

Academic Freedom Threatened in America. The Policy of Post Tenure Review

The Case of Florida Atlantic University

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"I think there's instances at this university where some faculty should no longer be working at this university [sic]." – FAU Provost Gary Perry

"If you can take tenure away, and this document says that you can, essentially this faculty does not have tenure anymore. There is not another university that has anything close to [this]." – FAU professor



Source: Rachel Liu, Crossmap

A policy promoted by Florida Atlantic University administrators is proving controversial among faculty at the South Florida college. The proposed set of rules, "[Post-Tenure/Sustained-Performance Evaluation](#)," was recently authored by a subcommittee of senior professors, administrators and former administrators under the auspices of the University's [Faculty Senate](#).

Shortly thereafter, however, the document went through a process of heavy revision overseen by FAU Provost Gary Perry and college deans who want to grant themselves the ability to potentially terminate any tenured faculty member.

At first glance the policy appears to resemble similar post tenure review documents in effect at universities across Florida and the United States, proposing a peer review of tenured faculty members' teaching, research, and service at periodic intervals after the professor has received tenure. Unlike others policies, however, at FAU the outcome of a "poor" post tenure evaluation can lead to termination of a tenured faculty member for "incompetence."

What makes FAU's proposed policy different is that even if a faculty peer review is positive, college deans and the provost are seeking the power to overturn the post tenure committee's decision with impunity, thereby nullifying the peer review so central to the professoriate's autonomy over its profession and setting in motion a process that can lead to stripping a faculty member of their tenure protections en route to termination.

The policy can potentially be used to target specific tenured faculty members the University's Board of Trustees and/or administration cannot presently fire due to protection afforded by tenure.

Provost Perry is also attempting to insert a “dismissal clause” into the post-tenure review document, further streamlining an already draconian anti-tenure policy. At a recent meeting on September 4 Perry informed faculty that the policy would indeed be used to fire certain faculty he deemed undesirable.

Universities began granting tenure to professors in 1915. Such job security has since been recognized as a central tenet of academic freedom because it insulates faculty from the political interests and whims of their institutions’ administrators and trustees. In short, university officials could potentially be pressured into firing faculty who possess unorthodox views, or who may be deemed “controversial” by mass media and the broader public.

The protection of tenure is arguably more necessary today than a century ago because of universities’ increased dependence on donations from powerful interests. Further, even state-funded institutions now have entire “foundations” established to solicit “gifts” they in turn use to play the financial markets for potential returns.

The American Association of University Professors [1940 Statement of Principles on Academic Freedom and Tenure](#) specifically identifies academic freedom with tenure:

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.

Under the policy proposed at FAU if a given faculty member receives a “negative review” the professor will be prescribed a “performance plan” and required to improve over the course of the next year. If her or his department chair or college dean determines that no improvement has taken place the tenured faculty member will be shown the door.

Many FAU faculty are disturbed by the new principles and the way they are being pushed toward implementation. Throughout a September 4 Faculty Senate meeting Perry repeatedly expressed his impatience toward a more deliberative policy process that would allow faculty to make suggestions toward improving the document, stating twice that he eventually needed to “pull the trigger” on the policy that can lead to the termination of tenured faculty.

“I would like to say that this a Provost’s policy,” Perry asserted at one tense moment, “and at some point the trigger has to be pulled on this policy if we are going to move forward in a timely fashion with beginning reviews in the next academic year.”

“If you can take tenure away,” one FAU professor declared shortly thereafter, “essentially *this faculty does not have tenure anymore*. There is not another university that has anything

close to [this].”

When Perry was pressed by another recently tenured professor on his position concerning due process, the Provost responded, “I think there’s instances at this university where some faculty should no longer be working at this university [sic].”



FAU Provost Gary “Pull the Trigger” Perry backs a policy that will make tenure meaningless at the mid-sized Florida university. “I think there’s instances at this university where some faculty should no longer be working at this university,” he snapped when pressed by professors at a September 4 Faculty Senate meeting.

While the most recent collective bargaining agreement calls for establishment of post tenure review, faculty union officials argue that the present document violates the principle of shared governance—another basic tenet of academic freedom alongside tenure.

