8.9	33.3
Business and Management	37.0	19.0	31.2	--	31.2
Communications	18.8	27.6	24.4	--	24.4
Computer and Information Sciences	14.3	--	12.8	--	12.8
Education	28.5	49.7	37.7	11.5	35.9
Engineering	61.4	55.0	61.1	--	61.1
Fine and Applied Arts	32.9	38.8	35.1	1.6	31.8
Foreign Languages	31.9	59.1	40.3	11.6	34.9
Health Professions	28.0	3.1	25.3	--	25.3
Home Economics	26.4	46.9	32.7	--	32.7
Law	49.4	--	49.4	--	49.4
Letters	29.9	47.9	36.3	9.3	25.0
Library Science	--	5.9	5.9	--	5.9
Mathematics	31.2	53.1	38.4	13.3	28.3
Military Sciences	--	--	--	--	--
Physical Sciences	47.3	60.6	51.1	22.1	45.7
Psychology	29.4	31.7	30.4	2.1	23.5
Public Affairs and Services	18.8	15.6	17.9	--	19.9
Social Sciences	38.5	41.9	39.8	9.9	10.9
Interdisciplinary Studies	44.8	25.0	42.4	--	36.8
Business and Commerce Technologies	--	--	--	5.8	5.8
Data Processing Technologies	--	--	--	6.7	6.7
Health Services and Paramedical Technologies	--	22.2	22.2	5.4	7.1
Mechanical and Engineering Technologies	--	63.6	63.6	15.5	16.9
Natural Science Technologies	--	--	--	4.3	4.3
Public Service Related Technologies	--	--	--	3.6	3.6

TABLE II-7

TENURE PROFILE (FULL-TIME HEADCOUNT) FOR ACADEMIC RANK: COMMUNITY COLLEGES

Academic Rank	Total Count Tenured	Percent Tenured	Total Count Non-Tenured	Percent Non-Tenured	Total Count All Faculty
Instructional and Research Faculty	339	20.31%	1,330	79.69%	1,669
Academic Vice President	1	8.33	11	91.66	12
Director of Development	0	0.00	1	100.00	1
Academic Dean	1	4.54	21	95.45	22
Director of Academic Division	8	4.41	173	95.58	181
Assistant Director of Academic Division	1	2.94	33	97.05	34
Director of Institutional Studies	0	0.00	6	100.00	6
Director of Student Personnel Services	0	0.00	25	100.00	25
Assistant Director of Student Personnel Services	0	0.00	21	100.00	21
Chief Business Officer	1	6.25	15	93.75	16
Director of Admissions	0	0.00	23	100.00	23
Assistant Director of Admissions	0	0.00	1	100.00	1
Administrative Assistant to the President	0	0.00	9	100.00	9
Professional Librarian	2	3.33	58	96.66	60
Professional Counselor	16	10.19	141	89.80	157
Total	369	16.49%	1,868		2,237

TABLE II-8

TENURE PROFILE (FULL-TIME HEADCOUNT BASIS) FOR ACADEMIC RANK:
FOUR-YEAR INSTITUTIONS AND RICHARD BLAND COLLEGE

Academic Rank	Total Count Tenured	Percent Tenured	Total Count Non-Tenured	Percent Non-Tenured	Total Count All Faculty
Instructional and Research Faculty	962	46.05%	1,127	53.95%	2,089
Academic Vice President	4	57.14	3	42.85	7
Assistant Academic Vice President	3	100.00	0	0.00	3
Director of Development	1	25.00	3	75.00	4
Academic Dean	25	78.12	7	21.87	32
Director of Academic Division	12	70.58	5	29.41	17
Assistant Director of Academic Division	1	25.00	3	75.00	4
Director of Institutional Studies	2	25.00	6	75.00	8
Assistant Director of Institutional Studies	0	0.00	2	100.00	2
Director of Student Personnel Services	4	22.22	14	77.77	18
Assistant Director of Student Personnel Services	2	5.55	34	94.44	36
Chief Business Officer	2	20.00	8	80.00	10
Director of Admissions	3	33.33	6	66.66	9
Assistant Director of Admissions	1	11.11	8	88.88	9
Registrar	4	36.36	7	63.63	11
Assistant Registrar	0	0.00	3	100.00	3
Administrative Assistant to the President	3	25.00	9	75.00	12
Professional Librarian	7	8.64	74	91.35	81
Professional Counselor	4	10.25	35	89.74	39
Clinical Faculty	5	55.55	4	44.44	9
Unspecified	1	3.57	27	96.42	28
Total	1,046	43.20%	1,385	56.80%	2,431

TABLE II-9

TENURE PROFILE (FULL-TIME HEADCOUNT BASIS) FOR ACADEMIC RANK:
DOCTORAL INSTITUTIONS

Academic Rank	Total Count Tenured	Percent Tenured	Total Count Non-Tenured	Percent Non-Tenured	Total Count All Faculty
Instructional and Research Faculty	1,912	45.73%	2,269	54.27%	4,181
Academic Vice President	5	55.55	4	44.44	9
Assistant Academic Vice President	6	54.54	5	45.45	11
Director of Development	1	12.50	7	87.50	8
Academic Dean	49	52.68	44	47.31	93
Director of Academic Division	10	27.77	26	72.22	36
Assistant Director of Academic Division	1	2.56	38	97.43	39
Director of Institutional Studies	2	50.00	2	50.00	4
Assistant Director of Institutional Studies	0	0.00	10	100.00	10
Director of Student Personnel Services	5	33.33	10	66.66	15
Assistant Director of Student Personnel Services	1	1.53	64	98.46	65
Chief Business Officer	1	25.00	3	75.00	4
Director of Admissions	0	0.00	4	100.00	4
Assistant Director of Admissions	0	0.00	25	100.00	25
Registrar	0	0.00	5	100.00	5
Assistant Registrar	0	0.00	12	100.00	12
Administrative Assistant to the President	3	17.64	14	82.35	17
Professional Librarian	14	8.86	144	91.13	158
Professional Counselor	1	3.33	29	96.66	30
Clinical Faculty	3	37.50	5	62.50	8
Preclinical Faculty	0	0.00	1	100.00	1
Unspecified	0	0.00	3	100.00	3
Total	2,014	42.05%	2,724	57.50%	4,738

TABLE II-10

TENURE PROFILE (FULL-TIME HEADCOUNT BASIS) FOR ACADEMIC RANK:
SENIOR INSTITUTIONS AND RICHARD BLAND COLLEGE

Academic Rank	Total Count Tenured	Percent Tenured	Total Count Non-Tenured	Percent Non-Tenured	Total Count All Faculty
Instructional and Research Faculty	2,874	45.84%	3,396	54.16%	6,270
Academic Vice President	9	56.25	7	43.75	16
Assistant Academic Vice President	9	64.28	5	35.71	14
Director of Development	2	16.66	10	83.33	12
Academic Dean	74	59.20	51	40.80	125
Director of Academic Division	22	41.50	31	58.49	53
Assistant Director of Academic Division	2	4.65	41	95.34	43
Director of Institutional Studies	4	33.33	8	66.66	12
Assistant Director of Institutional Studies	0	0.00	12	100.00	12
Director of Student Personnel Services	9	27.27	24	72.72	33
Assistant Director of Student Personnel Services	3	2.97	98	97.02	101
Chief Business Officer	3	21.42	11	78.57	14
Director of Admissions	3	23.07	10	76.92	13
Assistant Director of Admissions	1	2.94	33	97.05	34
Registrar	4	25.00	12	75.00	16
Assistant Registrar	0	0.00	15	100.00	15
Administrative Assistant to the President	6	20.68	23	79.31	29
Professional Librarian	21	8.78	218	91.21	239
Professional Counselor	5	7.24	64	92.75	69
Clinical Faculty	3	37.50	5	62.50	8
Preclinical Faculty	0	0.00	1	100.00	1
Laboratory School Faculty	5	55.55	4	44.44	9
Unspecified	1	3.22	30	96.77	31
Total	3,060	42.68%	4,109	57.32%	7,169

TABLE II-11

TENURE PROFILE (FULL-TIME HEADCOUNT BASIS) FOR ACADEMIC RANK: ALL INSTITUTIONS

Academic Rank	Total Count Tenured	Percent Tenured	Total Count Non-Tenured	Percent Non-Tenured	Total Count All Faculty
Instructional and Research Faculty	3,213	40.47%	4,726	59.53%	7,939
Academic Vice President	10	35.71	18	64.28	28
Assistant Academic Vice President	9	64.28	5	35.71	14
Director of Development	2	15.38	11	84.61	13
Academic Dean	75	51.02	72	48.97	147
Director of Academic Division	30	12.82	204	87.17	234
Assistant Director of Academic Division	3	3.89	74	96.10	77
Director of Institutional Studies	4	22.22	14	77.77	18
Assistant Director of Institutional Studies	0	0.00	12	100.00	12
Director of Student Personnel Services	9	15.51	49	84.48	58
Assistant Director of Student Personnel Services	3	2.45	119	97.54	122
Chief Business Officer	4	13.33	26	86.66	30
Director of Admissions	3	8.33	33	91.66	36
Assistant Director of Admissions	1	2.85	34	97.14	35
Registrar	4	25.00	12	75.00	16
Assistant Registrar	0	0.00	15	100.00	15
Administrative Assistant to the President	6	15.78	32	84.21	38
Professional Librarian	23	7.69	276	92.30	299
Professional Counselor	21	9.29	205	90.70	226
Clinical Faculty	3	37.50	5	62.50	8
Preclinical Faculty	0	0.00	1	100.00	1
Laboratory School Faculty	5	55.55	4	44.44	9
Unspecified	1	3.22	30	96.77	31
Total	3,429	36.45%	5,977		9,406

TABLE II-12

TENURE PERCENTAGE PROJECTIONS (FTE BASIS) FOR SENIOR INSTITUTIONS AND RICHARD BLAND COLLEGE

Institution	Percentage of Tenured Faculty										
	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
Christopher Newport College	--	--	41%	55%	62%	61%	61%	59%	64%	68%	73%
Clinch Valley College	--	32	43	58	59	63	69	75	81	82	86
George Mason University	--	33	37	39	43	46	49	53	56	59	62
Longwood College	--	62	61	62	63	64	65	66	67	67	68
Madison College	--	39	39	41	43	45	52	57	61	65	67
Mary Washington College	--	57	67	64	61	59	58	59	60	59	59
Norfolk State College	--	45	53	54	55	55	56	57	58	59	60
Old Dominion University	46	38	38	36	37	37	37	40	42	44	47
Radford College	--	50	47	46	48	49	50	52	56	60	62
* University of Virginia #1	57	55	54	54	54	55	55	56	57	58	59
#2	57	55	54	54	54	54	55	56	57	57	58
Virginia Commonwealth University											
Academic	31	32	33	38	42	47	49	52	54	56	57
MCV	--	51	52	53	56	58	58	59	61	62	64
Virginia Military Institute	--	73	71	73	80	85	85	85	85	85	85
Virginia Polytechnic Institute and State University	--	34	33	34	35	37	39	40	42	44	45
Virginia State College	--	50	54	56	57	57	59	62	65	67	70
The College of William and Mary	--	61	62	64	66	67	68	69	71	72	74
Richard Bland College	--	43	58	60	59	56	56	56	56	56	56

* The University of Virginia projected their tenure percentage based upon two different sets of assumptions.

PART III

SUMMARY AND COMPARISON OF INSTITUTIONAL TENURE POLICIES AND PROCEDURES

Introduction

As part of this study, institutions were requested to review their tenure policies and procedures and to update them if deemed necessary. They submitted to the Council comprehensive statements which addressed the major points.

The following chapters summarize the institutions' tenure policies and procedures as submitted to the Council, and analyze the similarities and differences. The summary and analysis address three major areas of tenure policies and procedures. The first three chapters concern the policies and procedures of Virginia's senior institutions and Richard Bland College. Chapter One focuses on the pre-tenure aspects, including criteria for evaluation of probationary faculty, and the due process procedures for probationary faculty whose appointments are terminated. Chapter Two concentrates on the policies and procedures governing the tenure decision itself, including the eligibility requirements for tenure, review criteria used in the tenure decision, and the due process procedures for faculty who are denied tenure. Finally, Chapter Three evaluates the post-tenure aspects of institutional policies and procedures, including faculty evaluation measures and the due process procedures for tenured faculty who are recommended for dismissal. Chapter Four examines the policies and procedures covering faculty employment for the Virginia Community College System. The community colleges had a tenure system until several years ago, when it was replaced by a system of multi-year contracts. These 23 colleges now constitute one of the largest systems in the nation to have adopted an alternative to tenure, and warrant special attention for this reason.

Chapter One

Pre-Tenure Policies and Procedures in the Senior Institutions and Richard Bland College

A. Form of Initial Appointment

All institutions in Virginia make their initial faculty appointments through formal contracts or letters of appointment.

B. Probationary Period

Terms of the probationary period for newly appointed faculty members vary somewhat across Virginia's institutions. The tenure decision normally is made in the year preceding the end of the probationary period. Fourteen institutions specifically adhere to the AAUP guidelines and have a maximum probationary period of seven years. Longwood College has a probationary period of five years, which in the case of adverse tenure decisions can be extended to seven years, while Mary Washington College has no formal probationary period. (At Mary Washington College tenure automatically accompanies promotion to the rank of associate professor.) Of the fourteen institutions with seven-year probationary periods, thirteen have the flexibility to establish probationary terms of less than seven years for exceptional individuals, and for those hired at the associate professor and professor ranks. All institutions except the University of Virginia, Clinch Valley College, George Mason University, Mary Washington College, and Radford College apply some credit for prior service at other institutions toward the

probationary term. (Madison College has no written procedures for handling service at other institutions.) Only four institutions--The College of William and Mary, Norfolk State College, Virginia Military Institute, and Christopher Newport College--count authorized leaves of absence toward the probationary period unless mutually agreed otherwise. (Madison College has no stated policy on the issue.)

Two institutional policy options to enhance flexibility--the lengthening of the probationary period or its indefinite extension--are difficult alternatives for the majority of Virginia's institutions in dealing with junior level faculty because the probationary period is already the AAUP-recognized maximum. These alternatives would be available only if Virginia's institutions were prepared to challenge the AAUP's widely-accepted maximum probationary period. Such a challenge would have serious consequences, including possible sanctions by the AAUP, but should be undertaken if either alternative promises to be of significant value to Virginia's institutions over the coming years.

C. The Reappointment Decision Process

All institutions evaluate non-tenured faculty members annually, although some institutions perform the evaluation more formally than others. The criteria used in the annual review and the hierarchical chain of review differ considerably from institution to institution. With some relatively minor differences, the criteria used in reappointment decisions are the same as those applied during the tenure review process.

The range of criteria employed in making reappointment decisions is approximately the same for all of Virginia's institutions, although the specificity of the criteria

and the attention given to procedures for measuring the criteria vary widely. Thus, all institutions make some reference to effective teaching, research, and public service in their lists of criteria. Several institutions, including Christopher Newport College, Virginia State College, and Clinch Valley College, explicitly weight teaching excellence above all other criteria. In general, however, the criteria are not weighted in the institutional statements of tenure policies and procedures, primarily because some flexibility must be allowed the reviewers in the evaluation of individual cases.

A noteworthy exception to the use of unweighted criteria is the School of Engineering and Applied Science at the University of Virginia. That school rates faculty performance using a very structured weighting scheme, with specified points for Student Perception of Teaching Effectiveness, Collegial Perception of Teaching Effectiveness, Teaching Preparation and Organization, Graduate Student Direction, Research Results, Support Seeking, University Citizenship, School/Department Participation, Community Service, and others.

A more thorough compilation of the criteria presented in institutional statements of policies and procedures is shown in Table III-1. Table III-2 lists the procedures mentioned for evaluating teaching effort. Boards of visitors are urged to review these lists of criteria and procedures and to incorporate them into the institutional statements of policies and procedures as appropriate.

In most cases the review of reappointment decisions begins at the departmental level and extends to the boards of visitors, although sometimes the chain is not explicitly

stated in the institutional statements of policies and procedures. The Council believes that the review process should be stated explicitly in the statements of policies and procedures. At the departmental level the probationary faculty are evaluated by either a review committee, usually composed of tenured faculty members from the department, or the department chairperson in consultation with other tenured faculty members. Recommendations are forwarded by the department head to the dean, and hence, up the chain of review. As might be expected, tenure review at all institutions is based on a more personal and detailed knowledge of candidates at the departmental and school levels. At these levels, the review tends to focus on the professional qualifications of the candidates. At higher levels the review process tends to emphasize institution-wide concerns, such as enrollment and staffing patterns, and consideration of the variation among the standards employed by the various departments and schools.

All institutions except Longwood College adhere to the AAUP-recommended Standards for Notice of Non-reappointment:

1. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
2. Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
3. At least twelve months before the expiration of an appointment after two or more years in the institution.

Longwood College notifies faculty members of the reappointment decision "as soon as possible." George Mason University makes an exception to the AAUP policy for lecturers and part-time instructors in that a May 15 deadline is observed. Almost all institutions notify faculty members of the reappointment decision by letter; however, Virginia Commonwealth University and Old Dominion University do not specify the manner of notification in their statements of tenure policies and procedures. (In practice, however, both universities notify faculty members by letter.) The Council suggests that all institutions notify faculty members of the reappointment decision by letter.

Only three institutions provide the faculty member recommended for non-reappointment with the reasons for the decision: Longwood College provides a general statement of the reasons for termination, and George Mason University and The College of William and Mary specify the reasons upon request by the individual. Some institutions advise faculty members upon request of the reasons which led to the decision to terminate, without stating the policy explicitly in their policies and procedures. Institutional practices are motivated in part by personnel policy and legal considerations. It is understandable that candidates who fail to be reappointed will want a formal statement of reasons, but this practice has created some legal and extralegal problems for institutions. For example, the institution must be concerned about the legal consequences of its making the reasons for non-reappointment public.

D. Due Process and Appeals in the Reappointment Decision Process

The most significant variation across institutions in the area of due process procedures is found quite naturally in the appeal procedures, which largely reflect internal institutional structure. Mary Washington College has no official appeal procedures for faculty members recommended for non-reappointment. The Mary Washington College policies state, however, that an informal appeal may be lodged with the department chairperson, the dean of the college, and the president. Only one other institution, Norfolk State College, does not have formal hearings or committee reviews for non-reappointment cases. Instead, Norfolk State College has an administrative appeal channel extending from the department chairperson to the vice president for academic affairs. A hearing is not legally required in non-reappointment cases; only if an individual has tenure is it necessary to provide for a due process hearing. The policies of Virginia Polytechnic Institute and State University, Virginia Commonwealth University, Virginia State College, and Clinch Valley College state explicitly that the first stage of an appeal is through administrative channels. These institutions do provide for alternative paths of appeal if matters are not resolved satisfactorily at this level.

It should be noted that two institutions--Mary Washington College and Norfolk State College--use essentially the same hierarchy when making reappointment decisions and when reviewing appeals. The College of William and Mary uses essentially the same hierarchy when making reappointment decisions and when reviewing appeals which do not involve dismissal for cause or alleged violations of academic freedom or civil rights.

In ten institutions the due process appeals in cases on non-reappointment involve special grievance committees which have a variety of titles, such as Committee on Reconciliation, Faculty Relations Committee, Faculty Grievance Committee, Status Committee, and University Appeal Board. The extent of review of a faculty member's case during the appeal process is stipulated explicitly by only three institutions. Virginia Polytechnic Institute and State University policies declare that "appeal bodies should generally confine their investigations to questions of due process and proper procedural safeguards." The policy statement for the University of Virginia is worded similarly. The College of William and Mary process of review of personnel decisions focuses on situations in which inadequate consideration through procedural fault is alleged by the individual:

It should be emphasized that this process is designed only to test adherence to the procedural rules stipulated as appropriate to the personnel decision. The 'merits' of the decision (i.e., the rightness or wisdom of the judgments rendered by the faculty groups and administrative officers properly involved in the decision not be reappointed) are thus not at issue. . . .

The College of William and Mary provides for a different review route when the individual alleges that the problem is not in the procedures followed, but in illegal or inappropriate bias which have violated either academic freedom or his civil rights.

Several institutions stipulate that hearing or grievance committees are not bound by the strict rules of legal evidence or procedure. The Attorney General's Office indicates that proceedings not bound by legal procedure are entirely appropriate. Caution is urged, however, in the extent to which hearsay evidence and documents are introduced in the hearing or review.

The final authority to resolve appeals of non-reappointment decisions rests at four different levels in Virginia's institutions. At Old Dominion University, final review of non-reappointment cases rests with the dean of the school. The statements of policies and procedures for George Mason University and Norfolk State College indicate that the decision is made by the provost or vice president for academic affairs. Five institutions--Virginia Polytechnic Institute and State University, Mary Washington College, Virginia Commonwealth University, Madison College, and Virginia Military Institute--entrust final review authority with the president. Finally, six institutions--Christopher Newport College, Longwood College, Radford College, Virginia State College, Clinch Valley College, and Richard Bland College--place final authority for the resolution of appeals in the hands of the boards of visitors. The College of William and Mary places final authority for the resolution of appeals in the hands of the Board of Visitors only in dismissal for cause, or academic freedom and civil rights cases. Otherwise, procedural reviews of adverse cases normally stop at the level of academic vice president, with the president kept abreast of the situation.

Institutional statements are not detailed in their treatment of several procedural aspects of due process proceedings in non-reappointment cases. First, the time frame for appeals is rarely specified. Only the Virginia Military Institute policies present a detailed timetable for events in the process. Virginia Commonwealth University does not fix a deadline for the initial appeal, but has a firm timetable for subsequent steps in the appeals process. Some schools and colleges of the University of Virginia have schedules for appeals within the school or college. George Mason University does

follow a schedule within which an appeal must run its course, but no formal schedule is presented in the institutional policies and procedures. Radford College publishes an annual calendar for personnel decisions.

Second, it is often not clear whether or not the appealing faculty member is entitled to be represented by legal counsel during a hearing. Virginia State College, The College of William and Mary, and Virginia Military Institute policies allow the appellant to be represented by an attorney. (William and Mary policies on legal representation apply only in dismissal for cause, or academic freedom and civil rights cases. The policies do not specify legal representation for routine cases.) Virginia Commonwealth University permits legal counsel on a non-participating basis during hearings. Clinch Valley College and the University of Virginia approve of legal counsel for formal hearings only. Finally, George Mason University allows the appellant to be represented by an attorney if he so desires; however, this policy is not stated in the institutional statement of policies and procedures. By faculty collective decision, Longwood College does not permit legal counsel for faculty appearances before the appeal committee. Provisions for legal counsel during hearings are not discussed in other institutional statements of policy and procedure.

Third, in only three cases is policy stated regarding the openness of the appeal hearings. Longwood College, Virginia State College, and The College of William and Mary allow for public hearings if so desired by the appellant. It should be noted, however, that at William and Mary public hearings are explicitly provided only in cases involving dismissal for cause, or alleged violations of academic freedom or civil rights.

Chapter Two
The Tenure Decision

A. Eligibility for Tenure

Fourteen of sixteen institutions specify that successful completion of the probationary period is a criterion of eligibility for tenure. Mary Washington College does not have a specified probationary period, inasmuch as a faculty member is considered for tenure only when he is promoted to the rank of associate professor at the College. Other criteria of eligibility for tenure are not as universal. Eleven institutions (Virginia Commonwealth University, University of Virginia, George Mason University, Old Dominion University, Longwood College, Mary Washington College, Virginia State College, The College of William and Mary, Clinch Valley College, Norfolk State College, and Richard Bland College) stipulate the minimum academic rank for eligibility. In ten institutions, the minimum rank is assistant professor; Virginia State College is the lone institution with a stated policy for tenuring at the rank of instructor. Statements of policies and procedures indicate that the award of tenure to junior faculty (i.e., assistant professors) is concurrent with a promotion to the next higher rank at four institutions--Mary Washington College, University of Virginia, George Mason University, and Clinch Valley College. At Clinch Valley College, however, it is in fact possible for assistant professors to receive tenure without being promoted. Promotion from assistant to associate professor upon receipt of

tenure is practiced by other institutions, although the relationship between tenure and promotion is not elaborated in the policies and procedures.

Nine institutions--University of Virginia, Clinch Valley College, Radford College, George Mason University, Virginia State College, Old Dominion University, The College of William and Mary, Virginia Commonwealth University, and Christopher Newport College--explicitly state that only full-time faculty members are eligible to be considered for tenure. However, the number of institutions which in practice consider only full-time faculty members is greater; the full-time requirement is frequently introduced by stating that the probationary period must be served in full-time status.

Only four institutions--Old Dominion University, Clinch Valley College, Norfolk State College, and Virginia Military Institute--explicitly require faculty members to have terminal degrees to be eligible for tenure. Exemptions from this policy for exceptional individuals are allowed. Institutions without a stated policy on terminal degrees generally review a candidate's record of academic achievement during the tenure review process.

The question of the tenure status of administrators is addressed by 11 institutions--Virginia State College, Virginia Polytechnic Institute and State University, Christopher Newport College, Radford College, Old Dominion University, Virginia Commonwealth University, The College of William and Mary, Richard Bland College, Norfolk State College, Longwood College, and Virginia Military Institute. At ten of the institutions administrators do not acquire tenure in their administrative positions although they can be tenured in an academic department. (At Virginia Military Institute an administrator

would have to teach at least one-half time to be eligible for tenure, and then tenure could be awarded in his academic department.) Although Norfolk State College's policy states that administrators are eligible for tenure through an academic department, in practice the institution has tenured some administrators without reference to an academic unit.

Currently, faculty rank and tenure are conditions of continued employment for professional librarians at Virginia Commonwealth University and Virginia Polytechnic Institute and State University. It is the intention of Virginia Polytechnic Institute and State University to review this policy and, if further investigation bears out the preliminary judgment, to recommend its elimination.

B. The Tenure Decision Process

The most common feature of the reappointment and tenure decision processes is the review criteria: fifteen of the sixteen institutions use essentially the same criteria for both processes. In tenure decisions, however, the process tends to be more formal and the application of the relevant criteria is more stringent. Several institutions add such criteria as needs of the department, the need for a specialist, projected enrollment patterns, institutional and departmental tenure profiles, and the mission of the department. Madison College, which has no written criteria for reappointment decisions, employs the same general criteria as most institutions including teaching performance, professional development, and participation and service. (Norfolk State College's stated criteria are somewhat imbalanced in that they do not address the qualifications of the individual as much as institutional and departmental considerations.)

This practice of employing the same review criteria for reappointment and tenure decisions seems appropriate. It is reasonable that faculty members be measured against the same yardstick during the probationary period as at the end of it when tenure decisions must be made.

It is interesting to note that, according to published policy, no institution is guided by explicit numerical tenure quotas during the tenure decision process. However, Mary Washington College's statement that "careful consideration is given . . . to the balance of instructional ranks within a department and, more importantly, within the College as a whole" is in practice generally applicable.

As is true of the reappointment decision process, the hierarchy of review in making tenure decisions depends largely on the internal institutional structure. The number of levels of review and the number of individuals involved vary widely from institution to institution. However, in all institutions at least one committee of tenured faculty members is involved in the review process.

In 13 of Virginia's institutions, the final tenure decision is made by the board of visitors, whereas at three institutions the final decision is made at a lower level. Virginia Commonwealth University has the fewest steps (three) in the review process, and the tenure decision is made at a lower level (dean) than at any other institution. The vice president for academic affairs has the final tenure decision authority at Norfolk State College. At Virginia Military Institute the superintendent has the final tenure decision authority. The Council strongly believes that the authority for tenure decisions should rest with boards of visitors. Because boards of visitors are, by statute, ultimately

responsible for faculty appointments, they should approve a change of faculty status so significant as the granting of tenure.

Along with knowing the highest level of the tenure decision-making hierarchy, it is important to know at what level a negative recommendation halts the review process for a given individual. At only six institutions--Clinch Valley College, George Mason University, Longwood College, Radford College, Virginia Commonwealth University, and Virginia State College--does the boards of visitors see both the names of candidates recommended for tenure and those not recommended. As noted above, the decision-making process stops short of the board of visitors at three institutions. In the other seven institutions--Old Dominion University, The College of William and Mary, Virginia Polytechnic Institute and State University, Madison College, University of Virginia, Christopher Newport College, and Mary Washington College--the board of visitors receives only affirmative recommendations. In those institutions a negative decision at levels lower than the board of visitors halts the review process. For example, if the vice president for academic affairs at Old Dominion University recommends against tenure, and the decision is made in the year preceding the end of the limit of the probationary period, the faculty member is given a terminal contract for the ensuing year. If the faculty member has not reached the limit of his probationary status, he may be offered either one subsequent annual contract or a terminal contract. (It should be noted that if the departmental tenure committee and the chairman of the department at Old Dominion University both recommend against tenure, there is no further review under present policy.)

The presidents of Madison College and Christopher Newport College are the highest levels to consider negative tenure decisions at those institutions. At the University of Virginia, a negative decision made at the departmental level goes no further than the dean. That is, if an individual is not recommended for tenure by his departmental committee, the vice president and provost does not receive a report of the action. The vice president and provost of the University of Virginia receives the positive and negative recommendations for tenure from the dean's level only. The vice president and provost reports to the president the recommendations, both positive and negative, from the dean's level. Finally, at Mary Washington College, only positive recommendations for tenure are forwarded through the chain of review.

All institutions, except Longwood College, specify in their policies and procedures that they notify candidates of the tenure decision according to or prior to the schedule specified by the AAUP (see Chapter One, C. "The Reappointment Decision Process"). The time frame of notification at Longwood College is not specified. Mary Washington College notifies directly only those candidates who have received tenure; faculty members not recommended for tenure remain at the rank below that of associate professor. In fact, faculty members at Mary Washington College are not officially informed when they are being considered for tenure, inasmuch as tenure depends upon promotion to the rank of associate professor. The most common form of notification of the tenure decision is written, as used by thirteen institutions. The statements of policies and procedures for Christopher Newport College, George Mason University, and Madison College do not specify the manner of notification.

C. Due Process and Appeals in the Tenure Decision Process

Again, the methods of appeal in tenure decisions are dependent largely on the internal organization of the institution. The policies of Virginia Polytechnic Institute and State University, Virginia State College, and Clinch Valley College call for a first round of appeals through administrative channels. Alternative paths of appeal are provided if matters are not resolved satisfactorily.

Two institutions--Mary Washington College and Madison College--use essentially the same hierarchy when making the tenure decisions and when reviewing the appeals. It should be noted, however, that Madison College also has an alternative appeal which does not involve the same participants who made the original tenure decision.

In eleven institutions, the due process appeals of tenure decisions involve special grievance committees. As in the case of appeals of reappointment decisions, only the policies and procedures for The College of William and Mary, University of Virginia, and Virginia Polytechnic Institute and State University state clearly the extent of review of a faculty member's case during the appeals process in terms of distinguishing between the procedural and merit aspects of the review.

As in the case of non-reappointment decision appeals, the final authority to resolve tenure decision appeals rests at three different levels in Virginia's institutions. The policies and procedures for Virginia Commonwealth University and Norfolk State College state that the appeal is decided by the associate provost or vice president for academic affairs. Ordinarily a faculty panel advises that official at Virginia

Commonwealth University. At Norfolk State College the appeals move to the board of visitors level only in cases of alleged discrimination. Three institutions--Virginia Polytechnic Institute and State University, Madison College, and Virginia Military Institute--give the president final review authority for tenure decision appeals. Eight institutions--Christopher Newport College, Longwood College, Radford College, Virginia State College, Old Dominion University, The College of William and Mary, Clinch Valley College, and Richard Bland College--place final authority for the resolution of appeals at the board of visitors level. (At William and Mary, the board of visitors is involved only in cases involving dismissal for cause, or academic freedom or civil rights allegations. Otherwise, procedural reviews of adverse decisions normally stop technically at the level of academic vice president, with the president kept abreast of the situation.) In cases of informal mediation at the University of Virginia, the president decides the fate of the appeal. If formal proceedings are instituted at the University of Virginia, however, the board of visitors makes the final review of the appeal. The involvement of additional participants in the appeals process may not necessarily make for better-informed decisions, but boards of visitors do have final authority under the law and failure to include them may open an institution to the criticism that faculty rights of due process are abrogated as a consequence.

Eight institutions that have established appeals procedures--Old Dominion University, The College of William and Mary, Clinch Valley College, Norfolk State College, Virginia Polytechnic Institute and State University, Christopher Newport College, Virginia State College, and Richard Bland College--do not specify the time frame for

appeals. (The Virginia Polytechnic Institute and State University policies do state that the president must reach a decision within ten days of receipt of a case of alleged discriminatory practices.) Six institutions specify some deadlines for appeal action. Virginia Commonwealth University and Longwood College stipulate only the time within which an appeal must be made. The most thorough schedules for tenure decision appeals appear in the policies and procedures of Virginia Military Institute and Madison College.

Institutions are more specific in detailing the types of counsel allowed to appellants in tenure decision cases than they are in reappointment decision cases. Six institutions--Virginia Polytechnic Institute and State University, Virginia Commonwealth University, Christopher Newport College, Radford College, Old Dominion University, and Richard Bland College--fail to specify the type of counsel permitted in the appeals process. The University of Virginia and Clinch Valley College allow faculty members to have legal counsel in formal hearings, but not in informal ones. The type of counsel is the faculty member's choice at Virginia State College, The College of William and Mary, Norfolk State College, and Virginia Military Institute. (The policies of William and Mary address the question of legal representation only in cases involving dismissal for cause, or academic freedom or civil rights allegations. The policies statement is silent on the question of legal representation in routine cases.) Madison College permits the appellant to be represented before the Internal Pre-Tenure Decision Review Committee by a member of the appellant's department; the appellant himself does not appear. Finally, Longwood College does not permit legal counsel for faculty member appearances before the Status Committee.

Only six institutions have policies concerning the openness of the tenure decision appeal hearings. Hearings before the Pre-Tenure Decision Review Committee at Madison College are private, whereas hearings at Longwood College, Virginia State College, The College of William and Mary, Norfolk State College, and the University of Virginia can be either public or private, as determined by the individual and the hearing or review committee. (At William and Mary public hearings are explicitly provided only in cases involving dismissal for cause, or alleged violations of academic freedom or civil rights.)

The Council strongly believes that all boards of visitors should have published policies and procedures for the appointment, review, and appeals processes, with final authority resting at the board of visitors level.

Chapter Three

Policies and Procedures of the Post-Tenure Period

A. Introduction

The following analysis of post-tenure policies and procedures addresses two aspects of the time after which faculty members receive tenure: (1) the continued evaluation of faculty performance and (2) the conditions under which tenured faculty members are subject to dismissal, and the dismissal processes. Although the post-tenure evaluation is undoubtedly the basis for most decisions to dismiss tenured faculty members, the relationship between the two is not sufficiently clear in most institutional statements of policies and procedures. One reason for the apparent lack of relationship might be that, in general, the dismissal procedures are more thoroughly defined than the evaluation procedures. Most institutions in Virginia have adopted, with modifications, the guidelines prepared by the AAUP for procedural standards in faculty dismissal proceedings. Faculty evaluation, however, is still largely subjective in nature and policies and procedures for it are consequently more difficult to establish.

B. Post-Tenure Evaluation

All institutions in Virginia conduct some form of evaluation of tenured faculty members. Post-tenure evaluations appear to serve a number of functions, including reviews for promotion and salary adjustment recommendations. Low on any stated list

of purposes, however, is the use of post-tenure evaluations for faculty development. Although the structured reviews of tenured faculty members might be intended to increase professional effectiveness, the relationship is not clearly drawn in most statements of policies and procedures. In general, faculty development continues to be an informal process at best.

Nonetheless, there are significant personnel actions which, because they directly affect non-tenured and tenured faculty members alike, can be viewed as forms of post-tenure evaluations. Merit salary increments and promotions are the two actions with the greatest effect on faculty members. At all institutions both of these personnel actions require some evaluation process. Other controls which imply a form of post-tenure evaluation include the granting of released time for research activities and the granting of sabbatical leaves.

All institutions use the post-tenure evaluations for making salary increment recommendations and promotion reviews of associate professors. Fourteen of the sixteen institutions specify the same review criteria for post-tenure evaluation as are used in the reappointment and tenure decision processes. (See Tables III-1 and III-2.) Although the University of Virginia does not stipulate criteria for post-tenure evaluation, criteria as used for reappointment and tenure decisions apply. In evaluating its tenured faculty members, Norfolk State College focuses on teaching effectiveness, professional activity and productive scholarship or creativity, and service to college and community. The Norfolk State College policy statement does not explicitly state the criteria employed in pre-tenure and tenure reviews.

Institutional boards of visitors are urged to review the lists of criteria and procedures (Tables III-1 and III-2) and to incorporate them into the institutional statements of policies and procedures as appropriate.

The fact that the policies and procedures of four institutions--Christopher Newport College, George Mason University, Mary Washington College, and The College of William and Mary--do not specify a hierarchy of review indicates that the evaluation of tenured faculty may be conducted informally at these institutions. Mary Washington College states that on-going evaluations are conducted by department chairpersons. At Old Dominion University the chain of review for evaluations stops at the dean's level. The chain of review typically extends from the department chairperson to the vice president for academic affairs or provost (at Virginia Polytechnic Institute and State University, University of Virginia, Virginia Commonwealth University, Norfolk State College, and Virginia Military Institute). The hierarchy of review at Richard Bland College extends to the president. Those institutions which state that the hierarchy of review includes the president and board of visitors (Longwood College and Radford College) are addressing the consideration of promotions and salary adjustments. (The boards of visitors for Virginia Commonwealth University and Virginia Polytechnic Institute and State University also confirm promotions and salary increments.)

Ten institutions evaluate their tenured faculty members annually. Four others--Christopher Newport College, Mary Washington College, The College of William and Mary, and Clinch Valley College--specify on-going evaluations, evaluation schedules established by departments or schools, or formal evaluations of less than annual frequency. The Council suggests that all institutions evaluate their tenured faculty members annually.

C. Dismissal Proceedings

Only Mary Washington College and Radford College do not have official procedures for dismissal proceedings. Radford College is currently studying the issue. Mary Washington College policies specify causes for dismissal and a time frame for notification of dismissal, but do not address the formal appeal of dismissal decisions. Informally, dismissed faculty members may request reconsideration of their cases by the department chairperson, dean of the college, and president. The Council strongly believes that all institutions should have official procedures for dismissal proceedings.

Generally, tenured faculty members can be dismissed only for adequate cause. The most commonly stated reasons for dismissal are: incompetence, neglect of duty or negligence, serious misconduct, physical incapacity or medical disability, bona fide financial exigency of the institution, and the discontinuance of a program or department of instruction. Only Longwood College's policies elaborate on some of the reasons, defining in some detail "serious misconduct" and "incompetence." Otherwise, institutional statements provide no guidance in identifying such situations as financial exigency or cases of incompetence or serious misconduct. Three institutions--Old Dominion University, George Mason University, and Radford College--have either no lists of causes for dismissal or what appears to be inadequate lists.

Of the fourteen institutions that have dismissal proceedings, twelve have review procedures which mirror in varying degrees the AAUP procedural standards in faculty dismissal proceedings. Virginia Polytechnic Institute and State University employs the same review procedure as used for appeals of reappointment and tenure decisions. Madison College uses the same appeals procedure as used in tenure appeals.

The dismissal proceedings typically conform to the following process: when reason arises, perhaps through the post-tenure evaluation, to question the fitness of a faculty member who has tenure (or whose term appointment has not expired, in the case of probationary faculty members), the appropriate administrative officers ordinarily discuss the matter with him informally. If an adjustment does not result, some of Virginia's institutions will create an ad hoc committee (called, for example, the Departmental Advisory Committee or the Faculty Review Board) to render confidential advice and to determine whether formal dismissal proceedings should be instituted.

The formal proceedings are usually begun by a communication addressed to the faculty member by the president of the institution, informing the faculty member of the charges against him and informing him that, if he so requests, a hearing to determine whether he should be dismissed will be conducted by a faculty committee at a specified time and place. Seven institutions--George Mason University, Christopher Newport College, Longwood College, Virginia State College, Richard Bland College, Virginia Military Institute, and The College of William and Mary--follow AAUP recommendations and suspend the faculty member, with pay, only if immediate harm to himself or others is threatened by his continuance.

The hearing committee in dismissal proceedings is generally composed of faculty members not previously concerned with the case. The committee, in consultation with the president and the faculty member, may determine whether the hearing should be public or private. In the case of Virginia Commonwealth University, Christopher

Newport College, George Mason University, The College of William and Mary, Clinch Valley College, Madison College, University of Virginia, and Richard Bland College, the hearings may be public or private. The statements of policies and procedures for Madison College, Longwood College, Virginia State College, Old Dominion University, Norfolk State College, and Virginia Military Institute do not specify whether the proceedings are to be public or private.

Most of the institutions which have dismissal hearings permit the faculty member to have the counsel of his choice, be it legal, academic, or both (as at Richard Bland College). Virginia Commonwealth University allows only a non-participating counsel. At Longwood College, the faculty member may have a colleague present as an advisor during the initial conference with the dean of the college, so long as the advisor neither is a lawyer nor practices law. Similarly, the faculty member cannot have legal counsel when he appears before the Faculty Status Committee at Longwood. Old Dominion University policies do not specify whether a faculty member is allowed counsel during dismissal proceedings.

The dismissal hearing committees generally use every source of reliable evidence in their consideration, but are not bound by the strict rules of legal evidence or procedure.

The president and the faculty member are notified of the hearing committee's decision and receive a copy of the record of the hearing. At Virginia Polytechnic Institute and State University, Virginia Commonwealth University, and Madison College, the president is the final review authority. The accused and the administration are afforded the opportunity to present their arguments orally or in writing, or both, to the

president at Virginia Commonwealth University. Virginia Polytechnic Institute and State University uses the same process for dismissal proceedings as for appeals of re-appointment and tenure decisions; thus, the opportunity to appeal is incorporated into the process. Madison College uses the same appeals procedure as used in tenure appeals. The procedures for the University of Virginia, Christopher Newport College, George Mason University, Longwood College, Virginia State College, Old Dominion University, The College of William and Mary, Clinch Valley College, Norfolk State College, Virginia Military Institute, and Richard Bland College require that a copy of the dismissal proceedings be forwarded to the board of visitors who have final review authority. At those institutions the president transmits to the board of visitors the full report of the hearing committee; at each institution, the board of visitors provides an opportunity for argument, oral or written, or both, by the principals at the hearings or by their representatives.

All institutions with policies concerning dismissals notify the faculty members involved in writing of the president's or board of visitor's decision. Generally, those institutions that specify a policy for the time frame of notification adhere to AAUP guidelines by providing one year's notice if the individual has been employed by the institution for two or more years. Christopher Newport College provides two years notice. In addition, both Christopher Newport College and The College of William and Mary have policies such that if an appointment is terminated because of financial exigency, or because of the discontinuance of a program of instruction, the released faculty member's place will not be filled by a replacement within a period of two years,

unless the released faculty member has been offered reappointment and a reasonable time within which to accept or decline it.

The sanction of dismissal is a severe one, not often invoked. It appears that the most common way to remove senior faculty members is through informal findings of poor performance, accompanied by unfavorable salary adjustments.

Chapter Four

Faculty Employment Procedures for the Virginia Community College System

A. Introduction

The Virginia Community College System (VCCS) operates under both a tenure system and a contract system for faculty members. The tenure system applies only to those who received tenure between January 29, 1969, through September 20, 1972. In 1972, the State Board for Community Colleges adopted an appointment procedure of one, three, and five year contracts. Any qualified faculty employee of the VCCS who was granted tenure in 1970, 1971, or 1972, could elect to retain tenure status or to accept a multi-year contract. As long as tenure status is retained, all rules pertaining to tenure apply. Once a tenured employee has accepted a multi-year contract, however, he may not elect to return to tenured status.

The following discussion of the VCCS policies and procedures addresses first the VCCS contract appointment system, including the procedures for non-appointment and dismissal of faculty personnel, and second, the policies and procedures for the evaluation of faculty members. Tenured faculty personnel are covered by the same dismissal and evaluation procedures as contract personnel.

B. The VCCS Appointment System

a. Sequence of Appointment. The normal sequence of appointment is

three one-year appointments and one three-year appointment, prior to the granting of the first five-year appointment. Termination of employment with the VCCS constitutes a discontinuity of service and requires the faculty member on re-employment to start at the beginning of the normal sequence of appointments.

b. Eligibility for Extended-Term Contracts. Only teaching faculty, counselors, program heads, assistant division chairpersons, and librarians who hold full-time appointments and have been recommended for reappointment are eligible for three-year and five-year appointments. Administrators who hold faculty rank and faculty members with the rank of assistant instructor or lecturer serve only one-year or shorter appointments. Full-time service in these capacities may count toward the eligibility for a three-year or five-year appointment whenever the individual becomes otherwise qualified.

c. Transferability of Contract Status. If a faculty member is transferred from one college in the VCCS to another college in the System, the normal sequence of appointments is two one-year appointments before being considered for the type of appointment he would have been eligible for had he remained at the first institution.

d. Criteria for Extended Appointments. The VCCS policies and procedures do not specify review criteria to be applied in the case of one-year appointments. The criteria used by the review committee in considering faculty for three-year and five-year appointments include, but are not limited to, the following: (1) competence of the faculty member as a teacher or in his assigned function; (2) effectiveness of the faculty member in carrying out his functions and duties as prescribed in the college's Faculty Handbook; (3) ability to establish and maintain positive professional relationships with colleagues, supervisors, students, and the community; (4) extent and currency of

professional qualifications; (5) adherence to all relevant policies, procedures, and regulations; and (6) faculty evaluations.

e. Chain of Review for Extended Appointments. All appointments are granted by the State Board for Community Colleges upon recommendation of the president of the college and the chancellor of the VCCS. No hierarchy or review at the college level is specified for one-year appointments. However, the president established an Ad Hoc Appointment Advisory Committee to provide information and advice for his consideration on all faculty members eligible for three-year and five-year appointments. A faculty member eligible for a three-year or five-year appointment may appear before the committee to present such information as the committee deems appropriate.

C. Procedures for Non-reappointment of Faculty Personnel

a. Conditions for Non-reappointment. Termination of faculty members can follow from recommendations resulting from: (1) the evaluation process and (2) lack of sufficient funds, loss of enrollment, or change in curriculum. In the case of the second category, the following guidelines for termination are followed: (1) within a given discipline, faculty members are released in the order of least seniority at the college; (2) except in the case of an extreme emergency, faculty members are terminated at the end of an academic year; (3) the affected faculty members are notified as early as possible; (4) when the affected faculty member has a three-year or five-year appointment, the termination is in the form of an involuntary leave without pay for the remaining term of the appointment and the faculty member has the first refusal of the position

should it be re-established during the appointment term; (5) affected faculty members are given first consideration for openings anywhere in the VCCS provided that the faculty member is qualified for them. Although the VCCS policies and procedures do not specify who determines when conditions warrant termination, in practice the initial decision is made by the division chairperson.

b. Notification Procedures for Non-reappointment. After completing the evaluation process as established by the college, the immediate supervisor informs the faculty member of the results of the evaluation, both orally and in writing, and of his intention to recommend the non-reappointment of that faculty member at the end of his current appointment period. The faculty member may request that the reasons for non-reappointment be stated in writing. A recommendation for non-reappointment is transmitted to the dean and to the president of the college. The president notes the receipt of this recommendation for non-reappointment and communicates this fact to the faculty member in writing not later than March 1 during the first year of service in the VCCS, February 1 after one year of service, and January 1 after two or more years of service. For faculty members on three-year or five-year appointments, this communication is transmitted to the faculty member no later than January 1 of the last year of the current appointment. It should be noted that the schedule for notification allows less notice than the AAUP-recommended schedule after the first year of service.

c. Appeals Procedures for Non-reappointment Decisions. The VCCS policies and procedures stipulate a chain of review and a schedule of activities in the appeals process for non-reappointment decisions. The faculty member may appeal his immediate supervisor's decision to the dean, who holds a hearing on the case. The dean communicates

his decision in writing to the president. If the faculty member wishes to appeal the decision of the dean, the president appoints an ad hoc hearing committee. After deliberations, the hearings committee reports its findings to the president, who makes a decision as to the reappointment or non-reappointment of the faculty member. The faculty member may make a written appeal to the president and request a hearing before the president. During the hearing, the faculty member has the right to counsel. Furthermore, the dean, or his designee, may participate in the hearing, present evidence, and present and cross-examine witnesses. The faculty member has the same rights. In reaching his decision after the hearing, the president must consider only the evidence presented at the hearing and such oral or written arguments as the president, in his discretion, may allow. If the faculty member desires to appeal the decision of the president, he may submit a written appeal to the Chancellor of the VCCS. The Chancellor, or his designee, reviews the case on the basis of the record of the previous proceedings, and on the basis of any written materials provided by the college and the faculty member. New evidence not previously available may be presented in writing. If new evidence is presented, the opposing side has an opportunity to examine it and submit a rebuttal. The Chancellor, or his designee, in his sole discretion, may request both parties to present oral statements. The decision of the Chancellor is final. At no time in the appeals process is there any participation by the State Board for Community Colleges.

D. Procedures for Dismissal of Faculty Personnel

a. Grounds for Dismissal. Dismissal is the involuntary termination of a faculty member's employment during the term of his appointment. A faculty member may

be dismissed for adequate cause only; permissible grounds for dismissal include, but are not limited to, incompetence, inadequate performance of duties, insubordination, or misconduct. A faculty member may also be dismissed if mental or physical incapacity prevents him from adequately performing his duties, or in the event of a lack of sufficient funds, loss of enrollment, or change in curriculum.

b. Appeals Procedures for Dismissal Decisions. When reason arises to question the continued employment of a faculty member whose term of appointment has not expired, the faculty member's immediate supervisor discusses the matter with the faculty member in conference. The supervisor informs the faculty member in writing of the proceedings of the conference; the faculty member may respond in writing to this memorandum. If adjustment does not result, the faculty member or the faculty member's immediate supervisor may request in writing a conference with the appropriate dean to discuss the matter. The dean informs the faculty member in writing of the proceedings of the conference; again, the faculty member may respond in writing to this memorandum.

If adjustment still does not result, the faculty member or the faculty member's dean may request to the president in writing that an ad hoc review committee be appointed. After deliberations, the committee may make specific recommendations to the president if it deems such action appropriate. The committee includes as part of its deliberations an interview with the faculty member during which the faculty member may present such information as he deems appropriate. After the ad hoc committee has met and reported, the president makes the decision to retain or dismiss the faculty member.

The faculty member may request a hearing before the president by written notice to the president. The faculty member must respond in writing to each of the reasons for dismissal and submit this response to the president with the written request for a hearing. The hearing is upon the written reasons for dismissal submitted by the president and the faculty member's response to them. During the hearing, the faculty member is entitled to have legal counsel. The dean, or his designee, may participate in the hearing, present evidence, and present and cross-examine witnesses. The faculty member has the same rights. In reaching his decision after the hearing, the president may consider only the evidence presented at the hearing and such oral or written arguments as the president, in his discretion, may allow. Evidence regarding the general competence and professional and moral fitness of the faculty member is always deemed relevant. The president decides whether the evidence justifies a finding that just cause exists for dismissal.

If the faculty member desires to appeal the decision of the president, he may submit a written appeal to the Chancellor of the VCCS. The Chancellor, or his designee, reviews the case on the basis of the record of the prior proceedings, and on the basis of any written materials provided by the college and the faculty member. New evidence not previously available may be presented in writing. If new evidence is presented, the opposing side has an opportunity to examine it and submit a rebuttal. The Chancellor, or his designee, in his sole discretion, may request both parties to present oral statements. The Chancellor considers the evidence and decides the merits of the appeal.

The faculty member may submit a written appeal of the Chancellor's decision to the State Board for Community Colleges. The case is considered on the record of the

prior proceedings and on the basis of any written materials provided by the college and the faculty member. The decision of the State Board for Community Colleges is final.

E. Procedures for the Evaluation of Faculty Personnel

The VCCS policies and procedures provide minimum standards for the evaluation procedures for all faculty personnel. The evaluation procedures are intended to be used in such matters as the development and the improvement of professional performance and promotion, retention, and salary adjustment decisions.

a. College Standards. Each college is expected to prepare a detailed plan for the evaluation of college personnel holding faculty rank and to publish the plan in the college's Faculty Handbook. The plan must be approved by the faculty. The college's evaluation plan must address at least the following:

- (a) Effectiveness in the performance of the tasks delineated in the appropriate position description;
- (b) Effectiveness in establishing and maintaining positive professional relationships with colleagues, supervisors, students, and the community;
- (c) Effectiveness in maintaining a current competence in the particular discipline or field of specialization; and
- (d) Adherence to policies, procedures, and regulations of the college and the Virginia Community College System.

Each college plan must contain a timetable that provides for the completion of the evaluation process in time for the results to be used in the development and

improvement of professional performance, and in the resolution of promotion, retention, and salary matters. College plans require evaluation at least two times during the first year of employment and at least one time during the second and each subsequent year of employment.

The college plans for evaluation provide for one or more conferences between the person being evaluated and the evaluators at which time the results of the evaluation are discussed in detail. The person being evaluated is also provided a written summary of the evaluation.

b. Appeals of Faculty Evaluations. Non-administrative faculty members may appeal the results of their evaluations through the Faculty Grievance Procedure, and administrative faculty members may appeal through administrative channels, unless the college plan provides an alternative procedure.

The Faculty Grievance Procedures first call for an attempt by the faculty member and his immediate supervisor to resolve the grievance informally. If this effort is not successful, the faculty member may file a written grievance with his immediate supervisor, whereupon the supervisor responds with a written decision on the grievance. If the faculty member is not satisfied with the disposition of his grievance at this point, he may file a written appeal to his dean. The dean meets with the faculty member and his immediate supervisor to discuss the appeal. The dean then renders a decision.

If the faculty member is still not satisfied with the disposition of his case, he may file a written appeal to the president and may request either that his appeal be heard by the president or that an ad hoc hearing committee be appointed to hear his case.

If the grievant requests a committee hearing, the president will select an ad hoc committee of five disinterested persons. The VCCS policies and procedures do not address the type of counsel, if any, permitted by the faculty member during the hearing. The ad hoc committee makes its decision in writing to the faculty member, his immediate supervisor, the dean, and the president. The president accepts or rejects the findings of the committee. Should the president reject the findings of the committee, he will do so only on the basis of the requirements of law and will set forth the rationale for his action in writing. The president's decision is final and binding on all parties.

If the faculty member requests that the president hear his appeal in person, the president sets a hearing date. Again, the decision rendered by the president after the hearing is final and binding on all parties.

CRITERIA FOR EVALUATION

I. Teaching Effectiveness

- a. Command of subject
- b. Enthusiasm and ability to communicate
- c. Classroom performance (organization, delivery, coverage of subject)
- d. Clarity of objectives and grading system
- e. Quality of demands made upon students
- f. Accessibility to students in regular office hours and other situations
- g. Class response
- h. Stimulating student interest
- i. Ability to teach various courses
- j. Teaching preparation (quality of course outlines and exams, curriculum development)
- k. Direction of student research (quality, quantity, pace)

II. Research

- a. Publications
 - 1. Quality of journals in which articles are published
 - 2. Review of books published
 - 3. Quality of research reports
 - 4. Patents
- b. Grants
 - 1. Meeting goals of research funding agency
 - 2. Aggressiveness in seeking research opportunity
- c. Recognition and leadership (including judgment of peers outside institution)
- d. Relevancy of research
- e. Creativity

III. Professional Development

- a. Competence in field
- b. Participation in professional organizations
- c. Level of preparation
 - 1. Degrees held
 - 2. Upgrading of credentials
- d. Recognition
 - 1. Honors
 - 2. Awards

IV. Academic and Institutional Responsibility

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- a. Performances as faculty advisor
- b. Service on department or institutional committees
- c. Faculty cooperation
- d. Maintenance of office hours
- e. Sponsorship of student organizations
- f. Accessibility to students
- g. Patient service (medical)
- h. Contribution to overall progress of the department, school, and institution
- i. Participation in curriculum development

V. Public or Professional Service

- a. Contributions or services to community
 - 1. Memberships
 - 2. Speeches and talks
 - 3. Direct workshops, seminars, etc.
 - 4. Consulting activities
- b. Liaison with high schools, community colleges, senior institutions

VI. Professional Qualities, Ethics

- a. Objectivity and open-mindedness
- b. Leadership
- c. Tolerance
- d. Fairness
- e. Professional conduct

MEANS FOR EVALUATING TEACHING

- I. Student Evaluation
 - a. Course evaluation questionnaires
 - b. Graduate and undergraduate majors organizations
 - c. Student teaching evaluation committees
 - d. Solicited letters from selected students
 - e. Exit interviews with graduates
 - f. Alumni survey
- II. Student Achievement
- III. Teaching Load
 - a. Credit hours per week
 - b. Contact hours per week
 - c. Class preparation time per week
 - d. Number of students enrolled
- IV. Class Visitation by Objective Outside Source
- V. Self-Evaluation
 - a. Narrative job description
 - b. Itemized workload responsibilities
- VI. Peer Evaluation
- VII. Supervisory Evaluation
 - a. Faculty committee (department or institution)
 - b. Department chairman
 - c. Dean

I. PRE-TENURE

← PROBABATIONARY PERIOD →

Institution Name	Form of Initial Appointment	Definition of Probationary Period	Credit Given for Prior Service (Full-Time/Part-Time)	Policy on Leave of Absence
Christopher Newport College	Letter	7 yrs. (except when 3 yrs. service elsewhere; then probationary period is 4 yrs.)	Credit for service at other institutions decided at time of appointment (work outside academic world of as administrator not counted).	Scholarly leaves of absence are considered prior service - no more than 1 yr. credit may be accrued.
George Mason University	Letter; no formal contract (yet has legal standing as a contract)	Not to exceed 7 yrs. Normally 2-3 yrs. as assoc. professor Normally 0-1 yr. as professor	All full-time counted; no service at other institutions or part-time counted.	All ranks (except Lecturer) in continuous service for 2 yrs.; Leave not applicable to tenure but to pay and promotion. Max. time, 2 yrs.
Longwood College	Contract	5 yrs. (president may shorten period) 7 yrs. maximum	Discretionary (president)	Leave does not count toward probationary period
Madison College	Letter and Contract	Not to exceed 7 yrs.	Consideration may be given to previous experience	No written procedure
Mary Washington College	Letter from president	No formal prob. period; tenure automatically with promotion to associate professor.	None	Leave does not count toward probationary period
Norfolk State College	Written Document - form not specified	Not to exceed 7 yrs.	Credit given up to 3 yrs.	Authorized leaves are counted in probationary period

I. PRE-TENURE (cont.)

← PROBABATIONARY PERIOD →				
Institution Name	Form of Initial Appointment	Definition of Probationary Period	Credit Given for Prior Service (Full-Time/Part-Time)	Policy on Leave of Absence
Old Dominion University	Formal Contract	Maximum 7 yrs., minimum 5 yrs. (exceptions allowed)	Credit given for up to 2 yrs.	No credit given
Radford College	Letter	6 yrs. for all faculty plus 1 yr. notice	No credit given	No credit given
University of Virginia*	Letter	Not to exceed 7 yrs.	Not mandatorily counted	Credit given for leaves without pay
*University of Virginia does not have a university-wide policy or procedure for review or tenure. Each college has its own procedures. The procedures of the College of Arts and Sciences were used as a typical representative.				
Virginia Commonwealth University	Contract or appointment letter	7 yrs. for assistant professor 4 yrs. for associate professor 3 yrs. for professor Instructors are not eligible	Full-time service credited as follows: Professors: no credit Assoc. Professors: no credit Asst. Professors: 1 yr.	No credit given
Virginia Military Institute	Written appointment signed by both parties	Conforms with AAUP statements of 1940, 1968 7 yrs.; 4 yrs. with 3 yrs experience at another institution	Credit given for up to 3 yrs.	Authorized leaves are credited unless agreed otherwise

I. PRE-TENURE (cont.)

PROBATIONARY PERIOD				
Institution Name	Form of Initial Appointment	Definition of Probationary Period	Credit Given for Prior Service (Full-Time/Part-Time)	Policy on Leave of Absence
Virginia Polytechnic Institute and State University	Letter (no formal contract)	AAUP 7 yrs. policy: 3 yrs. - professor 4 yrs. - assoc. professor 7 yrs. - asst. professor 7 yrs. - instructor	Discretionary (AAUP may be contacted for advice)	No credit given
Virginia State College	Contract	3 yrs. - professor 4 yrs. - assoc. professor 7 yrs. - asst. professor 7 yrs. - instructor	Professor - no credit Assoc. Professor - no credit Asst. Professor - 3 yrs.	No credit given
The College of William and Mary	Formal contract	7 yrs., or up to 4 yrs. with service at another institution	Credit given up to 3 yrs.	Credit given for authorized leaves
Richard Bland College	Written contract	7 yrs. (new faculty are provided written statement including terms of probationary period)	Credit given up to 3 yrs.	No credit given
Clinch Valley College	Written statement - form not specified	7 yrs. starting with rank of instructor, probationary period can be 4 yrs. if have experience	No credit given	No credit given

I. PRE-TENURE

REAPPOINTMENT DECISION

Institution Name	Frequency	REVIEW Criteria	Chain of Recommendation	Manner of Notification	Time Frame of Notification
Christopher Newport College	Annual	Teaching Effectiveness Professional development Service to college and community Each dept. will define specific criteria	Dept. peer committee - academic dean - president - board of visitors	Letter	Adhere to AAUP guidelines
George Mason University	Annual	Teaching, research and publication, gen'l professional, serv. on comm., public service, honors, awards, prof. societies	Dept. chairman - dean - vice president	Letter	Adhere to AAUP guidelines
Longwood College	Annual	Teaching, academic service, professional conduct, research/publications, Each dept. defines procedures for review	Faculty committee on promotion and tenure - dean of college - president - board of visitors	Letter	As soon as possible
Madison College	Annual	No written criteria, however, factors to be considered are: teaching performance, research, public service	Dept. head or dean - vice president for academic affairs - president - board of visitors	Not specified	Years of Service Year 1 - March 1 Year 2 - December 15 Year 2+ - 1 yr.
Mary Washington College	Not specified	Teaching, accessibility to students, dept. contribution, research/publications, community work, curriculum building, upgrading of credentials	Dept. chairman - dean - president - board of visitors	Not specified	Adhere to AAUP guidelines
Norfolk State College	Annual	Not specified	Dept. evaluation committee - dept. head - div. chairman and vice president for academic affairs	Letter	Years of Service Year 1 - March 1 Year 2 - December 15 Year 2+ - 1 yr.

I. PRE-TENURE (cont.)

REAPPOINTMENT DECISION					
Institution Name	Frequency	REVIEW Criteria	Chain of Recommendation	Manner of Notification	Time Frame of Notification
Old Dominion University	Annual	Teaching, Research, Professional Service, Publications	Faculty committee - dept. chairman	Not Specified	Years of Service year 1 - March 1 year 2 - December 15 year 2+ - 1 yr. with notification by December 15
Radford College	Annual	Teaching effectiveness, advising students, prof. development, research/publication, participation in college administration, prof. coop. and contribution to institution	Dept. personnel comm. and dept. chairman - school dean - academic vice president - president - board of visitors	Letter	Adhere to AAUP guidelines
University of Virginia*	Annual	Excellence of scholarly work and teaching; needs of the univ. in various fields of specialization	Dept. chairman-dean-provost-v.p. for business and finance (budgeting approval)-president-board of visitors	Letter	Adhere to AAUP guidelines
Virginia Commonwealth University	Annual	Academic: by dept. and school. MCV: research, teaching, pub. service, acad. responsibilities, prof. development, public serv., personal qualities	Faculty committee - chairman dept. chairman-dean-v.p. for acad. affairs-provost-president-board of visitors	Not Specified (in practice, however, letter)	Academic: Years of Service year 1 - March 1 year 2 - December 15 year 2+ - 1 yr. MCV: 1 yr.
Virginia Military Institute	Annual	Teaching performance, research, student advising, committee service, prof. organizations, etc.	No designated review committee; dept. head, other tenured faculty, student survey	Letter	Adhere to AAUP guidelines

I. PRE-TENURE (cont.)

REAPPOINTMENT DECISION

Institution Name	REVIEW		Chain of Recommendation	Manner of Notification	Time Frame of Notification
	Frequency	Criteria			
Virginia Polytechnic Institute and State University	Annual	Competence in acad. field, class competence, research/publications	Dept. head - dept. advisory committee	Not specified	Adhere to AAUP guidelines
Virginia State College	Annual	Teaching, research, publication, training, prof. development, community service	Dept. comm., students-dept. chairman-acad. v.p.-president-board of visitors	Not specified	Adhere to AAUP guidelines
The College of William and Mary	Specified by each school	Teaching, research, participation in faculty and college administration	Dept. chairman - advisory committee on retention, promotion, and tenure (depending on school) acad. vice president - president - board of visitors	Letter	Years of Service year 1 - March 1 year 2 - December 15 year 2+ - 1 yr. but not after April 5
Richard Bland College	Annual	Teaching, college service, prof. development, public service, peer evaluation, student evaluation, etc.	Div. chairman - dean - president	Letter	Adhere to AAUP guidelines
Clinch Valley College	At 1 yr., at 3 yrs., and again at 6 yrs.	Teaching, student evaluation, self-review	Dept. chairman - dean - chancellor - asst. provost - provost-board of visitors	Letter	Years of Service year 1 - March 1 year 2 - December 15 year 2+ - 1 yr.

I. PRE-TENURE

APPEAL PROCESS FOR REAPPOINTMENT DECISION

Institution Name	Chain of Appeals	Time Frame for Appeals	Type of Counsel	Public or Private Proceedings
Christopher Newport College	Faculty grievance committee - (or an ad hoc committee) - president - board of visitors	Not specified	Not specified	Not specified
George Mason University	Chairman - dean - vice president - faculty committee - vice president	Not Specified	Legal if desired	Not Specified
Longwood College	Status comm. - president - exec. comm. of board of visitors	Filed with appropriate committee within 2 weeks after notification	Cannot have legal counsel	Either as decided by the faculty member and status committee
Madison College	Not specified	Not specified	Not specified	Not specified
Mary Washington College	Appeals may be made to dept. chairman - dean - president	Not specified	Not specified	Not specified
Norfolk State College	Dept. head - vice president for academic affairs	Not specified	Not specified	Not specified

I. PRE-TENURE (cont.)

APPEALS PROCESS FOR REAPPOINTMENT DECISION

Institution Name	Chain of Appeals	Time Frame for Appeals	Type of Counsel	Public or Private Proceedings
Old Dominion University	Dept. chairman - school promotion committee - dean	Not specified	Not specified	Not specified
Radford College	Faculty grievance committee - acad. v.p. - president - board of visitors	Specified in annual calendar of personnel decisions; within 10 days of notification	Not specified	Not specified
University of Virginia	Dept. chairman - dean of faculty - special comm. - comm. on faculty relations -	30 days	Legal counsel is permitted for formal hearings	Not specified
Virginia Commonwealth University	Dept. chairman - university appeal board - president	Within one wk.: distribution of materials Within 21 days of above: board will meet	May have non-participating counsel	Not specified
Virginia Military Institute	Ad hoc comm. - dean of faculty - comm. of appeals - superintend.	Appeal: 5 days after notice Comm. appointed: 3 days later Report to superintend.: 2 weeks	Choice of faculty member	Not specified

I. PRE-TENURE (cont.)

APPEALS PROCESS FOR REAPPOINTMENT DECISION

Institution Name	Chain of Appeals	Time Frame for Appeals	Type of Counsel	Public or Private Proceedings
Virginia Polytechnic Institute and State University	Comm. on reconciliation - dean - ad hoc comm. - acad. v. p. - president	Not specified	Not specified	Not specified
Virginia State College	Dept. chairman - dean - v.p. for acad. affairs - grievance comm. - president - board of visitors	Not specified	May be represented	May be public if so desired
The College of William and Mary	Procedural review committee - hearing committee - president - board of visitors	Not specified	May have academic advisor and/or legal counsel in dismissal for cause, or acad. freedom or civil rights cases. Not specified for routine cases.	At discretion of Hearing Comm. in consultation with president and appealing party. Public hearings are explicitly provided only in cases involving dismissal for cause, of acad. freedom or civil rights allegations.
Richard Bland College	Ad hoc faculty committee - dean - president - board of visitors	Not specified	Not specified	Not specified
Clinch Valley College	Faculty relations comm. - chancellor - board of visitors	Not specified	No counsel for informal hearing, but counsel allowed for formal hearing	Not specified

II. TENURE/NON-TENURE

← TENURE DECISION PROCESS →			
Institution Name	Eligibility for Tenure	Review Criteria	Tenure Quotas
Christopher Newport College	Full-time status Successful completion of probationary period Administrators do not acquire tenure in admin. positions	(Same as for Pre-Tenure)	No
Clinch Valley College	Full-time faculty Joint appts. (faculty/admin) only if satisfy criteria in faculty area Automatic after 7 yrs. Terminal degree in field (exceptions allowed)	(Same as for Pre-Tenure)	No
George Mason University	Asst. Professor and higher (promotion to assoc. prof. gains tenure) Successful completion of probationary period Full-Time status	(Same as Pre-Tenure)	No
Longwood College	Be asst. prof. or higher and have completed 5 yrs. as full-time faculty; deans, dept. heads, and other admin. shall not acquire tenure in such positions	(Same as Pre-Tenure)	Not specified
Madison College	Completion of probationary period	Enrollment trends, need for specialist, acad. qualifications, performance level, prof. development, participation and service	No
Mary Washington College	Automatic with promotion to assoc. professor	4-6 yrs. teaching at the college other criteria same as Pre-Tenure	No formally stated quotas; however, "...careful consideration is given... to the balance of instructional ranks within a department and, more important, within the college as a whole."

II. TENURE/NON-TENURE (cont.)

← TENURE DECISION PROCESS →					
Institution Name	Eligibility for Tenure	Review Criteria	Tenure Quotas		
Norfolk State College	Asst. prof. or higher, hold highest degree in field; successful completion of prob. period, proper recomd.; admin. eligible in acad. dept. (general rule) but some admin. tenured without dept.	Recommendation based on enrollmt. trends, dept. goals and objectives, economic exigencies	No		
Old Dominion University	Asst. professor or higher, terminal degree, full-time status, successful completion of probationary period, admin. tenured only if through academic department.	Examine needs of dept., enrollmt. trends, need for specialist (other criteria same as for Pre-Tenure)	No (but long-term needs of dept. and tenure structure of the faculty are considered)		
Radford College	Full-time status, academic admin. tenured only through academic dept.	(Same as for Pre-Tenure) Also, projected need for individual's expertise within the department	No		
University of Virginia*	Asst. prof. acquire upon promotion to assoc. prof., successful completion of prob. period, full-time, admin. can hold tenure in acad. dept., but no tenure for admin. position	(Same as for Pre-Tenure)	No		
Virginia Commonwealth University	Asst. professor or higher, full-time teaching/research, admins., non-academics holding faculty rank not eligible	(Same as for Pre-Tenure)	No		
<p>* University of Virginia does not have a university-wide policy or procedure for review of tenure. Each college has its own procedures. The procedures of the College of Arts and Sciences were used as a typical representative.</p>					

II. TENURE/NON-TENURE

←————— TENURE DECISION PROCESS —————→

Institution Name	Eligibility for Tenure	Review Criteria	Tenure Quotas
Virginia Military Institute	Successful completion of prob. period, teach 1/2 time or more; terminal degree	(Same as for Pre-Tenure)	No
Virginia Polytechnic Institute and State University	May be recommended for or awarded tenure during any years of prob. period -no tenure for admin. positions; admin. can hold tenure in an academic dept.	(Same as for Pre-Tenure)	No (discouraged by current administration)
Virginia State College	Instructor or higher; full-time teaching faculty; successful completion of prob. period; admin. cannot have tenure in admin. position, but can acquire tenure in acad. dept.	(Same as for Pre-Tenure)	No (but have a recommended faculty distribution among the ranks)
The College of William and Mary	Full-time faculty; successful completion of probationary period; asst. prof. or above; admin. with faculty rank cannot acquire tenure as admin. officers	(Same as for Pre-Tenure)	No
Richard Bland College	Asst. Prof. or above; successful completion of probationary period; admin. not eligible for tenure	(Same as for Pre-Tenure)	No

II. TENURE/NON-TENURE

Institution Name	← TENURE DECISION PROCESS →			← APPEAL PROCESS FOR TENURE DECISION →
	Chain of Recommendation	Manner of Notification	Time Frame of Notification	Chain of Appeals
Christopher Newport College	Dept. tenure committee (tenured faculty members)-faculty eval. comm. (checks procedures of dept. comm.) dean of acad. affairs - president - faculty eval. comm. - board of visitors	Not specified	Adhere to AAUP guidelines	Faculty
Clinch Valley College	Chairman- faculty comm. on eval. - dean of college - chancellor - asst. provost - provost - board of visitors	Written	(Same as for Pre-Tenure)	(Same as for Pre-Tenure)
George Mason University	Chairman (alone or with consensus of full-time fac. members)- dean and advisory comm. on promotion- dean - vice president - president - board of visitors	Not specified	(Same as for Pre-Tenure)	No established procedures
Longwood College	Dept. comm. - dept. chairman - faculty comm. on promotion and tenure - deans of college - president - board of visitors	Written	Not specified	(Same as Pre-Tenure)
Madison College	Dept. comm. - dept. head - dean - v.p. of acad. affairs - president - review committee - president - board of visitors	Not specified	Notified before April 15 of 6th yr.	A. Dept. review comm. - dept. head - dean - v.p. for acad. affairs - review comm. - president and/or B. Committee on reconciliation - tenure hearing comm. - president
Mary Washington College	Dept. chairman - dean - president - board of visitors	Remaining at rank below that of assoc. professor	(Same as for Pre-Tenure)	No official procedures established (Informal appeals to dept. chairman, dean, and president)

II. TENURE/NON-TENURE (cont.)

← TENURE DECISION PROCESS →				← APPEAL PROCESS FOR TENURE DECISION →
Institution Name	Chain of Recommendation	Manner of Notification	Time Frame of Notification	Chain of Appeals
Norfolk State College	Dept. head-tenure comm.-div. chairman- v.p. for academic affairs (tenure comm. is campuswide)	Written	(Same as for Pre-Tenure) (Faculty members denied tenure are notified following Tenure Comm. meeting in March)	V.p. for acad. affairs-president-board of visitors
Old Dominion University	Review comm.- chairman-tenure comm.-dean-v.p. of acad. affairs-univ. senate-president-board of visitors	Written	(Same as for Pre-Tenure)	President - education committee of board of visitors
Radford College	(Same as for Pre-Tenure)	Written	(Same as for Pre-Tenure)	(Same as for Pre-Tenure)
University of Virginia	Dept. chairman-school comm. (full professors)-dean-v.p. for acad. affairs-president-board of visitors	Written	Adhere to AAUP guidelines	A. Procedures vary within school B. Informal mediation: senate committee on fac. relations - president or provost-president C. Formal mediation: senate committee on fac. relations -hearing board-pres.-board of visitors
Virginia Commonwealth University	Dept. review comm.-dept. chairman-dean	Written	(Same as for Pre-Tenure)	Acad. vice president/associate provost (ordinarily, acad. v.p. or assoc. provost appoints an advisory faculty panel)

II. TENURE/NON-TENURE (cont.)

TENURE DECISION PROCESS

← APPEAL PROCESS FOR TENURE DECISION →

Institution Name	Chain of Recommendation	Manner of Notification	Time Frame of Notification	Chain of Appeals
Virginia Military Institute	Dept. head and tenured members of dept.-tenure comm.(campuswide)-acad. board-superintendent	Written	(Same as for Pre-Tenure)	(Same as for Pre-Tenure except for the omission of ad hoc committee)
Virginia Polytechnic Institute and State University	Dept. comm. and dept. head-dean and college comm.-univ. comm. and acad. v.p.-president	Written	Adhere to AAUP guidelines	A. Admin. channels (Dean seeks input from dept. and college committee) B. Alternative channel same as for Pre-Tenure
Virginia State College	Dept. chairman- school comm. - dean-acad. v.p.-president and board of visitors	Written	(Same as for Pre-Tenure)	A. Admin. channels (dept. chairman-dean-v.p. for acad. affairs) B. Grievance procedure (same as for pre-tenure)
The College of William and Mary	(Same as for Pre-Tenure)	Written	(Same as for Pre-Tenure)	(Same as for Pre-Tenure)
Richard Bland College	Division chairperson - tenure committee (campus-wide) - dean of academic affairs - president	Written	(Same as for Pre-Tenure)	(Same as for Pre-Tenure)

II. TENURE/NON-TENURE (cont.)

APPEAL PROCESS FOR TENURE DECISION

Institution Name	Time Frame for Appeals	Type of Counsel	Public or Private Proceedings
Christopher Newport College	Not specified	Not specified	Not specified
Clinch Valley College	Not specified	(Same as for Pre-Tenure)	(Same as for Pre-Tenure)
George Mason University	Not specified	Not specified	Not specified
Longwood College	Initial appeal must be filed within 2 weeks of notification	Legal counsel not permitted	Either as desired
Madison College	There is a set schedule for the appeals process	May have member of department appear before Review Comm.	Private (Review Committee hearings)
Mary Washington College	No procedure officially established for appeal	Not specified (no established procedure)	Not specified (no established procedures)

II. TENURE/NON-TENURE (cont.)

← APPEAL PROCESS FOR TENURE DECISION →

Institution Name	Time Frame for Appeals	Type of Counsel	Public or Private Proceedings
Norfolk State College	Not specified	Can have legal counsel	Either as desired
Old Dominion University	Not specified	Not specified	Not specified
Radford College	Specified in annual calendar of personnel decisions: within 20 days of notification	Not specified	Not specified
University of Virginia	Schedule for appeals activities	Legal counsel permitted during formal mediation	Either as desired
Virginia Commonwealth University	Appeal must be made within 15 days of notification of faculty member	Not specified	Not specified

II. TENURE/NON-TENURE(cont.)

← APPEAL PROCESS FOR TENURE DECISION →

Institution Name	Time Frame for Appeals	Type of Counsel	Public or Private Proceedings
Virginia Military Institute	(Same as for Pre-Tenure)	(Same as for Pre-Tenure)	(Same as for Pre-Tenure)
Virginia Polytechnic Institute and State University	Not specified (president must render a decision within 10 days in cases of alleged discriminatory practices)	Not specified	Not specified
Virginia State College	Not specified	Legal counsel permitted	Either as desired
The College of William and Mary	Not specified	(Same as for Pre-Tenure)	(Same as for Pre-Tenure)
Richard Bland College	Not specified	Not specified	Not specified

III. POST-TENURE

POST TENURE EVALUATION

DISMISSAL PROCEEDINGS

Institution Name	Review Criteria	Chain of Review	Time Frame of Review	Causes for Dismissal (Adequate Cause)
Christopher Newport College	(Same as for Pre-Tenure)	Not specified	Formal: every 3 yrs. or when eligible for promotion. Informal review in the interim	Incompetence, neglect of duty, misconduct, physical incapacity, bona fide financial exigency, discontinuance of program or dept.
Clinch Valley College	(Same as for Pre-Tenure and Tenure)	Dept. chairman-fac. committee on evaluation-dean of college-chancellor	Periodically, with major review at least every 5 yrs.	Performance of acad. and scholarly responsibility not adequate, financial exigency, other reasons implied but not specified
George Mason University	Evaluation is one which occurs during normal salary review. Criteria are: same as for Pre-Tenure	(Same as for Salary Review)	(Same as for Salary Review)	No list of causes
Longwood College	(Same as for Pre-Tenure) for promotion only	(Same as for Pre-Tenure) for promotion only	(Same as for Pre-Tenure) for promotion only	Serious misconduct/incompetence (both defined) Financial exigency Academic exigency
Madison College	Determined by individual dept. working under guidelines set by V.P. of Acad. Affairs (generally same as for Tenure)	Faculty member-dept. chairman-dean	Annual	Inefficiency, incompetence, neglect of duty, financial exigency, falsification of record including the employment application
Mary Washington College	(Same as for Pre-Tenure and Tenure)	On-going evaluation by dept. chairman	Ongoing evaluation	Incompetence/misconduct, financial exigency, enrollment decline leading to discontinuance of program or dept. of instruction

III. POST-TENURE

POST TENURE EVALUATION

DISMISSAL PROCEEDINGS

Institution Name	Review Criteria	Chain of Review	Time Frame of Review	Causes for Dismissal (Adequate Cause)
Norfolk State College	Teaching effectiveness, professional activity, productive scholarship and creativity, service to college and community	Dept. eval. comm. (dept. head and 5 members chosen by rank and yrs. of tenured service)-dean/div. chairman-v.p. for acad. affairs-president-comm. of faculty senate (if requested by faculty member)	Annual	Incompetence, moral turpitude, failure to execute contractual obligations (reasons not limited to the above)
Old Dominion University	(Same as for Pre-Tenure) Current guidelines are general and vague; more specific guidelines are under consideration.	Faculty member-chairman-dean	Annual	Bona fide financial exigency, discontinuance of program (other reasons implied but not specified)
Radford College	(Same as for Pre-Tenure and Tenure)	(Same as for Pre-Tenure and Tenure)	Annual	No policies as yet
University of Virginia*	Neither Univ. or any units has a formal post-tenure review policy; review of assoc. prof. are conducted periodically with respect to promotion; and in course of making salary recommendation. No criteria specified.	Dept. chairman-dean-v.p. of acad. affairs	Annual	Adhere to AAUP guidelines
Virginia Commonwealth University	(Same as for Pre-Tenure) Merit review used for determination of salary increments	Dept. chairman-dean-v.p. for acad. affairs-assoc. provost-provost	Annual	Neglect, inability, or failure to duties; incompetence; moral turpitude; bona fide financial exigency; violation of academic or prof. ethics or of VCU rules; unprof. conduct that affects dept., school, etc.

* University of Virginia does not have a university-wide policy or procedure for review or tenure. Each college has its own procedures. The procedures of the College of Arts and Sciences were used as a typical representative.

III. POST-TENURE

Institution Name	POST TENURE EVALUATION			DISMISSAL PROCEEDINGS
	Review Criteria	Chain of Review	Time Frame of Review	Cause for Dismissal (Adequate Cause)
Virginia Military Institute	(Same as for Pre-Tenure)	Self-review-peer review-student review-supervisor review (dept. head)-dean of faculty	Annual	Moral turpitude, conduct discrediting to VMI, medical reasons, bona fide financial exigency, discontinuance of dept. or program, unfitness in capacity as a teacher
Virginia Polytechnic Institute and State University	(Same as for Pre-Tenure)	Student eval.-dept. head with adv. comm. and dean-acad. v.p. and president (for salary increases)	Annual	Serious failure of professional conduct or performance
Virginia State College	(Same as for Pre-Tenure)	Peers - dept. chairperson - school dean - v.p. for acad. affairs	Annual	Medical disability, bona fide financial exigency, "cause" related directly to fitness of faculty member in his capacity as a teacher
The College of William and Mary	(Same as for Pre-Tenure)	Not specified	Intervals established by department or school	Incompetence, neglect of duty, negligence, physical incapacity, bona fide financial exigency, discontinuance of dept. or program of instruction
Richard Bland College	(Same as for Pre-Tenure)	Division chairman - dean of acad. affairs - president	Not specified	Bona fide financial exigency, discontinuance of dept. or program, neglect of duty, serious failure of professional conduct or performance

III. POST-TENURE

DISMISSAL PROCEEDINGS

Institution Name	Chain of Review	Type of Counsel	Time Frame of Proceedings	Public or Private Proceedings
Christopher Newport College	Financial exigency or discon. of dept.: fac. adv. comm.-president-board of visitors; Medical reasons: consultation-fac. adv. comm.-president-board of visitors; Other: fac. and admin.-fac. adv. comm.-board of visitors	Choice of counsel by faculty member and administration	Not specified	Decided by faculty advisory committee, president, and faculty member
Clinch Valley College	Review by a faculty committee and board of visitors <u>only when requested by the person affected</u>	Choice of faculty member	Faculty member given 1 yr. to correct problems before action is taken by the college	(Same as for Pre-Tenure)
George Mason University	Confer. w/president - comm. A (standing comm. of 5 elected full-time fac.)-pres.-ad hoc comm.-pres.-board of visitors	Accused faculty member may have academic or legal counsel; admin. may have the same	At president's first involvement, faculty may request formal hearing to take place after 20 days. If ad hoc comm. is elected, accused fac. must reply in writing to pres. one week prior to hearing.	Either as desired
Longwood College	Dept. adv. comm.-dean of college-pres.-fac. status comm.-board of visitors	Faculty may have colleague as advisor present at conference with dean (no lawyers or those licensed to practice law)	Not specified	Not specified
Madison College	No separate review specified (Review same as appeals procedure)	(Same as Pre-Tenure and Tenure) (Review same as appeals procedure)	(same as Pre-Tenure and Tenure) (Review same as appeals procedure)	Not specified
Mary Washington College	No separate review specified	Not specified (no separate review)	Not specified (no separate review)	Not specified (no separate review)

III. POST-TENURE

DISMISSAL PROCEEDINGS

Institution Name	Chain of Review	Type of Counsel	Time Frame for Proceedings	Public or Private Proceedings
Norfolk State College	Informal confer. (accused + appro. officer)-highest acad. officer- ad hoc comm. of fac. senate - president-board of visitors	Choice of accused	Within 10 days of receiving written charges, accused must request an appearance before ad hoc comm.; after ad hoc comm. decision accused has 5 days to request an appeal before Board of Visitors	Not specified
Old Dominion University	Chairman-dean of school-v.p. for acad. affairs- president- board of visitors	Not specified	Not specified	Not specified
Radford College	No policies	No policies	No policies	No policies
University of Virginia	(Same as Pre-Tenure and Tenure)	Legal counsel is permitted for formal hearings	Schedule of proceedings is established	Either as desired
Virginia Commonwealth University	Ad hoc comm.-vice president for acad. affairs - president	Non-participating advisor of choice	Once informed of charges, faculty member has 30 days to request hearing; unless request for review of decision is made within 15 days, the decision of the v.p. is final	Private, except under mutual agreement of parties involved

III. POST-TENURE

DISMISSAL PROCEEDINGS

Institution Name	Chain of Review	Type of Counsel	Time Frame of Proceedings	Public or Private Proceedings
Virginia Military Institute	Board of inquiry-superintendent-board of visitors	Choice of accused	(Same as Pre-Tenure and Tenure)	Not specified
Virginia Polytechnic Institute and State University	No separate review specified (Review same as appeals procedure)	Not specified	(Same as Pre-Tenure and Tenure) (Review same as appeals procedure)	Not specified
Virginia State College	Confer. with faculty and appropriate admin. officer- fac. review board - president (notice to individual)- fac. senate hearing comm. - fac. senate - president - board of visitors	Choice of accused (acad. or legal)	Not specified	Not specified
The College of William and Mary	(Same as Pre-Tenure and Tenure)	(Same as Pre-Tenure and Tenure)	Not specified	(Same as Pre-Tenure and Tenure)
Richard Bland College	Ad hoc comm.-president-board of visitors	Acad. advisor and legal counsel	Not specified	Private, unless both parties agree to public proceedings

III. POST-TENURE

DISMISSAL PROCEEDINGS

	Manner of Notification	Time Frame of Notification	Appeals Procedures
Christopher Newport College	Written	Notice or severance pay of not less than 2 yrs.	Accused and admin. given opportunity to present their arguments orally or in writing or both, to the Board of Visitors as part of the dismissal proceedings
Clinch Valley College	(Same as Pre-Tenure and Tenure)	One Year	(Same as Pre-Tenure and Tenure)
George Mason University	Written	One year	Accused and admin. given opportunity to present their arguments orally or in writing or both, to the Board of Visitors as part of the dismissal proceedings
Longwood College	Written	Not specified	Appeal option is built into the chain of review for dismissal proceedings
Madison College	Written	Not specified	(Same as Pre-Tenure and Tenure)
Mary Washington College	Written	Not specified	No official procedures; faculty informally may request reconsideration by dean, dept. chairman, dean, or president

III. POST-TENURE

DISMISSAL PROCEEDINGS

Institution Name	Manner of Notification	Time Frame of Notification	Appeals Procedures
Norfolk State College	Written	Not specified	Accused may request that he be heard by the board of visitors during the review of his case
Old Dominion University	Written	Adhere to AAUP guidelines	Dismissed fac. member upon written request to the board of visitors, shall be entitled to a hearing before the Board, and if he elects, to a prior hearing by a fac. comm. designated by the univ. senate
Radford College	No policies	No policies	No policies
University of Virginia	Written	Adhere to AAUP guidelines	(Same as for Pre-Tenure and Tenure)
Virginia Commonwealth University	Written	V. P. notifies individual within 2 weeks of committee decision	Accused and admin. given the opportunity to present their arguments orally or in writing or both to president as part of dismissal proceedings

III. POST-TENURE

DISMISSAL PROCEEDINGS

Institution Name	Manner of Notification	Time Frame of Notification	Appeals Procedures
Virginia Military Institute	Written	(Same as Pre-Tenure and Tenure)	Board of visitors will provide the opportunity for argument, oral or written or both, by the principals at the hearing or by their representatives as part of dismissal proceedings
Virginia Polytechnic Institute and State University	Written	Notice at least 12 months in advance with reasons (note: advance notice of involuntary termination of apptment is waived only if serious personal, indiscreet behavior or malfeasance of professional duties is established	(Same as Pre-Tenure and Tenure)
Virginia State College	Written; dismissal for moral turpitude; immediate written notice, no salary past dismissal date; otherwise payment til expiration date or reparation payment for 3 months		Accused and admin. given the opportunity to present their arguments orally or in writing or both, to the board of visitors as part of the dismissal proceedings
The College of William and Mary	(Same as Pre-Tenure and Tenure)	One Year	Board of visitors will provide opportunity for argument, oral or written or both, by the principals at the hearings or by their representatives as part of the dismissal proceedings
Richard Bland College	Written	No later than March 1, one academic year prior to effective date	Board of visitors will provide opportunity for argument, oral or written or both, by the principals at the hearing or by their representatives as part of dismissal proceedings

PART IV

FACULTY ACTIVITY IN VIRGINIA'S STATE-SUPPORTED COLLEGES AND UNIVERSITIES

Chapter One

Introduction: The Measurement of Workload

A central problem in defining faculty workload is determining what is to be included and excluded. As Harold Yuker, author of Faculty Workload: Facts, Myths and Commentary (1974: 8), notes:

At one extreme, workload could be defined as the number of assigned teaching hours or their equivalent in other activities. At the other extreme it could be defined as the total of all intellectual and scholarly activities that are in any way related to work at an institution of higher education.

Yuker's second definition, though broad, is generally closer to the one used in most faculty workload studies. Activities which tend to be included are course and curriculum preparation for teaching, actual classroom instruction, reading and grading examinations and papers, research and creative work, directing thesis and dissertation work, directing independent study work, professional services, guidance and counseling activities, administrative duties, committee work, professional reading, and other activities. The activities which cause the most problems are those that appear to be more related to personal professional development rather than to assigned institutional duties. Because faculty members are free to spend part of their professional time wherever they wish and to engage in some professional activities while not on campus, criteria other than time and place must be used to determine whether or not a specific activity is part of a faculty member's total workload.

Faculty activity can be gauged using two broad sets of measures: 1) measures based on institutional data, and 2) measures based on faculty reports. The major institutional data measures are credit hours, class or contact hours, and student credit hours. These types of measures are easy to use, and have been used often during the past 50 years, because they are readily available from institutional records and because the definitions of them are more standard. In practice, however, the measures are relatively inadequate for measuring workload because the underlying assumptions are weak. For example, the measures assume that the time involved in teaching all three credit hour courses is the same regardless of course level or subject matter. Moreover, non-instructional time is ignored. It is apparently assumed that there is a constant ratio between credit-hour load (for instance, teaching four three credit hour courses has traditionally been called a "12 credit-hour load") and total hours worked. However, many studies have shown that the ratio of total hours worked to credit-hour load is not constant, and that therefore credit-hour load is not a reliable index of faculty activity. Contact hours, which reflect actual scheduled time in the presence of students rather than an arbitrary credit-hour assignment, share the same faults as credit hours. Finally, the use of student credit hours per full-time equivalent faculty member (a three credit-hour course with 30 students enrolled yields 90 student credit hours) is a useful budgetary measure, but has a major drawback as a measure of faculty activity in that it concentrates on the instructional side of faculty activities, ignoring the research, advising, and administrative functions, and other activities.

Faculty activity reports can be generated either through observation of faculty activities or by asking faculty members to report on their activities. Because the

observation technique is difficult to employ, the most feasible alternative is self-reporting. Several reporting methods typically are used, including the completion of a routine report through questionnaires or interviews, the keeping of work diaries, or industrial work sampling procedures. Interviews are certainly the most time-consuming and expensive form of survey, but have two inherent advantages: the response rate tends to be high, and the interviewer can specify the information sought when the respondent is unclear about a question. If faculty members maintain them conscientiously, diaries yield the most accurate data of any of the self-reporting techniques. However, in workload studies which have used diaries, the faculty members have shown a reluctance to spend the time and effort to maintain the diary. A time-sampling technique has been used by several researchers to study faculty activities.

Questionnaires are the most frequently used data collection method and were used by the Council in conducting the present study. The questionnaire strategy makes a compromise between ease of administration and anticipated rate of return. However, the return rate and accuracy of any self-reporting technique will depend in large part on the cooperation and integrity of individual faculty members. The extraordinarily high rate of participation in the Council's study indicates faculty willingness to account for their activities.

Chapter Two

Methodology of the Council of Higher Education Study

Workload data were collected by means of a questionnaire completed by faculty members at each institution. The questionnaire form was developed with the assistance of a subcommittee of the Council's Instructional Programs Advisory Committee. The questionnaire was reviewed by officers of the Virginia AAUP and the Faculty Senate of Virginia as well as by national AAUP staff. A copy of the questionnaire with instructions is contained in Appendix C.

The questionnaire instrument adopted was similar to one developed for Faculty Activity Analysis by the National Center for Higher Education Management Systems (NCHEMS). Faculty activities were classified analytically into two categories, Teaching Activities and Non-teaching Activities. Teaching Activities include the following: 1) General Scheduled Academic Instruction; 2) Dissertation, Theses, Independent Studies; and 3) Off-Campus Academic Instruction (Credit). Complete data were collected on each course listed under each of the above Teaching Activities. Faculty time spent on each course was distributed between Formal Contact Hours (i.e., time spent in the classroom for each course) and Other Contact Hours (i.e., unscheduled time spent on each course, including preparation time and time for administrative duties associated with the course, such as grading papers and constructing tests).

Non-teaching Activities include the following: 1) Departmental Research and Scholarly Activity; 2) Departmental Administration and Academic Committee Work; 3) Academic Program Advising, Informal Tutoring, and Thesis Reading; 4) Course and

Curriculum Development; 5) Separately Budgeted Research; 6) Public Service (including non-credit instruction); 7) Academic Support; 8) Student Services; 9) Institutional Support; and 10) Independent Operations. Faculty time spent on each Non-teaching Activity was reported.

The questionnaire forms were distributed to all public institutions in September, 1975. The Faculty Activity Survey was intended to provide a "snapshot" of a typical faculty work week; accordingly, the questionnaire was administered by each institution during one seven-day period between October 15 and October 31. It was suggested that faculty members keep informal diaries for the week to assist in completing the form. Participants in the study included full-time and part-time teaching and research faculty members. All part-time faculty who taught only off-campus were excluded. Graduate assistants were included if they had primary responsibility for a course. Non-academic administrators were not included; however, academic administrators (i.e., administrators so designated by Department of Personnel class codes) were surveyed. The response rate of over 90 percent for each institution was a demonstration of exceptional cooperation on the part of the faculty respondents. Activity records for over 12,600 individuals were processed in the study.

Each faculty member's department/division head or dean was asked to certify that the completed questionnaire had been submitted and that the proper procedures had been followed in completing the form. Faculty members were guaranteed anonymity in their responses. The completed questionnaire forms did not physically leave the institutions; rather, each institution translated the data into machine-readable records (i.e., punched cards or magnetic tapes). All names were omitted from the records.

The machine-readable records were edited by the Council staff using a system of computer programs. The systematic review of institutional data was designed primarily to identify "mechanical" errors, such as key-punching errors.

The Council staff determined that at least 97.5 percent of the institutional data had to be properly prepared in order to report accurately the workload profiles of Virginia's institutions. The data submitted by most institutions went through three data submission and correction cycles before the data were finally acceptable for all institutions. When institutional data had been corrected, the Council staff produced summary data reports of both tenure and workload profiles for each institution. The institutions analyzed these data and submitted reports to the Council staff.

Chapter Three
Faculty Workload Profiles

A. Total Weekly Workload

Table IV-1 summarizes the total weekly workload of faculty members by institution and faculty rank. The average faculty member in Virginia works 54.8 hours per week, which is extremely close to the 55 hour workload cited by Yunker (1974:41) as an approximate average for a large number of faculty activity studies. The average faculty member in the doctoral granting institutions works 54.7 hours per week, very close to the statewide average. The average faculty member in the four-year institutions plus Richard Bland College works 57.5 hours per week, or slightly more than the statewide average, while the average faculty member in the Virginia Community College System (VCCS) works 52.8 hours per week, somewhat less than the statewide average.

On a statewide basis, assistant professors, associate professors, and professors carry nearly the same workload (55.65, 56.67, and 56.86 hours respectively), somewhat above the figure for the statewide average faculty member. The statewide average workload for the lower faculty ranks declines as one goes lower in rank (52.7 hours for instructor to 39.1 hours for graduate teaching assistant [GTA]).¹ Overall,

¹ The data for GTAs/unspecified rank are inconclusive and must be viewed skeptically, since different institutions applied different criteria for the inclusion of GTAs in the faculty activity survey. In budget terms one GTA is the equivalent of one-quarter FTE faculty member. Because one GTA is expected to work 20 hours per week, the equivalent of one FTE faculty member in terms of GTAs would work 80 hours a week. Thus, the average workload figure of 99.5 hours for GTAs at VPI&SU simply means that the average GTA at that institution works approximately 25 hours per week.

professors who are also Eminent Scholars work longer (57.4 hours) than any other rank. The average lecturer workload is lower than the other ranks because lecturers tend to be part-time employees, with fewer responsibilities than higher-ranking faculty in areas such as departmental administration and academic committee work, academic program advising, and separately budgeted research (Table IV-2). The assistant instructor rank is seldom used – only Old Dominion University had more than 4 FTE faculty reported in that rank in the Faculty Activity Survey. Thus, institutional averages can fluctuate widely because so few individuals are involved. Similarly, the corresponding cluster and statewide averages can be volatile.

Within the doctoral-granting institutions and the VCCS the workloads of assistant professors, associate professors, and professors are very nearly the same. In both clusters the average workload for each of these ranks is slightly above the statewide average. Assistant professors, associate professors, and professors in the four-year institutions plus Richard Bland College work, on the average, longer hours than their counterparts in the other two clusters. Within the four-year institutions plus Richard Bland College, associate professors work slightly longer than professors (60.3 hours to 59.5 hours), while both senior ranks have a higher average workload than assistant professors (57.0 hours). For ranks lower than assistant professor, the average workload declines with rank within each cluster. On a rank-by-rank comparison across clusters, the faculty members from the four-year institutions and Richard Bland College work longer hours than their counterparts in the other clusters (except for the GTA/unspecified group – see Footnote 1).

Only one senior institution, Virginia Military Institute, shows an average institutionwide workload of less than 50 hours (48.64 hours). The average at Virginia Military Institute reflects an aberration in data within the assistant professor rank rather than in the faculty activity across all ranks. (ROTC instructors, representing 20 of 53 assistant professors, reported only their workload in General Scheduled Academic Instruction.) Five of the 23 community colleges report average workloads of less than 50 hours.

In summary, it appears that there are no significant differences among the professional ranks in the average total work week. While the data reveal that faculty members spend, on the average, approximately 54.8 hours per week in meeting their assigned responsibilities, this does not mean that all faculty members work 54.8 hours per week. Some individuals will be involved less than 54.8 hours and some more in any given time period. The workload also varies during the academic calendar. For example, faculty members in doctoral-granting institutions tend to spend more time on dissertations and theses in the spring than in the fall. However, for the period surveyed, the average workload for all faculty members was 54.8 hours. In general, it is important to note that while it is reasonable to expect faculty members to work enough hours to fulfill their responsibilities, the quantity of effort, or of time spent, although easier to measure, may not always be indicative of the quality of performance.

B. Distribution of Faculty Time

Table IV-2 summarizes by institutional clusters the distribution of faculty

time among the different activities. Variations in the way faculty members spend their time are consistent with differences in institutional missions. Thus, community college faculty members spend more time on the average, in general scheduled academic instruction than their counterparts in the other two clusters (30.2 hours for VCCS faculty versus 20.6 hours in the doctoral-granting institutions, and 28.9 hours in the four-year institution cluster). It should be noted that general scheduled academic instruction (i.e., formal class contact hours and class preparation hours) accounts for the largest single block of faculty time in all three institutional clusters.

In a comparison of totals for teaching workload (General Scheduled Academic Instruction; Dissertation, Theses, Independent Studies; Off-Campus Academic Instruction), community college faculty members spend an average of 32 hours on instructional activities, those in the four-year institutions and Richard Bland College an average of 31 hours, and those in the doctoral-granting institutions, 24 hours (see Table IV-3).

Faculty members in doctoral-granting institutions engage in research activities (i.e., Departmental Research and Scholarly Activity, Separately Budgeted Research) more of their time (11.1 hours) than faculty members in four-year institutions (6.4 hours) or community colleges (2.4 hours). In all three clusters, departmental research and scholarly activities account for considerably more of the research time than separately budgeted research, which tends to be funded by external funds rather than from State appropriations.

A point to be emphasized in passing is that the distinction between teaching and research activity is often unclear, if not misleading. Although faculty members were asked to distinguish their distribution of time in these categories, instruction

and research are often related, because graduate students and some undergraduates are often involved with faculty members in research activities.

A pattern similar to that for research activities hold for average time spent on public service: faculty members in the doctoral-granting institutions spend 3.0 hours versus 1.3 hours in the four-year institutions and 1.0 hours in the community colleges.

As noted earlier, faculty members in the four-year institutions tend to work, on the average, somewhat longer than their counterparts in the other institutions. This greater time is reflected in part in heavier loads in student service activities, such as admissions, counseling and career guidance, and registrar activities, (4.1 hours versus 2.5 hours in doctoral-granting institutions and 3.4 hours in the community colleges), academic programs advising (3.4 hours versus 3.0 hours in doctoral-granting institutions and 3.1 hours in the community colleges) and departmental administration and academic committee work (4.2 hours versus 3.9 hours in doctoral-granting institutions and 3.3 hours in the community colleges). However, faculty members in the doctoral-granting institutions spend more time in activities related to academic support than those in the other clusters.

Within clusters, lecturers spend the largest proportion of their time in general scheduled academic instruction in the four-year institutions (32.7 hours) and community colleges (37.6 hours) and assistant professors do the same in the doctoral-granting institutions (21.8 hours). (The GTA/unspecified category is not included in the analysis for reasons presented in Footnote 1. Faculty of professor-eminent scholar rank in the four-year institutions average 34.3 hours per week on general scheduled academic

instruction, but the small number of FTE positions (3) in this category makes the lecturer rank a more significant one in the instructional activity.) With the exception of faculty members in the four-year institutions, assistant professors devote more time to general scheduled academic instruction than associate professors, who in turn spend more time on that activity than professors.

In terms of total teaching workload (General Scheduled Academic Instruction; Dissertation, Theses, Independent Studies; Off-Campus Academic Instruction), lecturers in the Community colleges spend 41 hours, in the four-year institutions and Richard Bland College 34 hours, and in the doctoral-granting institutions 22 hours (see Table IV-3). In the professorial ranks, associate professors in the four-year institutions and Richard Bland College carry the heaviest total teaching workload (33 hours) (See Table IV-3). Among full professors only, those in the four-year institutions and Richard Bland College carry a heavier total teaching workload (29 hours) than those in the community colleges (23 hours) or the doctoral-granting institutions (20 hours) (See Table IV-3).

Also, across all three clusters assistant professors spend more time on departmental research and scholarly activity than associate professors, who spend more time than professors. However, professors of eminent scholar rank spend the most time on scholarly activity of any category. Since scholarly activity is essential to promotion, especially in the doctoral and four-year institutional clusters, these data could indicate that faculty members in the lower ranks are working longer hours in hopes of promotion. The data could also signify that senior faculty, who are probably those individuals with the highest level of academic preparation and experience, require

less time to produce the same quality or quantity of work. A further observation is that professors spend more time on separately budgeted research than associate professors, who in turn spend more time than assistant professors. This workload distribution pattern probably reflects the fact that as a person moves up in faculty rank, he becomes more experienced in obtaining research funding from external sources. Also, he is likely to have achieved deserved recognition on the basis of past performance and therefore is more in demand by potential funding agencies.

While professors spend less time on the average on general scheduled academic instruction, they compensate in part by spending more time than the lower ranks on departmental administration and academic committee work. Professors of eminent scholar rank in the doctoral institutions spend even more time on these activities than professors. Again, the reason is probably that senior faculty members are called upon because they have the most experience and preparation.

C. Workload Patterns for Instructional Activities

The following discussion highlights data from Tables IV-4 to IV-10. The reader is referred to those tables for the complete presentation of the data.

As indicated by Table IV-4, the largest percentage of class contact hours is handled by assistant professors. This pattern is more sharply drawn in the four-year institutions in which 41 percent of the total formal contact hours are contributed by assistant professors. Professors account for 17 percent of the total class contact hours in the four-year institutions, while associate professors account for 25 percent

of the total. However, it is important to note that the relative teaching workloads are nearly the same proportion as the percentage of faculty at each rank. Thus, each rank is carrying its fair share of the teaching load.

In doctoral institutions, the assistant professors carry the greatest load with 35 percent of the total contact hours, supported by associate professors with 23 percent, and professors with 16 percent of the load. Again, each rank is carrying its share of the teaching load.

The fact that community college students are taught primarily by assistant professors (30 percent), instructors (24 percent), and lecturers (27 percent), is due in part to a basic mission of the community college: technical training. Many specialists from varied technical fields are employed on a part-time basis as instructors and lecturers.

Statewide, assistant and associate professors carry their fair share of the total teaching contact hour load. Professors carry 3 percent less of the load than their faculty mix would call for; the difference is borne in large part by lecturers.

Within the teaching activities (General Scheduled Academic Instruction; Dissertation, Theses, Independent Studies; Off-Campus Academic Instruction) faculty members spend a certain amount of time in preparing materials for his courses. Table IV-5 presents instructional activity data in another perspective: percentage of course preparations each faculty rank performs by course level.

In the four-year institutions, assistant professors perform the largest percentage of course preparations for the foundation level courses through upper level courses (an average of 40 percent of the course preparations). The graduate level course

preparation load is split rather evenly among assistant professors (30 percent), associate professors (32 percent), and professors (34 percent). Professors and associate professors at four-year institutions carry a disproportionate share of the graduate course level load; this pattern is expected, because senior faculty should be more experienced and better prepared.

The doctoral institutions show course preparation workload patterns similar to those in the four-year institutions. Assistant professors average approximately 35 percent of the total course preparations for all levels, with a concentration of effort at the upper and graduate course levels. With the exception of foundation level courses, the percentage of course preparations for the professorial ranks is proportionate to the percentage of total faculty for each rank. However, professors carry a disproportionate share of the professional level (30 percent) and graduate level (28 percent) course preparations, again reflecting their experience. (Professional level instruction includes only medicine, dentistry, and law.) Instructors bear more of the burden for foundation level courses and less for graduate and professional level course preparations.

The community colleges offer only two course levels, the foundation and lower levels. Professorial rank faculty have a disproportionately lighter course preparation load for foundation level courses; the difference is made up by lecturers. However, the course preparation workload for lower level courses is fairly distributed across all ranks.

The statewide totals reinforce the trends within clusters. Lecturers and instructors

carry the largest burden of foundation and lower level courses. Assistant professors, the largest faculty rank, prepare the largest percentage of courses across all course levels. As expected, associate professors and professors concentrate most of their course preparation effort on the upper, professional, and graduate course levels.

Table IV-6 indicates the student credit hours produced by rank and course level. In the four-year institutions, assistant professors generate the largest proportion of the credit hours at all except the graduate course level, where that rank is under-represented. The student credit hour generation by course level is reasonably consistent with the proportion of faculty members at the associate professor rank. Professors and instructors produce relatively few credit hours at the lower levels. However, professors compensate by generating 53 percent of the student credit hours at the upper and graduate levels.

In the doctoral-granting institutions, assistant professors (35 percent of the total faculty) produce a disproportionately small share of the student credit hours at the foundation course level (9 percent) and the professional course level (11 percent).

The student credit hours at the professional level in doctoral-granting institutions are produced largely by full professors (46 percent). At the graduate level, however, there is a fairly equal distribution between assistant professors (29 percent), and full professors (31 percent). Eminent scholars do not figure greatly in any level except the professional level (16 percent).

The community colleges do not offer courses above the lower level. Assistant professors again produce the largest percentage of credit hours at both the foundation level and lower level, but in proportion to the proportion of faculty members at that rank. Instructors "overproduce" foundation level credit hours relative to their faculty mix to compensate for relative underproduction by associate and full professors. Student credit hour productivity in lower level courses is generally proportional to the faculty mix.

In a total statewide average, assistant professors representing 35 percent of the FTE faculty members produce the greatest number of credit hours in every course level (approximately 37 percent). Professors representing 15 percent of the FTE faculty members average approximately 14 percent of the total credit hours across all levels. Professors are under-represented in the foundation and lower levels, and "overproduce" relative to their numbers in the upper and graduate levels. Lecturers carry a disproportionately large burden of the student credit hours production in foundation and lower level courses.

The following table indicates the average total credit hours produced versus the percentage of total FTE faculty for all institutions.

<u>Rank</u>	<u>% of Total FTE Faculty</u>	<u>% of Credit Hours Produced Over All Levels</u>
Lecturer	8%	9%
Instructor	17%	13%
Assistant Professor	35%	37%
Associate Professor	21%	22%
Professor	15%	14%
GTA/Unspecified	4%	5%
	<u>100%</u>	<u>100%</u>

Clearly, the faculty ranks all carry their share of the student credit hour generation.

To consider workload distribution by age, faculty members were grouped by age decade (see Table IV-7). The interesting pattern is that, within institutional cluster, the teaching contact hour workload is fairly distributed across age decades.

The analysis of instructional activities has focused until now on workload patterns by faculty rank and age. Table IV-8 addresses faculty teaching workload by tenure status. In the four-year institutions and community colleges tenured faculty members carry slightly more than their share of the total teaching contact hour workload, but the difference is not significant. Tenured faculty members at doctoral institutions, on the other hand, carry slightly less than their share of the total teaching contact hour load. Again, however, the difference is not significant. On a statewide basis, the proportion of tenured faculty very nearly matches their proportion of total teaching contact hours. It should be noticed in passing that the low percentage (13 percent) of tenured faculty members in the Virginia Community College System results from the System's switch to a contract arrangement from a tenured system in 1972.

Table IV-9 presents the percentage distribution of student credit hours by course level and tenure status. In the four-year institutions, non-tenured faculty members produce somewhat more than their share of foundation level student credit hours than might be expected from their percentage of the total faculty. This pattern is consistent with the one in Table IV-6, where junior (i.e., untenured) faculty are seen to carry the burden of student credit hour productivity in the foundation level, while senior (i.e., tenured) faculty generate a disproportionately large share of the student credit hours at the upper and graduate levels.

The pattern for the doctoral-granting institutions is somewhat different than that for the four-year institutions. Again, non-tenured individuals generate a disproportionately large portion of the foundation level student credit hours (even more so than in the four-year institutions). Non-tenured faculty produce a slightly fewer student credit hours at the professional level and considerably fewer at the graduate level than might be anticipated by their proportion of the total number of faculty members. This pattern also conforms to that presented in Table IV-6.

Tenured community college faculty members generate somewhat more of the student credit hours at both course levels than the tenure mix might lead one to expect.

The statewide distribution is determined largely by the four-year and doctoral clusters: non-tenured faculty produce a disproportionately large share of the foundation level student credit hours and a low share of the professional level student credit hours. Non-tenured faculty are slightly lower than might be expected on the basis of tenure mix in student credit hour production at the upper and graduate levels and slightly higher at the lower levels.

Continuing the analysis of instructional activity by tenure status, Table IV-10 presents the teaching workload distribution by age and tenure status. Statewide, in the 20-29 age group, almost all of the teaching contact hours were produced by non-tenured faculty members; however, there are very few tenured persons in this age group. In the 30-39 age group, 78 percent of the contact hours were produced by non-tenured faculty members. The 40-49 age group has a more balanced workload distribution: 46 percent

by non-tenured and 54 percent by tenured faculty members. From this point the trend reverses and most teaching contact hours are generated by tenured faculty members. This pattern follows largely from the fact that the percentage of tenured faculty members is higher in the upper age groups. The same general pattern holds for the four-year and doctoral institutions. The community college percentages do not adhere to the pattern because the VCCS has a residual of tenured persons whose status pre-dates its present contract system.

D. Allocation of Resources by Activities

An indirect way to examine differences in workload patterns and institutional missions is to focus on the allocation of faculty salary dollars by activity. As might be expected, given the general belief that instruction is the primary mission of institutions of higher education, teaching activities (i.e., General Scheduled Academic Instruction; Dissertations, Theses, and Independent Studies; Off-Campus Academic Instruction) account for 44 percent of the total allocated faculty salary dollars within the state institutions (see Table IV-11). The data summarized by institutional cluster are as follows:

<u>Activities</u>	<u>Percentage of Faculty Salary Expenditures</u>		
	<u>Doctoral-Granting Institutions</u>	<u>Four-Year Institutions & Richard Bland College</u>	<u>Community Colleges</u>
Teaching Activities	39%	51%	53%
Research and Scholarly Activities	20%	10%	3.5%
Public Service	7%	2%	2%
Sub-Total	<u>66%</u>	<u>63%</u>	<u>58.5%</u>
Other Activities	<u>34%</u>	<u>37%</u>	<u>41.5%</u>
Total	100%	100%	100.0%

A detailed breakdown by the three major institutional functions shows that the community colleges spend 53 percent of their faculty salaries and that the four-year institutions and Richard Bland College expend 51 percent of their faculty salaries on teaching activities; while the doctoral institutions expend 39 percent. These differences are consistent with institutional mission: the community colleges and four-year institutions are viewed primarily as teaching institutions, while the doctoral universities are expected to have more of a balance between instruction, research, and public service activities.

Indeed, doctoral institutions expend 20 percent of their faculty salaries on research and scholarly activities (i.e., Departmental Research and Scholarly Activities; Separately Budgeted Research), compared to 10 percent of the faculty salaries at four-year institutions and 3.5 percent of the faculty salaries at community colleges. Moreover, doctoral institutions emphasize public service activities (7 percent of faculty salaries) more than the four-year institutions (2 percent) or community colleges (2 percent). Faculty salary expenditures for other activities, particularly internal service and administration, are much more nearly the same across the three institutional clusters.

Activities (Department Administration, Academic Program Advising, Course and Curriculum Development, and Academic Support) directly related to the instructional mission of the institutions accounted for the largest proportion of the Other Activities category: 24 percent of the four-year institutions and Richard Bland College, 23 percent for the doctoral-granting institutions, and 24 percent for the community

colleges. Faculty salary allocations for Student Services accounted for the next largest proportion of the Other Activities category: seven percent for the four-year institutions and Richard Bland College, five percent for the doctoral-granting institutions, and eight percent for the community colleges. Institutional support, encompassing executive management, accounts for most of the remaining Other Activities allocations.

E. Summary of Teaching Schedules

The resolution directing the Council to conduct this study of faculty tenure and activity specified that the Council should examine "teaching schedules" at the state-supported colleges and universities. The Council elected to comply with this portion of the resolution by using information produced as part of its recent study of space utilization. This approach was chosen because it did not appear feasible to collect and analyze the individual teaching schedules of more than 12,600 faculty members.

Each institution's listing of courses taught during the Fall term of 1975 was matched with the institution's inventory of teaching space. The result was a table for each classroom and class laboratory, showing when it is used throughout the day and the number of students using it during each hour of the day.

From these individual tables, the Council produced a composite table for classrooms and class laboratories instruction. From these, in turn, the graphs which accompany this section were produced.

The graphs present an accurate picture of how the greatest part of each institution's scheduled teaching activity is distributed throughout the day. They do not, however, include the teaching which occurs in special class laboratories, faculty offices, physical education areas, and other types of space. Neither do they include non-scheduled teaching, such as thesis and dissertation advising, independent studies, and tutorials. Finally, they do not consider off-campus instructional activities. The information available provides a composite picture for faculty at all ranks, part-time and full-time, tenured and non-tenured.

The graphs show the distribution, by type of institution, of the weekly average scheduled classroom and class laboratory instruction across the hours of the day. For instance, if ten percent of all scheduled classroom and class laboratory instruction occurred in the 8-9 a.m. hour, the graph would so indicate.

In theory, the ideal pattern would show instructional activity distributed evenly throughout the daytime hours, with the amount of evening activity depending upon the mission of the particular institution. Customarily, however, the later hours of the day show a lesser amount of instructional activity, because these hours are used for non-instructional and extracurricular activities of both students and staff. Students who hold part-time jobs also tend to work at them during these late afternoon hours.

The graphs show that Virginia's senior institutions schedule classes and laboratories fairly heavily through the morning, drop off during the noon hour, and then resume heavy scheduling until about 3:00 p.m. Four institutions--Old Dominion University, Virginia Commonwealth University, Virginia Polytechnic Institute and State University, and The College of William and Mary--schedule heavily until 4:00 p.m.

Scheduled instructional activity resumes at 7:00 p.m. at those institutions which have a great proportion of part-time students and large evening programs. Among these, Christopher Newport College schedules the greatest proportion of class and laboratory instruction, with Virginia Commonwealth University the next heaviest, followed closely by Old Dominion University and George Mason University. Virginia's primarily residential institutions tend to schedule lesser proportions of evening instructional activity, although they are probably scheduling more than they did a decade ago. Mary Washington College, for instance, offers a significant proportion of its courses beginning at 7:00 p.m.

The community colleges schedule their instructional activity in classrooms and class laboratories from 8:00 a.m. until 10:00 p.m., with a drop in activity during the late afternoon and dinner hours. This pattern reflects the mission of the community colleges, and the large numbers of part-time students who enroll in them; among the senior institutions, this pattern is generally followed by the urban institutions with their large evening programs.

The graphs presented in this study indicate that Virginia's institutions schedule the bulk of their instructional activities throughout the day. Evening activity is probably staffed by part-time faculty to a greater extent than is daytime, but the Council has not attempted to determine the specific teaching schedules of faculty at the various ranks or by tenure status.

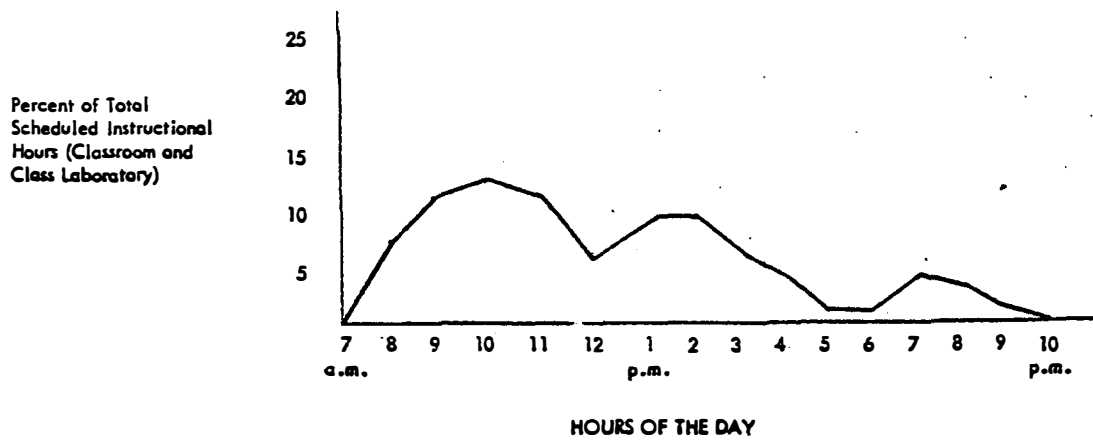
Two institutions, the University of Virginia and Virginia State College, were unable to submit to the Council their list of scheduled courses for Fall, 1975. This information was not requested specifically for the Tenure and Activity Study, but is

part of the data regularly collected by the Council in performance of its responsibilities. Information from Virginia State College was submitted too late to be used in this study, while the University of Virginia information was not submitted because of unforeseen preparation difficulties at the institution. The information submitted by a third institution, Longwood College, contained coding problems that made it impossible for the Council to include in this section.

The Council wishes to emphasize that, although graphs could not be prepared for these three institutions, this in no way implies lack of cooperation on their part. The data preparation requirements placed upon Virginia's institutions are high; the Tenure and Activity Study simply added to an already heavy administrative burden.

PERCENTAGE DISTRIBUTION OF WEEKLY SCHEDULED ROOM HOURS
(CLASSROOM INSTRUCTION AND CLASS LABORATORY ONLY) BY TIME OF DAY

SENIOR INSTITUTIONS AND RICHARD BLAND COLLEGE



VIRGINIA COMMUNITY COLLEGE SYSTEM

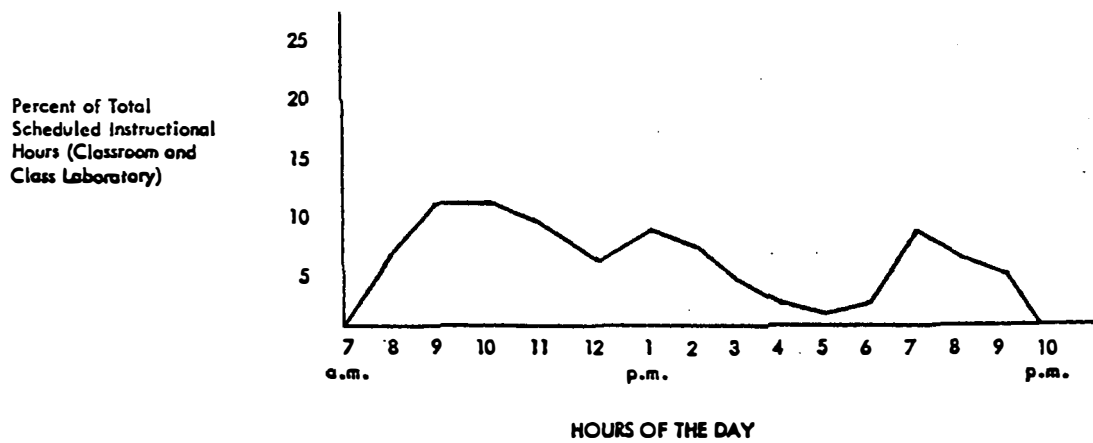


TABLE IV-1
TOTAL WEEKLY WORKLOAD (HOURS) FOR FACULTY MEMBERS

Institutional Cluster	FACULTY RANK										
	GTA/ Unspecified	Lecturer	Assistant Instructor	Instructor	Assistant Professor	Associate Professor	Professor	Assistant Professor and Eminent Scholar	Associate Professor and Eminent Scholar	Professor and Eminent Scholar	Average
Doctoral Institutions											
Old Dominion University	52.09	40.03	46.64	46.26	53.49	53.28	51.02	--	--	60.35	51.18
University of Virginia	***	50.07	--	47.21	54.52	55.88	55.66	--	--	56.58	53.40
Virginia Commonwealth University	40.90	--	62.09	53.04	59.02	59.46	59.42	--	--	--	57.14
Virginia Polytechnic Institute and State University	99.51**	49.54	98.48*	47.15	53.05	52.68	54.53	--	--	--	54.32
The College of William and Mary	--	67.04	--	53.64	58.30	59.30	59.96	--	--	--	59.00
Doctoral Cluster Average	70.67	49.00	48.12	49.49	55.32	55.67	55.80	--	--	57.50	54.69
Four-Year Institutions and Richard Bland College											
Christopher Newport College	26.32	--	--	49.30	52.92	52.98	52.39	--	--	--	51.17
Clinch Valley College	--	62.65	--	124.45**	52.93	54.93	61.74	--	--	--	56.84
George Mason University	64.00	61.12	--	49.15	59.51	58.27	58.90	--	--	--	57.78
Longwood College	--	--	--	62.42	61.58	61.75	60.80	--	--	61.00	62.14
Madison College	66.20	47.05	56.00	57.56	57.34	59.45	58.38	--	--	--	58.12
Mary Washington College	--	68.19	--	53.22	61.80	59.31	57.09	--	--	--	58.05
Norfolk State College	20.68	23.32	55.75	58.49	61.20	64.30	64.31	--	--	--	59.84
Radford College	--	--	--	58.27	58.46	57.68	53.23	--	--	--	57.11
Virginia Military Institute	--	53.06	--	45.07	42.61 ***	55.82	53.72	--	--	39.00	48.64
Virginia State College	43.00	--	--	54.92	53.97	63.37	69.64	--	--	--	61.48
Richard Bland College	--	44.14	--	55.14	56.93	64.27	80.00	--	--	--	57.74
Four-Year Institutions and Richard Bland College Cluster Average	38.80	54.88	55.80	56.33	56.98	60.31	59.48	--	--	53.67	57.98
Community Colleges											
Blue Ridge	--	58.36	41.63	55.67	55.70	54.33	50.50	--	--	--	55.14
Central Virginia	--	50.14	51.17	52.30	46.33	56.70	59.80	--	--	--	51.47
Dabney S. Lancaster	--	41.98	40.88	49.61	49.40	53.49	--	--	--	--	49.13
Danville	--	53.01	--	51.38	57.05	54.06	54.99	--	--	--	54.09
Eastern Shore	--	45.46	--	56.88	58.74	56.28	59.00	--	--	--	53.63
Garmanna	--	25.22	--	46.20	60.99	53.83	49.96	--	--	--	51.03
J. Sargeant Reynolds	--	45.37	--	55.33	56.61	55.46	63.26	--	--	--	52.47
John Tyler	--	44.51	--	51.84	51.46	49.74	60.50	--	--	--	50.10
Lord Fairfax	--	48.45	--	67.10	47.64	53.71	56.01	--	--	--	54.35
Mountain Empire	--	34.59	41.69	56.35	63.14	59.88	--	--	--	--	52.85
New River	--	43.75	81.00	54.68	61.87	66.47	63.00	--	--	--	56.60
Northern Virginia	--	54.10	57.14	54.38	55.65	57.62	56.71	--	--	--	55.31
Patrick Henry	--	33.50	90.25	51.59	52.88	51.20	--	--	--	--	50.17
Paul D. Camp	--	27.76	--	48.03	48.70	52.36	63.00	--	--	--	47.40
Piedmont Virginia	--	55.19	13.00	60.76	60.86	56.79	--	--	--	--	58.07
Rappahannock	--	55.94	--	56.58	60.53	60.85	--	--	--	--	58.68
Southside Virginia	--	44.40	63.50	58.37	55.55	45.68	73.54	--	--	--	54.63
Southwest Virginia	--	40.20	68.00	54.30	57.27	66.71	55.66	--	--	--	53.38
Thomas Nelson	--	46.95	--	51.82	52.05	56.61	56.95	--	--	--	52.01
Tidewater	--	34.33	45.00	34.08	55.05	52.39	45.01	--	--	--	48.83
Virginia Highlands	--	27.83	58.50	64.32	52.96	54.15	66.05	--	--	--	51.13
Virginia Western	--	37.38	60.75	50.10	51.29	48.61	50.49	--	--	--	49.48
Wytheville	--	55.58	--	46.85	55.45	48.31	42.65	--	--	--	48.91
Community College Cluster Average	--	46.36	52.86	53.87	54.83	54.72	55.76	--	--	--	52.77
All Institutions	39.10	47.68	50.83	52.65	55.65	56.67	56.86	--	--	57.38	54.84

* One Individual at 0.33 FTE

** 20 Hours = 1/4 FTE in Budget Sense

*** Data does not include GTA

**** One Individual

***** ROTC Instructors, representing 20 of 35 assistant professors, reported only their workload in General Scheduled Academic Instruction.

TABLE IV-2
WORKLOAD DISTRIBUTION (HOURS) BY FACULTY RANK AND ACTIVITY

	FACULTY RANK										
	GTA/ Unspecified	Lecturer	Assistant Instructor	Instructor	Assistant Professor	Associate Professor	Professor	Assistant Professor and Eminent Scholar	Associate Professor and Eminent Scholar	Professor and Eminent Scholar	Average
<u>Doctoral Institutions</u>											
General Scheduled Academic Instruction	44.70	18.63	17.45	21.09	21.76	20.92	16.87	--	--	17.83	20.58
Dissertations, Theses, Indep. Studies	0.48	1.97	0.16	0.46	2.18	3.06	3.06	--	--	3.36	2.27
Off-Campus Academic Instruction	0.36	1.50	--	0.76	0.97	0.56	0.32	--	--	0.12	0.63
Departmental Research, Scholarly Activity	2.05	5.40	0.04	5.18	9.64	9.29	9.00	--	--	14.12	8.51
Dept. Administration, Acad. Committee Work	0.60	0.85	2.20	1.27	2.90	5.13	6.78	--	--	8.31	3.93
Acad. Program Advising, Informal Tutoring, Thesis Reading	6.55	1.34	1.57	1.88	3.10	3.46	3.19	--	--	2.34	3.04
Course and Curriculum Development	0.80	1.50	1.21	1.22	1.93	1.84	1.73	--	--	1.30	1.71
Separately Budgeted Research	1.35	1.09	--	1.67	2.11	3.07	3.68	--	--	4.68	2.57
Public Service	0.24	4.31	4.93	2.43	3.17	3.26	3.05	--	--	1.11	3.00
Academic Support	13.29	2.85	8.45	6.57	3.08	2.03	3.41	--	--	2.06	3.67
Student Service	0.65	3.42	11.70	5.06	2.54	1.59	1.54	--	--	0.81	2.48
Institutional Support	0.63	4.88	0.35	1.98	1.61	1.08	2.75	--	--	0.96	1.81
Independent Operations	0.04	1.02	--	0.41	0.33	0.38	0.16	--	--	0.47	0.33
Cluster Total	71.74	48.76	48.06	49.48	55.32	55.67	55.54	--	--	57.47	54.53
<u>Four-Year Institutions and Richard Blinn College</u>											
General Scheduled Academic Instruction	26.40	32.70	1.80	24.00	30.62	30.93	26.25	--	--	25.00	28.94
Dissertations, Theses, Indep. Studies	0.04	0.30	--	0.83	1.08	1.21	1.56	--	--	1.00	1.11
Off-Campus Academic Instruction	0.51	1.03	--	0.52	0.81	0.93	0.92	--	--	--	0.82
Departmental Research, Scholarly Activity	1.03	7.29	--	3.84	6.16	6.02	5.04	--	--	17.33	5.57
Dept. Administration, Acad. Committee Work	0.13	0.45	11.00	1.70	3.24	5.03	8.09	--	--	2.33	4.20
Acad. Program Advising, Informal Tutoring, Thesis Reading	0.13	1.54	6.00	2.86	3.58	3.66	3.87	--	--	2.67	3.44
Course and Curriculum Development	0.59	2.10	--	1.93	2.22	2.26	2.55	--	--	1.67	2.22
Separately Budgeted Research	--	0.71	14.20	0.74	0.48	1.17	1.07	--	--	--	0.81
Public Service	1.16	0.61	2.80	1.07	1.40	1.43	1.15	--	--	0.67	1.29
Academic Support	3.90	0.77	--	7.02	2.27	1.74	3.05	--	--	0.17	2.93
Student Service	1.58	5.35	12.60	0.39	4.06	2.75	2.21	--	--	1.00	4.05
Institutional Support	1.92	0.67	--	2.98	1.64	2.50	3.04	--	--	0.33	2.25
Independent Operations	1.11	1.51	--	0.66	0.35	0.69	0.72	--	--	1.50	0.59
Cluster Total	38.50	55.03	48.40	48.54	57.91	60.32	59.52	--	--	53.67	58.22
<u>Community Colleges</u>											
General Scheduled Academic Instruction	--	37.61	18.25	28.00	30.19	27.00	22.17	--	--	--	30.17
Dissertations, Theses, Indep. Studies	--	0.44	1.95	1.05	1.19	0.87	0.38	--	--	--	0.91
Off-Campus Academic Instruction	--	2.98	0.40	0.68	0.74	0.80	0.42	--	--	--	1.19
Departmental Research, Scholarly Activity	--	1.09	4.52	2.00	2.54	2.52	3.32	--	--	--	2.14
Dept. Administration, Acad. Committee Work	--	0.23	0.51	2.21	3.61	6.99	8.64	--	--	--	3.31
Acad. Program Advising, Informal Tutoring, Thesis Reading	--	0.64	2.30	3.84	3.91	3.53	3.65	--	--	--	3.11
Course and Curriculum Development	--	1.36	1.72	2.40	2.82	2.61	2.09	--	--	--	2.32
Separately Budgeted Research	--	0.22	1.34	0.30	0.25	0.31	0.11	--	--	--	0.27
Public Service	--	0.34	1.46	1.10	1.24	1.31	1.48	--	--	--	1.03
Academic Support	--	0.23	6.38	3.45	1.66	1.78	3.37	--	--	--	1.96
Student Service	--	0.20	10.54	6.11	3.42	2.90	3.19	--	--	--	3.40
Institutional Support	--	0.11	2.06	2.03	2.72	3.88	6.38	--	--	--	2.35
Independent Operations	--	0.81	1.57	0.45	0.53	0.63	0.51	--	--	--	0.50
Cluster Total	--	46.26	53.00	53.62	54.82	55.13	55.71	--	--	--	52.66

DISTRIBUTION OF CLASS CONTACT HOURS AND CLASS PREPARATION HOURS
BY RANK AND INSTITUTIONAL CLUSTER (FTE BASIS)

CLUSTER	Average Formal Contact Hours Per FTE Faculty Member	Average Class Preparation Hours Per FTE Faculty Member	Average Total Teaching Time Per FTE Faculty Member
<u>Four-Year Institutions and Richard Bland College</u>			
Lecturer	13	21	34
Assistant Instructor	2	0	2
Instructor	10	15	25
Assistant Professor	12	20	32
Associate Professor	13	20	33
Professor	11	18	29
Assistant Professor and Eminent Scholar	--	--	--
Associate Professor and Eminent Scholar	--	--	--
Professor and Eminent Scholar	13	23	35
GTA/Unspecified	8	19	27
Cluster Average	12	19	31
<u>Doctoral</u>			
Lecturer	8	14	22
Assistant Instructor	9	10	19
Instructor	9	13	22
Assistant Professor	9	16	25
Associate Professor	9	16	25
Professor	7	13	20
Assistant Professor and Eminent Scholar	--	--	--
Associate Professor and Eminent Scholar	--	--	--
Professor and Eminent Scholar	6	15	21
GTA/Unspecified*	17	29	46
Cluster Average	9	15	24
* Data do not include GTA's at University of Virginia			
<u>Community Colleges</u>			
Lecturer	18	23	41
Assistant Instructor	10	10	20
Instructor	14	16	30
Assistant Professor	15	17	32
Associate Professor	14	15	29
Professor	10	13	23
Assistant Professor and Eminent Scholar	--	--	--
Associate Professor and Eminent Scholar	--	--	--
Professor and Eminent Scholar	--	--	--
Cluster Average	15	17	32
<u>Total</u>			
Lecturer	16	21	37
Assistant Instructor	9	9	18
Instructor	11	15	26
Assistant Professor	11	17	28
Associate Professor	11	17	28
Professor	8	15	23
Assistant Professor and Eminent Scholar	--	--	--
Associate Professor and Eminent Scholar	--	--	--
Professor and Eminent Scholar	6	15	22
GTA/Unspecified*	15	26	41
Cluster Average	11	17	28
* Data do not include GTA's at University of Virginia			

FOOTNOTE: Time recorded is for the following activities: General Scheduled Academic Instruction; Dissertations; Theses; Independent Studies; Off-Campus Academic Instruction.

TABLE IV-4
 PERCENTAGE DISTRIBUTION OF CLASS CONTACT HOURS AND CLASS PREPARATION HOURS BY
 FACULTY RANK AND INSTITUTIONAL CLUSTER

RANK	Percent Total Number of FTE Faculty	Percent Total Formal Contact Hours	Percent Total Preparation Hours	Percent Total Teaching Hours
<u>Four-Year Institutions and Richard Mand College</u>				
Lecturer	03.	03.7	03.7	03.7
Assistant Instructor	00.	00.	00.	00.
Instructor	14.	12.	11.	11.
Assistant Professor	39.	41.	41.	41.
Associate Professor	23.	25.	25.	25.
Professor	18.	17.	17.	17.
Assistant Professor-Eminent Scholar				
Associate Professor-Eminent Scholar	00.	00.1	00.1	00.1
Professor-Eminent Scholar	02.	01.	01.5	01.4
GTA/Unspecified				
N (total number)	(2,454.36)	(28,903)	(46,302)	(75,406)
	(FTE Faculty)	(Hours)	(Hours)	(Hours)
<u>Virginia Community College System</u>				
Lecturer	21.	26.	28.	27.
Assistant Instructor	01.	00.6	00.5	00.5
Instructor	26.	24.	24.	24.
Assistant Professor	30.	30.	29.	30.
Associate Professor	17.	15.	15.	15.
Professor	05.	03.	03.	03.
Assistant Professor-Eminent Scholar				
Associate Professor-Eminent Scholar				
Professor-Eminent Scholar				
N (total number)	(2,817.07)	(42,046)	(48,864)	(90,910)
	(FTE Faculty)	(Hours)	(Hours)	(Hours)
<u>Doctoral</u>				
Lecturer	03.	03.	03.	03.
Assistant Instructor	00.6	00.6	00.4	00.4
Instructor	14.	14.	12.	12.
Assistant Professor	35.	35.	35.	35.
Associate Professor	23.	23.	23.	23.
Professor	17.	16.	17.	16.
Assistant Professor-Eminent Scholar				
Associate Professor-Eminent Scholar				
Professor-Eminent Scholar	02.	01.	02.	02.
GTA/Unspecified	03.	07.	07.	07.
N (total number)	(4,910.36)	(42,125)	(76,919)	(119,044)
	(FTE Faculty)	(Hours)	(Hours)	(Hours)
<u>Total</u>				
Lecturer	08.	12.	11.	11.
Assistant Instructor	00.	00.	00.	00.
Instructor	17.	17.	15.	16.
Assistant Professor	35.	35.	36.	35.
Associate Professor	21.	21.	21.	21.
Professor	15.	11.	13.	12.
Assistant Professor-Eminent Scholar				
Associate Professor-Eminent Scholar				
Professor-Eminent Scholar	00.	00.	00.	00.
GTA/Unspecified	02.	03.	03.	03.
N (total number)	(10,181.79)	(113,075)	(172,286)	(285,361)
	(FTE Faculty)	(Hours)	(Hours)	(Hours)

TABLE IV-5
 PERCENTAGE DISTRIBUTION OF COURSE PREPARATIONS BY
 COURSE LEVEL, FACULTY RANK, AND INSTITUTIONAL CLUSTER

RANK	Cluster Level					
	Percent Total Faculty (FTE)	Foundation Level	Lower Level	Upper Level	Professional Level	Graduate Level
<u>Four-Year Institutions and Richard Bland College</u>						
Lecturer	03.4	07.6	04.0	02.0	--	2.3
Assistant Instructor	00.2	--	00.0	00.0	--	--
Instructor	14.1	21.7	13.6	10.6	--	02.1
Assistant Professor	39.2	41.3	42.5	40.8	--	29.6
Associate Professor	23.1	20.1	23.1	26.0	--	31.6
Professor	18.1	06.5	14.7	20.0	--	34.4
Assistant Professor and Eminent Scholar	--	--	--	--	--	--
Associate Professor and Eminent Scholar	--	--	--	--	--	--
Professor and Eminent Scholar	00.1	--	--	00.0	--	--
GTA/Unspecified	1.6	2.7	02.6	00.6	--	--
N (total number)	99.8% (2,454.36) (FTE Faculty)	99.9% (184) (Course Preparation)	100.00% (4,780) (Course Preparation)	100.00% (3,543) (Course Preparation)	--	100.00% (700) (Course Preparation)
<u>Doctoral</u>						
Lecturer	03.2	13.0	04.2	02.0	05.0	01.0
Assistant Instructor	00.8	13.0	01.0	00.4	--	00.0
Instructor	14.1	27.0	18.0	14.0	03.3	04.0
Assistant Professor	35.2	16.0	29.0	40.0	29.4	35.0
Associate Professor	23.3	10.0	19.5	24.0	24.0	28.0
Professor	17.1	00.0	11.0	16.0	30.6	28.0
Assistant Professor and Eminent Scholar	--	--	--	--	--	--
Associate Professor and Eminent Scholar	--	--	--	--	--	--
Professor and Eminent Scholar	02.2	--	00.4	01.1	08.3	04.0
GTA/Unspecified	03.3	21.0	17.0	02.4	--	00.2
N (total number)	99.2% (4,910.36) (FTE Faculty)	100.00% (70) (Course Preparation)	100.1% (5,013) (Course Preparation)	99.9% (5,193) (Course Preparation)	100.00% (361) (Course Preparation)	100.2% (4,224) (Course Preparation)
<u>Community Colleges</u>						
Lecturer	21.0	32.4	26.5	--	--	--
Assistant Instructor	01.0	00.0	00.5	--	--	--
Instructor	26.0	27.1	23.8	--	--	--
Assistant Professor	30.0	28.7	29.7	--	--	--
Associate Professor	17.0	9.9	15.7	--	--	--
Professor	05.0	1.9	3.8	--	--	--
Assistant Professor and Eminent Scholar	--	--	--	--	--	--
Associate Professor and Eminent Scholar	--	--	--	--	--	--
Professor and Eminent Scholar	--	--	--	--	--	--
N (total number)	100.00% (2,817.07) (FTE Faculty)	100.00% (694) (Course Preparation)	100.00% (10,920) (Course Preparation)	--	--	--
<u>Total</u>						
Lecturer	08.2	26.2	16.0	02.0	05.3	01.2
Assistant Instructor	00.4	1.0	00.4	00.2	--	00.4
Instructor	17.1	26.1	21.0	12.0	03.2	03.0
Assistant Professor	35.1	30.1	32.0	40.0	29.0	34.0
Associate Professor	21.2	12.0	18.0	25.0	24.0	29.0
Professor	15.2	02.0	08.0	18.0	30.0	28.0
Assistant Professor and Eminent Scholar	--	--	--	--	--	--
Associate Professor and Eminent Scholar	--	--	--	--	--	--
Professor and Eminent Scholar	00.1	--	00.0	00.7	08.1	03.0
GTA/Unspecified	02.4	02.4	05.0	02.0	--	1.2
N (total number)	99.7% (10,181.79) (FTE Faculty)	99.8% (948) (Course Preparation)	100.4% (20,713) (Course Preparation)	99.9% (8,736) (Course Preparation)	99.6% (361) (Course Preparation)	99.8% (4,924) (Course Preparation)

TABLE IV-6

PERCENTAGE DISTRIBUTION OF STUDENT CREDIT HOURS PRODUCED BY
EACH COURSE LEVEL, FACULTY RANK, AND INSTITUTIONAL CLUSTER

RANK	Percent Total Faculty (FTE)	Foundation Level	Lower Level	Upper Level	Professional Level	Graduate Level
<u>Four-Year Institutions and Richard Bland College</u>						
Lecturer	03.4	--	10.2	03.1	--	00.2
Assistant Instructor	00.2	--	.2	00.4	--	00.2
Instructor	14.1	13.3	10.4	11.2	--	02.0
Assistant Professor	39.2	44.0	40.0	41.0	--	30.0
Associate Professor	23.1	22.0	22.0	25.0	--	29.0
Professor	18.1	05.0	14.0	18.0	--	35.0
Assistant Professor and Eminent Scholar	--	--	--	--	--	--
Associate Professor and Eminent Scholar	--	--	--	--	--	--
Professor and Eminent Scholar	00.1	--	--	00.2	--	--
GTA/Unspecified	1.6	15.4	3.0	00.9	--	03.0
N (total number)	99.8% (2,454,36)	99.7% (6,763)	99.8% (379,343)	99.8% (173,805)	--	99.8% (22,247)
	(FTE Faculty)	(Credit Hrs)	(Credit Hrs)	(Credit Hrs)		(Credit Hrs)
<u>Doctoral *</u>						
Lecturer	03.2	16.2	04.2	02.2	05.4	05.0
Assistant Instructor	00.8	13.1	00.9	00.4	--	00.0
Instructor	14.1	25.0	11.0	14.0	03.1	01.0
Assistant Professor	35.2	09.0	31.0	39.0	11.0	29.0
Associate Professor	23.3	15.0	22.0	26.0	18.0	29.0
Professor	17.1	00.0	21.0	16.0	46.0	31.0
Assistant Professor and Eminent Scholar	--	--	--	--	--	--
Associate Professor and Eminent Scholar	--	--	--	--	--	--
Professor and Eminent Scholar	02.2	--	00.3	01.1	16.2	05.0
GTA/Unspecified	03.3	21.5	09.4	01.1	.2	00.1
N (total number)	99.2% (4,910,36)	99.8% (4,417)	99.8% (396,018)	99.8% (338,776)	99.9% (24,337)	100.1% (117,673)
	(FTE Faculty)	(Credit Hrs)	(Credit Hrs)	(Credit Hrs)	(Credit Hrs)	(Credit Hrs)
* excluding Virginia Commonwealth University						
<u>Community Colleges</u>						
Lecturer	21.0	31.2	26.2	--	--	--
Assistant Instructor	01.0	00.4	.4	--	--	--
Instructor	26.0	28.0	23.2	--	--	--
Assistant Professor	30.0	30.0	30.0	--	--	--
Associate Professor	17.0	08.0	16.0	--	--	--
Professor	05.0	02.1	04.0	--	--	--
Assistant Professor and Eminent Scholar	--	--	--	--	--	--
Associate Professor and Eminent Scholar	--	--	--	--	--	--
Professor and Eminent Scholar	--	--	--	--	--	--
GTA/Unspecified	--	--	--	--	--	--
N (total number)	100.00% (2,817,07)	99.7% (65,888)	99.8% (679,317)	--	--	--
	(FTE Faculty)	(Credit Hrs)	(Credit Hrs)			
<u>Total *</u>						
Lecturer	08.2	28.0	16.0	01.2	05.2	02.1
Assistant Instructor	00.4	00.5	00.4	00.3	.1	00.0
Instructor	17.1	26.0	18.0	13.2	03.3	07.0
Assistant Professor	35.1	31.0	34.0	40.0	11.0	35.0
Associate Professor	21.2	10.0	19.0	25.0	18.0	29.0
Professor	15.2	03.0	10.0	18.0	46.0	26.0
Assistant Professor and Eminent Scholar	--	--	--	--	--	--
Associate Professor and Eminent Scholar	--	--	--	--	--	--
Professor and Eminent Scholar	00.1	--	00.1	00.5	16.2	00.8
GTA/Unspecified	02.4	01.1	03.0	01.5	--	00.0
N (total number)	99.7% (10,181,79)	99.9% (77,068)	100.3% (1,454,678)	99.7% (51,258)	99.8% (24,337)	99.9% (139,920)
	(FTE Faculty)	(Credit Hrs)	(Credit Hrs)	(Credit Hrs)	(Credit Hrs)	(Credit Hrs)
* excluding Virginia Commonwealth University						

TABLE IV-7

TEACHING WORKLOAD DISTRIBUTION BY AGE AND CONTACT HOURS

Age In Decades	Percent of Total Faculty (Headcount)	Percent of Formal Contact	Percent of Other Contact	Total
Four-Year Institutions and Richard Bland				
20 - 29	12	12	12	12
30 - 39	41	41	41	41
40 - 49	25	25	24	25
50 - 59	17	17	17	17
60 - 69	05	05	05	05
Other	00	00	00	00.2
N (Total Number)	(2,600)	(5,003)	(7,939)	(12,942)
	(Headcount Faculty)	(Class Contact Hours)	(Class Preparation Hours)	(Total Teaching Hours)
Doctoral				
20 - 29	23	20	20	20
30 - 39	36	40	40	40
40 - 49	21	22	21	21
50 - 59	14	13	13	13
60 - 69	05	05	04	04
Other	00	00.2	00.2	02.2
N (Total Number)	(5,707)	(42,120)	(76,911)	(119,031)
	(Headcount Faculty)	(Class Contact Hours)	(Class Preparation Hours)	(Total Teaching Hours)
Community Colleges				
20 - 29	25	23	24	24
30 - 39	40	40	40	40
40 - 49	19	20	19	20
50 - 59	12	12	13	13
60 - 69	04	04	04	04
Other	00	00	00	00
N (Total Number)	(4,298)	(42,046)	(48,864)	(90,910)
	(Headcount Faculty)	(Class Contact Hours)	(Class Preparation Hours)	(Total Teaching Hours)
Total				
20 - 29	22	19	19	19
30 - 39	38	40	40	40
40 - 49	21	22	22	22
50 - 59	14	14	14	14
60 - 69	05	05	05	05
Other	00	00	00	00
N (Total Number)	(12,605)	(113,069)	(172,278)	(285,347)
	(Headcount Faculty)	(Class Contact Hours)	(Class Preparation Hours)	(Total Teaching Hours)

TABLE IV - 8

DISTRIBUTION OF CLASS CONTACT HOURS AND PREPARATION HOURS BY TENURE STATUS

Tenure Status	Percent of Total Faculty (FTE)	Percent of Formal Contact Hours	Percent of Preparation Hours	Percent Total of Total Teaching Hours
<u>Doctoral</u>				
Tenured	41	39	39	39
Non-Tenured	59	60	61	61
Total		100	100	100
N (Total Number)	(4,910.36) (FTE Faculty)	(42,125) (Class Contact Hours)	(76,919) (Class Preparation Hours)	(119,044) (Total Teaching Hours)
<u>Four-Year Institutions and Richard Bland College</u>				
Tenured	43	47	45	45
Non-Tenured	57	53	55	55
Total		100	100	100
N (Total Number)	(2,454.36) (FTE Faculty)	(28,903) (Class Contact Hours)	(46,502) (Class Preparation Hours)	(75,406) (Total Teaching Hours)
<u>Community Colleges</u>				
Tenured	13	15	14	14
Non-Tenured	87	85	86	86
Total		100	100	100
N (Total Number)	(2,817.07) (FTE Faculty)	(42,046) (Class Contact Hours)	(48,864) (Class Preparation Hours)	(90,910) (Total Teaching Hours)
<u>Total</u>				
Tenured	34	32	33	33
Non-Tenured	66	67	66	67
Total		100	100	100
N (Total Number)	(10,181.79) (FTE Faculty)	(113,075) (Class Contact Hours)	(172,286) (Class Preparation Hours)	(285,361) (Total Teaching Hours)

TABLE IV-9

PERCENTAGE DISTRIBUTION OF STUDENT CREDIT HOURS BY COURSE LEVEL,
TENURE STATUS, AND INSTITUTIONAL CLUSTER

	Foundation Level	Lower Level	Upper Level	Professional Level	Graduate Level	Percent of Total Faculty (FTE)
<u>Four-Year Institutions and Richard Bland College</u>						
Non-Tenure	65	58	56	--	53	57%
Tenure	35	42	44	--	47	43%
N (total number)	(6,763)	(379,343)	(173,805)	--	(22,247)	(2,454.36)
	(Credit Hrs)	(Credit Hrs)	(Credit Hrs)	--	(Credit Hrs)	(FTE Faculty)
<u>Doctoral</u>						
Non-Tenure	76	56	60	51	43	59%
Tenure	24	44	40	49	57	41%
N (total number)	(4,417)	(396,018)	(338,776)	(24,337)	(117,673)	(4,910.36)
	(Credit Hrs)	(Credit Hrs)	(Credit Hrs)	(Credit Hrs)	(Credit Hrs)	(FTE Faculty)
<u>Community Colleges</u>						
Non-Tenure	82	84	--	--	--	87%
Tenure	18	16	--	--	--	13%
N (total number)	(5,888)	(679,317)	--	--	--	(2,817.07)
	(Credit Hrs)	(Credit Hrs)				(FTE Faculty)
<u>Total</u>						
Non-Tenure	80	71	58	51	55	66%
Tenure	20	29	42	49	45	34%
N (total number)	(77,068)	(1,454,678)	(512,581)	(24,337)	(139,920)	(10,181.79)
	(Credit Hrs)	(Credit Hrs)	(Credit Hrs)	(Credit Hrs)	(Credit Hrs)	(FTE Faculty)

TABLE IV - 10

TEACHING WORKLOAD DISTRIBUTION BY AGE AND TENURE STATUS

Age in Decades	Percent of Total Faculty (Headcount)	Percent of Contact Hours Non-Tenured	Percent of Contact Hours Tenured	Total
Four-Year Institutions and Richard Bland College				
20 - 29	14	98	02	100
30 - 39	40	72	28	100
40 - 49	24	34	66	100
50 - 59	16	21	79	100
60 - 69	05	29	81	100
Other	00	75	25	100
N (Total Number)	(2,600)	(5,003)	(7,939)	(12,942)
	(Headcount Faculty)	(Contact Hours)	(Contact Hours)	(Contact Hours)
Doctoral				
20 - 29	23	99	01	100
30 - 39	36	73	26	100
40 - 49	21	33	67	100
50 - 59	14	22	78	100
60 - 69	05	19	81	100
Other	00	68	32	100
N (Total Number)	(5,707)	(42,120)	(76,911)	(119,031)
	(Headcount Faculty)	(Contact Hours)	(Contact Hours)	(Contact Hours)
Community Colleges				
20 - 29	25	99	01	100
30 - 39	40	89	11	100
40 - 49	19	76	24	100
50 - 59	12	70	30	100
60 - 69	04	64	36	100
Other	00	100	00	100
N (Total Number)	(4,298)	(42,046)	(48,864)	(90,910)
	(Headcount Faculty)	(Contact Hours)	(Contact Hours)	(Contact Hours)
Total				
20 - 29	22	99	01	100
30 - 39	38	78	22	100
40 - 49	21	46	54	100
50 - 59	14	36	64	100
60 - 69	05	32	68	100
Other	00	72	28	100
N (Total Number)	(12,605)	(113,069)	(172,278)	(285,347)
	(Headcount Faculty)	(Contact Hours)	(Contact Hours)	(Contact Hours)

TABLE IV-11
ALLOCATION OF SALARY BY ACTIVITY

	Four-Year Institutions and Richard Bland College	Doctoral	Community Colleges	Total
	Percent of Total Allocation	Percent of Total Allocation	Percent of Total Allocation	Percent of Total Allocation
General Scheduled Academic Instruction	48	34	50	40
Dissertations, Theses, Independent Studies	02	04	02	03
Off-Campus Academic Instruction (Credit)	01	01	01	01
Departmental Research, Scholarly Activity	09	15	03	11
Departmental Administration, Academic Committee Work	08	08	09	08
Academic Program Advising, Informal Tutoring, Thesis Reading	06	05	06	06
Course and Curriculum Development	04	03	04	03
Separately Budgeted Research	01	05	00.5	03
Public Service	02	07	02	05
Academic Support	06	07	05	07
Student Service	07	05	08	06
Institutional Support	05	04	06	05
Independent Operations	00.8	00.6	00.9	00.7
Total	100	100	100	100

PART V

CONCLUSIONS AND SUGGESTIONS

A. The developers of Virginia's colleges and universities recognized early that strong leadership from highly autonomous governing boards was important to Virginia. It is a key factor in ensuring that the institutions would maintain both their vitality and their ability to offer diverse educational experiences to Virginia's citizens. The Code of Virginia explicitly charges the boards of visitors of the state-supported colleges and universities with responsibility for the employment of faculty and for the establishment of terms and conditions of employment.

The Council of Higher Education, which is by statute advisory to both the executive and legislative branches of state government, has conducted the study of faculty tenure and activity at the direction of the General Assembly. The Council undertook the study with care, and recognizes that the subject matter is beyond its continuing statutory responsibility.

B. One of the important conclusions reached by the Council as a result of its study is that tenure systems are one kind of personnel management system among several. Defenses of tenure as, for instance, the single means to guarantee academic freedom, or attacks upon it as a device to encourage sloth, are more emotional than logical. They serve only to cloud the issue. As a result of its study, the Council

has concluded that the tenured faculties of Virginia's state-supported colleges and universities do not, on the whole, abuse their tenured status by working less hard than either their colleagues who are not tenured or persons employed in other areas of society.

Virginia's state-supported colleges and universities are in a generally favorable position with regard to tenure. Relatively, the percentage of tenured faculty is low; according to a national survey, Virginia has the ninth lowest percentage of tenured faculty among the states. There are, however, sufficient experienced tenured members of every faculty who exert a mature, stabilizing influence. This is a healthy balance, which should be considered at all times.

The Council believes that the tenure systems now employed by the senior institutions and Richard Bland College, and the contract system employed by the community colleges, are working effectively and should be continued. (See Part I, p. 10.)

The present healthy situation should not foster a false sense of security, however. Problems lie ahead in the next decade, as enrollment levels stabilize and, for some institutions, even decline. In order to maintain a healthy balance between tenured and non-tenured faculty, many institutions will have to make increasingly difficult tenure decisions denying tenure to persons who might earlier have been awarded it. They will, moreover, have to plan their faculty staffing with great care.

This study has helped to focus awareness on the need for carefully planned and managed personnel systems. The boards of visitors, which are statutorily responsible for personnel actions, are urged to ensure that careful planning and management of

personnel systems are given high priority by institutional administrators. (See Part I, pp. 13 ff; Part II, pp. 35-39.) Specifically, boards of visitors and administrators should at all times be alert to faculty staffing plans. They should ensure that the institutions retain enough flexibility to accommodate shifts in curricula. The Council concludes that there is no uniform tenure percentage which will ensure flexibility; each institution must set that percentage for itself, based upon its particular mission, history, present status and future plans.

As enrollments level off, the sizes of faculties will stabilize. If the proportion of tenured to non-tenured faculty increases only slightly, it may become more difficult to become tenured. This means that some younger faculty will be placed in a revolving door: admitted to the faculties for the length of the probationary period, they will then be turned out because there are few tenured positions available. On the other hand, colleges and universities must manage their tenure percentages in order to retain the staffing flexibility necessary to meet the future needs of the public. The resolution of this dilemma may lie in modifying present personnel practices, including tenure systems. To assist boards of visitors in this regard, the Council's report identifies some possible modifications of the present systems. Boards of visitors are urged to consider these. (See Part I, p. 14; Appendix A, pp. 17-30, 35-49.)

Institutions can also gain additional flexibility by helping the tenured members of their faculties to develop competencies in new academic disciplines. This does not, of course, bring new members into the faculties. It does, however, recognize that the tenure contract carries obligations for both the faculty member and the institution. In return for the tenured faculty member's development of skills needed by the institution,

the institution offers career security. When an enrollment decline occurs in a discipline, tenured members in that discipline should be assisted, if resources are available, to develop skills in areas of greater demand. Indeed, an established program of continual faculty development is the hallmark of a well-governed educational institution.

The Council believes that while boards of visitors are aware in varying degrees of faculty personnel decisions, many are not sufficiently aware of these matters. It is suggested that all institutions ensure that policies and procedures governing faculty personnel decisions are developed by faculties, administrators, and boards of visitors, and have these policies and procedures published. Final authority for these policies and procedures rests with the boards of visitors. (See Part III, p. 61.)

In developing policies and procedures regarding tenure, or in reviewing those which already exist, boards of visitors should consider the following actions:

- (1) The lists of criteria and procedures for faculty evaluation, presented in Part III of this report, should be reviewed by the boards of visitors and administrators and incorporated into institutional policies and procedures as appropriate. (Part III, Tables III-1, III-2, pp. 79-81.)
- (2) Official procedures for dismissal actions (which occur during a term of appointment) should be included in the policies and procedures. (Part III, p. 65.)
- (3) The review process for reappointment decisions should be stated explicitly, and all institutions should notify faculty members of reappointment decisions by letter. (Part III, pp. 46-47.)
- (4) Final authority for tenure decisions should rest with the boards of visitors, with detailed administration of the tenure systems delegated to the chief executive offices of the institution. (Part III, p. 55.)

- (5) The privileges of tenure should not be granted without explicit assumption of the responsibilities that also accompany tenure. Appropriate faculty committees, administrators, and boards of visitors should define these responsibilities as clearly as possible and publish them in the policies and procedures governing faculty personnel decisions. (Part I, pp. 9, 12.)
- (6) All faculty members, whether they are tenured or not, should be evaluated annually. (Part III, p. 64.)
- (7) Those portions of the policies and procedures dealing with academic due process should be regularly and carefully reviewed. The advice of the Attorney General should be sought to ensure that they are in conformity with relevant law. (Part I, p. 9.)

APPENDIX A

Chapter One

ACADEMIC TENURE: DEFINITIONS AND PRACTICES

A. Many definitions of tenure exist, but together they incorporate the concepts of academic freedom, job security, and due process. On an elementary level, the Encyclopedia of Education defines tenure as "...the academic teacher's or researcher's claim to or guarantee of the permanence of the position to which he has been appointed by a college or university." The American Association of University Professors (AAUP) 1940 Statement of Principles contains the most widely accepted framework for interpreting academic tenure. The preamble to the statement contains the basic precepts of tenure:

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

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.

In Faculty Tenure, the report and recommendations of the Commission on Academic Tenure in Higher Education (1973: 256), tenure is defined as "an arrangement under

which faculty appointments in an institution of higher education are continued until retirement for age or physical disability, subject to dismissal for adequate cause or unavoidable termination on account of financial exigency or change of institutional program."

William Van Alstyne (1971: 328), former AAUP president, interprets the AAUP guidelines to mean that "...tenure provides only that no person continuously retained as a full-time faculty member beyond a specified lengthy period of probationary service may thereafter be dismissed without adequate cause." Van Alstyne notes that tenure has two central objectives: the protection of academic freedom, and the provision of professional security. In their desire for employment security, faculty view themselves as no different from employees in other occupations. The protection which faculty seek is seen, in short, as the right to just treatment. Under tenure, an individual's professional security and academic freedom are protected with full academic due process. However, Van Alstyne (1971: 328) is quick to add that:

...the particular standards of 'adequate cause' to which the tenured faculty is accountable are themselves wholly within the prerogative of each university to determine through its own published rules, save only that those rules not be applied in a manner which violates the academic freedom or the ordinary personal civil liberties of the individual. An institution may provide for dismissal for "adequate cause" arising from failure to meet a specified norm of performance or productivity, as well as from specified acts of affirmative misconduct. In short, there is not now and never has been a claim that tenure insulates any faculty member from a fair accounting of his professional responsibilities within the institution which counts upon his service.

Most people are sensitive to the need for some form of job security, but many, both inside and outside academia, have only an imprecise understanding of academic freedom and of its protective role. To understand and appreciate the concept of academic freedom, one must first grasp some aspects of the role of institutions of higher

education in our society. Colleges and universities are in part, at least, transmitters of extant knowledge and discoverers of new knowledge. These missions often require that institutions function as critics of society. The suggestion of alternatives to traditional practices, established theories, and accepted values and the discovery of new truths are not comfortable experiences for those whose accepted doctrines are challenged. Such activities are bound to create tensions and conflict between institutional faculties and elements of the broader society which may wish to silence those individuals or institutions which entertain views which conflict with their own.

With this in mind, the concept of academic freedom has been developed in the academic world to provide faculty with as much latitude as possible for the presentation of perspectives which challenge the conventional thinking. The University of Utah Commission to Study Tenure (1971: 422) stated that "...the central concern of academic freedom is the promotion of the common good by ensuring absence of, or protection against, external and institutional influences that may inhibit scholarly freedom to seek, expound, and disseminate ideas." Academic freedom goes beyond the guarantees of the Bill of Rights, which provides minimal protection against governmental infringement upon intellectual freedom; in addition, it buffers against private and organizational pressures both internal and external to the institution. Intellectual inquiry can flourish best in a climate that is relatively free of external or internal threats resulting from the expression of unpopular opinions:

Professors need more than [the] absence of governmental sanctions, more than a guarantee they will not be jailed for the expressions of their thoughts. If they are to be encouraged to pursue the truth wherever it may lead, to 'follow out any bold, vigorous, independent train of thought,' braving the criticism, ridicule, or wrath of their colleagues, they need protection from all material sanctions,

especially from dismissal. The dismissal of a professor from his post not only prevents him from performing his functions in society, but, by intimidating thousands of others and causing them to be satisfied with 'safe' subjects and 'safe' opinions, it also prevents the entire profession from effectively performing its function (Byse and Joughin, 1959: 3-4).

However, academic freedom can be justified for the individual only because it benefits the society at large in the free exchange of ideas (Sartorius, 1975: 135). Robert Nisbet (1968: 226), an articulate critic of tenure, makes clear that "academic freedom... justifies itself not by what it grants the individual but by what it does for the university.... It is an essential attribute of the university, not a special privilege of the individual."

Tenure is only one safeguard of academic freedom, however. It is possible to have academic freedom without tenure; this is the situation in which non-tenured faculty find themselves, because academic freedom is generally held to be the right of all members of the academic community. The American Association of State Colleges and Universities (1971: 2) stated in its 1971 Statement on Academic Freedom and Responsibility, and Academic Tenure that "tenure is a specific provision of employment in most institutions which is accorded to those members of the academic community who qualify for it. Therefore, academic tenure should be considered separately from academic freedom and responsibility." Moreover, some degree of academic freedom certainly existed in the United States prior to the formal introduction of tenure in 1915, and there are other nations, such as Great Britain, that have a history of a strong tradition of academic freedom without the tenure concept (Chance, 1972: 12-13). Although there is a substantial relationship between tenure and academic freedom, therefore, there is no necessary connection.

While tenure is not a necessary condition for academic freedom, academic due process -- "the assurance, provided by institutional regulations, of procedures to

safeguard the fairness of personnel actions" -- is essential (Commission on Academic Tenure in Higher Education, 1973: 255). If due process is the way in which academic freedom is guaranteed, then by implication academic freedom is as important to the non-tenured as it is to the tenured faculty member. However, an important distinction is made between the due process accorded a dismissed faculty member (usually tenured) and one not reappointed (usually a non-tenured individual):

The prevailing assurance in relation to dismissal of faculty members provides for an adequate statement of charges followed by opportunity for a hearing before peers; for the right of counsel if desired; for the right to present evidence and to cross-examine; for decision on the record of the hearing; and for appeal from a dismissal judgment. In relation to non-reappointment, fair consideration and an established procedure for appeal are provided (Commission on Academic Tenure in Higher Education, 1973: 255).

The argument that non-tenured faculty are not given the same due process rights as tenured faculty will be discussed in a subsequent section. For either group, the peculiar feature of academic due process, peer-group participation in review, provides some assurance that all faculty will be treated equitably. Many students of tenure matters in this country argue that when applied rigorously, academic due process offers more protection than grievance procedures as they are applied in an industrial setting.

The faculty member does assume some obligations in exchange for his academic freedom, but these have never been clearly defined. As a professional and a scholar, the faculty member is competent in only a few disciplines at most, and is no more qualified to speak outside his immediate area of expertise than any other citizen. In its 1940 Statement the AAUP (1973: 2) presents this argument as follows:

As a man of learning and educational officer, [the faculty member] should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate,

should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

The American Association of State Colleges and Universities (AASCU) (1971) differentiates between academic freedom and constitutional freedom, which all citizens enjoy under the law of the land, in detailing a faculty member's obligations:

Academic freedom is an additional assurance to those who teach and pursue knowledge, and, thus, properly should be restricted to rights of expression pertaining to teaching and research within their areas of recognized professional competencies. Beyond this, expressions by members of the academic community should carry no more weight or protection than that accorded any other citizen under the guarantee of constitutional rights: that is, outside of one's professional field, one must accept the same responsibility which all other individuals bear for their acts and utterances. In these cases, there is and should be no guaranteed immunity from possible criticism under the guise of academic freedom; however, when a member of the academic community speaks or writes as a citizen, he should be free from institutional censorship or discipline....

In addition, the AASCU states that faculty members have a responsibility toward each other, their institutions, and society at large:

The use of physical force, psychological harassment, or other disruptive active acts, which interfere with institutional activities, freedom of movement on the campus, or freedom of all members of the academic community to pursue their rightful goals, is the antithesis of academic freedom and responsibility. So, also, are acts which, in effect, deny freedom to speak, to be heard, to study, to teach, to administer and to pursue research.

B. Fritz Machlup (1964: 113-114), former president of the AAUP, has identified four kinds of tenure: 1) tenure by law, which exists for public institutions in some states; 2) tenure by contract, whereby the institutional bylaws which specify the conditions of appointment are incorporated into the faculty contracts; 3) tenure by moral commitment,

or moral code, which rests upon an "acceptable academic practice" such as the AAUP's 1940 Statement of Principles; and 4) tenure by courtesy, kindness, timidity, or inertia -- a de facto status without legal, contractual, or moral commitment. This typology of tenure types encompasses the spectrum of expectations of permanence of faculty positions.

Given the various features of tenure and the range of tenure types, it is logical to examine next a typical tenure system in practice. The specific guidelines for each of the stages of the tenure review process -- pre-tenure review, tenure acquisition, and post-tenure review -- are usually drawn in large part from the AAUP's 1940 Statement of Principles. Tenure practices can differ greatly from one institution to another, and elements of the tenure systems can vary widely from the AAUP guidelines. The outline which follows of a "typical" tenure system may indeed be atypical in its emphases and adherence to AAUP interpretation.

1. Pre-Tenure Review. Faculty members in tenured tracks (i.e., personnel categories within which a person can be considered for tenure) ordinarily receive tenure only upon satisfactory completion of a suitable probationary period. The AAUP (1973: 2) provides the following standards for probationary period:

Beginning with appointment to the rank of full-time instructor or a higher rank [the concept is intended to include any person who teaches a full-time load regardless of specific title], the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years.

Viewed nationally, some institutions do not count prior service at another institution toward the probationary period; others do give partial credit. At many institutions the

actual probationary period traditionally has been less than the AAUP maximum. In cases of exceptional merit, the probationary standard at the institution may be shortened by the granting of "early tenure." In highly exceptional cases, tenure may be granted at the time of appointment; such is usually the custom with the appointment of distinguished senior faculty. Whatever the conditions of appointment, the AAUP (1973: 2) guidelines state that "the precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated."

The decision to award tenure is usually based upon periodic reviews and evaluations of the faculty member's performance during the probationary period. Periodic retention evaluations of all non-tenured faculty are a common practice in many institutions. The frequency of evaluation, degree of faculty and administration participation in the review process, and the evaluative criteria are usually set by each institution. The AAUP (1973: 2, 4) recommends that "during the probationary period a teacher should have the academic freedom that all other members of the faculty have," which is interpreted to mean that "the freedom of probationary teachers is enhanced by the establishment of a regular procedure for the periodic evaluation and assessment of the teacher's academic performance during his probationary status."

Some faculty members do not pass the periodic retention evaluations of performance during the probationary period. The AAUP supports the standard of practice of providing such faculty notice at least one year prior to the expiration of the probationary period that they are not to be continued in service after the expiration of that period. This is because there is traditionally a one year notice provision in tenure systems which adhere to AAUP guidelines.

2. Tenure Acquisition. A faculty member may attain tenure after a specified probationary period or the achievement of a particular rank, but in a rigorous tenure system the attainment is not routine or automatic, and not all faculty members achieve tenure. During the next to last year of a faculty member's probationary period in a properly administered system, a decision to grant or to deny tenure must be made.

The procedures for tenure evaluation are again generally a matter of individual institutional policy. In many cases the procedures and criteria are substantially the same as those applied in the periodic retention evaluations. The tenure-appointment-review process is characterized by a hierarchy of review committees. The process generally originates in the academic department and reaches a campus-wide committee which includes deans or academic vice presidents or both. The president transmits the committee recommendation to the governing body for approval. The extent of faculty authority in the tenure review process varies nationally from institution to institution. In some cases the governing board policies delegate an advisory or consultative role to the faculty in the appointment and promotion process; in others, the policies specify that the faculty has the authority to establish and apply the procedures and standards of tenure review.

As to the question of participation in the tenure decision-making process, Van Alstyne (1971: 330) suggests that tenure systems have checks and balances so that final review authority does not rest with the faculty:

...[final review authority] is characteristically hedged about by the reserved authority of the university president and trustees to reverse a judgment or to modify a sanction either favoring or disfavoring the individual, for compelling reasons and following fair review with him and with the faculty committee which initially considered the case.

The awarding of tenure represents a shifting of burden of proof for the retention of a faculty member from the individual to the institution. An extended probationary

period provides the faculty member with the opportunity to prove his professional worth to his colleagues and the institution. If the institution, through its evaluation procedures, decides that the individual has demonstrated the potential to be an active teacher and productive scholar, it awards him tenure. Once the institution accepts the individual and makes the long-term commitment to him implied by a tenured appointment, the burden of proof with respect to the faculty member's professional development then falls upon the institution.

3. Post-Tenure Review. Following the attainment of tenure, a faculty member generally may still be dismissed for "adequate cause." Most institutions have established channels to provide means for ascertaining the existence of cause for dismissal of particular faculty members. The AAUP (1973: 2) recommends that the following procedures be followed:

Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an adviser of his own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

"Adequate cause" for dismissal of a faculty member with tenure can include 1) incompetence, 2) indolence, 3) intellectual dishonesty, 4) moral dereliction, and 5) arbitrary

and capricious disregard of appropriate standards of professional conduct. In addition, faculty members can usually be dismissed for medical reasons which prevent them from competently performing their duties, for demonstrably bona fide institutional financial exigency, and for a bona fide discontinuance of a program or department of instruction.

The aspect of post-tenure review which varies most widely from institution to institution nationwide is the thoroughness of faculty evaluation for purposes other than dismissal. The use of faculty review procedures for faculty development, for example, is certainly underemphasized.

Chapter Two

THE ORIGINS OF TENURE

Tenure is not a new concept; its existence preceded the depression of the 1930's and, even earlier, the rise of civil service laws. In fact, the development of tenure can be traced back to the Middle Ages. Metzger has chronicled the history of tenure in three ages: the age of the master, the age of the employee, and the age of the professional.¹

From its emergence during the Middle Ages until the Reformation, the teaching profession was highly respected and accorded many privileges, including security provided by sovereigns, exemption from military services and taxes, and special housing arrangements. However, privileges generously given could be withdrawn just as easily. Collectively, the early faculties at such institutions as Paris, Oxford, and Cambridge sought exemption from the jurisdiction of temporal and ecclesiastical tribunals in matters of criminal and civil litigation. The faculties also wanted autonomy through incorporation (the right to elect their own officers and representatives, to sue and be sued as a single body, and to enact corporate rules for their memberships). During the 13th century the Paris masters as the medieval scholars were known, struggled against outside control and won. As a result, external authority was not to enter into matters of faculty qualification, which became a faculty preserve.

¹ This section is drawn largely from Walter P. Metzger's essay, "Academic Tenure in America: A Historical Essay" in Faculty Tenure: A Report and Recommendations by the Commission on Academic Tenure in Higher Education (San Francisco: Jossey-Bass, Inc., 1973).

Tenure during the 12th, 13th, and 14th centuries was different than currently envisioned. Tenure did not refer to the occupancy of an office, but rather admission to a corpus (a body or community of scholars) with a legal basis and considerable governmental power. Admission to the corpus was granted on the basis of academic credentials (degrees), scholarly work, and the acquisition of a license. One held tenure as a member of the corpus not on the basis of specific job performance, but at the behest of one's colleagues. Because a faculty member was a member of the corpus and hence not hired, he could not be fired; however, he could be sanctioned and expelled by the corpus. Although protected from external elements, the faculty internally suffered the "tyranny of collegueships" in that they had to observe a closely regulated structure of rules covering dress, class attendance, teaching schedules, strikes, and other aspects of academic life. In short, personal independence was severely limited. However, academic due process was afforded those accused of some transgression of the rules. Provisions were made for a formal hearing of charges against scholars and for appeal of decisions when so desired.

The Protestant Reformation signalled the end of the age of the master, and with it an end to faculty immunity and autonomy. Even before the Reformation there were trends toward a new era of university dependence upon the state as well as toward a secular staff. The church was nationalized, putting an end to the "ecumenicism of the academy." By the 16th century faculties were required to adopt the conventional political and religious dogmas of the state or ruler; the distinction between internal and external authority was effectively erased.

By the end of the 17th century the universities of central Europe had lost their sectarian ties. The rise of individualistic philosophy and the interest in the natural

sciences over the next two centuries then served to free scholars from the despotism of both the church and state. Institutions began to regain some of their autonomy and immunity. In the 19th century faculties at some European institutions had regained considerable powers, including the authority to set educational standards, award academic degrees, elect their own officials, handle disciplinary matters, and appoint instructors and nominate candidates. But the new system did not replicate the old one; instead, the state maintained much more control over the institution, especially by way of the power of the purse. The master had become, in a sense, a higher level civil servant.

American institutions founded in the 17th and 18th centuries patterned themselves after Oxford and Cambridge. During the 16th and 17th centuries the English kings forced the universities to adhere to royal taste to such an extent that appointments to academic posts were controlled largely by royalty in a system of patronage. Despite the trend toward "royal" institutions, however, the faculties at Oxford and Cambridge maintained their corporate traditions much better than the continental schools. The English universities were sufficiently prosperous to withstand the vagaries of the Reformation. Two principal characteristics of the English tradition were that the fellows administered the funds of the colleges and that senior fellows oversaw the work of their younger colleagues. The English tutor-fellow's career depended more upon the specific benefactor of a college or chair than did the master's career at continental institutions centuries earlier. In other respects, however, their careers were very similar: both gained privileges from membership in the profession and not as a result of the performance of specific duties, and both enjoyed tenure unless removed from the college by their colleagues.

Harvard College, the first American institution of higher education, was granted a corporate charter by the General Court of the Massachusetts Bay Colony in 1650. The corporate body consisted of the president, the treasurer, and (all) five fellows. The Board of Overseers governed the corporation. For the first 50 years of Harvard's existence, the Overseers selected the president and faculty and set their salaries, thereby establishing the tradition of lay governance. This tradition continued until the Overseers relinquished control to the reorganized corporation of senior tutors. The College of William and Mary was chartered in 1693 under a form of government similar to Harvard's. The overseers' powers at William and Mary were largely arbitral. The royal charter did provide William and Mary the right to representation in the House of Burgesses, but the college had to subscribe to the oath of loyalty to the Thirty-Nine Articles of the English Church. The influence of Oxford was particularly strong at William and Mary as the president and masters ran the college without interference for several decades until the years just prior to the Revolution. Then the lay board attempted to reassert its governing authority in a struggle which lasted a number of years. The battle climaxed in 1790 when a faculty member sued the Board of Visitors after being removed from his position without a hearing. In ruling in favor of the institution, the court found that the will of the Board of Visitors was decisive on such matters. Lay control was also characteristic of the governance at Yale (founded in 1701) and Princeton (founded in 1746). Control by the laity led to a diminishment of faculty privileges in institutions everywhere, not just in America; the corporate power of the faculty was never regained.

The early American colleges began to formulate tenure policies, indicating that teaching and governance had been dissociated. The first time that an American institution established term appointments was 1716, when Harvard developed a system of

three-year appointments which were subject to renewal. The corporation's rationale was that the competent individual did not need the protection of tenure or would leave on his own accord, and that without a set term the less competent would have to be retained by the college for life. The purpose of the limited appointment with the option of renewal was "to excite tutors from time to time to greater care and fidelity in their work" (Metzger, 1973: 118). The term appointments guaranteed the smooth removal of unwanted faculty, and functioned as a disciplinary system. In 1760 the Harvard Corporation not only limited the time of each tutorial appointment, but also the time in rank (to a maximum of eight years). During the 18th century a two-track system of ranks gradually evolved. This structure was a loosely enforced "up or out" concept--the system allowed promotion to the higher ranks, but did not enforce the "out." The nonpromoted faculty member could be reappointed time and again, but always faced the uncertainty inherent in the three-year term appointment.

A system which competed with the up-or-out or double track structure during the 19th century was the one year appointment for all faculty. Only those who could pass an annual test would be reappointed. However, between 1860 and 1914 a number of institutions, including Cornell and Wisconsin, shifted gradually away from the practice of annual "clean sweeps" of the faculty. By 1910 the 22 major universities comprising the prestigious Association of American Universities had abandoned the annual re-appraisal for all except those of instructor rank.

At different institutions tenure status provided different guarantees against removal. At the one extreme, an indefinite appointment was viewed as irrevocable except by death or retirement. Another interpretation usually associated with the definition of tenure for the German professoriate was that the holder of an indefinite appointment

could not be removed from his position save for gross neglect of duty, physical or mental incapacitation, or serious moral lapse. A different interpretation held that a faculty member retained his position as long as he remained proficient. At the other extreme, a faculty member on indefinite appointment could be released at any time at the will of the governing body.

From the late colonial period on, the idea of mastership faded, and with it went the protective power of indefinite tenure. The philosophy underlying this trend was that governing bodies were at liberty to discharge faculty in any manner and on any grounds they wished. During the 19th century, predeterminative hearings in dismissal cases were not common, in part because the idea had never been warmly accepted. Faculty members could challenge administrative acts in court, but the litigatory spirit was weak and there were few such cases prior to the Civil War. However, as the presidency and administrative functions became separated from the faculty, the governing bodies became less involved in routine matters, leaving them to the administrative officers. This decentralization of legitimate authority set the stage for increased legal activity in dismissal cases. With the rise of public higher education, especially after the Morrill Land Grant Act was passed, the state courts became more responsible for reviewing the actions of public institution governing boards. Through precedent, the courts rendered legally unenforceable both the promise of appointment for a stated term and the promise to give advanced notice of termination. The doctrine of mutuality--a professor may leave at his pleasure, so a governing board may terminate his professorship at its pleasure--held into the twentieth century.

The American Association of University Professors (AAUP) was created in 1915 to press for the institutional and societal interest of professors. The principal activities

to be undertaken by the AAUP were "the gradual formulation of general principles respecting the tenure of the professional office and the legitimate ground for the dismissal of professors" and the establishment of "a representative judicial committee to investigate and report in cases in which freedom is alleged to have been interfered with by the administrative authorities of any university or in which serious and unwarranted injury to the professional standing and opportunities of any professor is declared to have occurred" (Metzger, 1973: 136-137). Four tendencies appear to be correlated with the advent of the age of the professional (as represented by the founding of the AAUP): the appearance of political activists on the faculty, ideological conflicts between academic social sciences and lay boards, the emergence of a group to protect the concept of academic freedom, and the involvement of this group in the administrator's sphere of responsibility. Several factors explain the greater faculty participation in decisions regarding dismissal in the late 19th and early 20th centuries. One reason was the growing participation of faculty in the recruitment and selection of fellow faculty. This involvement grew with the departmentalization of the faculty, whereby areas of expertise were separated and faculty became the most knowledgeable participants in academic personnel matters.

The AAUP's originators initially sought to approximate guild autonomy while accepting the legal aspects of lay control. In fact, the 1915 General Report on Academic Freedom and Academic Tenure adopted the guild model. Over the next decade, however, this demand for faculty control was softened to a desire for greater trustee courtesy in dealing with internal issues. The 1925 Conference Statement, a joint effort of the AAUP and the Association of American Colleges accepted the two track, up-or-out system of tenure.

Tenure practices as observed today in most institutions follow from the AAUP's 1940 Statement of Principles on Academic Freedom and Tenure, in which job security was routinized along the lines of the Federal Civil Service. The 1940 Statement was the use of the term "probationary" to describe the pre-tenure appointment. Notable, also, was the fact that tenure was dissociated from rank and tied exclusively to years of service. The 1940 Statement also attempted to add legal precision to earlier versions by including, among other things, provisions for a trial hearing of sorts. Finally, the AAUP's 1958 Statement of Procedural Standards in Faculty Dismissal Proceedings supplemented the 1940 Statement with much tighter legal procedural standards.

With this step, the development of tenure reached its present state. Today, a serious debate has been initiated among the critics and proponents of tenure practices. It is a debate which occurs in a time of exigency--financial, intellectual, and moral--for America's colleges and universities. It occurs in a society which has accepted collective bargaining as a normal procedure for employers and employees to practice, which has come to expect the legal system to provide extensive due process to aggrieved employees, and in which the role of the professor has been significantly altered. Under these pressures, the concept of tenure remains relatively stable, but its application in practice is changing.

Chapter Three

ARGUMENTS FOR AND AGAINST TENURE

Attacks upon and defenses of academic tenure have become so frequent in the past decade that the "tenure debate," as it is generously called in higher education circles, has become repetitious. It appears that all the arguments on both sides of the issue have been advanced.

Whether it has reached a point of hiatus or a conclusion, the intensity of the debate thusfar indicates that the present state of higher education has rendered tenure suspect and may result in changes to tenure systems as they now exist.

The major issues around which the debate centers appear to be academic freedom, job security, and institutional management flexibility. This chapter discusses the arguments for and against tenure, organizing them around these three issues.

If there is a general conclusion to be reached after listening to the debate, which is summarized briefly in this chapter, it may be that the arguments for and against tenure are equally persuasive. If this is so, then the representations of tenure as the sanctuary to which faculty must retreat in order to protect their freedom of inquiry and research from an often hostile society, or as a device of the devil to foster sloth, must be discarded completely. Tenure systems must then be seen as one kind of personnel management among many, one which appears to work fairly well if administered fairly well, and poorly if administered poorly. After considering the arguments which are reviewed in this chapter, it may be that the question is "How well are tenure systems administered?" rather than "Is tenure good or bad?".

A. Proponents of tenure insist that it is the only way to preserve academic freedom. They maintain that the academic calling is unique in that long-term intellectual risks-- that is, inquiry in areas that may appear to be unworthy or controversial--need to be taken without the fear of job loss or the pressure to conform to accepted doctrine within the institution. This pressure is most likely in situations where controversial ideas and research are pursued. Tenure protects the free exchange of ideas within the community of scholars, to the benefit of society at large, by removing the threat of arbitrary dismissal without due process. Thus, the constituents of the institution can be assured that a faculty member's work is motivated by professional integrity and judgment and not by coercion or the fear of losing his or her job. However, the notion that the academic community is unique in intellectual circles is countered effectively by Nisbet (1973: 30) who speaks about the:

. . . nonacademic centers in the modern intellectual sector, also built around the ideals of boldness and intrepidity in the search for knowledge, in which 'periodic review with the sanction of dismissal' does indeed exist and with no visible choking off of either short-term or long-term creativity.

Nisbet has in mind centers of intellectual inquiry such as the Brookings Institution, the Rand Corporation, and even the large research centers of corporations like IBM and Xerox. Nonetheless, advocates continue to argue that due process alone is not a sufficient protector of academic rights. What is needed, they claim, is a tenured body of faculty which contributes to the general climate of academic freedom and is an expression of the institution's support of that freedom (Hughes, 1975: 175). Even the Commission on Academic Tenure in Higher Education (the "Keast Commission") (1973: 23), after an intensive review of tenure in America, recommended that academic tenure be recognized

as fundamental in the organization of faculty service in American higher education "because of its positive value in maintaining both academic freedom and the quality of faculty." [Footnote: The Commission on Academic Tenure in Higher Education was created in 1971 by the Association of American Colleges and the American Association of University Professors as a separate, autonomous unit. The Commission was created to consider the operation of tenure in higher education, to evaluate the criticisms of academic tenure, to consider alternatives to tenure, and to recommend modifications or improvements in the application of tenure if it is to be retained. Supported by a grant from the Ford Foundation, the Commission study was conducted between September 1971 and June 1972. The final report of the Commission was published as Faculty Tenure, Jossey-Bass Publishers, San Francisco, 1973.]

There is considerable disagreement concerning the necessity of tenure for the protection of academic freedom. Critics contend that recent landmark court cases in the area of civil rights, together with the growing body of college law dealing with the rights associated with both tenured and nontenured faculty appointments, ensure that all faculty are afforded academic freedom by Constitutional guarantees as interpreted by the courts (Healy, 1975: 11-12). Thus, the argument runs, the positions of individuals within the academic community are protected from arbitrary action by the concepts of due process and property, thereby minimizing the need for academic tenure's guarantees of academic freedom.

A parallel argument against tenure is that it is not necessary for the protection of academic freedom inasmuch as nontenured faculty and students enjoy the same privileges of academic freedom as do tenured faculty. Most institutions have policies and procedures which guarantee the basic constitutional rights and due process and

which extend to nontenured faculty and students. Robert Nisbet, a staunch critic of tenure, asks why the protection of tenure is not extended to all faculty. "On what basis other than 'good cause' and with the assent of those faculty qualified to judge would even a first-year instructor be dismissed?" (Nisbet, 1968 : 229). Even the American Association of State Colleges and Universities (AASCU), which supports tenure, has separated tenure from academic freedom in its 1971 tenure policy statement, maintaining that tenure is not a prerequisite to academic freedom because academic freedom is the right of all members of an institution.

Supporters of tenure counter the above reasoning by noting that the record of the courts is not sufficiently all-encompassing to cover the situations which may arise in academia. Tenure remains a more universal protection of academic freedom. The University of Utah Commission to Study Tenure (1971: 428) observed that:

"recent court decisions readily document the thesis that the system of freedom of expression, of which academic freedom is a part, although rooted solidly in constitutional provisions and authenticated by more than two centuries of American history, is under continuing attack on many fronts. Carefully documented reports of investigations at major colleges and universities throughout the United States during recent years provided convincing evidence that the principles of academic freedom are far from universally respected."

Several prominent educators, including John Silber of Boston University and Kingman Brewster of Yale University, maintain that institutions of higher education willing to protect their reputations will strive to safeguard the academic freedom of their faculty members. The comments of the Utah Commission imply, however, that not all institutions have reputations strong enough to serve, in themselves, as the basis for support of academic freedom.

Perceptive students of higher education have observed that the growing list of pertinent court cases shows an emphasis on situations in which the academic community is threatened by external elements (Healy, 1975: 12). The courts have not and are unlikely to address many of the issues arising from the subtler internal threats to intellectual autonomy. Kingman Brewster (1972: 16) illustrates quite clearly the internal pressures:

The dramatic image of the university under siege from taxpayers, politicians, or even occasional alumni is a vivid but not the most difficult aspect of the pressures which tend to erode academic freedom. The more subtle condition of academic freedom is that faculty members, once they have proved their potential during a period of junior probation, should not feel beholden to anyone, especially Department Chairmen, Deans, Provosts, or Presidents, for favor, let alone for survival. . . .

In strong universities assuring freedom from intellectual conformity coerced within the institution is even more of a concern than is the protection of freedom from external interference.

Defenders of academic freedom have somewhat more difficulty explaining why nontenured faculty still enjoy academic freedom despite the fact that tenure is supposed to be instrumental in preserving such freedom. A recurrent defense is that the presence of senior faculty members who are tenured is sufficient to create or maintain an atmosphere of intellectual freedom. Hughes (1975: 175) vigorously supports this contention:

My experience has led me to conclude that university administrators are often thoroughly unscrupulous and grossly arbitrary in their dealings with nontenured faculty members and that an important weapon in opposing them, though certainly not always a victorious one, is the strong expression of disapproval by tenured faculty members.

Van Alstyne (1971: 332-333) makes a distinction between the "due process" rights of tenured faculty subject to dismissal and nontenured faculty subject to termina-

tion. Four reasons are given for this important difference. First, the degree of hardship is greater for faculty threatened with dismissal after an extended commitment than for younger individuals who have served for shorter durations. The degree of due process should be proportional to the potential hardship imposed by the dismissal decision. Second, the initial or second short-term appointments should not be viewed as an institutional presumption of excellence. Institutions should not be burdened with the requirement that a decision be made on a faculty member's fitness and long-term potential prior to the initial appointment. Third, it is assumed that a faculty member becomes more expert with increased experience in a field. The faculty member's academic freedom should not be limited just at a time when he is most likely to make an original contribution. Fourth (and perhaps least convincing), as initial appointments are made without sufficient knowledge of an individual's long-term capabilities, ". . . there is correspondingly less reason to suspect that a decision not to renew such an appointment is made on grounds unrelated to a reasonable belief about that excellence" (Van Alstyne, 1971: 333). In summary, Van Alstyne argues that nontenured faculty in probationary status are protected by full academic due process against the possibility of termination during their appointment, and are protected by minimal due process against the possibility of nonrenewal of appointment.

The "umbrella argument" that the tenured faculty can be relied upon to provide adequate protection for all members of the academic community has more validity when applied to external threats to academic freedom than to internal threats. Nontenured individuals may need to be protected as well from the tenured faculty, to whom they are beholden for advancement and retention. This contention is somewhat at odds with Van Alstyne's argument above, but is of great concern to critics of tenure. Junior

faculty frequently complain that tenure inhibits rather than extends academic freedom (Park, 1972; Cottle, 1973). John Silber (1974; 42), no supporter of tenure, asserts that the pressure to conform to the conventional wisdom represents the most serious and frequent infringement of academic freedom in higher education:

Tenured professors may be able to keep nontenured faculty from developing their intellectual interests according to their own professional judgment. That is, the nontenured faculty may find themselves compelled to follow a doctrinal orthodoxy defined by the seniors in their department.

B. In pointing to academic tenure as an unnecessary luxury, critics sometimes complain that tenure is a unique form of job security in the professions. At least one faculty member admits that ". . . it certainly constitutes a remarkable privilege shared by few other people in the working world" (Hughes, 1975: 170). However, academic tenure is analogous to civil service systems for public employees, whereby individuals below the highest policymaking offices are protected by statutory tenure provisions (University of Utah Commission to Study Tenure, 1971: 421). Moreover, tenure is comparable to seniority or a job security plan or an elaborate grievance procedure for employees covered by collective bargaining. At the corporate executive level, a person may have certain contractual rights such as generous severance pay or long-term contracts.

Two professions, law and medicine, protect their membership with a system of professional licensure. A physician or lawyer can be divested of his professional license only for good cause, which usually requires demonstration of gross impropriety (Hughes, 1975: 170-171). (There is nothing to protect such a professional's employment by a

certain institution or agency or client, however.) In private professions such as law or medicine, few procedures have been developed for evaluation beyond some probationary period. Judges in the federal judiciary have lifetime tenure "during good behavior" (Carr, 1972: 121). In our system of justice it has been decided that the price paid for judicial tenure (e.g., the threat of gross incompetence or senility in office) is worth paying in order to protect the judiciary from political pressures.

Academic tenure, then, resembles protective systems in other professions. It is distinguished from other merit or tenure systems primarily by its reliance upon internal institutional procedures, primarily peer evaluation. As Chance (1972: 23) notes, "noninstitutional participants play no direct part in the process (unless the terminated individuals elect to appeal through the courts)."

For a long time one rationale for tenure has been an economic argument: tenure guarantees sufficient economic security to make the academic profession attractive to potential faculty. A related premise is that academic tenure is compensation for the low salaries paid in academia. The Commission on Academic Tenure in Higher Education (1973: 16) concluded that tenure is an inducement to the teaching profession because it minimizes "competitive economic incentives" and encourages attention to the essential faculty functions. However, the job security may be so desirable as to attract an excess number of individuals to academic work, thereby reducing the demand for academics and reducing the salary levels (Sartorius, 1975: 143-144). Machlup (1964: 118-119) has also undermined the economic argument in favor of tenure. He advances the same supply-demand hypothesis proposed by Sartorius, but also suggests an alternative explanation: an institution that makes a long-term commitment to an individual without the assurance that that person will reach his full potential will have a tendency to pay him as little as possible.

A more convincing critique of the economic argument for tenure is that academic salaries are not as low as they used to be (Nisbet, 1973: 29). In fact, faculty salaries and fringe benefits are reasonably competitive with those in other professions. By now it appears that the majority of critics and defenders of tenure agree that tenure is no longer an economic inducement because academic salaries approach those in other professions.

C. The "up or out" provision of the tenure review process, whereby probationary faculty must be either promoted or dismissed at the end of their provisional period, is cited by some supporters as a significant advantage of tenure. The time limits for tenure decisions force the institution to make difficult decisions at specific points in time (Miller, 1970: 243). The AAUP guideline seven-year probationary period (six years plus one year's notice in the case of nonretention) is more than enough time, proponents suggest, in which to evaluate junior faculty. This schedule provides for a more realistic evaluation of nontenured faculty than might otherwise occur. It discourages the junior faculty member from remaining at the institution with false expectations of a future position, and prevents faculty members, especially the unexceptional but friendly individuals, from drifting into de facto tenure. The financial incentive for a clear-cut decision on a probationary faculty member is great, because an institution could commit itself to pay more than one-half million dollars over a 30 year career to an unworthy individual. Releasing faculty who have not demonstrated the potential for quality work frees positions for "new blood": individuals with new methods, new commitments, and a fresh perspective. This turnover helps to maintain an institution's flexibility and vitality.

The "up or out" rule, as outlined most clearly in AAUP guidelines, has some inherent flaws, and has created a number of institutional and personal hardships in an era of leveling and declining enrollments and an uncertain economy. First, the evaluative standards and their application are often woefully inadequate. One critic of tenure complained that "the criteria used to evaluate candidates for tenure have been either elusively subjective or quantitatively myopic" (Allshouse, 1975: 28). Second, specifying a uniform deadline (the AAUP recommended probationary period is seven years) disregards the natural laws of personal development (Silber, 1973: 46-47)

Individual faculty develop at different rates; in a cross-discipline comparison, this variation is especially marked. The standard length probationary period becomes a procrustean bed, putting pressure on junior faculty to develop in the same time frame. The six-year trial period may penalize those individuals who need longer to prove themselves. Silber (1973: 49) warns that a negative incentive inherent in the AAUP seven-year guideline is the forcing of junior faculty "...in overworked fields into wanton production of the obvious, the unnecessary, or the speciously innovative." The young scholar takes fewer risks and is less likely to develop at his natural pace when he knows that he must make his mark within six years. Third, because those on tenure are generally held to only minimal standards of competence, institutions need to be able to employ more severe standards during the probationary period. This practice has received strong criticism recently. In at least one case, the AAUP interpretation appeared to be that if something in a nontenured faculty member's record was not good cause for dismissal, it could not be sufficient reason for nonreappointment (Sartorius, 1975: 149).

Today's tight job market, together with the "up or out" policy, have conspired to place a heavy burden on the junior faculty member. For individuals, the probationary period is extremely stressful. Obviously, the competition is severe, especially

between new graduate students and teachers released prior to the receipt of tenure (Carter and McDowell, 1975). This situation would lead to a new class of teachers and scholars comprised of untenured faculty members who are forced to move from institution as they are denied tenure. One of the stated goals of tenure is to reduce economic competition; but the tenure system itself places all who enter into it under great competitive strain not only for economic rewards, but even for professional survival.

Some of the competition is created when institutions hire more first-rate people than they can ever hope to tenure. There is an urgency to impress senior faculty, the more so when one realizes that the judgments of these faculty are sometimes ill-conceived and uninformed. As some institutions seek to control the percentage of tenured faculty through the use of implicit tenure quotas, the evaluative standards for granting tenure have become much more stringent so as to reduce the number of junior faculty receiving tenure. The Wall Street Journal (1971) reported the following such situation:

Columbia University, facing a 1970-71 budget deficit of an estimated \$15.3 million, is one of the many schools sharply curtailing tenure appointments. Student protests recently spotlighted the plight of seven young assistant professors of music at Columbia, one of whom won a Pulitzer prize last year for music composition. All are fast approaching their up-or-out dates, and all could end up looking for new jobs.

'The only thing that makes this situation the least bit different from that facing most assistant professors in 2,000 universities is that one of these guys got the Pulitzer,' says Jack Beeson, Chairman of Columbia's music department.

Sometimes qualified junior faculty are denied tenure while less qualified tenured faculty remain on the staff. These tenure decisions are made all the more painful when some departments will tenure anyone who stays long enough while others are applying strict standards.

After the debate over the need for tenure to protect academic freedom, the most widespread argument centers around the question of whether or not tenure inadvertently protects the incompetent, the politically disruptive, and the mediocre. The Report of the President's Commission on Campus Unrest (1970: 201) complained that tenure "can also protect practices that detract from the institution's primary functions, that are unjust to students, and that grant faculty members a freedom from accountability that would be unacceptable for any other profession." The criticism, which is based both upon fact and myth, is that tenured faculty possess lifetime job security with few obligations to demonstrate professional development. Machlup (1964: 16-17) admits that the problem does exist:

My doubts about the frequency and importance of cases of faculty deterioration due to tenure must not be mistaken for a denial of their existence. Some of us know of cases of this sort. We know of professors who once were promising but have not fulfilled the promise: they have not kept up with the progress in their fields, have not done any decent research in years, do not prepare their lectures, do not carry their share of the burden in the department, are not accessible to students; but who, possibly, would still perform satisfactorily if they were not secure in their jobs, that is, if their contracts were subject to termination or renewal depending on performance. Hence, with due reservations regarding frequency and importance of actual cases in point, it must be granted that the tenure system may contribute to some deterioration in the performance of some professors and, consequently, may harm the institutions which are stuck with the retrograde members of the faculty.

In part, the problem is the weakness of the post-tenure review aspects of tenure systems.

The University of Utah Commission to Study Tenure (1971: 427), despite its strong support of tenure at that institution, makes such an observation in its report:

The least satisfactory features of the tenure system, we have concluded, arise in the post-tenure period. While the relevant University regulations are calculated to facilitate dismissal of tenured faculty members who fail to measure up to acceptable standards of

academic performance and professional responsibility, actual results are not necessarily in full accord with theoretical expectations. Evidence presented to the Commission indicates that instances of tenured incompetence, unacceptable academic performance, or failure to observe professional standards of behavior, do occur within the University from time to time.

As Kingman Brewster (1972: 12) notes:

...even in extreme circumstances there is a deep reluctance to compromise the expectations of tenure. For both human and institutional reasons it is the practice to ride it out even in cases where performance has fallen way below reasonable expectations.

The problems, then, are the difficulty institutions face in enforcing standards of performance for tenured faculty, and the difficulty of releasing individuals who fail to meet the standards. What makes the matter frustrating is the certainty that marginal or unexceptional performers are retained at the expense of having to terminate superior junior faculty because insufficient positions exist. The frequency with which the problem of incompetent or unexceptional tenured faculty arises in institutions is difficult to estimate because there are few data available on the number of faculty dismissed for failure to meet standards of performance. (The state of Washington Council on Higher Education conducted a tenure study in 1972. Data from Washington four-year institutions for the ten-year period 1960-70 indicated the dismissal of seven tenured persons (Chance, 1972: 59). Many cases of substandard performance and incompetence are never officially recorded, especially when negotiated termination settlements such as early retirements or resignations are reached. Unfortunately, few substandard teachers or researchers are ever relieved of a tenured position unless found guilty of gross incompetence, serious moral dereliction, or complete neglect of duties.

On the other hand, positive benefits can accrue from the protection of the inept:

The sociological view is that placement, or punishment and reward, on the basis of performance alone, would essentially create a Hobbesian jungle, the undermining of group structure, the loss of the usual benefits of organization and cooperation, and the dissolution of group loyalties (Goode, 1967: 15).

Defenders of tenure deny that tenure leads to the harboring of mediocre or incompetent personnel. Van Alstyne (1971: 328) argues that tenured faculty are accountable to standards of "adequate cause," and can be terminated if due cause exists. Although complete incompetence or gross moral turpitude can be easily recognized and dealt with, however, most cases are not of this nature. Rather, institutions are confronted with situations in which individuals who once demonstrated the potential required to gain a tenured position no longer have the same drive or interest in their areas, and have become comparatively unproductive as scholars or teachers. In other cases, a change in institutional, departmental, or school mission may alter its academic needs and conspire to make a tenured individual, once essential to his academic unit, no longer compatible with the revised mission, through no fault of the individual (Healy, 1975: 16).

Advocates of tenure contend that the problem is not a result of tenure, but of poor personnel management. Machlup (1964: 16) is careful to distinguish between faculty mediocrity that arises from the appointment or promotion of mediocre persons, and that which results when once able individuals lose interest in their work and become mediocre. The first aspect of mediocrity can be attributed to poor tenure review policies or poor judgment, which are definitely in the realm of personnel management. The second aspect can be linked to any number of elements of the academic environment, two of which are leadership of the institution and unsatisfactory post-tenure evaluation policies. Thus, much of the mediocrity that is found in institutions can be traced to the improper

application of tenure concepts, rather than to tenure itself.

Institutions are now realizing that considerable mismanagement in the personnel area occurred during the late 1950's and 1960's, when enrollments grew rapidly and faculty members were much in demand. Standards for appointment and promotion were lowered at some institutions to attract sufficient faculty. As the demand for faculty has declined in the last five years, institutions have begun to impose stricter tenure review policies.

Very closely related to the argument that tenure protects the incompetent and mediocre is the contention that tenure is linked in a casual way to a decrease in faculty productivity. Following this line of reasoning, tenure creates a sense of security which causes faculty to ignore their professional responsibilities and leads to an attitude of complacency. Blackburn (1972) conducted a comprehensive review of studies which addressed this question and concluded that tenure status is not correlated with productivity. With respect to teaching activities alone, Blackburn reports that research findings demonstrate that, in general, tenured full professors and nontenured new assistant professors are both likely to have large lower-division lecture classes. Studies of a professional's productivity as a function of age are not mutually corroborating. An interesting pattern uncovered by Pelz and Andrews (1966) was a rise, fall, and rise (when a scholar enters his fifties) in scientific productivity as a function of increasing age. A decline in productivity with age was not found to be inevitable; some individuals can maintain a high level of productivity throughout their careers. Other researchers have found that total productivity, which includes articles, books, and the management of projects, increases continuously, although not as rapidly after age 50 (Blackburn, 1972: 22-23). Blackburn found no evidence to support the assumption of critics of tenure that faculty work hard to gain tenure, then taper off for a period, then work hard again

to gain full professorships, and finally decline during their last 20 years of service. Probably a more significant influence on faculty productivity than age, rank, or tenure status is working environment (Blackburn, 1972: 25–26).

Some critics of tenure also view tenured faculty as less responsive and not as adaptable as nontenured faculty. Blackburn (1972) analyzed three dimensions of the argument: 1) faculty receptiveness to new ideas and to the reform of current practices both inside and outside the curriculum; 2) the maintenance of faculty "relevance"; and, 3) the set of values (e.g., voting records and attitudes toward students as they relate to the institution, the faculty personality, the career stage of the individual) which differentiate faculty. The premise that faculty are not responsive to important societal demands, or are guilty of inadequate performance in the classroom, or are unwilling to undertake reform, collapses under a careful review of the literature. None of these arguments was negatively correlated with age and rank; in fact, the relationship appeared to be in the opposite direction (Blackburn, 1972: 31). Moreover, on the issue of relevance, "the tentative conclusion is that if teaching effectiveness is a measure of keeping relevant, then evidence supporting the claim that older professors are inferior is lacking" (Blackburn, 1972: 14). Thus, the willingness to initiate or support change appears to be unrelated to tenure status. Harvard's University Committee on Governance (1972: 67) came to the same conclusion:

Indeed, for those who hold that the educational dogmas of the quiet past are clearly inadequate to the stormy present, there are many apparent ironies to be observed in the history of intellectual and curricular innovation at Harvard. It is observably the case that most of the major experimental changes in Harvard education...have derived from the thinking, the time, and the energies of tenured faculty members. May it not be fact that tenure -- or, to use the crasser term, "job security," -- is one of the major stimuli to experimentation, providing a faculty member, as it does, the freedom to leave his standard arena of endeavor when he feels inspired to do so, without fear for the effect on his saleable professional reputation?

Chapter Four

PRESENT DEVELOPMENTS OF ACADEMIC TENURE

The literature on tenure has given considerable attention to its future. The preceding review of the advantages and disadvantages of tenure indicate that its future is presently unclear. Proposals for changes in tenure systems range from modifications of the existing institutional policies and procedures to the abolition of tenure and the installation of a system of contracts, such as that employed by the Virginia Community College System. This chapter summarizes some of the possible future directions of tenure as advanced by supporters and critics of tenure systems. In addition, it includes an assessment of the potential impact faculty unionism and collective bargaining will have on tenure systems. Although collective bargaining for public employees has not been sanctioned in Virginia, the implications of labor negotiations for faculty-administrative relationships will have to be considered as the debate over public employee unionism continues.

A. Policy Alternatives Within the Context of Tenure

In many institutions nationwide the combination of tenure policies and procedures dating back to the 1960's and the fiscal and social realities of the 1970's works to constrain academic decision makers and to place institutional objectives in conflict with one another. Thus, an institution that wishes to maintain its ability to respond to changes in enrollment patterns, maintain a high quality faculty which is heavily involved in research, provide up-to-date professional training, and attract promising junior faculty may have to modify its tenure system if it hopes to keep those objectives compatible.

One proposal has been to introduce strict numerical policies in the form of tenure quotas. The characteristic of all tenure quota systems is a predetermined maximum number or percentage of tenured positions. Sometimes this maximum is established for the institution as a whole; for example, no more than 80 percent of the entire faculty may be on tenure, although the percentage by school or department would not be fixed. In other institutions the quotas are applied to all sub-units of the institution. Although quotas are sometimes explicitly presented in tenure policies and procedures, they are usually unofficial understandings subject to adjustment in individual cases. Healy (1975: 24) notes that this system is usually implemented through use of "rotating instructorships" -- junior faculty appointments not eligible for tenure consideration, and thus with a maximum stated term of less than seven years.

A tenure quota system imposes a heavy burden on probationary faculty, especially if a quota system is employed to satisfy HEW affirmative action requirements (Chait and Ford, 1974). Clearly, as the percentage of tenured faculty increases the affirmative action requirements become more difficult to fulfill. However, to penalize probationary faculty would work against the recruitment of promising junior faculty. As it is, women are already handicapped by most tenure system probationary periods because such periods frequently conflict with the years during which women bear and raise children (Chait and Ford, 1974). Thus, tenure quotas can work against some affirmative action goals in two extremes. A high percentage of tenured faculty reduces institutional flexibility in that fewer positions are available for junior faculty. On the other hand, a low percentage of tenured faculty indicates that turnover is greatest in the junior faculty ranks, which contain the groups in need of assistance through affirmative action.

The actual or suggested imposition of tenure quotas has led to considerable discussion

and debate, with opponents of quota systems being led by the AAUP. The Commission on Academic Tenure in Higher Education (1973: 50) recommended that "...each institution develop policies relating to the proportion of tenured and nontenured faculty that will be compatible with the composition of its present staff, its resources and projected enrollment, and its future objectives." The Commission added that an institution should probably not allow more than one-half to two-thirds of its faculty to be tenured, yet urged institutions to express their tenure ratio targets as ranges rather than as fixed percentages. The AAUP (1973: 428-430) issued a statement clearly rejecting the recommendation, although the notion of quotas seems to be implicit in the AAUP's suggestion for staff planning.

Within the last five years a number of policy analysts at institutions such as Stanford University, Dartmouth College, and Chatham College have examined more closely the specific factors and alternatives which influence an institution's system of faculty appointments. A complex interaction of variables, including faculty size, length of probationary periods, appointment and renewal rates, probability of a probationary faculty member attaining tenure, rank and age profiles, attrition rate of tenured faculty through resignation, retirement and death, retirement age and policies, and the use of part-time faculty and their FTE equivalency underlies an analytical evaluation of tenure policies and procedures. If an institution wishes to decrease its tenure ratio, for example, it can alter its policies in several ways: 1) reduce the promotion rate, 2) increase the proportion of new nontenured appointments, 3) increase the retirement rate of tenured faculty through early retirement, and 4) increase the time of nontenured service by extending the probationary period. Thus, an institution which projects a high percentage of tenured faculty under present policies and procedures can make adjustments in its faculty profile by modifying policies, without having to establish tenure quotas.

The policy alternatives suggested above as ways to decrease the proportion of tenured faculty may not always be consistent with institutional objectives. In such situations, other policy paths must be selected or institutional objectives and priorities must be revised. Consider, for example, the impact of the fourth policy listed above: to increase the nontenured length of service through reappointment of first-term assistant professors. This enables an institution to keep its tenure promotion fraction as high as possible without a disproportionate increase in the percentage of tenured faculty (Hopkins and Bienenstock, 1975: 29). However, increasing the time of nontenured service by lengthening the probationary period actually increases the service time and thereby reduces the turnover rate. To increase the turnover rate, it is necessary to reduce the average nontenured length of service. This reduction is important for institutions interested in having positions available for promising junior faculty.

The use of mathematical models enables policymakers to test various policy alternatives within the institutional context before taking action (Eddy and Morrill, 1975; Hopkins, 1974; Hopkins and Bienenstock, 1975; Kemeny, 1973; Malpass, et. al., 1974). To continue the previous example, a projection using a mathematical model illustrates that reducing the nontenured length of service by one year would increase turnover more than reducing the tenured length of service (i.e., for those promoted or those appointed directly to tenure) by the same amount. If an institution makes few appointments to tenure, but promotes a large fraction of its junior faculty, the average length of service per faculty member is large and the turnover rate is thus reduced.

A predictive model is especially useful in developing answers to questions which arise in times of scarce resources. Questions which can be addressed when assessing reductions in force, for example, are: 1) Can large reductions be achieved in the short run?

2) Can normal attrition handle the reductions?, and 3) What impact would a reduction in force have on the short-term and long-term distribution of faculty and on the annual appointment rate? Other strategies designed to effect changes in the existing tenure system can also be tested with mathematical models prior to implementation.

Part III of this study includes tenure projections developed by all Virginia institutions having tenure systems. The projections are based upon a relatively uncomplicated model proposed by John Kemeny, president of Dartmouth College, and modified for use in Virginia. While uncomplicated, the model did permit institutions to project their tenure situations in a single, uniform manner. The level of detail required to use this model, while adequate for a statewide assessment of tenure in Virginia's institutions, is probably not adequate for effective institutional management. For that purpose, a more complex model is recommended.

Following some rather sophisticated modeling of faculty reduction, Stanford University, for example, has employed several strategies to increase modestly the resignation rate by making it attractive for less effective tenured faculty to leave the institution (Hopkins and Bienenstock, 1975: 29). In the case of faculty members who do not satisfy Stanford's standards of performance, yet who might find more rewarding employment at other institutions, Stanford uses sizeable severance allowances to make it attractive to leave. In addition, an early retirement program has been initiated to encourage less effective tenured faculty to leave. However, Stanford believes that early retirement programs are a short-term solution only and will have a negligible impact on reducing faculty size.

In addition, Stanford has sought to gain some flexibility by changing some personnel policies. For capable scholars who are locked into a now uninteresting field of concentration, the University supplements sabbatical leave salaries so that individuals can be paid at

full salary for one year while studying to change fields. Also, Stanford now employs more part-time scholars to free space for the appointment or promotion of junior faculty members. Also, the institution allows full-time faculty members the opportunity to assume part-time loads if they can obtain external support for the balance of their salaries. Stanford has changed its benefits package to cover those individuals who elect the part-time status. On the whole, however, the university does not expect that any of the above mechanisms will have a significant impact on the tenure rate or departure statistics. The greatest change will continue to be wrought through control of the tenure appointments and promotion rates.

An area for future development within the traditional framework of tenure is faculty evaluation. Most institutional tenure policies and procedures discuss faculty evaluation in rather broad terms and are sometimes reluctant to detail the criteria by which individuals are to be assessed. Evaluation schemes tend to be viewed as hurdles -- something used to reject people rather than to help them improve their performance. Hodgkinson (1973) has suggested that evaluations be designed to assist the faculty member in improving his performance. That is, the notion of assessment only for the purpose of tenure decisions should be replaced by the idea that assessment should be used to help improve faculty performance, whether or not the individual has tenure. Linked to any performance evaluation system should be a reward system. One way to combine the two systems is to encourage individual faculty members to develop their own criteria for increasing their competency, especially in their weaker areas. Such a reward and assessment scheme would focus more on individual improvement as measured by clear-cut assessments of strengths and weaknesses and less on interpersonal comparisons and competition.

Systems which assess and reward faculty performance on an individualized basis

would have to be extremely flexible. Although the typical faculty member has numerous responsibilities, including teaching, research, public service, advising and counseling, course preparation and curriculum development, the traditional approach to evaluation has been to assume that people should be compared uniformly across all of the dimensions of faculty effort. Nationally, some institutions are abandoning this traditional uniform evaluation structure in favor of individualized growth contracts as an effective way of assisting the faculty member define his objectives and assess progress toward them (Hodgkinson, 1973: 117). Under these systems of growth contracts, all faculty, including those who have been granted tenure, are expected to improve in some aspect of teaching effectiveness. The growth contract usually presents the faculty member's personal goals for the next four-to-five-year period. New faculty members are not employed on one-year term appointments, but are given three to four years to accomplish the objectives set forth in their initial contracts.

A significant advantage of the growth contract is that it can be made compatible with any existing tenure or promotion system. In cases where the growth contract has been used, faculty members appear to be more receptive to an evaluation and reward system designed to emphasize their individual growth.

The ease with which the growth contract approach can be implemented will depend largely on the size of institutional departments. It will be easier in small schools and departments than in major university departments with over one hundred faculty members. Nonetheless, by its individualized nature, the growth contract is more easily adopted at the departmental rather than the institutional level because the contracts require the cooperation of the faculty members in setting the objectives.

B. Alternatives to Traditional Tenure Systems

Most of the criticism of tenure and the suggestions for change have focused on how the present systems might be differently administered. However, a growing number of proposals have suggested alternate ways for institutions to express continuing commitment to their faculties. This section examines several of the ideas advanced as alternatives to or modifications of traditional tenure systems.

The alternative which is perhaps best known in Virginia is the renewable contract arrangement. A contract system does not have an up-or-out rule. Under this scheme faculty members are granted annual contracts during a specified probationary period. Thereafter, contracts of greater duration (e.g., three or five years) are awarded. At the end of each extended contract the faculty member is evaluated to determine whether he should be granted another extended contract or released. Evaluations are conducted with goals established within each job description. This cycle of evaluations every three to five years, for example, would continue throughout the faculty member's career at the institution. There is no institutional commitment to the individual in the traditional sense of tenure because the faculty member is always subject to routine termination when his next contract ends.

The contract concept has not been widely adopted, although the Virginia Community College System is perhaps the best-known example nationally. In September, 1972, the Virginia Community College System adopted a new statement of faculty appointment and tenure policies and procedures, which removed faculty tenure from the System except for those who already possessed tenure or had been recommended for tenure. The new procedures provide for one-year appointments, with notification in the event of nonrenewal due by March 1 in the first year and by February 1 each year thereafter. In addition, the

policies provide for three-year and five-year appointments. The normal sequence is described as a minimum of three one-year appointments and at least one three-year appointment before the first five-year appointment is offered. Reappointments, as they become due for decision at regular intervals throughout an individual's career, are considered by an institutional ad hoc advisory committee composed of both faculty members and administrators.

Several institutions, including Hampshire College, Evergreen State College in Washington, and Governors State University in Illinois, have also developed renewable contract plans. (It should be noted that the missions of these institutions are distinctively different from those of institutions in Virginia). However, actual experience with the contract concept is limited. Proponents of the scheme argue that institutional flexibility is enhanced when the staffing pattern can be adjusted to fit institutional needs and program priorities. Also, it is thought that faculty under contract are more inclined to attribute their career success to individualized performance.

On the negative side, faculty members may feel threatened by repeated evaluations that could be based on factors not at all related to their teaching and scholarly functions. There is no guarantee that faculty members will be any better evaluated under a renewable contract system than under the traditional tenure systems. Critics of the contract approach predict difficulties in recruiting faculty, although the current job market would certainly confound this forecast.

A more telling criticism directed at the Virginia Community College System contract schedule is that it will approximate the faculty retention patterns it was designed to alter radically (Healy, 1975: 22). That is, the majority of faculty will progress through the "normal" sequence of one-year, three-year, and five-year contracts such that over time there will be a "quasi-tenuring in" of faculty on longer term contracts.

Finally, some observers contend that the one-time "up-or-out" evaluation associated with the traditional tenure system is more beneficial to an institution than the repeated evaluations under a contract scheme; in fact, some skeptics complain that the renewable contract system may well lead to an increase in the "deadwood" at an institution. Kingman Brewster (1972: 17-18) of Yale explains this point of view as follows:

As a practical matter of personnel policy, the very fact that the professional promotion is a lifetime commitment of university resources makes the departmental and committee process of promotion to tenure much more rigorous and hard-headed than it otherwise would be. If there were a confident feeling that mistakes in judgment could be rectified by some later review process we would all go soft and give colleagues of whom we are personally fond an excessive benefit of all doubt. Realization that the commitment is for keeps helps to hold the standards high. So, I would venture that whatever gains might be made by reserving the right to a second guess would be more than offset by the laxity which would come to soften the first guess....

Evidence exists that those institutions which have renewable contract arrangements tend to rather automatically renew their contracts (Furniss, 1973:23).

The number of variations on contract systems is as large as the number of institutions employing them. Evergreen State College in Washington employs faculty members on three-year contracts. Faculty evaluation entails a review of a portfolio of each individual's work. A favorable review yields another three-year contract; in the case of an unfavorable review, a notice of nonrenewal is provided one year prior to the expiration date of the contract.

A system of three-year "rolling" contracts is used at Franklin Pierce College in

New Hampshire. One year contracts are granted during the probationary period (which is a maximum of seven years). Upon successful completion of the probationary term, three-year contracts are awarded. Faculty evaluations are conducted annually. If the faculty member passes the review during the first year of his three-year contract, he is granted a new three-year pact. If he fails the review during the first year, he is allowed one year to remedy his deficiencies. An adequate evaluation record during the second year earns the individual a new three-year contract; a poor evaluation record leads to a terminal notice.

Governors State University in Illinois has a similar system of "rolling" contracts. After initial two- and three-year appointments, faculty members are eligible for five- to seven-year contracts, with annual evaluations. An annual evaluation successfully completed leads to a renewal of the contract for five to seven years.

The experience with Hampshire College's contract system illustrates some of the good and bad features of renewable contract arrangements. Contract appointments and reappointments are for one to seven years, with most contracts for three-year terms. The initial appointment and subsequent reappointments are based on professional competence and promise as a teacher, scholar, and contributor to the academic and local communities. The system uses growth contracts based upon individual proposals in which the faculty member specifies what he proposes to teach, his objectives, the length of time over which he wishes the contract to extend, and the remuneration he expects for his services (Vaccaro, 1972: 40). The acceptability of the contract as well as the evaluation of past performance determine whether or not a contract will be awarded. Contracts are subject to an annual review at the school dean level and to a thorough review by a college committee at least 17 months before termination of the contract.

Hampshire College favors the renewable contract plan because traditional tenure systems do not usually encourage continuing professional self-development or continuing evaluation by peers and students (Lunine, 1974: 143). Moreover, tenure systems do not necessarily encourage instructional experiment or development, and are not the only ways to insure academic freedom. Hampshire College has found its system to be a useful gauge for evaluating a faculty member during and at the end of his contract period. The objectives set forth in the growth contract allow the faculty member to gauge his own progress during the contract period and to make adjustments to meet his obligations. On a college-wide basis, the contract evaluation procedures have led to greater sophistication in evaluating teaching and advising and to greater awareness of the complexity of the institution. There also appears to be movement toward more consistent values, definitions, and procedures on campus, although the potential for this trend is not inherent in their contract system alone (Lunine, 1974: 145).

There are several unresolved problems confronting Hampshire College, however. First, predicting activities in teaching, research, and public service over several years has proved to be a formidable task. Also, it is difficult for an individual to be both fair to the institution yet make as good a case as possible for continued employment (Vaccaro, 1972: 41). In other words, there tends to be a bias in data which are generated only for the purposes of achieving reappointment. In addition, the quality of review materials is uneven at each level of review and during each phase of review. Finally, reappointment is becoming the preoccupation of too many faculty. In the process the anxiety level of the faculty has increased.

Several proposed alternatives to the present systems of tenure do not involve changes as radical as the renewable contract system, but are rather modifications of the existing formats.

Vaccaro (1972: 42) has suggested that tenure be awarded according to the present procedures and criteria, but that each faculty member undergo three formal reviews during his career: the first after the third year as a tenured faculty member, the second after the eighth year on tenure, and the third after the fifteenth year on tenure. Ideally, this review schedule would encourage continued faculty member self-development.

Two scholars have proposed shortening the probationary period during which an institution is understood to have made only a minimal commitment to a faculty member. Hughes (1975:178-179) advocates that initial appointments be made for a two-year period after which renewal would generally be for two more years. At the end of such a four-year probationary period, Hughes contends, the time for a tenure decision has been reached in most cases. If tenure is not granted at that time, any additional appointment would be for a term of three or four years with the understanding that tenure might be granted before the term expires. A decision not to award tenure after the three or four-year term would be unusual and would be handled quite formally, with all avenues of due process open to the faculty member.

Sartorius (1975b: 185-186) would like to see the protection of academic freedom provided by tenure be afforded to all faculty members, nontenured as well as tenured. He recommends an abbreviated probationary period which is much shorter than current practices. After the initial period, a faculty member could be dismissed only for due cause as defined in terms of standards of competence. Periodic evaluations would be widely enough spaced, perhaps every five years, to reduce the level of insecurity among faculty. Between reviews, a faculty member could be dismissed justifiably only on grounds of gross academic irresponsibility. Although the procedural due process features of the plan would be difficult to work out, the underlying premise is that once the initial

probationary period has been successfully completed the burden of proof would be on the employer to show the existence of due cause.

One modification of the tenure principle which has been implemented at some institutions is a dual track system for faculty personnel, with one track eligible for tenure and the other not eligible (Kellams, et. al., 1975: 36-37). Hiring on the tenure track is generally done only when there is a reasonable chance that the individual will receive tenure. Faculty members on the nontenured track are hired on renewable contracts, with the expectation that the contract will be renewed if there is a need for the individual and his performance is satisfactory. Nontenured track faculty members generally have adjunct professional ranks or ranks such as instructor and lecturer. The use of part-time rather than full-time faculty members on the nontenured track increases institutional flexibility in making faculty assignments. However, part-time or nontenured faculty tend to be treated as second-class members of the academic community Chronicle of Higher Education, (1975:1).

Union College, a relatively small private college of solid reputation located in New York, has adopted a modified tenure plan which mixes elements of the dual track system with a variation of a quota system. Several years ago Union realized that it had such a high percentage of tenured faculty that it decided not to permit any more tenured positions in many departments (Healy, 1975: 23). Because there were in those departments a number of nontenured faculty that Union wished to keep, Union continued those faculty in a nontenured status beyond the AAUP-recommended probationary period of seven years. Those junior faculty were employed on renewable contracts until tenured position vacancies appeared in their departments, at which time they would receive tenure. The AAUP was mildly critical of the plan, but clearly understood that the institution was

showing real concern for the faculty members. The criticism of the Union College approach is that such a system, "in which practically no one of good qualification need ever be let go, locks-in faculty even more rigorously than the unmodified tenure system" (Healy, 1975: 23). Appearances notwithstanding, the nontenured persons being kept on have a status which is tantamount to tenure.

The alternatives to traditional tenure systems discussed in this section generally stem from forces internal to an institution and in most cases result from actions taken by the institutional governing board. Another important alternative to tenure systems, unionism and the collective bargaining model, is treated separately in the next section because such a system implies the involvement of agencies and organizations outside of the institution's internal governance structure, thereby expanding considerably the scope of decisions on faculty personnel.

C. Tenure and Faculty Unionism¹

Recent data indicate that approximately 290 bargaining units represent more than 100,000 faculty at 480 campuses across the country (Mortimer and Johnson, 1976:34). Faculty collective bargaining is most common in the public sector of higher education, with 416 (86 percent of 480) of these campuses public. Historically, the growth of unionism in academia has closely paralleled the enactment of state collective bargaining statutes. Observers anticipate that in the near future there will be considerable collective bargaining activity in the public sector in those

¹This section is largely a summarization of the work of William F. McHugh which appears in "Faculty Unionism and Tenure" in *Faculty Tenure* (San Francisco: Jossey-Bass, 1973a), and "Faculty Unionism" in *The Tenure Debate*, Bardwell L. Smith and Associates, (San Francisco: Jossey-Bass, 1973b).

states where the enactment of new enabling legislation appears imminent (Mortimer and Johnson, 1976: 34-35). It is important to note that collective bargaining does not automatically replace tenure, but rather changes how tenure systems are administered. Faculty unionism will affect institutional tenure policies and procedures in two broad areas: 1) personnel decisions will be made by a different set of participants, including some traditionally outside the institutional governance structure, and 2) the involvement of new participants, including unions, state labor relations boards, arbitrators, and mediators, will require different kinds of relationships. This section first reviews some general features of unionism, and then examines the implications of collective bargaining for traditional tenure systems.

McHugh (1973a) has identified four general characteristics of the bargaining process as it applies to higher education. First, collective bargaining is an adversary relationship and assumes a divergence of institutional faculty interests. Unionism sets the managerial class, which works toward institutional objectives, against the faculty, whose objectives and priorities may conflict with management's or with those established by governmental agencies. The collective bargaining agent's objective is to further the collective interest of the faculty, generally at the expense of managerial authority.

Second, implicit in the adversary relationship is the assumption of a bilateral relationship between the institution (i.e., management) and the faculty. The framework and content of the faculty-institutional relationship are established in the negotiated contract and during contract implementation. This arrangement is different than the nonunionized setting, where the governing body's policies with respect to faculty institutional relationship are not subject (legally) to negotiation. In practice, however, such policies are "collegially negotiated" through traditional channels in many nonunionized situations.

Third, McHugh (1973a: 201) notes that "the collective bargaining process is premised upon a collective relationship; that is, organizations of employees sharing a community of interest are represented exclusively by an elected representative." Several observations can be made on this point. Competing organizations may be excluded from negotiations with the institution. Furthermore, unionism implies the existence of participative democracy in the contract negotiation. Everyone in the bargaining unit, including nontenured faculty, has an equal opportunity to vote on whether or not to bargain, and on who the bargaining agent must be. In turn, the bargaining agent must be responsive to the majority of the group it represents. The agent has no legal obligation to make distinctions within its ranks, a factor which becomes important when considering faculty rank or seniority in a bargaining unit which has a majority of untenured faculty members. Finally, unions can bring to bear considerable legal, financial, and staff resources in confronting institutional actions. The redistribution of authority which exists in a collective bargaining situation changes the roles of the institutional leaders and managers.

Fourth, the bargaining process requires the presence of arbitrators or mediators when negotiations between the institution or system of institutions and the bargaining unit break down. Three kinds of third-party neutral intervention exist. Mediation is an attempt by a third party to encourage through persuasion the negotiating parties to resolve their differences. Arbitration, or more formal adjudication, weighs the merits of opposing arguments and results in the presentation of findings in a written decision which may serve as precedent for comparable future issues. In binding arbitration, the negotiating parties are bound by the arbitrator's decisions. Binding arbitration tends to be used more as the terminal step in a grievance procedure than during the negotiations themselves.

In considering the role of third parties, the principal issue is again the redistribution of authority and responsibility for academic governance.

II. Two problems arise in applying the bargaining process to traditional systems of academic governance. First, it is difficult to establish a clear-cut adversary relationship because it is difficult to separate the management functions from areas of faculty professional responsibility. Second, there is the tendency of faculty to embrace unionism as a surrogate governance system.

Over the last decade the predisposition of faculty has been to seek "shared authority" in the formulation or implementation of institutional policies. When this commitment to shared authority is introduced in the bargaining process a much wider set of issues than those usually associated with collective bargaining in other occupations is included. For example, the attempt to distinguish between managerial and faculty rights tends to draw many noneconomic issues into the bargaining process (McHugh, 1973a: 203-204). Issues raised in collective bargaining with the three national faculty organizations include: admissions, class size, workload, academic calendar, procedures for budget formulation, participation in institutional planning and the allocation of resources, procedures for the selection of department chairpersons and certain administrators, tenure matters, and economic issues such as state budgeting procedures and faculty compensation.

One of the biggest problems in academic collective bargaining is setting the range of negotiable issues. There are no major legal obstacles to negotiating tenure issues.

McHugh (1973a: 204-205) notes that:

Generally speaking, scope of negotiations has been liberally construed to include in the bargaining process a variety of matters of logical concern to affected employees. However,

the mere fact that a tenure matter may be negotiable under a given labor statute does not mean that it must be negotiated or that, if it is negotiated, agreement has to be reached. All that is required is that the parties negotiate the issue in good faith.

Generally, the scope of negotiation is determined by practice and by which issues have been in fact negotiated, settled, and established by contracts. Contractually negotiable items currently in force for community colleges, four-year institutions, and universities include: prescribed notice requirements, specification of evaluation criteria, promotion committees and their composition, access to and content of personnel files upon which promotion and tenure decisions are based, the requirement of written reasons in non-renewal cases, academic-rank ratios, procedures for appealing tenure decisions, procedures for dismissal-for-cause, and institutional commitment to principles of academic freedom.

When tenure becomes negotiable in collective bargaining situations, the following issues are drawn into the bargaining process: student or faculty senate issues related to evaluation and promotion committees, guidelines for personnel files, the validity of departmental guidelines on promotion and tenure, and study committees on faculty personnel matters.

An issue as significant as setting the range of negotiable issues is determining the bargaining unit. The selection of a unit which includes a wide range of classes of employees will require that a broad spectrum of issues appear on the bargaining table. For example, nationally some unit determinations have resulted in the placement of nonteaching professional support staff in the same bargaining unit with the academic faculty. This may encourage the nonteaching professional support staff groups to seek personnel employment practices similar to faculty (McHugh, 1973b).

III. Some trends can be forecast for the relationship between collective bargaining and traditional tenure systems. The Roth and Sindermann court decisions, for example, will put pressure on faculty to negotiate both contractual rights to written reasons for nonrenewal of term contracts and tenure review procedures which adhere to AAUP guidelines.¹ In addition, at institutions with a high proportion of nontenured faculty, or at those without tenure systems, there will be considerable pressure on the bargaining agent to provide job security. In a number of cases, unionized faculty are incorporating provisions in their contracts which maintain favorable institutional policies regarding tenure or which allow for the negotiated change of some policies.

The shift from a nonunionized environment to a unionized one brings tenure policies and procedures under bilateral control. McHugh (1973a: 207) makes the following legal distinction:

In public institutions, tenure rules or policies promulgated by action of the governing board of the institution have the force and effect of administrative regulations and are not usually contractual rights as such. They may be changed or eliminated by similar action of the board. Collectively speaking, the faculty has no legally vested right to prevent a change in the policies. But where an authorized bilateral agreement is collectively negotiated between the faculty and the public institution, the legal relationship is one of contract; it may not be unilaterally changed by the governing board during the contract term.

¹ The Roth and Sindermann cases, which went before the U. S. Supreme Court, involved nontenured teachers in public institutions who sought to contest the non-renewal of their appointments. Rosenblum (1973: 163) notes that:

In the absence of charges against the teacher by the administration, or the imposition of a stigma or other disability foreclosing the faculty member's freedom to take advantage of other employment opportunities, a state school owes a nontenured faculty member no hearing or statement of reasons for nonreappointment. The next effect of the decision in Roth and Sindermann was thus to stress that basic responsibility for allocating teachers' rights belongs to academic institutions themselves.

The collective bargaining process generally establishes tenure relationships on a collective basis rather than through individually negotiated contracts. In most institutions, however, the individual faculty member does not negotiate his own comprehensive contract anyway, so that the collective agreement does not in practice disenfranchise the individual. With the movement toward collective contracts, tenure matters will be decided less by institutional governing board policies than by the collective contract.

As tenure policies and procedures become an important part of collective bargaining agreements and guide internal decision-making more than existing statements of policies and procedures, written interpretations, and actual practice, there will be a tendency to bring individual departments, schools, and entire institutions into conformity. The ability of the administration to alter policies and procedures regarding appointments and tenure in light of economic and other considerations would then be greatly constrained by the bargaining agreement. If, for example, an institution has a large proportion of untenured faculty, administration efforts to limit all term appointments to one year with a practice of one-year rollovers may be resisted. Furthermore, resistance to a series of nonrenewals which take advantage of market situations may take the form of insisting upon inclusion in the contract of faculty rank ratios, rigorous review procedures on nonrenewals, and a policy of promotion from within. Also, program retrenchment plans may lead to the inclusion of retrenchment criteria in contracts. However, the three examples cited above can also contribute positively to internal management by identifying more clearly than existing arrangements some of the crucial issues and decision points.

The bilateral nature of collective bargaining raises questions about the extent of management rights. Most "management rights" clauses allow managers to exclude certain "inherent managerial prerogatives" from negotiation at the bargaining table, but do not

require them to do so (Mortimer and Johnson, 1976: 35). Thus, management rights become those which have not been negotiated away. In the future, one can expect that the more aggressively the faculty pursues unionism, the more aggressive will be the administration's management attitude. McHugh (1973a: 211) presents a scenario of this issue:

Managerial authority could be asserted in contract checks on faculty appointment, promotion, and rank ratios negotiated to protect ultimate board authority. Hardened managerial attitudes in negotiations could force faculty to trade off prebargaining rights by conceding them as management rights in exchange for salaries and job security. It could be manifest in institutional counterproposals for experimentation in types of academic appointments, or committees to review the merits of tenure in the context of the particular institution. It may increase pressure for greater institutional scrutiny and justification in the initial academic appointment process. There may be institutional efforts to place centralized control over personnel funds, which departments would otherwise control, or new types of pay incentives based on productivity concepts to induce larger-scale experimentation in teaching methodology. It could well resurrect the merit concept with more centralized control over merit funds. Management initiatives might encourage sporadic employment relationship by greater use of part-time faculty. Forces, of course, are already building in this direction; but unionism could accelerate the trend.

Not only will collective bargaining change administration-faculty relationships, it will also change the academic grievance procedures. The traditional academic grievance process is informal, usually based on consensus building. The process is designed to adjust matters for individual cases; as such, there is rarely a third party involved. Collective bargaining grievance procedures are much more structured, and focus on issues which have been defined as "grievable" in the negotiated contract. Normally the process goes through several stages, which become more formal and adversarial as one goes through the cycle. The final administrative decision on grievance matters is often subject to the review and binding arbitration of a third party.

There are fewer grounds for challenging decisions if the grievance procedures are

limited only to contract provisions, rather than including coverage of administrative policies outside those in the contract. The range of grievance is also not as critical if there is no binding arbitration and where the final decision falls under the purview of the governing body. Nationally, however, the trend is toward binding arbitration of grievances. Matters of academic merit are generally excluded from grievance considerations, but it may be impractical to make a distinction between matters of evaluative procedure and those of academic merit. Tenure procedures can become so complex that violation of them is almost unavoidable, and the number of challenges to nonrenewal and tenure decisions probably will increase initially because the unions have the staff, legal support, and contract grievance procedures to initiate action. There is the further possibility that as the grievance machinery becomes more familiar to both parties, issues will be settled at earlier, informal stages.

Thus, as noted earlier, the introduction of collective bargaining into public institutions does not lead to the displacement of tenure. Instead, tenure shifts from a set of policies and procedures controlled unilaterally by an institutional governing board to a set of issues which are negotiable at the bargaining table. How the various participants in the collective bargaining process approach those issues will determine how different the new tenure systems will be as compared with traditional systems.

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APPENDIX B

LEGAL ASPECTS OF TENURE IN VIRGINIA AND NATIONALLY

**Ronald C. Brown
Professor of Law**

**The College of William and Mary
Williamsburg, Virginia 23185
June 30, 1976**

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INTRODUCTION

Tenure as a working concept in academic employment has come to exist for numerous reasons including the desire to protect the academic freedom of the faculty and the need to provide job security in order to draw and retain good people.¹ The basic goal of tenure is to insure that faculty members will not be dismissed without adequate cause and without due process.² Studies indicate that in 1972 approximately 94 percent of all faculty members in American universities and colleges served at institutions recognizing tenure in some form.³

Until the early 1970's the courts had been largely uninvolved in resolving disputes about the legal aspects of academic tenure. Since that time, however, a relative explosion of litigation has occurred in higher education and in appreciable measure has involved the area of tenure and employment contracts. In view of the diversity of the legal implications arising from these decisions, this study, although focusing primarily on the contractual aspects of tenure, will also include an examination of its relationship with constitutional issues. More specifically, this study will examine the current legal status of tenure in institutions of higher education in Virginia and place it within the greater context of developing national law. The study begins with a discussion of the definition of tenure with its legal implications and then examines the contractual aspects of tenure such as how tenure may be created, the validity of permanent duration contracts, the difficulty of a state modifying a vested contract right to tenure, and, lastly, the appropriate remedies for contract violations. It then proceeds to analyze the interrelationship between tenure and constitutional rights, both substantive, such as First Amendment-academic freedom issues, and procedural such as Fourteenth Amendment due process issues. The final section will explain the Virginia law on the above issues.

I. CREATION AND VALIDITY OF ENFORCEABLE TENURE RIGHTS

A. Tenure Defined

It is often difficult to generalize the non-legal, academic aspects of tenure. It has been observed that:

[T]enure is embodied in a bewildering variety of policies, plans and practices; the range reveals extraordinary differences in generosity, explicitness and intelligibility. Large or small, public or private, non-sectarian or religiously affiliated, there is no consensus concerning either the criteria or the procedures for acquiring and terminating tenure.⁴

Tenure for centuries has been dealt with inside academic institutions and thus has not been subjected to the outside spotlight of judicial inquiry and interpretation as to its non-academic legal implications.

The most widely-accepted academic definition of tenure is the statement of college and university tenure principles promulgated and adopted by the American Association of University Professors and the Association of American Colleges which for the purpose of promoting academic freedom and providing a degree of economic security in pertinent part provides:

After the expiration of a probationary period, teachers . . . should have permanent or continuous tenure and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.⁵

As will be discussed subsequently, recent case law brings into clearer focus the sometimes apparent dichotomy between the theoretical principle of tenure and its practical application. It has been observed:

If there is any truth to the conception of tenure as unbreakable, it is because of institutional practices rather than because of precise protective doctrines developed by the courts. Nothing in the rationales, norms, or rules of tenure legally shields any faculty member from accountability for performance as teacher, scholar, and colleague.⁶

The legal effect of a tenure system is to place restrictions on the power of the employing institution to terminate tenured professors except for cause and after a hearing. A recent leading case in discussing that power held:

Although academic tenure does not constitute a guarantee of life employment, i.e., tenured teachers may be released for "cause" or for reasons of the kind here involved [financial exigency], it denotes clearly defined limitations upon the institution's power to terminate the teacher's services.⁷

Additionally, procedural benefits accrue to tenured professors in that (1) tenure policies providing specific procedural standards must be followed explicitly unless waived by the parties involved,⁸ (2) the employing institution in order to terminate a tenured professor has the two-fold burden of (a) providing that "adequate cause" exists and (b) initiating the termination proceedings.⁹

Courts have also been called upon to judicially determine institutional policies relating to the meaning of the term "adequate cause." The Nevada Supreme Court in reviewing the dismissal of a tenured professor stated that "cause" means legal cause, and not merely any cause deemed sufficient.¹⁰ That is, it had to be of a substantial nature directly affecting the rights and interest of the public and had to touch the qualifications or performance of the professor's duties, showing that he is not a fit or proper person to hold the position. Of course, the university regulations can be more specific and more carefully define "cause" as including incompetency, immorality, misconduct, neglect of duty, incapacity, and insubordination.¹¹ The courts have varied in their approach as to whether they will make an independent review of the substantive charge¹² or place more emphasis on the procedures followed thus deferring to academic judgments.¹³ In the final analysis, although the courts may wish to give deference to such institutional judgments, in recent years the courts have been inclined to intervene and provide legal interpretations of adequate cause.¹⁴

B. Creation of Tenure Rights

Tenure may be obtained by faculty members following a probationary period after having met prescribed institutional standards. Quite commonly the authority to grant tenure may be found in a comprehensive statutory scheme which provides the right to continued employment subject only to removal in a prescribed manner for enumerated causes.¹⁵ For example, in Virginia the public school teachers, after a probationary period, are granted "continuing contracts" during good behavior and competent service.¹⁶ Alternatively, a statute (or in the case of a private college, a charter and by-laws) may grant the authority to the college or university governing board to enter into contracts with faculty members. The board, pursuant to a tenure policy, then grants tenure as part of

the employment agreement. The agreement may explicitly state that tenure has been awarded or the agreement may incorporate by reference the university handbook containing tenure regulations. Additionally, "de facto tenure" or implied contractual rights may arise so as to create an expectancy in future employment. Whether this expectancy will rise to the level of an enforceable contract will depend on state law; however, the Supreme Court in Perry v. Sindermann held that when a faculty member has a concrete expectancy in future employment fostered by the educational institution then he is entitled to pre-termination procedural due process in order to prove the validity of his claim.¹⁷

The award of tenure typically follows a faculty recommendation and then must be approved by an affirmative act of the educational institution as opposed to a passive or automatic right of a faculty member meeting the standards following the probationary period. However, in a very few but recent cases, tenure has been granted by default.¹⁸ In those cases the tenure provisions called for the award of tenure or dismissal after certain time periods; the failure of the educational institution to implement its decision to dismiss within the prescribed time caused the court to hold that the professors were entitled to tenure. Other cases have held contrary. For example, in a case in which an arbitrator awarded reinstatement to a professor who had not been timely notified, the court reversed and held that reinstatement would be tantamount to awarding tenure, a matter left solely to the discretion of the governing board by statutory right.¹⁹

1. Formation of Contracts for Tenure Through Incorporation by Reference

Assuming the lack of explicit statutory authority creating tenure rights, the authorization permitting such arrangements usually flows from the statutorily created right of a governing board to enter into contracts with its faculty. Absent statutory or constitutional limitations, the normal doctrines of contract law will then govern the legal relationship between the faculty and the board. Therefore, if a board enters into an agreement with a faculty member granting tenure, there should be little doubt that a contract has been formed subject to the subsequent discussion regarding the validity of such "permanent duration" contracts.

The Supreme Court has suggested the context within which a discussion of the formation and validity of contracts for tenure may take place in that it has acknowledged the validity of written contracts with explicit and implied tenure provisions, and has noted:

. . . The law of contracts in most, if not all, jurisdictions long has employed a process by which agreements though not formalized in writing may be "implied."
. . . Explicit contractual provisions may be supplemented by other agreements implied from "the promisor's words and conduct in the light of the surrounding circumstances."
. . . And, "[t]he meaning of [the promisor's] words and acts is found by relating them to the usage of the past."²⁰

The Court went on to say that there may well be an unwritten common law in a particular university that certain employees shall have the equivalent of tenure; but the Court did indicate the legal validity of such arrangements would depend on relevant state law.²¹ The Court ultimately held that the professor be given an opportunity to prove the legitimacy of such claim, a task which is undertaken in the following pages.

Formation of a contract for tenure, as stated above, may come about even though not explicitly stated in the employment agreement. This is accomplished by the doctrine of incorporation by reference which may make college regulations part of the contract either directly by express reference to them or indirectly by implying their incorporation through a process of interpretation.

Courts have sanctioned both approaches. For example, an express statement by the parties that the rules of the handbook are to be incorporated by reference into the employment contract provides the basis of a court's finding that the entire agreement includes definitions, procedural and substantive rights which are in the handbook and relate to tenure and notification requirements.²²

A more general reference in the agreement that the "rules and regulations" of the university are included also causes the courts to include the handbook's definition and rights of tenure²³ as part of the agreement through the usual processes of contract interpretation.²⁴

Most commonly the parties to a lawsuit stipulate or the court holds that the handbook is impliedly incorporated as part of the total employment agreement.²⁵ For example, in Greene v. Howard University, the court found:

The employment contract of appellants here comprehend as essential parts of themselves the hiring policies and practices of the University as embodied in its employment regulations and customs.²⁶

The court moreover found that appellants had legitimate basis to rely on the regulations as part of the employment agreement and to the extent a valid contractual arrangement would not be found the University would be estopped under the familiar contract principle of promissory estoppel.²⁷

This widely accepted proposition of impliedly incorporating regulations by reference is extremely significant in that it may create an enforceable contract for tenure even though tenure has not been explicitly provided for in the written employment agreement, although of course it is pursuant to University policy. A perhaps cautionary observation of this developing area of law is stated in Greene:

[C]ontracts are written and are to be read, by reference to the norms of conduct and expectations founded upon them. This is especially true of contracts in and among a community of scholars, which is what a university is. The readings of the market place are not invariably apt in this non-commercial context.²⁸

2. Efficacy of Disclaimers

Some universities seeking to negate the formation of a contract for tenure by incorporation of the regulations in the handbook have placed a statement in the handbook expressly disclaiming its effectiveness as a basis of contract obligation. However, in those few cases which have litigated the matter, the effectiveness of these disclaimers has been seriously questioned if not limited. For example, in Greene v. Howard University, the D.C. Circuit Court of Appeals held that a private university having, on one hand, granted certain notice rights to the faculty regarding non-reappointment could not, on the other hand, effectively stipulate: "without any contractual obligation to do so."²⁹

A similar result is found in a case involving a public university wherein the university disclaimed the efficacy of the regulations as "not contractual."³⁰ The Court, however, in finding the regulations effectively incorporated, also held that the disclaimer was ineffective in that the "course of conduct" of the parties in regularly following the handbook regulations demonstrated that it . . ." considered [it] to govern the University's relationship with plaintiff . . . in managing the University."³¹

As to whether this type of contract interpretation was applicable to a public institution, the court responded:

Our answer is that the issue here does not involve the public or private character of the University. . . . The issue here simply involves the law of contracts.³² (emphasis added)

The Supreme Court of Ohio in a different but related case, Rehor v. Case Western Reserve University, has held that a properly worded reservation of rights in the handbook³³ will permit a university to change a retirement policy that was part of the handbook regulations incorporated into faculty employment contracts.³⁴

3. Vesting of Contract Rights

The Rehor case raises the significant additional issue of whether employment contract rights, especially as regards the grant of tenure, once vesting can be subsequently modified by the employing institution. The majority of the court in Rehor held that, according to rules in the University handbook, it could modify its retirement policy. It also held that faculty agreements which had incorporated the earlier retirement policy could be subsequently modified if supported by consideration. The dissent argued that proper contract analysis would find that although the University had the power to change its retirement policy it had the concomitant duty to compensate those adversely affected. It added that a clearer reading of the policies incorporated into the contract ". . . suggests that something akin to a 'grandfather clause' is necessary for those faculty members adversely affected."³⁵ The majority found sufficient evidence existed to support its reasoning that the professor's earlier vested contractual retirement rights were subsequently modified by the changed policy (pursuant to an approved procedure also included in the

handbook) and accepted by the professor who agreed to subsequent employment contracts which incorporated the new policies.³⁶ The Court found that salary increases in the subsequent employment contracts provided adequate consideration to support the new modifying agreement.³⁷ Agreement on the precise holding of Rehor may be difficult; it appears to stand for the proposition that contract rights may best and be subsequently modified by an agreement supported by consideration. The question of whether the retirement policy, the subject matter of the vested right, could have been changed absent the contractual reservation to change policies including that right was not before the court and thus the resolution of the vesting issue will be left to the contract law of each state.³⁸

4. Tenure as a Restriction on Restructuring Academic Programs

A related question is the extent to which tenure may restrict a state or educational institution in its restructuring or discontinuing academic programs which cause the displacement of tenured faculty. It is well established that tenure does not provide a guarantee against institutional change. As discussed earlier, typical tenure procedures provide that tenured faculty may be terminated for justifiable reasons, which include the AAUP-recommended bases of financial exigency, discontinuance of a program or department, or for medical reasons.³⁹ To begin the analysis one must first assume that tenure is validly created and enforceable as an employment contract right and that AAUP-recommended regulations are part of the contract either because they are incorporated by reference directly or through contract interpretation as custom and usage.⁴⁰

"Financial exigency" which justifies termination of a tenured faculty member, as defined by Regulation 4 of the AAUP-Recommended Regulations on Academic Freedom and Tenure, occurs when "an imminent financial crisis" exists "which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means."⁴¹ Recent case law has held such regulations to be enforceable. In AAUP v. Bloomfield College⁴² the New Jersey court upheld the "financial exigency" restriction on the University's authority to terminate tenured faculty and defined the phrase as "an immediate, compelling crisis."⁴³ The reviewing court in affirming this holding stated "not only must the financial exigency be demonstrably bona fide but the termination because of that exigency must also be bona fide."⁴⁴ The rationale for that point is found in Browzin v. Catholic University of America⁴⁵ a similar, recent case decided by the D.C. Court of Appeals which in enforcing the AAUP regulation in pertinent part held:

But the obvious danger remains that "financial exigency" can become too easy an excuse for dismissing a teacher who is merely unpopular or controversial or misunderstood -- a way for the university to rid itself of an unwanted teacher...⁴⁶

In further defining the term "financial exigency" a recent Iowa decision, without significant discussion, found the term to mean "current operating deficit."⁴⁷ Two other decisions involve the situation where the legislatures of Nebraska and Wisconsin cut appropriations which arguably necessitated a reduction in the number of faculty at the state educational institutions.⁴⁸ Although the actual issue dealt with was the constitutional adequacy of termination procedures, the court in holding that the tenured faculty were properly dismissed also found that financial exigency existed, though that aspect was not developed in the opinion. It is important to note that the court required that an opportunity be provided to demonstrate the bona fideness of reasons for dismissal.

Under the 1976 AAUP regulations, a tenured faculty member may be properly terminated if his program or department is discontinued. While this should resolve the initial inquiry as to whether a state is fettered in its ability to restructure academic programs within and between institutions, obligations and unanswered questions remain. The obligations suggested by the regulations include faculty-administration discussions on appropriate procedures to be followed and alternatives to be explored relevant to the restructuring and its effects. One of those obligations, the duty of the institution to assist displaced faculty members in finding "another suitable position" has been litigated.⁴⁹ In Browzin v. Catholic University of America⁵⁰ the D.C. Court of Appeals enforced that duty, arising from the employment contract which included the AAUP regulations, and held:

The University did discontinue Browzin's program of instruction. It was therefore under an obligation to make every effort to find him another suitable position in the institution.⁵¹

Unanswered questions remain as to what constitutes a "program"; for example, if a line of courses is phased out such as nuclear physics, is that sufficient to justify termination?⁵² In sum, the state is not restricted by tenure in its ability to restructure programs which causes displacement of tenured faculty except to the extent the institution may be obligated to help cushion the effects and be called upon in open hearing to justify its policy.

5. Validity of Tenure Contracts

Once deciding that a contract for tenure may be formed, the question arises whether such contracts are supported by sufficient legal consideration to be valid and enforceable. Issues of contract law involving the legal consideration questions revolve about the indefiniteness of the duration and compensation of the contract, the apparent lack of mutuality of obligation, and whether a contract for tenure under usual contract principles is a contract for permanent employment which may be invalid because of lack of consideration. Though this is largely an untested issue in tenure contracts in higher education, some case law is available to generalize as to the validity of such agreements.⁵³

A summary of contract law outside the area of higher education finds:

Ordinarily, an employment agreement which mentions no period of duration, and is in a true sense made indefinite thereby, will be construed as being terminable at will by either party, and the burden of proving the contrary must be assumed by the party asserting that the employment was for a definite period.⁵⁴

However, many courts will not find such agreements unenforceable due to lack of mutuality or indefiniteness where the intent of the parties as to duration is ascertainable from the agreement, custom and usage, and the nature of the employment.⁵⁵ The Supreme Court has upheld the validity of such agreements stating that they are not against public policy.⁵⁶ Also courts have found that where consideration is given additional to the usual services to be performed, it will enforce permanent duration agreements.⁵⁷ For example, in Simmons v. California Institute of Technology⁵⁸ a contract for permanent employment supported by consideration additional to the services incident to the employment was upheld for as long as the employer remains in business and the employee is able and willing to do his work satisfactorily. Some courts have suggested that additional consideration is not necessary to support a contract for permanent employment:

If it is their purpose, parties may enter into a contract for permanent employment - not terminable except pursuant to its express terms - by stating clearly their intention to do so, even though no other consideration than services to be performed is expected by the employer or promised by the employee.⁵⁹

Cases arising in higher education that have addressed the question are few, but for the most part, contracts of tenure have been upheld. It is perhaps instructive to note that in recent years very few cases⁶⁰ have questioned the enforceability of tenure for want of sufficient consideration.⁶¹

This, in part, could be due to the fact the purpose of the parties in granting "permanent" employment, though atypical in non-educational settings is the norm in higher education, and is clearly intended and stated as institutional policy which is incorporated by reference into the employment agreement. The purpose or rationale for this type of contractual provision, as discussed earlier, is not only to provide job security, but also to protect academic freedom. The recent case in New Jersey, Bloomfield College,⁶² in discussing the purpose of academic tenure, went on to observe:

Although academic tenure does not constitute a guarantee of life employment, i.e., tenured teachers may be released for "cause" or for the reasons of the kind here involved [financial exigency], it denotes clearly defined limitations

upon the institution's power to terminate the teacher's services.⁶³

One recent lower state court decision in Iowa has held that agreements for tenure without additional consideration are unenforceable.⁶⁴ In a second case in Iowa, Collins v. Parsons College,⁶⁵ the state Supreme Court enforced a tenure provision finding that the relinquishment of a tenure contract elsewhere in exchange for the new tenure contract was sufficient additional consideration. Though the issue of the absence of mutuality of obligation was raised in that the professor, unlike the university, could terminate his employment at the end of any academic year, the court found it was unnecessary to decide on that basis since other consideration was present. The court on that issue, however, did observe:

We have considerable doubt that an agreement for tenure such as this one requires mutuality in any event, as to duration of the employment. Tenured teachers in institutions of higher learning have permanent positions as spelled out in the bylaws of their institutions, just as civil servants have permanent positions as spelled out in statutes. Yet such teachers and servants are free to resign if they wish.... Promises must be mutually obligatory if they constitute the only consideration for each other. But, if a promise is supported by other consideration, it is enforceable although the promisee has the right to terminate his undertaking or, indeed, makes no promises at all, as is the case of unilateral contracts.⁶⁶

The court in restating principles of contract law continued that although lack of mutuality may amount to a lack of consideration, the mere lack of mutuality itself does not render a contract invalid.

If mutual promises be the mutual consideration of a contract, then each promise must be enforceable in order to render the other enforceable. Though consideration is essential to the validity of the contract, it is not essential that such consideration consist of a mutual promise.... This is true of all unilateral contracts which are supported by consideration.⁶⁷

The issue then becomes whether consideration exists to support the agreement. Consideration has been defined many ways including consisting of a detriment to promisee,⁶⁸ which detriment does need to move to the promisor.⁶⁹ An increasing number of courts have come to recognize that the doctrine of promissory estoppel is a substituted form of consideration, where consideration would be otherwise lacking.⁷⁰ The dominant element which must be present under the doctrine is that of justifiable detrimental reliance on the promise, which if present may preclude the promisor from asserting the lack of consideration.

Unanswered and untested issues remain in higher education on those issues. Whether no special consideration (other than providing services) is necessary or whether the implicit surrender of potential job opportunities by acceptance of a tenured position at an institution would satisfy the consideration requirement is a matter left to future litigation under each state's contract law. It has been decided, at least in Iowa, that a clearly bargained for exchange of a tenured position at one institution will support a contract for tenure at another institution,⁷¹ although other courts have had different approaches on that issue.⁷² Whether courts will accept the promissory estoppel doctrine as a substituted form of consideration or will continue to bypass the issue as unnecessary for discussion remains to be seen.⁷³

6. Issues Affecting Enforceability

Other contract issues which could arise and affect the enforceability of tenure contracts include: 1) lack of authority of university officials to enter into such contracts because of either constitutional or statutory limitations; 2) contractual waiver of rights; 3) statute of frauds in the case of informal oral tenure plans; and possibly the contract doctrine of the parol evidence rule, a contract law doctrine which may preclude evidence of a tenured position if the employment contract is silent on it.

Constitutional limitations on the university's authority may arise from two sources: 1) the contract clause in the U. S. Constitution⁷⁴ which prohibits states from impairing contract obligations it has entered into; and 2) a state constitution's reservation of "full control" which may prohibit delegation of that authority. The Supreme Court in Indiana ex rel Anderson v. Brand⁷⁵ held that an Indiana statute which created contractual tenure rights in teachers could not be subsequently abrogated by legislation negating tenure rights in that it unconstitutionally impaired the obligation of the originally entered into tenure contracts. The Court admitted that every contract is made subject to the implied condition that its fulfillment may be validly frustrated by a proper exercise of the police power.⁷⁶ The dissent argued that the Indiana legislature remained free to change its legislative policy over the educational matters, since such power was reserved by the State Constitution, and that teachers' tenure rights were statutory and not contractual rights and were, thus, repealable.⁷⁷

A more common situation is where the state constitution is found to reserve to the legislature the power to change, modify or abolish policies relating to schools. For example, in Malone v. Hayden the Supreme Court of Pennsylvania found that teachers' contracts impliedly incorporated the constitutional requirement that permitted the subsequent legislative modification of the state tenure law and, thus, modification of the tenure contract was not impermissible.⁷⁸ In summary, whether the Constitution will preclude modification of contracts for tenure will depend on judicial interpretations of state constitutions and pertinent state statutes.

A second potential source of limitation on a university's authority to grant tenure may

be found in a constitutional restriction which may limit the power to delegate such authority. For example, in Worzella v. Board of Regents,⁷⁹ the Supreme Court of South Dakota invalidated a tenure plan on the basis it improperly restricted the board's constitutionally granted power to maintain the college "under the control of" the board.⁸⁰ The court viewed the board's constitutional power of removal of faculty as absolute and, thus, not susceptible of restriction by the tenure system.⁸¹ However, the doctrine of illegal delegation to a great degree in recent years has been ameliorated by courts finding that public entities generally have broad authority to delegate matters which in earlier years would have been viewed as improper interference with the sovereign powers of the state.⁸²

Statutory limitations may also affect the enforceability of tenure contracts. A clear limitation would be statutes which authorize universities to remove personnel "at will." While some courts have held that tenure and related personnel policies are restricted by such statutes,⁸³ others have held that having to comply with reasonable restrictions, such as following certain procedures in the removal process, does not impair the authority of the governing board and is not, therefore, prohibited by such statutes.⁸⁴ This latter interpretation permits an aggrieved faculty member to sue for breach of contract while at the same time reserving to the governing board the ultimate power to dismiss.

A final potential statutory obstacle to enforcement of tenure contracts is whether a university may enter into such agreements absent explicit statutory authorization. To do so, a university would be acting on authority implied from general, explicit statutory authorization such as "the authority to enter into employment contracts with faculty" and "to make and enforce rules and regulations." Early case law demonstrates judicial conservatism on this issue and implied powers often were not found; however, in recent years, a discernible trend of case law has emerged which makes it not unlikely that implied authority would be found to support such contracts including those for tenure.⁸⁵

The contract doctrine of waiver may be introduced into the discussion regarding the legal enforceability of tenure contracts. A waiver is defined as a relinquishment of a known right and can arise in tenure contracts in a couple of ways.⁸⁶ First, a professor who is granted a tenure contract other than by explicit statutory provision may commonly be provided only a one year contract. The question can arise whether the acceptance of a one year contract is a waiver of the right to "permanent duration employment" provided by tenure. Few courts have addressed this specific issue, but one such court was the Supreme Court of Iowa which in upholding the enforceability of a tenure contract held that the professor "...did not waive his right of tenure by executing written contracts carrying out the original agreement in individual years."⁸⁷ Even where such one year agreements did not specify continued tenure rights, the earlier discussion regarding the implied incorporation by reference of university regulations granting tenure rights should lead one to conclude that the waiver argument is largely ineffectual.

The waiver argument, which can preclude inconsistent positions, may also arise where

a university indicates satisfaction or lack of dissatisfaction with a professor's work. For example, in Bruno v. Detroit Institute of Technology⁸⁸ where tenure was to be awarded following a prescribed period, a combination of factors, including the failure to properly notify the professor of an adverse tenure decision, renewal of yearly contracts, a promotion, and lack of criticism regarding his performance caused the court to award tenure and preclude the university from taking an inconsistent position. Though this type of case (which is to some extent entangled with statutory mandates) does not present the clear cut issue of whether a university which offers or awards tenure if certain criteria are met may thereafter change its position where there has been reliance on the continuance of the system, it at least suggests the possible availability of such argument.⁸⁹

Related to the waiver argument is the earlier discussed doctrine of promissory estoppel which may provide consideration either to create an enforceable contract or to make an offer irrevocable.⁹⁰ Thus, in the context of higher education it may be that the offer of an institution to grant tenure or the actual awarding of tenure makes the offer irrevocable where the professor reasonably relies on it. Professor Corbin in his treatise on contracts has observed:

Where one party makes a promissory offer in such a form that it can be accepted by the rendition of the performance that it accepted in exchange...the offeror is bound by a contract just as soon as the offeree has rendered a substantial part of the requested performance.⁹¹

Though there appears to be no cases in higher education on tenure contracts which raises this issue, the analogy is obvious. A university, by awarding tenure to a professor, promises to honor its offer for continued employment if the professor meets the job requirements; the professor's continued reliance on this offer creates an irrevocable offer that can be subsequently accepted by the professor.⁹²

A third area of contract law which could affect the enforceability of tenure contracts deals with the statute of frauds and parol evidence rule. The statute of frauds of each state generally requires certain types of contracts to be written; for example, those not capable of performance within a year from the time of their formation (such as "permanent employment" contracts).⁹³ Thus, a university's informal oral tenure policy may not comply with the statute and be unenforceable.⁹⁴ However, the modern trend of cases finds that contracts based on one's "life" are capable of performance within one year inasmuch as the contingency might become effective in less than a year.⁹⁵ As most contracts for tenure are written either expressly or through incorporating by reference the pertinent handbook provisions, there would seem to be few legal problems involving tenure with the statute of frauds.⁹⁶

The parol evidence rule of contract law precludes admission of evidence of prior oral understandings which contradict a subsequent written agreement which is fully integrated.⁹⁷ The application of the rule could arise where an oral promise of tenure was followed by a later written contract of employment that omitted such a provision. Whether evidence of the earlier alleged oral agreement would be admissible depends on the court's view

of whether the written agreement was so fully integrated vis-à-vis the terms and conditions of employment that it would likely have been included in the agreement. It is most likely that the court will find that the fully integrated agreement includes the handbook regulations which will incorporate by reference the tenure provisions. If on the contrary the court finds the agreement is fully integrated, the evidence will be excluded. However, even if a court would exclude such evidence, it is possible that it could come in through the process of interpreting the meaning of the agreement.⁹⁸ Thus far this issue has not been raised as a troublesome one in tenure contracts in higher education.

7. Contract Remedies for Breach of Tenure Contract

A final element important to considering the legal ramifications of contracts for tenure involves the legal remedy which the court will award in the event a breach of contract is found. The traditional contract rule in employment contracts is to award damages rather than specific performance, except in the unusual case where damages can be proved inadequate.⁹⁹ The rationale is to avoid forcing an employer and employee into an incompatible relationship. In higher education cases, the rule is the same with damages normally being awarded, which in case of a breach of a tenure contract can be considerable.¹⁰⁰ In Bruno,¹⁰¹ the court found a breach of a contract for tenure and after listing how to measure the future damages, including anticipated salaries, commented:

We feel we would be remiss if we did not hasten to add that the entire problem of future damages could be avoided if defendant were now willing to abide by its contractual obligation and again allow plaintiff to return to his teaching post.¹⁰²

There has been continued dissatisfaction expressed about the unavailability of specific performance in the enforcement of employment agreements in that damages are rarely adequate due to the disruptive effect a discharge has on one's reputation and future job opportunities, and the fact that professors are usually quite autonomous and, thus, do not run afoul of the usual rule seeking to avoid incompatibility in the employment relationship.¹⁰³ Williston in his treatise on contracts has likewise observed "...appealing factual situations may occasionally induce a court to enforce a personal service contract specifically, particularly in the absence of any personal relationship between the parties."¹⁰⁴ Some recent court cases have likewise expressed dissatisfaction and have awarded reinstatement. For example, in the Bloomfield College case, the court made an exception to the general rule and ordered reinstatement where the university had failed to follow its own regulations in dismissing for "financial exigency." Arguably this case is distinguishable since there apparently was no dissatisfaction with service, and thus, reinstatement would not involve the incompatibility problem. The court stated that specific performance should not be precluded, and noted that:

...no reason appears as to why reinstatement cannot be ordered here as has been done so often in the numerous cases involving public educational institutions.¹⁰⁵

The court pointed out that although those orders for reinstatement derived mainly from statutory provisions coupled with the court's power to issue writs of mandamus,

the substance of the action has been nothing more than to compel adherence to academic tenure commitments on the part of an educational institution. This is the route by which specific performance is obtained against a state body on the basis of contracts arising from statute.¹⁰⁶

The reviewing court, in affirming the granting of specific permanence, added:

In view of the uncertainty in admeasuring (sic) damages because of the indefinite duration of the contract and the importance of the status of plaintiffs in the milieu of the college teaching profession, it is evident that the remedy of damages at law would not be complete or adequate....The relief granted herein is appropriate to achieve equity and justice.¹⁰⁷

In public universities, an improperly terminated tenured professor may be entitled to reinstatement pursuant to a statutory provision.¹⁰⁸ And even absent a statutory provision, professors have been ordered reinstated.¹⁰⁹ Though most cases arising in higher education have denied specific performance, one should not overlook the potential availability of such a remedy (especially where damages can be argued to be inadequate) and of the wide discretion available to courts in devising and shaping the remedy so as to fit the changing circumstances of every case in an attempt to render the parties whole.

II. TENURE IN CONSTITUTIONAL CONTEXT

A. Academic Freedom

The grant of tenure in addition to contributing to job stability is provided to ensure adequate protection of academic freedom which encompasses the ideal of virtually unrestricted freedom of intellectual thought, learning, and teaching. The D.C. Court of Appeals in a recent case dealing with the rights of a tenured professor noted that a tenure system is designed to eliminate the chilling effect which the threat of discretionary dismissal casts over academic pursuits and to foster society's interest in the unfettered progress of research and learning by protecting the profession's freedom of inquiry and instruction.¹

Judge Wright further elaborated on the need to protect such interests:

The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those who guide and train our youth. To impose any straight jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation. No field of education is so thoroughly comprehended by man that new discoveries cannot yet be made. . . . Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.²

As significant as academic freedom is in our American tradition, no court has squarely held that academic freedom is a distinct and legally enforceable independent right absent and beyond constitutional guarantees.³ The question arises then to what extent do constitutional guarantees protect the same values and rights that tenure is designed to protect?

B. Constitutional Rights of Faculty Absent Tenure Rights

1. Substantive Rights Under the Constitution

To begin, it must be understood that the constitution regulates only public universities and those private institutions that have become significantly involved in governmental action, which under legal analysis will apply the constitution through the doctrine of "state action."⁴

Under the Fourteenth Amendment, there are two types of rights protected, substantive, such as First Amendment rights, and procedural, such as due process-fair hearing rights. For the most part, courts deciding cases in higher education have deferred to internal academic judgments and have emphasized interest in proper procedures as opposed to substantive rights, with protection accorded the latter primarily in the areas of extracurricular speech and right of association.⁵

The courts, however, have not been unmindful of trying to protect where possible some of the same interests protected by academic freedom. For example, the Supreme Court has ruled:

Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us, and not merely to teachers concerned. That freedom is, therefore, a specific concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom.⁶

Proceeding from that dictum, the Supreme Court has also made it clear that professors at public universities have constitutionally guaranteed rights regardless of a tenured or untenured status. (Of course, such rights must be vindicated in judicial proceedings rather than in institutional "cause" hearings by a jury of academic peers.) The only question then is whether legal constitutional rights encompass the non-legal interests of academic freedom. The leading case dealing with extracurricular free speech rights is Pickering v. Board of Education where the Court ruled that the Board, in dismissing a teacher for publicly criticizing the Board's handling of revenue raising proposals, was an unconstitutional interference with the teacher's freedom of speech.⁷ The Court did recognize the interests of the state as employer in regulating the speech of the citizenry in general, and established a "balancing test" between the two interests.

The courts have since tried to find the line that separates the two interests. In Pickering, the Court noted that if a teacher's utterances were so without foundation as to call into question the person's fitness to perform his duties in the classroom, then the statements "would merely be evidence of the teacher's general competence, or lack thereof, and not an independent basis for dismissal."⁸ Subsequent court rulings have narrowed the scope of protection by holding that where honest doubt exists whether adverse action was taken because of questions of competency rather than protected constitutional rights, the court should rule in favor of the former. For example, an Arizona court held:

[I]f, judged by constitutional standards, there are valid as well as invalid reasons for the discipline or discharge of a teacher, such discipline or discharge will not be set aside by the federal court so long as the invalid reasons are not the primary reasons or motivation for the discharge.⁹

In the area of constitutional rights inside the classroom, a critical part of academic freedom, the court decisions are varied, but one commentator has taken the position that recent court decisions

...carve an area of autonomy in the classroom in which teachers teach free of interference from school authorities and parents alike, so long as the teachers can convince a federal court [rather than in a university proceeding] that the classroom expression is relevant to their curricular assignment, is balanced and has educational value.¹⁰

The Supreme Court in Tinker v. Des Moines Independent Community School District,¹¹ in applying a test balancing the rights of the individual against the institutional needs of the orderly operation of a school, found that wearing armbands was not such an interference as to be disruptive. A sampling of judicial decisions balancing the relative interests finds that courts have permitted and protected freedom of speech inside the classroom,¹² the teachers selection of subject matter in teaching a course,¹³ and in using teaching methods which were not universally approved, but which were not explicitly prohibited.¹⁴ On the other hand, it is perfectly clear that a state has the "undoubted right to prescribe the curriculum for its public schools"¹⁵ and the concept of academic freedom does not insulate a teacher from review by superiors on the basis of teaching style.¹⁶

In summary, the non-legal definition of academic freedom, accepted by most universities, encompasses: 1) research and publication; 2) freedom in the classroom; and 3) freedom as a citizen. As can be seen in the above analysis, there has been legal protection afforded professors in each area. Though it is tempting to note that constitutional rights are guaranteed professors at public universities, whether or not they are tenured, and thereupon conclude that these guarantees protect all of the same interests guarded by the doctrine of academic freedom, an objective appraisal might better conclude that though there is a trend in that direction there are too few cases to categorically so conclude. An additional consideration is that absent institutionally -- provided procedures within which to judge academic freedom cases, the only recourse available to the university and professor absent a settlement, is to litigate in federal court.

2. Procedural Due Process Under the Constitution

It is sometimes suggested that tenure with its requirement of a fair hearing has become passe' in view of the availability of constitutionally required due process hearings. Though to some extent for some public employees this is accurate, a brief legal examination of the requisite standards to be met to trigger a right to constitutional due process demonstrates that a very large percentage of faculty members are not entitled to this procedural protection.

a. Protected Interests

In 1972, the Supreme Court in Board of Regents v. Roth¹⁷ and Perry v. Sindermann¹⁸ established standards and guidelines under which faculty members at public institutions are entitled to procedural due process if their termination adversely affects a "liberty" or "property" interest under the Fourteenth Amendment to the United States Constitution. The Court further defined a property interest as follows:

To have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, *instead*, have a legitimate claim of entitlement to it.¹⁹

...Property interests, of course are not created by the constitution. Rather they are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law—rules or understandings that secure certain benefits and the support claims of entitlements to those benefits.²⁰

In applying that criteria to the cases at hand, the court found that Professor Roth, having only a one-year appointment, had absolutely no interest in re-employment for the next year. Neither was there a "state statute or University rule or policy that secured his interest in re-employment;" thus, he was found not to have a property interest sufficient to entitle him to a due process hearing prior to his non-renewal.²¹ In Sindermann, where the institution fostered an "understanding" of tenure rights during the years of the professor's employment, the Court found that the existence of rights under an implied-in-fact tenure system (even in the face of formal disclaimer of a tenure system) would be a sufficient property interest in continued employment to support a claim for due process protection.²²

The "liberty" interest as defined in Roth would be adversely affected, thus, triggering a right to procedural due process, if a termination were based on a charge of "dishonesty," immorality, or where

a person's good name, reputation, honor or integrity is at stake because of what the government is doing to him, or where the state, in declining to re-employ him...imposed on him a stigma or other disability that foreclosed his freedom to take advantage of other employment opportunities.²³

The Supreme Court in Roth, in applying that criteria, found that the failure to renew a nontenured professor's contract by itself did not adversely affect a "liberty" interest. The Court stated that "it stretches the concept too far to suggest that a person is

deprived of 'liberty' when he simply is not rehired in one job but remains free as before to seek another."²⁴

The interpretive definition of these constitutional terms, although somewhat abstract, become less so as they take on additional meaning when applied to individual cases. A sampling of decisional holdings interpreting "liberty" and "property" will illustrate.

"Property" interests sufficient to invoke constitutional due process protection have been found in the following types of cases: by virtue of holding a tenured position,²⁵ explicitly or impliedly,²⁶ or a term contract,²⁷ and due to substantial longevity of service either alone or coupled with other factors fostering legitimate expectations to re-employment.²⁸ On the other hand, Roth is usually interpreted to represent the general rule that nontenured professors have no property interest in continued employment and, thus, no right to a due process hearing.²⁹ The length of service of a nontenured professor typically is found inconsequential; for example, no property interests were found where nonrenewal occurred after one year service where tenure was acquireable after four years,³⁰ or five years,³¹ or after four years of a five-year probationary period.³² As has been stated, the relevant source as to whether a property interest exists in the employment relationship is most often found in pertinent state law relating to the reasonable expectancy of entitlement to re-employment.³³ This principle is illustrated in Bishop v. Wood,³⁴ a 1976 case where the Supreme Court found that a municipal ordinance classifying an employee as "permanent" under pertinent state law really meant "terminable at will" and, thus, forced the conclusion that no property interest existed so as to require a due process hearing. In sum, it is clear that untenured professors have little expectation of being constitutionally entitled to a due process hearing upon their nonrenewal on the basis of possessing a "property" interest.

Illustrations of "liberty" interests that courts have found sufficient to invoke due process protection are as follows. A "stigma" or an adverse effect on one's reputation or integrity was created which would foreclose future employment opportunities where termination or nonrenewal was based on failure to undergo psychiatric examination when so ordered,³⁵ a charge of mental illness,³⁶ a "racist" charge,³⁷ removal was by unconventional means with attendant damaging publicity,³⁸ injury to reputation occurred by an abrupt termination of an employee of substantial longevity,³⁹ and by charges of fraud⁴⁰ and untruthfulness.⁴¹ On the other hand, judicial interpretations have found that the "liberty" interest is not adversely affected where one is simply not rehired in one job and remains free to seek another,⁴² or charged with failure to be compatible with students, other employees, and members of the community,⁴³ as "anti-establishment,"⁴⁴ or charges of minor inadequacies such as tardiness⁴⁵ or even inadequate performance.⁴⁶ In Bishop v. Wood,⁴⁷ the Supreme Court in a 5-4 decision, held that where "the reasons were never made public" there could be no basis for claiming an invasion of the liberty interests protecting one's good name, reputation of integrity; this was so even though the charges were in fact false.⁴⁸ Whether this holding will be broadly read so as to severely limit prior cases interpreting "liberty" interests, but not concerning themselves with the public-private aspects is dubious, but not entirely

clear from the Court's opinion. In sum, the courts have in recent years stepped in on an ad hoc basis in non-renewal cases to find a "liberty" interest in protecting one's good reputation where it has a high probability of being damaged and then requiring a due process hearing in which the charges may be defended.

To complete the analysis of the availability of constitutional procedural due process to faculty at public institutions, it is necessary to ascertain when the hearing is required (pre- or post-termination), whether reasons for the separation must be given, the nature of the hearing that is required, and finally, the remedy that is afforded for its violation.

b. Time of Hearing

The Supreme Court in Roth stated "[w]hen protected interests are implicated, the right to some kind of prior hearing is paramount⁴⁹...except for extraordinary situations where some valid governmental interest is at stake that justifies postponing the hearing until after the event."⁵⁰ Subsequent decisions have amplified on this point holding that the hearing should occur before the deprivation of the interest, not the decision to deprive.⁵¹

Suspensions have been accorded somewhat similar treatment by the courts in that absent a sufficient government interest, a pre-suspension hearing is required.⁵² For example, the Supreme Court in Goss⁵³ recently held that students facing disciplinary suspensions of less than 10 days are entitled to rudimentary procedural due process before suspension. In other cases involving public employees, the lower courts have split on the question.⁵⁴ In sum, the courts have made clear that in all but exceptional cases when one is entitled to procedural due process, it should be accorded prior to deprivation of the interest.

It should be evident that reasons for termination or nonrenewal need not be provided when no protected "liberty" or property interest is involved;⁵⁵ and conversely, where they are involved, reasons must be given as part of the required process that is due in providing a fair hearing. In Sindermann, the Supreme Court stated that the existence of a protected interest "would obligate college officials to grant a hearing at his request, where he could be informed of the grounds for his nonretention and challenge their sufficiency."⁵⁶

c. Nature of Required Hearing

The nature of the fair hearing that is required by due process continues to be addressed by the courts. The Supreme Court has held that the form of the hearing may vary to be "appropriate to the nature of the case,"⁵⁷ that the exact nature of the hearing can vary "depending upon the importance of interests involved,"⁵⁸ and that due process is a term that "regulates any concept of inflexible procedures universally applicable to

every imaginable situation."⁵⁹ As stated earlier, Sindermann requires reasons and a hearing in which to challenge their sufficiency; beyond that, the Court has indicated that "the form of hearing required...by procedural due process may be determined by assessing and balancing the...particular interests..." of the professor and institution.⁶⁰ Although cases not arising in higher education may provide clues as to the minimum standards required in a due process hearing in a university setting,⁶¹ cases have arisen in education cases so as to provide guidelines for the hearings. For example, the Fourth Circuit Court of Appeals⁶² has set forth the following requirements in a due process hearing: 1) adequate notice; 2) specification of charges, 3) opportunity to confront adverse witnesses, and 4) the opportunity to be heard in one's own defense. Other cases have, from time to time, added such requirements as the right to examine a hearing officer's report before the board acts on it,⁶³ the right to call witnesses,⁶⁴ and the right to have assistance of counsel,⁶⁵ and the right to an impartial decisionmaker.⁶⁶

The courts have liberally interpreted the meaning of impartial "decisionmaker." For example, in 1976, the Supreme Court affirmed that principle by ruling that a school board could properly conduct disciplinary hearings involving teachers who had engaged in an unlawful strike.⁶⁷

A showing that the Board was 'involved' in the events preceding this decision, in light of the important interest in leaving with the Board the power given by the state legislature, is not enough to overcome the presumption of integrity in policymakers with decisionmaking power.⁶⁸

The Court stated that to overcome presumed impartiality it must be shown that the decisionmakers "had the kind of personal or financial stake in the decision that might create a conflict of interest"⁶⁹ or evidence that he is not capable of judging a particular controversy fairly on the basis of its own circumstances.⁷⁰ Cases arising in the education area reflect the same liberal approach in determining impartiality.⁷¹

Should a university violate a professor's constitutional rights to due process certain remedies are available, the most common of which is to remand the case to the school with an order to hold an appropriate hearing. Courts usually will not permit substitution of court proceedings for an in-house institutional hearing in that it otherwise would undermine the constitutional requirement of a hearing.⁷²

Reinstatement as a remedy has not been common, and in Roth the Supreme Court stated, after conducting a hearing because of the affected "liberty" interest, his employer, of course, may remain free to deny him future employment for other reasons,⁷³ and in Sindermann the Court held "[p]roof of such a property interest would not, of course, entitle him to reinstatement."⁷⁴ This has been interpreted to preclude reinstatement in "liberty" infringement cases,⁷⁵ though on occasion reinstatement has been ordered by the courts.⁷⁶

Damages have also been awarded by some courts, generally to the extent of salary lost due to the deprivation of procedural due process.⁷⁷

C. Non-Constitutional Right to Fair Hearing

Even absent constitutional requirements to provide procedural due process, it is a fact that many public universities "gratuitously" provide hearing procedures for tenured and nontenured faculty members. In this situation, several legal aspects arise. First, the general rule is that the school, once adopting the procedures, must follow them regardless of whether they are established by state statute⁷⁸ or institutional regulation.⁷⁹ In those cases where a constitutional interest is not sufficiently affected, courts have correctly held that the standard to be followed is that of the regulation and not the constitution.⁸⁰ That standard has been held to be a reasonable and non-arbitrary proceeding which is "fair and adequate."⁸¹ The court, in Arnett v. Kennedy, has further held that such procedures do not necessarily in and of themselves create a "property" interest for due process purposes.⁸² Justice Rehnquist, in a plurality opinion, found that a statute covering federal employees permitting removal only for such cause as will promote the efficiency of the service when concurrently granting specific procedural guidelines "...did not create an expectancy of job retention in those employees requiring procedural protection...beyond that afforded...by the statute and related agency regulations."⁸³

In summary, the case law discussed above shows that substantive constitutional rights are available to faculty members teaching at public universities. And to an increasing extent, this protects many of the same interests guarded by the concept of academic freedom, thus, diminishing the need for tenure to protect those areas otherwise protected by constitutional guarantee. Procedural due process, on the other hand, while guaranteed to those with tenure is not readily available to nontenured professors. Thus, without tenure or some equivalent property interest in continuing employment, most professors would be without the constitutional protection of entitlement to procedural due process, and would instead be left to the procedures provided by the university, if any were provided, which procedures are not subject to the stricter constitutional definition of due process.

Having described the legal relationship between right under the constitution and tenure systems, it is thereafter a policy judgment whether to force a choice between the two. As discussed earlier, unlike court litigation of constitutional rights, tenure systems move the burden of proof from professor to institution. It has been noted that

[U]nless 'possessed of extraordinary fortitude' many choose not to pursue a legal claim after weighing the considerable problems of expense, delay and the possible effect upon future teaching opportunities.⁸⁴

III. TENURE IN VIRGINIA

As can be seen from the prior analyses, many of the legal aspects of tenure have not been widely litigated across the country; and, therefore, not unexpectedly, few tenure cases in higher education have been decided in Virginia. However, a body of law has developed and when read within the context of the earlier material is sufficient to base conclusions on the present legal status of tenure in higher education in the Commonwealth of Virginia.

A. Present Tenure Systems in Virginia

I. Constitutional and Statutory Bases

The Constitution of Virginia provides for statutorily created and controlled institutions of higher education with governance by their individual board of visitors. It states:

The General Assembly may provide for the establishment, maintenance, and operation of any educational institutions which are desirable for the intellectual, cultural, and occupational development of the people of this Commonwealth. The governance of such institutions, and the status and powers of their boards of visitors or other governing bodies, shall be as provided for law.¹

Therefore, the creation and regulation of faculty personnel policies are found in the statutes relating to a particular university including its regulations and bylaws. A typical statute in Virginia gives broad, general authority to the board of visitors and is illustrated by The College of William and Mary where the Board is empowered to

...control and expend the funds of the colleges and any appropriation hereafter provided, and shall make all needful rules and regulations concerning the colleges, and generally direct the affairs of the colleges...²

Additionally, Section 23-16 explicitly gives the institutions the right to sue and be sued on its contractual obligations and do all things necessary to carry out its powers. It would appear then that the public colleges and universities in Virginia have not created a statutory tenure system, but rather have left to each institution the authority to create regulations relating to personnel policies and enter into employment contracts with faculty members. The creation and validity of those contracts for tenure are discussed subsequently.

The community college system in Virginia is likewise created and controlled by statute, but with central authority vested in the State Board for Community Colleges whose authority is "...the establishment, control, and administration of a state-wide system of publicly supported comprehensive community colleges."³ A chief executive officer, the chancellor, is appointed to administer the system⁴ and, subject to Board approval, shall fix salaries of employees,⁵ and "...enforce the standards established by the Board for personnel employed in the administration of this chapter and remove or cause to be removed each employee who does not meet such standards."⁶

The Board, in establishing procedures, has replaced a tenure system with a system of term contracts wherein multi-year appointments based on one-, three-, and five-year terms are granted while a defined concept of academic freedom is specifically reserved to the faculties.⁷ Personnel dissatisfied with evaluations or nonrenewals are entitled to written reasons and access to review procedures.⁸ The American Association of University Professors in evaluating the policies has found them deficient and argues that they are below professional norms and, therefore, has voted academic sanctions against the Virginia Community College System.⁹

2. Role of State Council of Higher Education

In addition to the above-described college and university systems, Virginia by statute has created a State Council of Higher Education "...to promote the development and operation of a sound, vigorous, progressive, and coordinated system of higher education in the State of Virginia."¹⁰ Though its authority extends over state-supported institutions of higher education,¹¹ statutes provide that the Council may provide advisory services to private, non-profit colleges within the Commonwealth on academic and administrative matters,¹² and the State Board for Community Colleges is required to "adhere to the policies of the State Council of Higher Education for the coordination of higher education as required by law."¹³

The duties of the Council are primarily advisory and assisting to the universities in evaluating future needs in mission, programs, and facilities, and informational to the Governor and General Assembly for purposes of proposing possible legislation.¹⁴ However, the Council does possess authority to approve or disapprove future proposed changes in missions of institutions of higher education, new academic programs, and "...require

discontinuance of any academic program which is presently offered by any public institution of higher education when the Council determines that such academic program is nonproductive in terms of the number of degrees granted and ...budgetary considerations.¹⁵

Lastly, it is empowered to "conduct such other studies in the field of higher education as the Council deems appropriate or as may be requested by the Governor or General Assembly."¹⁶

The statute creating the powers of the Council also seeks to limit its ultimate authority over the individual institutions. For example, though the Council may disapprove missions or programs of institutions, it is not empowered "to affect, either directly or indirectly, the selection of faculty...it being the intention of this section that faculty selection policies shall remain a function of the individual institutions."¹⁷ In specific language, the Council, in carrying out its duties, is directed to "preserve the individuality, traditions, and sense of responsibility of the respective institutions."¹⁸ Additionally, the powers of the institution are reserved as follows:

The powers of the governing boards of the several institutions over the affairs of such institutions shall not be impaired by the provisions of this chapter except to the extent that powers and duties are herein specifically conferred upon the State Council of Higher Education.¹⁹

With regard to faculty tenure, it appears that though the Council can collect data and make recommendations on faculty personnel policies such as tenure, the ability to make employment contracts that might contain tenure provisions remains with the individual institutions. However, actions by the Council could generate questions about the legal status of tenure in Virginia.

For example, the Council, by altering a university's nonproductive degree program or disapproving a new academic program could affect the number of faculty needed at a particular institution and, thus, a question could arise at the institutional level as to the legal rights of a "tenured" faculty member (with rights to continuing employment) whose job was adversely affected.²⁰

3. Virginia's Public Policy on Tenure

The last matter needing to be mentioned before analyzing the legality of tenure in Virginia is the apparent public policy of the Commonwealth on the question of tenure. Though the House Committee on Education of the Virginia Assembly in 1973 had before it a bill requiring the State Board for Community Colleges to rescind its policies on appointments and to establish a statutory system of tenure, the bill was never acted upon by the Assembly, and the proper interpretation of that non-action is at best ambiguous.²¹

Two existing statutes perhaps give a clearer picture as to state policy, the Virginia Personnel Act²² and the statute relating to teacher tenure rights.²³ The Assembly has recently created a statutory system of tenure for public school teachers which establishes a continuing contract scheme under which a teacher serves a probationary period of three years and then, if found to have performed satisfactorily, is placed on a continuing contract status during "good behavior and competent service."²⁴ In the event of a dismissal or suspension decision, the right to reasons and a hearing are provided to probationary and nonprobationary teachers.²⁵ The statute also explicitly reserves the right to reduce the number of teachers because of a decrease in enrollment

or abolition of particular subjects notwithstanding the fact that a teacher has a continuing contract status.²⁶ Lastly, the statute points out that nothing in the continuing contract right shall be construed to authorize the school board to contract for any financial obligation beyond the period for which funds have been made available with which to meet such obligation.²⁷

The Virginia Personnel Act applicable to most state employees was established

...to ensure for the Commonwealth a system of personnel administration based on merit principles and objective methods of appointment, promotion, transfer, layoff, removal, discipline, and other incidents of State employment.²⁸

The appointing State agencies are authorized to establish and maintain methods of administration relating to the "establishment and maintenance of personnel standards on a merit basis"²⁹ and "an appeal procedure which shall assure all persons employed under this chapter a full and impartial inquiry into the circumstances of removal."³⁰

Thus, it appears that a state employee has the right to continue employment absent a showing of a "meritorious cause, the merits of which may be considered at a hearing."³¹ While it is true as a general proposition that public employees are usually terminable at will (i.e., they have no right to continuing employment flowing from public employment itself) when a statute modifies that typical position and states that discharge must be for just cause, a question can arise whether it is a breach of contract flowing from the statutory duty to dismiss the employee absent that cause. The statute specifically exempts from coverage professors in state educational institutions,³² presumably because other personnel policies, including tenure policies, are applicable.

In sum, the predominate public policy in Virginia appears to be that many state employees and most public school teachers should be provided some measure of job security in the form of tenured employment. Though under any tenure system a non-performing employee may be dismissed, the thrust of tenure statutes is to guarantee that legitimate grounds for dismissal do exist and that certain procedures are followed, usually prior to dismissal.

B. Contracts for Tenure: Formation and Validity

Since there is no statutory system of tenure in higher education in Virginia, the formation and validity of contracts for tenure will depend on ordinary contract law. As discussed earlier, an educational institution could create a contract for tenure by entering into an agreement with an express provision for tenure or by incorporating by reference into the employment agreement, either directly or impliedly, certain college regulations creating tenure. Whether these agreements in Virginia would be found legally formed and validly enforceable is discussed below.

It can be assumed that a public university with the authority as is given in Virginia code, Section 23-16 to enter into contracts may impliedly enter into an employment agreement with its faculty with a provision for tenure in the agreement. The Virginia Supreme Court in Batcheller v. Commonwealth³³ held that the University of Virginia

has not only the powers expressly conferred upon it, but it also has the implied power to do whatever is reasonably necessary to effectuate the powers expressly granted.³⁴

Once authorized, the remaining questions of formation and validity of continuing contracts must be addressed. Especially intriguing is the question of whether a typical faculty employment contract will incorporate by reference the university tenure status.

The Supreme Court in Sindermann, in discussing whether a professor has tenure for due process purposes, recognized that tenure may be implied and that "[e]xplicit contractual provisions may be supplemented by other agreements implied from the promisor's words and conduct in the light of the surrounding circumstances' ...and usage of the past."³⁵ The Court also held that "[a]bsence of...an explicit contractual [tenure] provision may not always foreclose the possibility that a teacher has a 'property' interest in re-employment," this is a matter left to state law.³⁶

In Virginia, there are few cases dealing with professor's tenure rights, therefore, analogous case law will often be examined. In Johnson v. Fraley³⁷ the court found that continuous employment over a significant period of time can amount to the "equivalent of tenure" and provide a property interest for due process purposes. In dictum, the court arguably recognized, though implicitly, the possibility that the teacher "had an implied contract amounting under Virginia law, to de facto tenure."³⁸ In Holliman v. Martin,³⁹ the court, in deciding another due process case, gave implicit recognition to tenure where, in dictum, the court found a probationary professor could be dismissed more easily than one with tenure:

It is most important that this standard is considerably less severe than the standard of 'cause' used in the dismissal of tenured faculty.⁴⁰

And lastly, a Fourth Circuit case arising in Maryland found a teacher could prove an express or implied contractual right to academic tenure.⁴¹

The issue of incorporation by reference can arise first by an express reference in the contract that tenure rights are conferred as defined in writings outside the contract. The Virginia Supreme Court in W. D. Nelson & Co. v. Taylor Heights Development Corp.,⁴² involving an interpretation of a lease agreement, found that writings referred to in a contract, but existing outside it, "are construed as part of the contract."⁴³ A faculty member's contract not containing an express reference to tenure rights raises

the issue whether an institution's tenure policies in the regulations became part of the employment agreement. In 1975, the Virginia Supreme Court, in upholding the dismissal of a teacher, held

The law in existence when plaintiff entered into the contract of employment became a part of the contract, and therefore the statutory provisions providing that the Board could dismiss plaintiff at any time for certain causes was a part of her contract.⁴⁴

An earlier case made clear that regulations are likewise incorporated into agreements:

In Virginia, . . . and generally in other jurisdictions throughout the country, it is settled that relevant statutes and regulations existing at the time a contract is made become part of it and must be read into it just as if they were expressly referred to or incorporated in its terms.⁴⁵

Although the extent to which university regulations can be analogized to other types of government regulations is at time nebulous, precedent outside Virginia holds that such regulations are impliedly incorporated into the employment agreement and must be followed.⁴⁶ Thus, in view of the developing body of law outside Virginia and within, it would appear probable that a professor teaching at a Virginia university could properly claim a right to tenure that has been granted to him by university policy.

The issue of the legal validity of tenure contracts has arisen in Virginia under the somewhat analogous description of "permanent employment" contracts. The Supreme Court of Virginia has held that

It is a settled doctrine in this State that where no specific time is fixed for the duration of an employment, there is a rebuttable presumption that it is an employment at will, terminable at any time by either party.⁴⁷

However, the Court held that where an employee can be terminated only for just cause, it is no longer terminable at will and is enforceable.⁴⁸ The Court held

. . . a definite time was fixed for the duration of the employment. It was by the terms of the contract, to continue until the plaintiff gave to the defendant just cause to end it. . . . It was a promise in return for services which the plaintiff performed and which

furnished sufficient consideration for a binding contract. In such a case the doctrine of mutuality is inapplicable.⁴⁹

The analogy to the university setting seems clear, a contract for continuing employment and of indefinite duration has Virginia precedent to find it validly enforceable.

The question arose in the earlier analysis regarding the efficacy of a clause placed in the university regulations disclaiming any legal effectiveness of the tenure rights provided; as there appears to be an absence of Virginia law on this point, one can assume that it will meet with the same close judicial scrutiny if not hostility as discussed before.⁵⁰

Additional issues relating to the enforceability of tenure contracts can include whether a one-year contract, the normal length of contracts in four-year colleges in Virginia, given to a tenured professor causes a waiver of rights to continuing employment (i.e., tenure). Law outside Virginia has concluded negatively and Virginia case law by analogy would seem to predict the same result in that knowledge and intent to waive are normally prerequisites.⁵¹ In point of fact, the justification for one-year contracts flows from the Virginia Constitution Article X Sec. 7, which in pertinent part reads:

No money shall be paid out of the State treasury except in pursuance of appropriations made by law; and no such appropriation shall be made which is payable more than two years and six months after the end of the session of the General Assembly at which the law is enacted authorizing the same.

Interestingly, faculty contracts at community colleges may be up to five-year appointments, yet there is no qualifying language in the contract to indicate the constitutional limitation. One can only presume there is no problem agreeing to employment contracts for a duration exceeding two and one-half years as long as it is understood to be subject to appropriate funding. Of course, the agreement would incorporate by reference the above constitutional provision.

A final legal issue relating to tenure contracts, assuming they have been validly created and are enforceable, is whether tenure, once granted, is a vested contract right or whether it can be unilaterally taken from the tenured professor. There is a clear absence of case law on this point nationally, though a recent decision is somewhat related. In *Rehor*,⁵² the court held that a professor who had certain vested retirement rights including retirement age had agreed to permit reasonable alterations of them, and at any rate, by a new agreement, supported by additional consideration, could and did modify those rights. The court found consideration was present in that the professor accepted a change in those benefits and received an increased salary during his

remaining years at the institution and additional such changes were permitted by the agreement itself.

The Virginia Constitution, Article I, Sec. 11, appears to speak to this issue, assuming there is a valid contract, when it forbids the General Assembly to "pass any law impairing the obligations of contract."⁵³ Case law interpreting this section has held that it is settled law in Virginia that a statute in force at the date of contract is an element of it as to its construction and binding force or obligation, as much as if the written contract so declared.⁵⁴ Also, it has been held that a right is deemed vested when it is so fixed that it is not dependent on any future act, contingency or decision to make it so secure.⁵⁵ The remaining question is whether such university regulations creating rights to tenure are within the meaning of "vested" and "statute" under the Constitution. Absent legislation, only litigation can resolve that issue.

A professor's employment contract with tenure is, of course, a personal services contract; and, therefore, should a breach of it occur, damages are the usual remedy in Virginia.⁵⁶ As in other contract cases, exceptions are made where it can be shown that damages are inadequate in which case specific performance will be decreed. Although examples of the exception exist in Virginia, for example, where damages were inadequate,⁵⁷ and the value of the services were not capable of pecuniary estimation,⁵⁸ few courts in or outside of Virginia have permitted reinstatement in personal services contracts on the ground that equity will not compel the continuation of an incompatible personal relationship.⁵⁹ In Greene v. Howard,⁶⁰ the court refused to reinstate professors for the following reasons:

It would be intolerable for the courts to interject themselves and to require an educational institution to adhere or to maintain on its staff a professor or instructor whom it deemed undesirable and did not wish to employ. For the courts to impose such a requirement would be an interference with the operation of institutions of higher learning contrary to established principles of law and to the best tradition of education.⁶¹

However, recent case law, though infrequent, has indicated a flexible application of this rule. For example, in Bloomfield College⁶² the New Jersey court ordered reinstatement where termination was based on unsubstantiated grounds of financial exigency rather than on dissatisfaction with services. The court analogized this to the "route by which specific performance is obtained against a state body on the basis of contracts arising from statute,"⁶³ the substance of which is "nothing more than to compel adherence to academic tenure commitments on the part of an educational institution."⁶⁴ At least one non-contractual case has arisen in Virginia courts relative to remedies in higher education where reinstatement was found permissible for violation of constitutional rights. In Holliman v. Martin,⁶⁵ a professor at

Radford College sought reinstatement on the grounds she was unconstitutionally terminated due to arbitrary and unfounded reasons or exercise of a constitutionally protected right. The court denied the professor's claim, but held that a nontenured professor's dismissal must be based on the exercise of judgment, not capriciousness or rightful exercise of constitutional rights, and held that although bases given for nonretention will require very minimal factual support, "if the College when brought into Court refuses to give any reason for its action and relies solely on its discretionary authority, the professor would be entitled to summary reinstatement."⁶⁶

In sum, although there are winds of change, the likely remedy in Virginia for breach of a professor's contract for tenure would be damages.⁶⁷

C. Tenure and Constitutional Rights in Virginia

Since the U. S. Constitution has national application, earlier analyses of constitutional cases are sufficient, but some brief mention of cases arising in Virginia will be given. Cases arising in Virginia adhere to the principle that substantive constitutional rights apply to nontenured as well as tenured professors.⁶⁸ The concept of academic freedom which some case law suggests would largely be subsumed under constitutional rights is arguable more closely regulated in Virginia than in many other institutions of higher education outside Virginia. Though there is no clear case law in Virginia discussing the relationship of academic freedom to the First Amendment, it must be noted that statutory regulations appear that would place restraints on what some might consider falling within or near a fine-line definition of academic freedom. For example, at V.P.I., the board is authorized to prescribe not only the duties of the professors and courses of instruction, but also the "mode" of instruction.⁶⁹ Of course, it is not clear that such a proscription in any way would intrude into an area of academic freedom, but it would seem to indicate the absence of reluctance by the legislature to legislate into an area traditionally reserved to institutions and their faculty and touching on matters embodies in their non-legal right of academic freedom which is normally protected by tenure procedures. So again, the conclusion on the relationship between tenure and substantive constitutional rights is that new case law is emerging which may well protect the same non-job security interests as are protected by academic freedom, but that at this point in time it is not clearly accomplished by the courts.

The final area of analysis deals with a faculty member's right to a due process hearing. As discussed in Roth and Sindermann, absent a liberty or property interest a professor has no constitutional right to a hearing on his nonrenewal. Cases arising in Virginia confirm these principles which adhere to the distinction between tenured and nontenured professors, finding the former, but usually not the latter, entitled to a hearing.⁷⁰ Examples of decisions finding "property" interests have been dismissal during the term of contract⁷¹ and substantial longevity in employment creating a legitimate expectation to continued

employment.⁷² An illustration of the court finding a "liberty" interest where one's reputation was adversely affected occurred when an institution suspended a professor on the basis he posed "a substantial threat to the welfare of the institution."⁷³

An additional constitutional limitation on nonrenewal of faculty occurred in Holliman v. Martin⁷⁴ where the court found that although a nontenured professor at a public institution may have no rights to procedural due process, an institution must not act arbitrarily or capriciously in its decision not to retain the probationary professor. Though the professor was not entitled to a due process hearing, he was entitled in the court proceeding to have some reasons for his dismissal presented.⁷⁵ The burden of proof there as in other claims of unconstitutional acts by the institution remains with the professor.⁷⁶

The nature of the constitutionally mandated due process hearing is, as discussed earlier, flexible, but requiring the elements of a fair hearing. In addition to the Supreme Court decisions mentioned earlier, the Fourth Circuit has set forth certain guidelines in such hearings as including "adequate notice," "specification of charges," "opportunity to confront adverse witnesses, and the opportunity to be heard in one's own defense."⁷⁷ The hearing includes an unbiased decision-maker and evidence of bias would make the hearing inadequate.⁷⁸

In sum, the legal aspects of tenure are increasing as litigation uncovers and sometimes appears to create new and far-reaching legal implications. A full understanding of these possible legal ramifications should be of aid to those considering the viability and desirability of tenure.

FOOTNOTES

INTRODUCTION AND SECTION I CREATION AND VALIDITY OF ENFORCEABLE TENURE RIGHTS

1. See Brewster, 1971-72. President's Report, Yale University reprinted in 58 AAUP BULL. 381 (1972); Van Alstyne, Tenure: A Summary, Explanation, and "Defense", 57 AAUP BULL. 328 (1971).
2. See, e.g., B. SHAW, ACADEMIC TENURE IN AMERICAN HIGHER EDUCATION (1971).
3. See W. Fumiss, FACULTY TENURE AND CONTRACT SYSTEMS - CURRENT PRACTICE (American Council on Education Special Report 1972) and cited in COMMISSION ON ACADEMIC TENURE IN HIGHER EDUCATION, FACULTY TENURE (1973). See generally, B. SMITH, THE TENURE DEBATE (1973).
4. C. BYSE AND L. JOUGHIN, TENURE IN AMERICAN HIGHER EDUCATION: PLANS, PRACTICES, AND THE LAW 133 (1959).
5. For complete statement and interpretations see Academic Freedom and Tenure: 1940 Statements of Principles and Interpretive Comments, 60 AAUP BULL. 269 (1974). Also listed in that publication are 88 professional associations including the Association of American Law Schools which have endorsed the principles.
6. COMMISSION ON ACADEMIC TENURE IN HIGHER EDUCATION, FACULTY TENURE 190 (1973).
7. AAUP v. Bloomfield, 129 N.J. Super. 249, 322 A.2d 846, 853 (1974), aff'd 346 A.2d 615 (App. Div. 1975). For similar holdings see Zumwalt v. Trustees of the California State Colleges, 33 Cal. App. 3d, 109 Cal. Rptr. 344 (1973) and Gould v. Board of Education of Ashley Community Consolidated School Dist. No. 15 of Washington County, 32 Ill. App. 3d 808, 336 N.E.2d 69 (1975).
8. Gould v. Board of Education of Ashley Community Consolidated School Dist. No. 15 of Washington County; Mabey v. Reagan, 376 F. Supp. 216 (N.D. Cal. 1974); Bowling v. Board of Trustees of Green River Community College Dist., 11 Wash. App. 33, 521 P.2d 220 (1974).
9. See, e.g., AAUP v. Bloomfield College, 129 N.J. Super. 249, 322 A.2d 846, 855 (1974), aff'd, 346 A.2d 615 (App. Div. 1975); and Chung v. Park, 377 F. Supp. 524, 529 (M.D. Pa. 1974). This is contrasted with burdens of proof on the nontenured professor. Frazier v. Curators of University of Mo., 495 F.2d 1149, 1153 (8th Cir. 1974);

Fluker v. Alabama State Board of Education, 441 F.2d 201, 206 (5th Cir. 1971).

10. State ex rel. Richardson v. Board of Regents, 70 Nev. 144, 261 P.2d 515 (1953).

11. See B. SHAW, supra note 2, at 62-65.

12. State ex rel. Richardson, supra note 10.

13. See, e.g., Koch v. Board of Trustees, 39 Ill. App. 2d 51, 187 N.E. 2d 340 (1962), cert. denied, 375 U.S. 989 (1964).

14. See, e.g., Chung v. Park 514 F.2d 382 (3d Cir. 1975).

15. For interpretations under such systems, see Annot., 66 A.L.R.3d 1018 (1975.)

16. VA. CODE ANN. Sec. 22-217.1 to 217.8 (Repl. Vol. 1973).

17. 408 U.S. 593 (1972). The rights of faculty members to procedures due process will be discussed subsequently in Section II.

18. Chung v. Park, 514 F.2d 382 (3d Cir. 1975); Bruno v. Detroit Institute of Technology, 51 Mich. App. 593, 215 N.W. 2d 745 (1974); and see, Cusamano v. Ratchford, 507 F.2d 980 (8th Cir. 1974). But see Sheppard v. West Virginia Board of Regents, 378 F. Supp. 4 (S.D. W.Va. 1974).

19. Legislative Conference of City University of New York v. Board of Higher Education of City of New York, 38 App. Div. 2d 478, 330 N.Y.S. 2d 688 (1972).

20. Perry v. Sindermann, 408 U.S. 593, 601-602 (1972) and see Justice Burger (concur) Id. at 603. For general discussion see 3A A. CORBIN, CONTRACTS Sec. 561-572 A (1960).

21. Id. In Board of Regents v. Roth, 408 U.S. 564, 577 (1972) the Court in defining property interests points out they are created by "...existing rules or understandings that stem from an independent source such as state law rules, or understandings that secure certain benefits and support claims of entitlement to those benefits."

22. ASSAF v. University of Texas System, 399 F. Supp. 1245, 1248 (S.D. Tex. 1975); and see Downs v. Conway School District, 328 F. Supp. 338, 349 (E.D. Ark. 1971); State v. Ayers, 108 Mont. 547, 92 P.2d 306, 310 (1939).

23. Collines v. Parsons College, 203 N.W. 2d 594 (Iowa 1973).

24. Hillis v. Meister, 82 N.M. 484, 483 P.2d 1314, 1315 (1971).

25. Adamian v. Jacobsen, 523 F.2d 929 (9th Cir. 1975); Cucumano v. Ratchford, 507 F.2d 980, 982 (8th Cir. 1974); Browzin v. Catholic University of America,

527 F.2d 843 (D.C. Cir. 1975); *Downs v. Conway School District*, 328 F. Supp. 338, 349 (E.D. Ark. 1971); *American Ass'n. of University Professors v. Bloomfield College*, 129 N.J. Super 249, 322 A.2d 846, 847 (1974) *aff'd* 346 A.2d 615 (App. Div. 1975); *Rehor v. Case Western Reserve*, 43 Ohio St. 2d 224, 331 N.W. 2d 416 (1975); *Bruno v. Detroit Institute of Technology*, 51 Mich. App. 593, 215 N.W. 2d 745, 747 (1974); *Greene v. Howard University*, 412 F.2d 1128 (D.C. Cir. 1969); *Hillis v. Meister*, 82 N.M. 484, 483 P.2d 1314 (1971); *Zimmerman v. Mindt*, 198 N.W. 2d 108 (N.D. 1972).

26. *Greene v. Howard University*, 412 F.2d 1128 (D.C. Cir. 1969).

27. *Id.* at 1134 note 8, citing RESTATEMENT OF CONTRACTS Sec. 90 (Tentative Draft No. 2, 1965) and Henderson, Promissory Estoppel and Traditional Contract Doctrine, 78 YALE L.J. 343 (1969).

28. *Greene v. Howard University*, 412 F.2d 1128, 1135 (D.C. Cir. 1969); and see Georgia Ass'n. of Education v. Harris, 403 F. Supp. 961, 964 (N.D. Ga. 1975).

29. *Greene v. Howard University*, 412 F.2d 1128, 1134-35 (D.C. Cir. 1969); see also J. WILLISTON, CONTRACTS Sec. 610B at 533 (3d ed. 1961). "...courts have the power to inquire into the real purpose of the agreement; language, though seemingly plain and clear, will not bear a literal interpretation if this leads to an absurd result or thwarts the manifest intention of the parties." See also Moran v. Standard Oil, 211 N.Y. 187, 105 N.E. 217 (1914).

30. *Hillis v. Meister*, 83 N.M. 484, 438 P.2d 1314, 1316-17 (1971).

31. *Id.* at 1317; see also Bradley v. New York University, 124 N.Y.S. 2d 238 (Sup. Ct. 1953), *aff'd*, 283 App. Div. 671, 127 N.Y.S. 2d 815, *aff'd mem.*, 307 N.Y. 620, 120 N.E. 2d 828 (1954).

32. *Hillis v. Meister*, 82 N.M. 484, 438 P.2d 1314, 1317 (1971).

33. 43 Ohio St. 2d 224, 331 N.E. 2d 416, 421 (1975). "The Board of Trustees shall from time to time adopt such rules and regulations governing the appointment and tenure of members of the several faculties as said board designates."

34. *Id.* at 422.

35. *Id.* at 424.

36. But see Collins v. Parsons College, 203 N.W. 2d 594, 598 (Iowa 1973) where the court finds that acceptance of new one year contracts did not waive contract rights to tenure.

37. *Rehor v. Case Western Reserve University*, 430 Ohio St. 2d 224, 331 N.E. 2d 416, 421 (1975). For analysis questioning the courts reasoning, see Finkin, Contract, Tenure, and Retirement: A Comment on Rehor v. Case Western Reserve, 4 HUMAN RIGHTS 343 (1975).

38. There remains of course the developing analogous case law which holds that university regulations are part of the faculty member's employment contract and must be adhered to; see supra n.25; and see Decker v. Worcester Junior College, 336 N.E. 2d 909 (Mass. 1975); Fredericks v. School Board of Monroe County, 307 So. 2d 463 (Fla. 1975); ASSAF v. University of Texas System, 399 F. Supp. 1245 (S.D. Tex. 1975); Mabey v. Reagan, 376 F. Supp. 216, 223 (N.D. Cal. 1974); and Bowing v. Board of Trustees of Green River Community College Dist., 11 Wis. App. 33, 521 P.2d 220 (1974). An additional issue discussed subsequently deals with the issue of whether vested contract rights are protected by the constitution from impairment by subsequent legislation.

39. Termination of Faculty Appointments Because of Financial Exigency, Discontinuance of a Program or Department, or Medical Reasons [Regulation 4], 62 AAUP BULL. 17 (1976).

40. See e.g. Browzin v. Catholic University of America 527 F.2d 843, 847-848 (D.C. Cir. 1975).

41. Id.; for a thorough discussion of this policy in its legal context, see Brown, Financial Exigency, 62 AAUP BULL. 5 (1976).

42. 129 N.J. Super. 249, 322 A.2d 846 (1974), aff'd, 346 A.2d 615 (App. Div. 1975).

43. Id. at 858 (1974).

44. 346 A.2d 615, 617 (1975).

45. 527 F.2d 843 (D.C. Cir. 1975).

46. Id. at 847.

47. Lumpert v. University of Dubuque (unreported 1974), on appeal to Iowa Supreme Court, Case No. 2-57568 (1975).

48. Levitt v. Board of Trustees of Nebraska State College, 376 F. Supp. 945 (D. Neb. 1974); Johnson v. Board of Regents of the University of Wisconsin System, 377 F. Supp. 227 (W.D. Wis. 1974) (under the Wisconsin statute no provision is made for the displacement of faculty members for financial exigency. WIS. STAT. ANN. Sec. 37.31 (1) (a), (b) (Supp. 1974).

49. This duty exists both in financial exigency and discontinuance of programs or departments in cases.

50. 527 F.2d 843 (D.C. Cir. 1975).

51. Id. at 849.

52. The regulation states that the decision to discontinue a program should be based "essentially upon educational considerations" and an explanatory note points out that this term is not intended to include "cyclical or temporary variations in enrollment." Regulation 4 (d) (1), 62 AAUP BULL. 17, 19 (1976).
53. See generally Annot., 60 A.L.R. 3d 226 (1974).
54. Id. at 232, n. 10.
55. Id.; see A CORBIN, CONTRACTS Sec. 96 (1963).
56. Pierce v. Tennessee C. I. & R. Co., 173 U. S. 1 (1899). See also Littrell v. Evening Star Newspaper, 120 F.2d 36 (D.C. Cir. 1941).
57. See, e.g., Baltimore & O. R. Co. v. Foar, 84 F.2d 67 (7th Cir. 1936).
58. 194 P.2d 521 (1948), Rhg., 34 Cal. 2d 264, 209 P.2d 581 (1949).
59. Littrell v. Evening Star Newspaper Co., 120 F.2d 36, 37 (D.C. Cir. 1941); and see, Eilen v. Tappan's Inc., 16 N.J. Super. 53, 83 A.2d 817 (1951).
60. See, e.g., Lumpert v. University Dubuque, (Iowa lower court 1974, unreported) on appeal to Iowa Supreme Court, Case No. 2-57568 (1975).
61. See, e.g., Bruno v. Detroit Institute of Technology, 51 Mich. App. 593, 215 N.W. 2d 745 (1974); Rhine v. International YMCA College, 339 Mass. 610, 162 N.E. 2d 56 (1956); State ex rel. Keeney v. Ayers, 108 Mont. 547, 92 P.2d 306 (1939).
62. 129 N.J. Super. 249, 322 A.2d 846 (1974), aff'd, 346 A.2d 615 (App. Div. 1975).
63. Id. at 853.
64. Lumpert v. University of Dubuque, (unreported 1974), on appeal to Iowa Supreme Court, Case No. 2-57568 (1975).
65. 203 N.W. 2d 594 (1973).
66. Id. at 598.
67. Id.
68. 17 AM.JUR. 2d Contracts Sec. 96 at 438 (1964); 17 C.J.S. Contracts Sec. 70 at 747 (1963).
69. RESTATEMENT OF CONTRACTS, Sec. 75 Comment e (1932).

70. See *Drennan v. Star Paving Co.*, 51 Cal 2d 409, 333 P.2d 757 (1958); see, e.g., RESTATEMENT OF CONTRACTS 2d Sec. 90 (Tentative Draft Nos. 1-7 (1973)); Seavey, Reliance Upon Gratuitous Promises or Other Conduct, 64 HARV. L. REV. 913 (1951).
71. *Collins v. Parsons College*, 203 N.W. 2d 594 (Iowa 1973).
72. 53 AM.JUR. 2d Master & Servant Sec. 3 at 108-109 (1970); 56 C.J.S. Master Servant Sec. 6 at 64, 70-71 (1948); Annot., 135 A.L.R. 646, 669-673 (1941).
73. See generally, J. CALAMARI & J. PERRILLO, CONTRACTS 180-187 (1970). For development of modern trends of this doctrine.
74. U. S. CONST. art. I, Sec. 10.
75. 303 U. S. 95 (1938).
76. *Id.* at 109; see State ex rel. Keeney v. Ayers, 108 Mont. 547, 92 P.2d 306, 311 (1939).
77. 303 U. S. 95, 112-113 (1938). The Court had held previously that a statutory tenure system in New Jersey could be altered by subsequent legislation. *Phelps v. Board of Education*, 302 U. S. 74 (1937).
78. 329 Pa. 213, 197 A. 344, 353 (1937).
79. 77 S.D. 447, 93 N.W. 2d 411 (1958).
80. *Worzella v. Board of Regents*, 77 S.W. 447, 93 N.W. 2d 411, 413 (1958).
81. A similar holding was rendered in the sister-state of North Dakota. *Posin v. State Board of Higher Education*, 86 N.W. 2d 31 (N.D. 1957).
82. See, e.g., *Norwalk Teachers' Association v. Board of Education*, 138 Conn. 269 82 A.2d 624 (1951); an illustration of the older view is found in *City of Springfield v. Clouse*, 356 Mo. 1239, 206 S.W. 2d 539 (1947).
83. See State ex rel. Hunsicker v. Board of Regents, 209 Wis. 83, 244 N.W. 618 (1932); Hyslop v. Board of Regents, 23 Idaho 341, 129 P.1073 (1913).
84. See, e.g., *State Board of Agriculture v. Meyers*, 20 Colo. App. 139, 77 P.372 (1904).
85. See, e.g., *Dayton Classroom Teachers Ass'n. v. Dayton Board of Education*, 41 Ohio St. 2d 127, 323 N.E. 2d 714 (1975); see also *Batchellor v. Commonwealth*, 176 Va. 109, 105 S.E. 529 (1940).

86. For a discussion of waiver, see State ex rel. Keeney v. Ayers, 92 P.2d 306, 310 (1939).
87. Collins v. Parsons College, 203 N.W. 2d 594, 598 (Iowa 1973); State ex rel. Keeney v. Ayers, 108 Mont. 547, 92 P.2d 306 (1939).
88. 51 Mich. App. 593, 215 N.W. 2d 745 (1974).
89. The question of whether application of such a doctrine would in fact vest contract rights so as to preclude a university from later changing its policy vis à vis that faculty member is discussed supra, in text accompanying notes 34-38.
90. See, RESTATEMENT OF CONTRACTS 2d Sec. 45 and 24 A (Tentative Draft Nos. 1-7 1973). It has also been held that since a "unilateral contract is not found on mutual promises, the doctrine of mutuality of obligation is inapplicable to such a contract." Chrisman v. S. Wyatt, 418 S.W. 2d 403 (Ky. Ct. App. 1967).
91. 1 A. CORBIN, CONTRACTS Sec. 49 at 187 (1963).
92. This also might present an argument in favor of the "vesting" of contracts rights to tenure.
93. 60 A.L.R. 3d 317 Sec. 16.
94. Brookfield v. Drury College, 139 Mo. App. 339, 123 S.W. 86 (1909).
95. See, e.g., McGehee v. South Carolina Power Co., 187 S.C. 79, 196 S.E. 538 (1938); Dow v. Shoe Corp. of America, 276 F.2d 165 (7th Cir. 1960).
96. However, even incorporation by reference can involve statute of fraud problems when there is a question of which documents among several are to be included in the final agreement. See, e.g., Crabtree v. Elizabeth Arden Sales Corp., 305 N.Y. 48, 110 N.E. 2d 551 (1953).
97. See Murray, The Parole Evidence Rule: A Clarification, 4 DUQUESNE L. REV. 337 (1966).
98. See Corbin, The Interpretation of Words and the Parol Evidence Rule, 50 CORNELL L. Q. 161 (1965).
99. 11 J. WILLISTON, CONTRACTS Sec. 1450 (3d ed. 1968); 5 A. CORBIN, CONTRACTS Sec. 1204 (1964); and applied in Greene v. Howard University, 271 F. Supp. 609, 615 (D.C. Cir. 1967), remanded for proof for damages in 412 F.2d 1128 (D.C. Cir. 1969).
100. See Bruno v. Detroit Institute of Technology, 51 Mich. App. 593, 215 N.W. 2d 745, 749 (1947).

101. Id. at 750.

102. Id.

103. See generally, Comment, Academic Tenure: The Search for Standards, S. CAL. L. REV., 593 (1966).

104. 11 J. WILLISTON, CONTRACTS Sec. 1124 at 786–787 (1968).

105. AAUP v. Bloomfield College, 129 N.J. Super. 249, 322 A.2d 846 (1974). An additional argument that the lack of mutuality of remedy precludes specific performance has been largely discredited. 5 A A CORBIN, CONTRACTS Sec. 1180 at 331.

106. AAUP v. Bloomfield College, 129 N. J. Super. 249, 322 A.2d 846 (1974), aff'd, 346 A.2d 615 (App. Div. 1975).

107. Id. at 618.

108. See Matheson, Judicial Enforcement of Academic Tenure: An Examination, 50 WASHINGTON L. REV. 597, 603 (1975).

109. Cf. Pima College v. Sinclair, 17 Ariz. App. 213, 216, 496 P.2d 639, 641 (1972); and State ex. rel. Kenney v. Ayers, 108 Mont. 547, 92 P.2d 306 (1939).

II. TENURE IN CONSTITUTIONAL CONTEXT

1. *Browzin v. Catholic University of America*, 527 F.2d 843, (D.C. Cir. 1975).
2. Id. at 846 n.2.
3. See Miller, Teacher's Freedom of Expression Within the Classroom: A Search for Standards, 8 GA. L. REV. 837 (1974); and K. ALEXANDER & E. SOLOMON, COLLEGE AND UNIVERSITY LAW 342 (Michie. 1972). It is possible of course that a university regulation requiring academic freedom would be viewed as part of the employment contract and enforced on that basis.
4. See *Schubert, State Action and the Private University*, 24 RUTGERS L. REV. 323 (1970). Academic Freedom, 81 HARV. L. REV. 1045, 1056 (1968).
5. See Academic Freedom, 81 HARV. L. REV. 1045, 1051 (1968).
6. *Perry v. Sindemann*, 408 U. S. 593, 598 (1972).
7. 391 U.S. 563 (1968). For further discussion of developments, see Note, Judicial Protection of Teachers' Speech: The Aftermath of Pickering, 59 IOWA L. REV. 1256 (1974).
8. *Pickering v. Board of Education*, 391 U.S. 563, 573 n.5 (1968).
9. *Starsky v. Williams*, 353 F. Supp. 900, 916 (D. Ariz. 1972). See also, *Duke v. North Texas State University*, 469 F.2d 829 (5th Cir. 1972); *Rampey v. Allen* 501 F.2d 1090 (10th Cir. 1974), cert. denied, 95 S. Ct. 827 (1975).
10. Nahmod, First Amendment Protection for Learning and Teaching: The Scope of Judicial Review, 18 WAYNE L. REV. 1479, 1499 (1972).
11. 393 U.S. 503 (1969).
12. *Kaprelian v. Texas Woman's University*, 509 F.2d 133, (5th Cir. 1975); *James v. Board of Education*, 385 F. Supp. 209, 211 (W.D.N.Y. 1974).
13. *Keefe v. Geanakos*, 418 F.2d 359 (1st Cir. 1969); *Paducci v. Rutland* 316 F. Supp. 352 (M.D. Ala. 1970).
14. *Mailloux v. Kiley*, 448 F.2d 1242 (1st Cir. 1971); for full discussion see lower court opinion 323 F. Supp. 1387 (D. Mass. 1971). For cases dealing with "vague" prohibitions see, e.g., *Doughtery v. Walker*, 349 F. Supp. 629 (W.D. Mo. 1972).
15. *Epperson v. Arkansas*, 393 U.S. 97, 107 (1968).

16. See, e.g., *Hetrick v. Martin*, 480 F.2d 705, 709 (6th Cir. 1973).
17. 408 U.S. 564 (1972).
18. 408 U.S. 593 (1972).
19. *Board of Regents v. Roth*, 408 U.S. 564, 577 (1972).
20. Id.
21. Id. at 578.
22. *Perry v. Sindermann*, 408 U.S. 593, 602 (1972).
23. *Board of Regents v. Roth*, 408 U.S. 564, 573 (1972). See also, *Paul v. Davis*, 96 S. Ct. 1155 (1976), where the court held that a police distribution of plaintiffs name and picture on a plifier's list to merchants, though perhaps actionable as simple defamation, did not sufficiently create a stigma which adversely affected his reputation so as to invoke a "liberty" or "privacy" interest. The court distinguished Roth by limiting Roth to the employment context. Id. at 1164.
24. Id. at 575.
25. *Wagner v. Elizabeth City Board of Education*, 496 S.W. 2d 468 (Tex. 1973); *Collins v. Wolfson*, 498 F.2d 1100 (5th Cir. 1974); *University of Alaska v. Chauvin* 521 P.2d 1234, 1238 (Alas. 1974).
26. *Perry v. Sindermann*, 408 U.S. 593, 602 (1972).
27. *Board of Regents v. Roth*, 408 U.S. 564, 576 (1972).
28. *Johnson v. Fraley*, 470 F.2d 179 (4th Cir. 1972); *Blunt v. Marion County School Board*, 515 F.2d 951 (5th Cir. 1975); *Zimmerman v. Spencer*, 485 F.2d 176 (5th Cir. 1973); *Scheelhaase v. Woodbury Centry Community School District*, 488 F.2d 237 (8th Cir. 1973); *Soni v. Board of Trustees of University of Tennessee*, 513 F.2d 347 (6th Cir. 1975).
29. *Scheelhase v. Woodbury Central Community School District*, 488 F.2d 237 (8th Cir. 1973). See also, *Board of Regents v. Roth*, 408 U.S. 564 (1972); held that a violation of first amendment rights does not give one a right to a due process hearing.
30. *Seitz v. Clark*, 524 F.2d 876 (9th Cir. 1975).
31. *Blair v. Board of Regents of State University and Community College System, Tennessee*, 496 F.2d (6th Cir. 1974); *Buhr v. Buffalo Public School District*, 509 F.2d 1196 (8th Cir. 1974).
32. *Sheppard v. West Virginia Board of Regents*, 516 F.2d 826 (4th Cir. 1975).
33. *Perry v. Sindermann*, 408 U.S. 593, 601 (1972).

34. 43 U.S.L.W. 4820 (1975). In 1974 in *Arnett v. Kennedy*, a plurality of the Court found that a hearing procedure by the government did not in and of itself create a property interest. 416 U.S. 134, 163 (1974). However, a majority of the Justices found that the facts showed the existence of a property interest.

35. *Stewart v. Pearce*, 484 F.2d 1031 (9th Cir. 1973).

36. *Lombard v. Board of Education of City of New York*, 502 F.2d 631 (2d Cir. 1974).

37. *Wellner v. Minnesota State Junior College Board*, 487 F.2d 153 (8th Cir. 1973).

38. *Zumwalt v. Trustees of California State Colleges*, 33 Cal App. 3d 665, 109 Cal Rptr. 344 (1973); *Merritt v. Consolidated School District No. 8, Rio Grande County*, 522 P.2d 137 (Colo. 1974).

39. *Johnson v. Fraley*, 470 F.2d 179 (4th Cir. 1972).

40. *Huntly v. The North Carolina State Board of Education* 493 F.2d 1016 (4th Cir. 1974).

41. *Hostrop v. Board of Junior College District No. 515*, 471 F.2d 488 (7th Cir. 1972).

42. *Board of Regents v. Roth*, 408 U.S. 564, 575 (1972).

43. *Whatley v. Price*, 368 F. Supp. 336 (M.D. Ala. 1973).

44. *Lipp v. Board of Education of the City of Chicago*, 470 F.2d 802 (7th Cir. 1972).

45. *Brouillette v. Board of Directors of Merged Area IX. Alias Eastern Iowa Community College*, 519 F.2d 126 (8th Cir. 1975); *Gray v. Union County Intermediate Education District*, 520 F.2d 803 (9th Cir. 1975).

46. *Blair v. Board of Regents of State University and College System of Tennessee*, 496 F.2d 322 (6th Cir. 1974); *Abeyeta v. The Town of Taos*, 499 F.2d 323 (10th Cir. 1974); *Sherck v. Thomas*, 486 F.2d 691 (7th Cir. 1973); *Jablon v. Trustees of the Cal. State Colleges*, 482 F.2d 997 (9th Cir. 1973); But see, *Whitney v. Board of Regents*, 355 F. Supp. 321 (E.D. Wis. 1973).

47. 44 U.S.L.W. 4820 (1976).

48. Id. at 4822. There is a vigorous dissent.

49. *Board of Regents v. Roth*, 408 U.S. 564, 569-570 (1972).

50. *Id.* 570 f.n. 7 citing *Boddie v. Connecticut*, 401 U.S. 371, 379 (1971) and see *Bell v. Burson*, 402 U.S. 535 (1971).

51. *Chung v. Park*, 514 F.2d 382 (3d Cir. 1975); *Vance v. Chester County Board of School Trustees*, 504 F.2d 820 (4th Cir. 1974).

52. Examples of a sufficient government interest can be found in *Pordum v. Board of Regents of State of New York*, 491 F.2d 1281 (2d Cir. 1974) (conviction of felony); *Moore v. Knowles*, 482 F.2d 1069 (5th Cir. 1973) (indictment for sex crimes); but see, *Peacock v. Board of Regents of Universities and State Colleges of Arizona*, 510 F.2d 1324 (9th Cir. 1975).

53. *Goss v. Lopez*, 419 U.S. 565 (1975).

54. *Id.*

55. See, e.g., *Seitz v. Clark*, 524 F.2d 876 (9th Cir. 1975); *Cusumano v. Ratchford*, 507 F.2d 980 (8th Cir. 1975).

56. *Perry v. Sindermann*, 408 U.S. 593, 603 (1972).

57. *Mullane v. Central Hanover Bank & Trust co.*, 339 U.S. 306, 313 (1950).

58. *Boddie v. Connecticut*, 401 U.S. 371, 378 (1971).

59. *Cafeteria Workers v. McElroy*, 367 U.S. 886, 895 (1961).

60. *Board of Regents v. Roth*, 408 U.S. 564, 570 (1972). See also, *Goss v. Lopez*, 419 U.S. 565 (1975), and *Chung v. Park*, 514 F.2d 382 (3d Cir. 1975).

61. See, e.g., *Goldberg v. Kelly*, 397 U.S. 254 (1970).

62. *Vance v. Chester County Board of School Trustees*, 504 F.2d 820, 824 (4th Cir. 1974) citing *Grimes v. Nottoway County School Board*, 462 F.2d 650, 653 (4th Cir. 1972) and see *Ferguson v. Thomas*, 430 F.2d 852 (5th Cir. 1970).

63. *Winston v. Board of Education of Borough of South Plainfield*, 64 N.J. 582, 319 A.2d 226 (1974).

64. *Nichols v. Eckert*, 504 P.2d 1359 (Alas. 1973).

65. *Ortwein v. Mackey*, 358 F. Supp. 705, 714 (M.D. Fla 1973).

66. But see, *Simard v. Board of Education of the Town of Groton*, 473 F.2d 988 (2d Cir. 1973); *Swab v. Cedar Rapids Community School District*, 494 F.2d 353 (8th Cir. 1974).

67. *Hortonville Joint School District v. Hortonville Education Association*, 44 U.S.L.W. 4864 (1976).

68. Id. at 4868.
69. Id. at 4867.
70. Id. citing *United States v. Morgan*, 313 U.S. 409, 421 (1941).
71. See, e.g., *Simard v. Board of Education of the Town of Groton*, 473 F.2d 988 (2d Cir. 1973); *Shaw v. Board of Trustees*, 396 F. Supp. 872, 888-98 (D. Md. 1975); *Simon v. Poe*, 391 F. Supp. 430 (W.D. N.C. 1975).
72. *Skehan v. Board of Trustees of Bloomsburg State College*, 501 F.2d 31, 40 (3d Cir. 1974). But see, *Zimmerer v. Spencer*, 485 F.2d 176 (5th Cir. 1973).
73. *Board of Regents v. Roth*, 408 U.S. 564, 573 n.12 (1972).
74. *Perry v. Sindermann*, 408 U.S. 593, 603 (1972).
75. *Wellner v. Minnesota State Junior College Board*, 487 F.2d 153, 157 (8th Cir. 1973).
76. *Stewart v. Pearce*, 484 F.2d 1031, 1032 (9th Cir. 1973); *University of Alaska v. Chauvin*, 521 P.2d 1234 (Alas. 1974).
77. *Soni v. Board of Trustees of University of Tennessee*, 513 F.2d 347 (6th Cir. 1975). *Wellner v. Minnesota State Junior College Board*, 487 F.2d 153 (8th Cir. 1973); *Huntley v. North Carolina State Board of Education*, 493 F.2d 1016 (4th Cir. 1974).
78. See, e.g., *Brouillette v. Board of Directors of Merged Area IX*, 519 F.2d 126 (8th Cir. 1975); *Pollock v. McKenzie County Public School District No. 1*, 221 N.W. 2d 521 (N.D. 1974).
79. See, e.g., *Decker v. Worcester Junior College*, 336 N.E. 2d 909 (Mass. 1975); *Fredricks v. School Board of Monroe County*, 307 So. 2d 463 (Fla. 1975); *ASSAF v. University of Texas System*, 399 F. Supp. 1245 (S.D. Tex. 1975).
80. *Buhr v. Buffalo Public School District No. 38*, 509 F.2d 1196, 1204 (8th Cir. 1974); *Ring v. Schlesinger*, 502 F.2d 479, 487 (D.C. Cir. 1974).
81. *Toney v. Reagan*, 467 F.2d 953, 960 (9th Cir. 1972).
82. *Arnett v. Kennedy*, 416 U.S. 134 (1974).
83. Id. at 163. However, the majority of the Justices concluded that the facts demonstrated the existence of a property interest which must be protected by due process meeting constitutional standards.
84. Matheson, *Judicial Enforcement of Academic Tenure: An Examination*, 50 WASH. L. REV. 597, 621 (1975).

III. TENURE IN VIRGINIA

1. VA. CONST. art. VIII, Sec. 9.
2. VA. CODE ANN. Sec. 23-44 (Repl. Vol. 1973). A few institutions do have somewhat more specific authority, with several universities expressly mentioning the reservation of the right to appoint and remove professors. E.g., University of Virginia VA. CODE Sec. 23-76 (Repl. Vol. 1973).
3. VA. CODE ANN. Sec. 23-215 (Repl. Vol. 1973).
4. VA. CODE ANN. Sec. 23-223, -224 (Repl. Vol. 1973).
5. VA. CODE ANN. Sec. 23-225 (Repl. Vol. 1973).
6. VA. CODE ANN. Sec. 23-231 (Repl. Vol. 1973).
7. See, Professional Employee's Appointment Policy Sec. 1 (adopted 1972 as revised).
8. Id.
9. See, Academic Freedom and Tenure: The Virginia Community College System: A Report on Tenure and Due Process, 61 AAUP BULL. 30-39 (1975).
10. VA. CODE ANN. Sec. 23-9.3 (Supp. 1975).
11. VA. CODE ANN. Sec. 23-9.5 (Supp. 1975).
12. VA. CODE ANN. Sec. 23-9.10:2 (Supp. 1975).
13. VA. CODE ANN. Sec. 23-221 (Repl. Vol. 1973).
14. VA. CODE ANN. Sec. 23-9.6:1 (Supp. 1975).
15. Id.
16. VA. CODE ANN. Sec. 23-9.6:1(k) (Supp. 1975).
17. VA. CODE ANN. Sec. 23-9.1:1(b) (Supp. 1975).
18. VA. CODE ANN. Sec. 23-9.6:1(h) (Supp. 1975).
19. VA. CODE ANN. Sec. 23-9.14 (Supp. 1975).

20. Almost every university with a tenure policy permits discharge for financial exigency. See, e.g., *AAUP v. Bloomfield College*, 129 N.J. Super, 249, 322 A.2d 846 (1974), aff'd 346 A.2d 615 (App. Div. 1975); *Levitt v. Board of Trustees of Nebraska State Colleges*, 376 F. Supp. 945 (D. Neb. 1974); *Johnson v. Board of Regents of the University of Wisconsin System*, 377 F. Supp. 227 (W.D. Wis. 1974); *University of Alaska v. Chauvin*, 521 P.2d 1234 (Alas. 1974).

21. H.B. 1296 (1973 Sess.).

22. VA. CODE ANN. Sec. 2.1-110 (Repl. Vol. 1973).

23. VA. CODE ANN. Sec. 22-217.1 to 217.8 (Repl. Vol. 1973).

24. VA. CODE ANN. Sec. 22-217.4 (Repl. Vol. 1973). The statute further defines grounds for dismissal or probation as "incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence, or for other good and just cause." VA. CODE Sec. 22-217.5 (Repl. Vol. 1973) applied in *Johnson v. Fraley*, 470 F.2d 179 (4th Cir. 1972).

25. VA. CODE ANN. Sec. 22-217.6, 217.7, 217.8:1 (Supp. 1975).

26. VA. CODE ANN. Sec. 22-217.4 (Repl. Vol. 1973).

27. Id.

28. VA. CODE ANN. Sec. 2.1-110 (Repl. Vol. 1973).

29. VA. CODE ANN. Sec. 2.1-115 (Repl. Vol. 1973).

30. VA. CODE ANN. Sec. 2.1-114(6) (Supp. 1975).

31. *Cafeteria Workers v. McElroy*, 367 U.S. 886 (1961); *Bishop v. Wood*, 44 U.S.L.W. 4820 (1976); *Board of Regents v. Roth*, 408 U.S. 564 (1972).

32. VA. CODE ANN. Sec. 2.1-116(8) (Repl. Vol. 1973).

33. 176 Va. 109, 10 S.E.2d 529 (1940).

34. Id. at 535. See also, *Kendall Bank Note Co. v. Commissioner of Sinking Fund*, 79 Va. 563 (1884); and see *Hillis v. Meister* 82 N.M. 474 483 P.2d 1314 (1971). But see, *Worzella v. Board of Regents*, 77 S.D. 447, 93 N.W.2d 411 (1958).

35. *Perry v. Sindemann*, 408 U.S. 593 (1972); 17 Michie's Jur. Virginia and West Virginia Sec. 11 p. 212 (1951).

36. Id. at 601.

37. 470 F.2d 179 (4th Cir. 1972).

38. Id. at 184 n.1.
39. 330 F. Supp. 1 (W.D. Va. 1971).
40. Id. at 11.
41. Parker v. Board of Education of Prince George's County, Md., 348 F.2d 464, 465 (4th Cir. 1965).
42. 207 Va. 326, 150 S.E.2d 142 (1966).
43. Id. at 146.
44. County School Board of Spotsylvania v. McConnell, 215 Va. 603, 212 S.E.2d 264 (1975).
45. General Electric Co. v. Moretz, 270 F.2d 780, 787 (4th Cir. 1959).
46. See, e.g., Greene v. Howard, 271 F. Supp. 609, 412 F.2d 1158 (D.C. Cir. 1969) remanding on proof of damages question); and Hillis v. Meister, 82 N.M. 474, 493 P.2d 1314 (1971).
47. Norfolk Southern Ry. Co. v. Harris, 190 Va. 966, 59 S.E.2d 110, 114 (1950); See also, Wards Co. v. Lewis & Dobrow Inc., 210 Va. 751, 173 S.E.2d 861 (1970).
48. Id. at 114.
49. Id. See also, F.S. Royster Guano v. Hall, 68 F.2d 533 (4th Cir. 1934) where the Fourth Circuit enforced a lifetime contract made in settlement of a personal injury claim and found it not to fail for indefiniteness.
50. See text accompanying footnotes 29–32 in Section II, Supra.
51. See, e.g., Woodmen of World Life Ins. Soc. v. Grant, 185 Va. 288, S.E.2d 450 (1946) where it is pointed out that the holder of contractual rights may waive them expressly or impliedly or by conduct, act, or course of dealing, but he must have knowledge of his rights and intend to waive them.
52. Rehor v. Case Western Reserve University, 43 Ohio St. 2d 224, 331 N.E.2d 416 (1975); also see text accompanying footnote 38 in Section I, Supra.
53. VA. CODE ANN. Sec. 1–6 (Repl. Vol. 1973) also states that the repeal of any statute validating previous contracts or transactions shall not affect their validity. The legislature may, however, change rules of procedure except as restrained by the Constitution. Pine v. Commonwealth, 121 Va. 812, 93 S.E. 652 (1917).
54. Hawes v. William R. Trigg Co., 110 Va. 165, 65 S.E. 538 (1909).

55. *Kennedy Coal Corp. v. Buckhorn Coal Corp.*, 140 Va. 37, 124 S.E. 482 (1924).
56. See, e.g., *Fanney v. Virginia Investment and Mortgage Corp.*, 200 Va. 642, 107 S.E.2d 414 (1959); *Thompson v. Commonwealth*, 197 Va. 208, 89 S.E.2d 64 (1955); and 17 *Michie's Jur. Virginia and West Virginia Sec. 66 p. 101* (1951).
57. *Grubb v. Starkey*, 90 Va. 831, 20 S.E. 784 (1894).
58. *Adams v. Snodgrass*, 175 Va. 1, 7 S.E.2d 147 (1940).
59. 11 J. WILLISTON, *CONTRACTS* Sec. 1450 (ed ed. 1968); 5 A. CORBIN, *CONTRACTS*, Sec. 1204 (1964).
60. 271 F. Supp. 609 (D.C. D.C. 1967), 412 F.2d 1128 (D.C. Cir. 1969) remanding for evidence on damages issue.
61. Id. at 615.
62. 129 N.J. Super. 249, 322 A.2d 846, 859 (1974), aff'd 346 A.2d 615 (App. Div. 1975).
63. Id.
64. Id. The court turned down the argument of lack of mutuality of remedy in that the employer, but not the employee, could be compelled to (perform) by saying the employee's completion of probationary period was sufficient. Id. at 860.
65. 330 F. Supp. 1 (W.D. Va. 1971); *Phillips v. Puryear*, 403 F. Supp. 80, 88 (W.D. Va. 1975).
66. Id. at 12.
67. For a recent similar holding see *Bruno v. Detroit Institute of Technology*, 51 Mich. 593, 215 N.W.2d 745 (1974).
68. E.g., *Phillips v. Puryear*; 403 F. Supp. 80 (W.D. Va. 1975) *Holliman v. Martin*, 330 F. Supp. (W.D. Va. 1971).
69. VA. CODE ANN. Sec. 23-125 (Repl. Vol. 1973).
70. See generally, *Holliman v. Martin*, 330 F. Supp. 1 (W.D. Va. 1971); *Phillips v. Puryear*, 403 F. Supp. 80 (W.D. Va. 1975); and see *Kota v. Little*, 473 F.2d (4th Cir. 1973).
71. *Phillips v. Puryear*, 403 F. Supp. 80 (W.D. Va. 1975).
72. *Johnson v. Fraley*, 470 F.2d 179 (4th Cir. 1972).

73. *Phillips v. Puryear*, 403 F. Supp. 80 (W.D. Va. 1975); at 85; see also, *Huntley v. North Carolina State Board of Education*, 493 F.2d 1016, 1019 (4th Cir. 1974).

74. 330 F. Supp. 1 (W.D. Va. 1971).

75. Id. at 11.

76. Id.

77. *Vance v. Chester County Board of School Trustees*, 504 F.2d 820, 824 (4th Cir. 1974) citing *Grimes v. Nottoway County School Board*, 462 F.2d 650, 653 (4th Cir. 1972).

78. See, *Phillips v. Puryear*, 403 F. Supp. 80, 87 (W.D. Va. 1975); see also, *Hortonville Jr. School District v. Hortonville Education Association*, 44 U.S.L.W. 4868 (1976).

APPENDIX C



COUNCIL OF HIGHER EDUCATION FOR VIRGINIA
10th Floor, 911 East Broad Street
Richmond, Virginia 23219

FACULTY ACTIVITY SURVEY

Purpose of Survey:

Senate Joint Resolution No. 106, January 14, 1975, directed the State Council of Higher Education to conduct a study of academic tenure and faculty activity in Virginia's state-supported colleges and universities. This Faculty Activity Survey is one part of the Study, and is undertaken to obtain a meaningful and reliable profile of the range and extent of activities performed by faculty members in the public sector of higher education in Virginia.

It is generally assumed that there are workload differences among fields of study and among levels of instruction, but data substantiating the extent of these differences are not readily available. This questionnaire has been designed specifically for the collection of these data, which can then be used to respond to future questions posed by legislators, public groups, and institutions.

This Study is made in order to obtain aggregate information, and is not an evaluation of the performance of any individual in the classroom or in other activities. It provides an opportunity for faculty to inform others of the extent of their time commitments in fulfilling unique, academic responsibilities.

Questionnaire data will be coded into machine readable format by campus personnel, and signed questionnaire sheets will not leave the campus. The Council of Higher Education will prepare analytic reports which will be returned to each campus for interpretation, evaluation, and comment. Each institution will also be responsible for reviewing, through its own governance system, its policies and procedures concerning tenure or extended term contracts.

FACULTY ACTIVITY SURVEY FORM

NAME _____

SOCIAL SECURITY NUMBER _____

INSTITUTION CODE _____

SCHOOL OR DEPARTMENT _____

1.0 INSTRUCTIONAL ACTIVITIES

1.1 General Scheduled Academic Instruction

Department (a)	Course Number (b)	Section Number (c)	Course Level (d)	Other Faculty Assigned to Participate (e)	Total Enrollment (f)	Course Credits (g)	Formal Contact Hours (h)	Preparation, Administration, and Other Contact Hours (i)	FOR KEYPUNCH USE ONLY	

1.2 Dissertations, Theses, Independent Studies

Department (a)	Course Number (b)	Section Number (c)	Course Level (d)	Other Faculty Assigned to Participate (e)	Total Enrollment (f)	Course Credits (g)	Formal Contact Hours (h)	Preparation, Administration, and Other Contact Hours (i)	FOR KEYPUNCH USE ONLY	

1.3 Off-Campus Academic Instruction (Credit)

Department (a)	Course Number (b)	Section Number (c)	Course Level (d)	Other Faculty Assigned to Participate (e)	Total Enrollment (f)	Course Credits (g)	Formal Contact Hours (h)	Preparation, Administration, and Other Contact Hours (i)	FOR KEYPUNCH USE ONLY	

1.4 DEPARTMENTAL RESEARCH - SCHOLARLY ACTIVITY

ACTIVITY DESCRIPTION	Estimate of Your Overall Average Hours Per Week	DATA USE ONLY

1.5 DEPARTMENTAL ADMINISTRATION, ACADEMIC COMMITTEE WORK

ACTIVITY DESCRIPTION	Estimate of Your Overall Average Hours Per Week	DATA USE ONLY

1.6 ACADEMIC PROGRAM ADVISING, INFORMAL TUTORING, THESIS READING

ACTIVITY DESCRIPTION	Estimate of Your Overall Average Hours Per Week	DATA USE ONLY

1.7 COURSE AND CURRICULUM DEVELOPMENT

ACTIVITY DESCRIPTION	Estimate of Your Overall Average Hours Per Week	DATA USE ONLY

2.0 SEPARATELY BUDGETED RESEARCH (GRANTS, CONTRACTS, ETC.)

ACTIVITY DESCRIPTION	Estimate of Your Overall Average Hours Per Week	DATA USE ONLY

OTHER ACTIVITIES	Average Hours Per Week	DATA USE ONLY
3.0 Public Service (including non-credit instruction)		
4.0 Academic Support		
5.0 Student Service		
6.0 Institutional Support		
7.0 Independent Operations		

(Signed) _____
(Faculty Member)

(Signed) _____
(Dean or Department/Division Head)

APPENDIX D

FACULTY ACTIVITY PROFILES BY INSTITUTION

GLOSSARY

ACTIVITY

1.1	General Scheduled Academic Instruction
1.2	Dissertations, Theses, Independent Studies
1.3	Off-Campus Academic Instruction
1.4	Departmental Research, Scholarly Activity
1.5	Department Administration, Academic Committee Work
1.6	Academic Program Advising, Informal Tutoring, Thesis Reading
1.7	Course and Curriculum Development
2.0	Separately Budgeted Research
3.0	Public Service
4.0	Academic Support
5.0	Student Service
6.0	Institutional Support
7.0	Independent Operations

WORKLOAD PROFILE

CHRISTOPHER NEWPORT COLLEGE (3706)

<u>RANK</u>	<u>ACTIVITY</u>													
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	TOTAL
Lecturer	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	16.90	.37	--	.86	2.37	.69	3.04	--	.16	9.2	11.1	2.73	1.88	49.30
Assistant Professor	25.90	.15	.94	7.06	4.3	3.16	3.25	.02	1.25	1.64	3.33	1.74	.18	52.92
Associate Professor	27.85	.14	--	4.12	3.75	2.27	3.43	.51	1.4	3.43	1.9	3.72	.46	52.98
Professor	30.33	.28	--	5.44	4.71	2.27	6.47	--	.62	.95	.26	.73	.33	52.39
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	26.32	--	1.75	.50	.06	.25	1.03	--	.13	--	--	--	--	30.04
TOTAL: Average Faculty	25.98	.17	.57	5.16	3.75	2.44	3.41	2.38	1.07	2.67	3.22	2.17	6.84	51.17

WORKLOAD PROFILE

CLINCH VALLEY COLLEGE (3747)

<u>RANK</u>	<u>ACTIVITY</u>													
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	TOTAL
Lecturer	25.79	--	--	--	.51	2.03	--	--	1.11	.92	20.85	3.14	2.3	62.65
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	36.46	5.21	26.04	12.5	10.42	6.25	8.33	.52	5.21	2.08	3.13	--	8.3	124.45*
Assistant Professor	29.07	1.33	.41	4.62	1.17	3.45	1.92	.18	1.2	4.22	3.82	1.48	.06	52.93
Associate Professor	32.01	1.04	1.36	3.7	2.11	3.99	2.34	--	.84	.78	2.5	4.02	.26	54.95
Professor	32.57	.69	.57	6.96	8.31	2.0	1.16	--	.8	4.82	2.94	.63	.29	61.74
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified														
TOTAL: Average Faculty	30.23	1.09	1.0	4.59	2.77	3.23	1.81	.1	1.1	3.24	4.72	2.02	.94	56.84

WORKLOAD PROFILE

GEORGE MASON UNIVERSITY (3749)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	43.61	.06	.83	10.37	.27	.86	1.81	1.0	.68	.13	1.37	.13	--	61.12
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	17.48	.13	1.16	6.66	2.76	1.43	1.5	.53	.63	9.73	3.95	3.19	--	49.15
Assistant Professor	31.82	1.39	.76	9.61	4.55	3.08	1.97	.31	.72	1.19	1.65	1.27	--	59.51
Associate Professor	26.75	1.76	.97	10.41	6.06	2.83	1.85	.42	.73	1.62	2.18	2.6	.09	58.27
Professor	17.07	1.01	.85	6.71	15.16	2.54	1.56	.63	.77	6.26	.64	5.1	--	58.3
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	4.0	--	--	--	--	--	--	--	60.0	--	64.0
TOTAL: Average Faculty	29.3	1.15	.86	9.25	5.25	2.52	1.83	.48	.71	2.42	1.84	2.15	.02	57.78

WORKLOAD PROFILE

LONGWOOD COLLEGE (3719)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	33.8	.25	--	3.63	2.3	2.72	3.77	--	2.35	3.55	5.22	4.03	.80	62.42
Assistant Professor	30.69	.73	.05	7.96	2.03	3.32	2.76	.71	2.01	1.68	5.28	3.57	.79	61.58
Associate Professor	35.09	.99	.19	5.79	6.84	3.04	2.02	.02	.72	1.07	2.95	1.99	1.04	61.75
Professor	31.55	1.36	--	6.02	7.37	2.89	2.32	--	.67	2.14	3.70	2.58	.20	60.80
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	33.0	1.5	--	11.0	3.5	4.0	2.5	--	1.0	.25	1.5	.5	2.25	61.00
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	32.78	.86	.08	6.61	4.44	3.12	2.59	.29	1.44	1.77	4.25	2.95	.80	61.98

WORKLOAD PROFILE

MADISON COLLEGE (3721)

<u>RANK</u>	<u>ACTIVITY</u>													
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	TOTAL
Lecturer	16.75	.30	--	4.69	1.23	1.94	.67	.74	--	.52	17.83	2.38	--	47.05
Assistant Instructor	6.0	--	--	--	--	--	--	--	--	--	50.0	--	--	56.00
Instructor	22.16	3.44	.39	4.86	1.51	2.26	.95	.07	1.74	6.69	13.28	1.28	--	57.56
Assistant Professor	29.59	2.89	.79	6.50	2.91	2.87	1.98	.39	.92	3.46	4.02	1.01	.01	57.34
Associate Professor	31.39	2.81	.68	7.57	4.84	3.68	1.97	1.76	.90	2.02	.95	.87	.01	59.45
Professor	22.11	3.31	.48	5.6	7.59	3.41	2.62	1.41	1.34	3.97	2.55	3.98	.01	58.38
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	48.98	.12	--	.12	.20	--	.04	--	.41	11.43	3.92	.98	--	66.20
TOTAL: Average Faculty	27.49	2.88	.60	6.05	3.82	2.93	1.84	.81	1.08	3.89	5.10	1.61	.02	58.12

WORKLOAD PROFILE

MARY WASHINGTON COLLEGE (3746)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	22.13	12.0	--	27.67	.33	2.0	.93	1.33	.67	.80	.33	--	--	68.19
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	17.54	--	.59	4.91	.79	1.26	1.44	--	1.09	15.29	4.31	3.18	2.82	53.22
Assistant Professor	3.61	2.04	.2	8.56	2.68	2.75	2.74	--	.50	1.91	1.39	.56	.07	61.8
Associate Professor	32.98	1.3	.16	5.11	4.15	2.81	1.91	--	1.36	1.18	5.41	1.65	1.29	59.31
Professor	30.45	1.34	.49	5.05	3.42	3.21	1.88	.11	.82	2.62	3.17	3.49	1.04	57.09
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	31.14	1.48	.33	6.31	3.05	2.73	2.08	.05	.90	3.52	3.36	2.07	1.03	58.05

WORKLOAD PROFILE

NORFOLK STATE COLLEGE (3765)

<u>RANK</u>	<u>ACTIVITY</u>													
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	TOTAL
Lecturer	9.23	--	1.5	1.5	.17	1.17	3.0	--	.08	--	--	--	6.67	23.32
Assistant Instructor	--	--	--	--	13.75	10.0	--	14.0	3.5	--	14.5	--	--	55.75
Instructor	30.58	--	.11	3.1	1.35	3.59	2.14	2.45	.87	4.94	5.64	2.77	.95	58.49
Assistant Professor	35.79	--	.1	5.2	3.10	4.58	2.22	.93	1.78	1.75	2.97	1.96	.82	61.2
Associate Professor	33.69	--	.55	5.07	4.75	4.51	2.76	1.5	1.33	1.15	4.63	3.26	1.1	64.3
Professor	28.62	--	.4	3.81	9.73	5.64	3.64	2.45	1.88	1.52	2.79	2.33	1.5	64.31
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	11.68	--	.35	1.76	.06	.18	.85	--	2.26	.71	.12	.15	2.56	20.68
TOTAL: Average Faculty	31.17	--	.31	4.25	4.4	4.37	2.56	1.79	1.53	2.1	3.73	2.4	1.23	59.84

WORKLOAD PROFILE

OLD DOMINION UNIVERSITY (3728)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	27.99	1.57	.41	4.06	.14	.58	.79	.76	2.98	.32	.29	.14	--	40.03
Assistant Instructor	15.84	--	--	.04	2.22	1.19	.36	--	4.56	9.26	12.52	.65	--	46.64
Instructor	22.64	.18	.92	3.85	1.47	1.7	1.52	.76	3.09	5.57	3.07	1.49	--	46.26
Assistant Professor	25.46	1.38	1.53	7.37	3.5	2.8	1.92	2.23	1.23	2.61	2.19	1.27	--	53.49
Associate Professor	26.64	1.82	.78	6.41	5.06	3.11	1.87	2.29	1.37	2.13	.92	.88	--	53.28
Professor	21.01	1.12	.88	6.1	5.24	2.28	1.27	1.26	1.45	5.33	1.35	3.73	--	51.02
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	18.48	2.23	.50	10.47	13.7	2.81	1.37	6.9	1.32	.65	1.01	.91	--	60.35
GTA/Not Specified	28.65	.14	--	1.0	.07	1.91	1.53	2.89	.17	11.88	1.57	2.28	--	52.09
TOTAL: Average Faculty	24.35	1.19	.97	5.85	3.74	2.41	1.6	1.88	1.74	3.78	2.17	1.50	--	51.18

WORKLOAD PROFILE

RADFORD COLLEGE (3732)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	25.92	.21	1.4	4.21	1.24	3.57	1.78	.29	.41	6.79	7.71	4.55	.19	58.27
Assistant Professor	31.55	.33	3.25	5.23	2.71	4.86	2.65	.08	.41	1.83	3.45	1.95	.16	58.46
Associate Professor	29.2	.66	3.72	5.11	5.41	4.37	2.59	--	.61	1.11	2.52	2.23	.15	57.68
Professor	24.5	1.43	3.08	4.64	5.2	4.57	1.43	.20	.66	3.37	1.26	2.44	.45	53.23
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	28.50	.62	2.97	4.89	3.52	4.47	2.21	.13	.51	2.93	3.55	2.58	.23	57.11

WORKLOAD PROFILE

UNIVERSITY OF VIRGINIA (6968)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	13.99	.81	1.46	5.41	1.37	1.27	1.32	.04	6.07	5.07	2.9	8.43	1.93	50.07
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	15.08	.19	.05	3.77	.34	.39	.81	1.47	1.07	15.39	7.13	1.26	.26	47.21
Assistant Professor	21.89	2.59	.88	10.35	2.16	2.38	1.73	1.85	1.48	4.18	2.66	1.63	.74	54.52
Associate Professor	20.85	3.52	.42	10.82	4.17	3.22	1.57	3.81	1.32	2.78	1.56	1.09	.75	55.88
Professor	17.81	3.15	.35	10.74	6.37	2.83	1.81	4.03	1.81	2.03	1.55	2.26	.92	55.66
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	17.63	3.72	--	15.3	6.58	2.19	1.29	3.96	1.05	2.52	.74	.98	.62	56.58
GTA/Not Specified	19.09	2.66	.56	8.85	3.60	2.40	1.56	2.73	1.73	4.09	2.34	1.99	.80	53.40
TOTAL: Average Faculty	19.25	2.37	.5	8.79	3.21	2.16	1.39	2.44	1.54	3.72	2.09	1.78	.72	49.96

WORKLOAD PROFILE

VIRGINIA COMMONWEALTH UNIVERSITY (3735)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Assistant Instructor	26.25	.21	--	--	5.21	3.33	10.42	--	9.17	--	3.33	4.17	--	62.09
Instructor	26.36	.66	.20	7.37	1.65	2.05	1.63	.87	2.16	4.19	3.76	1.31	.83	53.04
Assistant Professor	25.23	1.93	.56	10.81	3.87	3.07	2.39	1.34	2.02	2.87	2.75	1.68	.50	59.02
Associate Professor	22.45	2.53	.14	10.74	7.66	3.24	2.33	2.06	1.94	1.82	2.11	1.87	.57	59.46
Professor	15.26	2.07	.13	8.21	8.58	3.03	2.15	1.78	2.65	7.07	1.98	6.19	.32	59.42
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	30.41	.11	.38	.55	--	1.25	.24	.54	--	6.83	.41	.13	.05	40.90
TOTAL: Average Faculty	23.84	1.70	.33	9.27	4.6	2.80	2.11	1.41	2.06	3.63	2.68	2.16	.55	57.14

WORKLOAD PROFILE

VIRGINIA MILITARY INSTITUTE (3753)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	25.66	--	--	5.96	.84	2.91	1.26	--	2.11	9.33	4.99	--	--	53.06
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	12.0	1.0	--	.57	.57	.57	.36	--	--	9.0	20.43	.57	--	45.07
Assistant Professor	27.7	.52	--	3.14	1.76	2.36	1.16	.03	.36	.32	3.16	2.1	--	42.61
Associate Professor	33.24	1.29	--	3.74	4.42	5.5	2.28	--	.37	2.22	2.25	.51	--	55.82
Professor	27.34	1.0	--	5.46	6.79	4.02	2.84	--	.80	1.66	1.71	2.1	--	53.72
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	9.00	--	--	30.00	--	--	--	--	--	--	--	--	--	39.00
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	27.34	.79	--	4.16	3.71	3.26	1.83	.01	.55	1.80	3.48	1.71	--	48.64

WORKLOAD PROFILE

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY (3754)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	18.90	.41	4.77	4.67	.52	3.01	2.33	4.82	1.17	.54	7.31	1.09	--	49.54
Assistant Instructor	68.18	12.12	--	--	--	18.18	--	--	--	--	--	--	--	98.48*
Instructor	17.29	.48	.16	3.83	1.08	2.59	.86	3.33	3.17	5.58	5.27	3.3	.21	47.15
Assistant Professor	15.9	2.57	1.32	9.55	2.55	3.93	1.78	3.37	6.73	2.47	1.68	1.17	.03	53.05
Associate Professor	14.81	3.33	1.07	8.5	4.36	3.88	1.66	4.6	7.13	1.6	1.12	.46	.16	52.68
Professor	12.71	3.72	.32	8.72	7.15	3.65	1.67	5.8	5.14	2.39	1.43	1.77	.06	54.53
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	60.89	.87	.51	3.44	1.21	11.90	.79	1.11	.42	17.81	.37	.14	.05	99.51**
TOTAL: Average Faculty	16.97	2.62	.88	8.01	3.74	3.98	1.56	4.13	5.62	3.29	2.02	1.41	.09	54.32

* One Individual

** 20 Hours = 1/4 FTE on budgeting sense

WORKLOAD PROFILE

VIRGINIA STATE COLLEGE (3764)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	19.74	.21	--	2.84	2.3	4.54	2.26	.62	.76	8.11	8.88	3.99	.67	54.92
Assistant Professor	27.65	.43	.59	2.85	3.96	.01	2.18	1.5	4.12	3.95	4.43	1.2	1.1	53.97
Associate Professor	29.55	1.28	1.4	3.93	4.69	3.92	1.77	4.29	4.66	2.61	2.39	3.26	1.62	65.37
Professor	27.79	2.74	1.89	3.93	11.14	3.83	2.85	2.71	1.53	3.24	2.1	3.57	2.32	69.64
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	27.0	--	--	--	1.0	--	--	--	1.0	1.0	12.0	1.0	--	43.00
TOTAL: Average Faculty	26.85	1.0	.92	3.29	5.12	4.25	2.2	2.24	3.24	4.16	4.27	2.57	1.37	61.48

WORKLOAD PROFILE

THE COLLEGE OF WILLIAM AND MARY (3705)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	19.2	12.13	--	10.13	0.25	1.45	3.35	4.8	2.37	.56	9.53	2.90	.37	67.04
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	16.93	0.36	--	5.02	1.38	.33	.50	--	1.23	11.00	14.83	1.76	.30	53.64
Assistant Professor	27.61	1.54	0.21	8.13	2.46	2.45	1.69	.11	.91	3.74	5.50	3.63	.32	58.30
Associate Professor	28.44	3.56	--	8.83	5.02	3.56	1.98	.31	1.20	1.80	2.77	1.59	.24	59.30
Professor	26.80	3.61	--	9.14	5.68	3.49	1.58	.25	1.47	3.97	1.50	2.07	.40	59.96
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified														
TOTAL: Average Faculty	26.64	2.96	0.07	8.45	3.95	2.87	1.72	0.35	1.21	3.61	4.40	2.43	0.32	59.00

WORKLOAD PROFILE

RICHARD BLAND COLLEGE (3707)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	18.25	--	7.89	.53	--	5.58	11.47	--	.21	--	.21	--	--	44.14
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	25.26	--	.36	1.0	1.36	1.93	3.39	.21	2.27	3.25	11.16	3.02	1.93	55.14
Assistant Professor	29.1	--	--	3.5	4.55	3.22	1.32	--	1.46	2.58	6.24	3.8	1.16	56.93
Associate Professor	30.0	.85	--	2.33	5.28	4.20	3.8	--	1.53	3.18	2.55	8.35	2.20	64.27
Professor	42.00	4.5	--	2.9	9.0	6.5	3.0	--	4.0	2.0	3.0	3.0	.1	80.00
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	27.68	.35	.85	2.25	3.54	3.41	3.44	.06	1.68	2.62	6.18	4.1	1.58	57.74

WORKLOAD PROFILE

BLUE RIDGE COMMUNITY COLLEGE (6819)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	55.05	--	3.31	--	--	--	--	--	--	--	--	--	--	58.36
Assistant Instructor	--	--	--	--	--	3.31	--	--	1.25	--	31.0	6.25	--	41.63
Instructor	31.65	2.0	--	.71	.47	6.28	2.47	--	.74	4.89	5.33	1.13	--	55.67
Assistant Professor	40.24	.75	.28	3.49	2.27	1.13	2.19	--	.95	1.48	2.11	.81	--	55.70
Associate Professor	25.59	1.75	--	3.42	1.31	3.58	1.29	--	2.33	7.15	2.25	5.58	.08	54.33
Professor	26.0	3.5	--	4.0	10.5	3.0	--	--	3.5	--	--	--	--	50.50
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	35.83	1.15	.49	2.56	1.75	2.48	1.68	--	1.19	2.95	3.16	1.88	.02	55.14

WORKLOAD PROFILE

CENTRAL VIRGINIA COMMUNITY COLLEGE (4988)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	39.71	.59	2.40	.51	--	.55	1.82	--	--	--	--	--	4.56	50.14
Assistant Instructor	16.29	4.5	--	.13	--	1.0	6.75	--	3.75	2.25	11.5	1.0	4.00	51.17
Instructor	32.8	2.16	--	1.04	.88	4.24	1.37	--	.78	.54	7.0	.96	.53	52.30
Assistant Professor	27.25	1.95	1.11	.77	.61	2.97	2.12	1.50	.81	2.27	2.53	1.93	.51	46.33
Associate Professor	25.97	.76	1.56	1.66	8.86	3.25	3.5	.08	.84	2.12	1.86	5.88	.36	56.70
Professor	31.2	--	--	1.67	6.17	4.38	1.42	--	1.50	2.67	4.83	5.92	.04	59.80
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	29.24	1.52	1.06	1.04	2.94	3.0	2.43	.54	.88	1.66	3.40	2.70	1.06	51.47

WORKLOAD PROFILE

DABNEY S. LANCASTER COMMUNITY COLLEGE (4996)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	35.74	--	--	--	.55	1.31	3.28	--	.66	.11	.22	.11	--	41.98
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	40.5	.38	--	40.88
Instructor	25.68	3.86	--	1.08	2.23	2.30	1.43	--	1.24	3.62	7.71	.35	.11	49.61
Assistant Professor	25.71	--	--	.69	8.46	1.63	1.47	--	1.51	--	4.78	5.15	--	49.40
Associate Professor	32.17	--	--	.75	6.31	4.16	2.31	--	.75	.40	.38	5.88	.38	53.49
Professor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	26.62	1.41	--	.75	4.79	2.18	1.7	--	1.16	1.4	6.16	2.86	.1	49.13

WORKLOAD PROFILE

DANVILLE COMMUNITY COLLEGE (3758)

<u>RANK</u>	<u>ACTIVITY</u>													
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	TOTAL
Lecturer	31.35	--	4.05	.85	1.14	2.84	3.13	--	2.41	--	5.4	1.7	.14	53.01
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	30.62	.97	.19	.76	2.07	5.75	1.58	.22	1.26	4.05	2.63	1.28	--	51.38
Assistant Professor	30.91	1.29	--	1.76	3.87	6.01	3.33	.46	2.99	1.48	1.68	3.17	.1	57.05
Associate Professor	24.04	3.44	.69	1.53	4.13	3.06	2.91	--	2.19	.72	6.58	4.39	.38	54.06
Professor	6.00	--	--	1.00	4.0	2.33	4.67	--	3.00	12.00	13.33	8.33	.33	54.99
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	28.77	1.42	.51	1.26	3.06	5.01	2.66	.24	2.18	2.5	3.59	2.77	.12	54.09

WORKLOAD PROFILE

EASTERN SHORE COMMUNITY COLLEGE (3748)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	41.75	2.23	--	--	--	.18	.76	--	.24	.12	.12	.06	--	45.46
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	24.54	--	--	.83	.71	2.15	1.33	.29	1.21	.96	13.79	10.36	.71	56.88
Assistant Professor	35.27	--	--	4.18	2.09	1.58	2.27	--	2.24	.96	6.55	3.42	.18	58.74
Associate Professor	28.55	--	--	3.8	3.76	4.30	3.77	--	1.10	9.2	.4	1.00	.40	56.28
Professor	54.4	--	--	--	--	1.50	1.6	--	1.00	--	--	.50	--	59.00
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	33.99	.70	--	1.77	1.31	1.79	1.81	.07	1.08	2.19	5.02	3.60	.30	53.63

WORKLOAD PROFILE

GERMANNA COMMUNITY COLLEGE (8660)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	13.23	--	11.26	--	.15	.29	.29	--	--	--	--	--	--	25.22
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	23.75	--	--	--	.49	3.20	1.59	--	.95	8.68	6.45	1.09	--	46.2
Assistant Professor	33.05	.18	2.96	2.59	1.13	3.39	1.9	--	2.41	3.14	3.92	6.14	.18	60.99
Associate Professor	15.64	--	10.8	2.40	13.12	3.30	1.4	--	1.5	.80	4.2	.67	--	53.83
Professor	19.62	--	3.43	5.08	.33	1.00	.42	--	2.33	10.0	3.75	4.0	--	49.96
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	25.42	.08	4.32	1.76	2.04	2.74	1.45	--	1.63	4.15	3.96	3.4	.08	51.03

WORKLOAD PROFILE

J. SARGEANT REYNOLDS COMMUNITY COLLEGE (3759)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	42.34	.57	1.17	.03	.15	.25	.2	--	.11	.01	.51	.03	--	45.37
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	29.35	.81	--	1.91	2.22	5.43	2.53	--	1.36	3.39	5.06	2.83	.44	55.33
Assistant Professor	25.83	2.25	--	2.12	4.83	4.96	4.02	--	.95	2.58	4.91	3.82	.34	56.61
Associate Professor	23.5	1.29	--	3.94	8.41	6.37	3.49	.17	.28	3.16	2.28	2.48	.09	55.46
Professor	6.25	--	6.5	2.75	4.0	.75	.63	--	1.50	11.25	10.63	18.25	.75	63.26
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	31.75	1.18	.51	1.55	2.92	3.55	2.24	.02	.71	2.12	3.29	2.4	.23	52.47

WORKLOAD PROFILE

JOHN TYLER COMMUNITY COLLEGE (4004)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	40.13	--	4.16	.22	--	--	--	--	--	--	--	--	--	44.51
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	26.13	.58	1.52	5.02	.65	2.38	4.09	--	.69	.92	5.14	4.45	.27	51.84
Assistant Professor	26.03	.51	.49	3.64	1.84	4.07	2.58	--	1.16	1.37	3.39	5.66	.72	51.46
Associate Professor	28.57	.93	.40	2.27	5.96	2.55	2.23	--	.58	.73	1.40	3.57	.55	49.74
Professor	30.5	--	--	23.0	1.00	3.00	1.00	--	--	--	1.50	.50	--	60.50
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	29.16	.55	1.30	3.37	2.35	2.57	2.38	--	.68	.84	2.67	3.79	.44	50.1

WORKLOAD PROFILE

LORD FAIRFAX COMMUNITY COLLEGE (8659)

RANK	ACTIVITY													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	43.69	--	3.23	--	.15	--	1.23	--	--	--	.15	--	--	48.45
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	48.55	--	--	2.50	--	--	--	--	.86	3.43	10.28	1.43	.05	67.10
Assistant Professor	35.75	--	--	1.77	.39	--	1.31	--	.48	4.02	2.38	1.54	--	47.64
Associate Professor	30.42	--	--	.50	11.1	.14	.89	--	.70	.70	4.48	3.21	1.57	53.71
Professor	14.25	--	--	1.50	7.50	--	2.00	--	4.13	6.75	3.13	16.00	.75	56.01
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	36.15	--	.44	1.28	4.04	.04	.96	--	.87	2.59	4.42	3.02	.54	54.35

WORKLOAD PROFILE

MOUNTAIN EMPIRE COMMUNITY COLLEGE (9629)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	28.05	2.26	3.4	--	--	.82	--	--	--	--	.06	--	--	34.59
Assistant Instructor	9.25	--	--	3.75	.31	3.5	--	8.75	.38	14.5	.25	1.00	--	41.69
Instructor	28.96	.52	.96	.96	4.52	3.10	.91	1.96	1.41	5.11	6.14	1.34	.46	56.35
Assistant Professor	40.88	2.00	--	1.50	1.44	3.60	2.41	--	1.00	.56	2.00	7.75	--	63.14
Associate Professor	19.5	--	--	3.50	18.13	1.00	1.25	--	1.50	6.5	3.25	5.25	--	59.88
Professor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	28.35	.98	1.04	1.34	4.03	2.65	.96	1.7	1.02	4.39	3.66	2.51	.22	52.85

WORKLOAD PROFILE

NEW RIVER COMMUNITY COLLEGE (5223)

RANK	ACTIVITY													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	41.44	.13	--	--	--	--	--	--	--	2.18	--	--	--	43.75
Assistant Instructor	18.00	--	--	--	5.00	10.00	--	--	15.00	--	32.00	--	1.00	81.00
Instructor	20.97	1.72	--	.67	4.68	3.78	3.90	.38	.89	4.92	8.37	3.70	.70	54.68
Assistant Professor	26.92	1.28	--	.63	6.08	8.12	3.24	.07	2.24	1.50	4.62	2.91	4.26	61.87
Associate Professor	29.41	1.59	--	1.76	6.35	4.24	4.08	.19	2.29	1.50	4.37	7.28	3.41	66.47
Professor	19.33	--	--	--	17.00	5.00	2.33	--	.17	.67	17.67	.83	--	63.00
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	30.01	1.04	--	.66	4.54	4.11	2.55	.13	1.44	2.29	4.79	3.03	2.01	56.60

WORKLOAD PROFILE

NORTHERN VIRGINIA COMMUNITY COLLEGE (3727)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	44.48	.33	.64	2.19	.04	.79	2.53	.64	.59	.32	.17	.03	1.35	54.10
Assistant Instructor	6.57	--	--	4.29	.57	1.43	.57	--	--	11.57	17.14	9.0	6.0	57.14
Instructor	28.34	1.66	.20	3.17	2.83	3.64	2.53	.42	1.27	3.18	4.87	1.44	.83	54.38
Assistant Professor	30.89	1.09	.09	3.68	4.41	4.31	2.85	.42	.99	1.78	2.78	1.70	.66	55.65
Associate Professor	28.04	.75	.29	3.84	7.92	4.28	2.81	.75	1.25	.85	2.86	3.17	.81	57.62
Professor	22.57	.29	.21	4.15	10.37	4.43	1.83	.16	1.38	2.63	1.77	6.21	.71	56.71
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	32.92	.89	.31	3.21	3.79	3.16	2.59	.51	1.01	1.66	2.54	1.77	.95	55.31

WORKLOAD PROFILE

PATRICK HENRY COMMUNITY COLLEGE (3751)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	29.22	--	--	--	.17	4.11	--	--	--	--	--	--	--	33.5
Assistant Instructor	26.25	--	--	43.00	4.00	10.50	3.00	--	--	--	3.50	--	--	90.25
Instructor	20.75	--	--	2.13	2.51	7.79	6.86	--	3.68	.80	4.94	1.01	1.12	51.59
Assistant Professor	19.66	1.01	--	2.56	5.24	6.10	10.14	--	1.03	3.96	1.25	1.29	.64	52.88
Associate Professor	23.21	1.83	--	1.58	6.87	6.22	1.08	--	.17	7.08	1.58	1.58	--	51.20
Professor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	22.26	.64	--	2.96	3.81	6.46	5.85	--	1.54	2.73	2.34	1.01	.57	50.17

WORKLOAD PROFILE

PAUL D. CAMP COMMUNITY COLLEGE (9159)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	22.0	--	5.76	--	--	--	--	--	--	--	--	--	--	27.76
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	29.44	--	2.82	1.65	.57	1.54	1.55	--	.59	5.02	4.41	.44	--	48.03
Assistant Professor	27.64	--	1.47	.66	6.43	2.48	.84	--	.76	.36	4.29	3.72	.05	48.70
Associate Professor	22.79	--	8.86	2.57	5.07	3.21	2.07	--	3.5	.86	.64	1.36	1.43	52.36
Professor	6.0	--	--	4.0	2.0	2.0	4.0	--	9.0	20.0	4.0	12.0	--	63.0
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	26.61	--	3.37	1.29	3.51	2.02	1.26	--	1.2	2.44	3.41	2.06	.23	47.4

WORKLOAD PROFILE

PIEDMONT VIRGINIA COMMUNITY COLLEGE (9928)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	39.37	.88	--	5.38	.11	2.88	1.89	--	1.2	.64	.01	2.19	.64	55.19
Assistant Instructor	7.0	--	--	--	--	2.0	4.0	--	--	--	--	--	--	13.0
Instructor	31.44	.59	.12	2.82	1.14	4.31	2.95	--	1.62	2.12	12.93	.60	.12	60.76
Assistant Professor	31.07	.60	.57	6.39	2.16	4.87	3.72	1.43	2.31	1.86	4.19	1.39	.33	60.86
Associate Professor	15.63	2.0	--	1.41	15.25	2.88	3.53	--	1.19	2.0	2.84	10.06	--	56.79
Professor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	31.29	.84	.21	4.48	2.87	3.87	3.04	.46	1.64	1.57	5.03	2.45	.32	58.07

WORKLOAD PROFILE

RAPPAHANNOCK COMMUNITY COLLEGE (9160)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	49.14	1.32	--	.07	.15	.88	4.09	--	.29	--	--	--	--	55.94
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	27.66	.59	--	2.12	1.0	3.41	3.38	.38	2.84	6.62	7.23	1.04	.31	56.58
Assistant Professor	27.19	--	--	1.72	6.64	4.09	5.38	.06	2.33	2.58	4.39	5.4	.75	60.53
Associate Professor	28.19	--	--	2.72	6.0	4.83	2.61	.67	2.33	5.28	1.94	6.06	.22	60.85
Professor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	30.53	.37	--	1.8	3.82	3.56	4.06	.26	2.22	4.01	4.26	3.38	.41	58.68

WORKLOAD PROFILE

SOUTHSIDE VIRGINIA COMMUNITY COLLEGE (8661)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	15.94	3.02	17.73	2.29	--	.60	4.09	--	.23	--	--	--	.50	44.4
Assistant Instructor	33.0	--	5.25	20.00	--	1.0	--	--	--	1.5	1.0	1.75	--	63.5
Instructor	28.26	1.67	--	1.12	3.89	4.84	2.55	--	.12	3.26	7.3	5.17	.19	58.37
Assistant Professor	28.62	1.0	1.5	1.46	2.23	5.5	2.68	--	2.14	1.42	3.92	4.6	.48	55.55
Associate Professor	22.69	1.71	2.14	.43	6.64	5.71	1.21	--	1.43	.43	1.0	1.29	1.0	45.68
Professor	37.43	--	--	2.88	7.75	7.06	.04	--	2.0	2.5	2.0	11.88	--	73.54
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	26.25	1.55	4.09	2.01	2.98	4.4	2.54	--	1.07	1.67	3.72	3.93	.41	54.63

WORKLOAD PROFILE

SOUTHWEST VIRGINIA (7260)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	22.36	.74	14.4	--	--	.4	2.3	--	--	--	--	--	--	40.2
Assistant Instructor	60.0	--	--	--	--	--	5.0	--	--	--	--	--	3.0	68.0
Instructor	21.82	1.21	.38	1.08	4.38	3.94	2.83	.45	1.58	5.06	8.45	3.12	--	54.3
Assistant Professor	33.23	1.63	--	.55	1.82	3.8	2.58	--	3.08	2.84	2.45	4.71	.58	57.27
Associate Professor	30.02	.25	.35	1.35	7.86	3.4	4.58	.50	1.74	1.45	4.53	6.18	4.5	66.71
Professor	24.67	1.67	--	.83	7.17	3.42	7.0	--	1.5	.33	1.33	7.17	.67	55.66
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	27.21	1.01	2.16	.85	4.1	3.23	3.32	.27	1.72	2.71	4.54	3.95	.31	55.39 ✓

WORKLOAD PROFILE

THOMAS NELSON COMMUNITY COLLEGE (6871)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	33.41	.77	8.37	.16	3.22	.38	.46	--	.16	--	--	.02	--	46.95
Assistant Instructor	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Instructor	30.84	--	1.58	1.71	1.91	5.42	3.11	.11	.26	.54	2.91	3.03	.4	51.82
Assistant Professor	20.58	.25	1.04	2.71	2.18	4.15	3.01	.04	.39	.44	5.86	2.12	.28	52.05
Associate Professor	24.84	1.37	3.24	3.05	7.87	4.05	3.67	.03	1.18	.43	1.91	4.22	.75	56.61
Professor	24.84	1.29	.67	3.92	9.96	2.94	3.04	--	1.13	.38	6.76	1.77	.25	56.95
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	29.4	.57	2.67	2.12	3.93	3.68	2.69	.07	.51	.38	3.3	2.34	.35	52.01

WORKLOAD PROFILE

TIDEWATER COMMUNITY COLLEGE (3712)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	24.78	--	6.99	.39	.02	.09	.43	--	.05	.04	.03	.01	1.41	34.33
Assistant Instructor	42.0	--	--	--	1.0	--	--	--	2.0	--	--	--	--	45.0
Instructor	26.07	.77	2.76	1.88	2.16	3.84	3.01	.48	.75	4.08	6.8	1.02	.46	54.08
Assistant Professor	30.37	2.38	2.82	2.99	3.37	3.19	2.55	.21	.8	1.06	3.01	1.79	.51	55.05
Associate Professor	29.49	.80	1.01	2.78	3.72	3.23	2.3	.32	.98	2.32	2.47	2.71	.26	52.39
Professor	14.95	--	--	1.14	5.43	1.95	2.15	.45	1.09	8.67	1.27	6.55	1.36	45.01
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	27.26	1.08	3.57	1.94	2.3	2.52	2.08	.25	.63	1.97	3.12	1.38	.73	48.83

WORKLOAD PROFILE

VIRGINIA HIGHLANDS COMMUNITY COLLEGE (7099)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	27.47	--	--	--	--	--	--	--	.36	--	--	--	--	27.83
Assistant Instructor	--	--	--	--	--	--	--	--	2.5	56.0	--	--	--	58.5
Instructor	29.75	.64	--	.71	.93	2.62	.64	1.0	14.0	5.71	4.96	3.29	.07	64.32
Assistant Professor	31.83	.20	--	2.35	1.08	3.68	2.23	--	2.41	.45	3.8	4.93	--	52.96
Associate Professor	27.02	.58	--	1.68	11.24	.79	.42	--	3.0	2.26	5.79	1.37	--	54.15
Professor	20.5	--	--	--	--	6.5	2.5	--	.5	3.05	--	33.0	--	66.05
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	20.59	.39	--	1.45	4.03	2.24	1.08	.23	2.06	3.05	4.15	3.84	.02	51.13

WORKLOAD PROFILE

VIRGINIA WESTERN COMMUNITY COLLEGE (3760)

<u>RANK</u>	<u>ACTIVITY</u>													TOTAL
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	35.94	--	1.44	--	--	--	--	--	--	--	--	--	--	37.38
Assistant Instructor	42.00	16.5	--	2.25	--	--	--	--	--	--	--	--	--	60.75
Instructor	26.45	1.01	.18	1.43	.74	2.39	.65	.09	.86	4.02	9.45	2.35	.48	50.10
Assistant Professor	31.68	.53	.50	1.47	3.64	3.02	1.82	.19	1.04	1.68	3.04	2.08	.60	51.29
Associate Professor	30.48	.06	.17	1.64	3.71	3.04	2.10	--	.80	.21	2.12	3.60	.68	48.61
Professor	24.42	.54	--	1.54	10.33	4.28	2.60	--	.81	.85	1.58	3.54	--	50.49
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	29.63	.74	.34	1.42	3.08	2.71	1.46	.09	.83	1.85	4.38	2.47	.48	49.48

WORKLOAD PROFILE

WYTHEVILLE COMMUNITY COLLEGE (3761)

<u>RANK</u>	<u>ACTIVITY</u>													<u>TOTAL</u>
	1.1	1.2	1.3	1.4	1.5	1.6	1.7	2.0	3.0	4.0	5.0	6.0	7.0	
Lecturer	33.57	.51	--	--	--	3.48	--	--	1.02	--	--	--	--	38.58
Assistant Instructor	48.00	--	--	--	--	7.50	--	--	--	--	--	--	--	55.5
Instructor	26.02	--	--	.67	2.56	2.28	1.35	--	.82	2.76	6.67	3.48	.24	46.85
Assistant Professor	34.73	1.95	--	.61	5.80	3.04	2.03	--	.70	2.01	3.66	.74	.18	55.45
Associate Professor	21.72	.79	--	.58	3.86	1.43	1.36	.84	1.85	4.6	5.54	5.74	--	48.31
Professor	21.00	--	--	4.0	10.33	1.33	2.33	.33	1.33	1.0	.67	.33	--	42.65
Assistant Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Associate Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Professor- Eminent Scholar	--	--	--	--	--	--	--	--	--	--	--	--	--	--
GTA/Not Specified	--	--	--	--	--	--	--	--	--	--	--	--	--	--
TOTAL: Average Faculty	29.19	.93	--	.64	3.86	2.55	1.41	.21	1.07	2.43	4.10	2.40	.12	48.91