“The proposal largely ignores existing departmental and college faculty committees and faculty-developed criteria for tenure and promotion in favor of a process dominated by academic managers,” FAU’s faculty union, United Faculty of Florida, wrote in a [detailed response](#) issued September 13.

The proposal employs language that is vague, imprecise, contradictory, and out of touch with faculty work and realities. Unlike the Post Tenure Review policies at most other research universities in Florida and elsewhere, this proposal emphasizes the punitive and authoritarian dimensions of post tenure reviews and neglects the possibilities for professional development of senior faculty, one of the most precious resources in the university.

“[Union] leadership has MANY concerns about it, including the fact that it has not been adequately vetted by faculty before going to Senate,” FAU Professor and faculty union president Robert Zoeller pointed out in a September 2 email to faculty.

“Union leadership is extremely concerned about the proposed policy,” former FAU faculty union president and Associate Professor Chris Robé said. “The fact is that the policy deals with tenure and job performance and has not been adequately vetted by faculty before going to the Senate for a vote.”

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[LISTEN to the entire September 4, 2015 FAU Faculty Senate Meeting. Discussion of the Provost’s Post-Tenure Review/Sustained Performance policy begins at 1:31:08]

If the post-tenure review process was ratified in its present form it would perhaps be one-of-a-kind, and surely among the most severe in the United States.

Discussion of the post-tenure review policy was immediately preceded by a raucous exchange between FAU professors and FAU Faculty Senate President Christopher Beetle concerning what faculty say is an administrative crackdown on faculty speech.

Recently several faculty received letters threatening disciplinary action for having written op-ed pieces for local papers, making remarks to the press, or engaging in other “outside activities.”

Faculty claim the letters were written by Peter Hull, the university’s Vice President for Public Affairs and close personal assistant to FAU President John Kelly. “Please call off your dogs,” remarked one professor, referencing “nasty letters ... letters of discipline or letters that threaten discipline to faculty members engaged in outside activity.”

When faculty called for a moratorium on such letters and further pointed to how such intimidation contradicts the administration’s call for university personnel to increase “community engagement” in accordance with its present Strategic Plan, Beetle moved to shut down further debate and refused to refer the matter to the Faculty Senate’s Academic Freedom and Due Process Committee.

In a September 18 email responding to a query by *MHB* Hull denied writing such letters to faculty.

Since 2013 the Dean of FAU’s College of Arts and Letters and the university’s Office of Student Services has sponsored “[The Agora Project](#),” a program of “supervised free speech” that allows faculty a partial platform for public expression yet often focuses on politically innocuous subject matter.



Lieutenant Governor Frank Brogan and Governor “Jeb” Bush in 2002, Source: Tampa Bay Times

In 2009 then-FAU President Frank Brogan, a former Florida Lieutenant Governor under “Jeb” Bush, [attempted to fire five tenured faculty members](#) in the College of Engineering and Computer Science through a dubious departmental reorganization of that college. FAU faculty union president James Tracy’s complaint to Florida Governor Charlie Crist hastened Brogan’s reluctant move to reinstate the professors’ tenured positions ([here](#) and [here](#)). The ensuing controversy arising from the faculty terminations contributed to Brogan’s [departure from FAU](#) to become chancellor of the entire Florida State University System. In 2013 Brogan was [appointed](#) to oversee Pennsylvania’s higher education system.

Political leaders elsewhere in the US have moved to curb faculty tenure protections. For example, [Wisconsin Governor Scott Walker recently shifted the ability to define tenure from state law to the Board of Regents](#) whose members serve at the pleasure of the governor.

Since the post-tenure review policy has now become a major facet of conversation among Florida Atlantic faculty, professors throughout the university are voicing their concerns at the extreme and likely unnecessary disciplinary measures encompassed in the document. Provost Perry and Associate Provost Diane Alperin emphasized at the September 4 meeting that they were interested in considering the faculty’s concerns on the proposed policy. Yet

as the initial draft of the policy suggests, the administrators also exercise considerable leverage over whether such input will actually be incorporated in to the final document.

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James F. Tracy was a tenured Associate Professor of Journalism and Media Studies at Florida Atlantic University from 2002 to 2016. He was fired by FAU ostensibly for violating the university's policies imposed on the free speech rights of faculty. Tracy has filed a federal civil rights lawsuit against the university, with trial set to begin November 27, 2017. Tracy received his PhD from University of Iowa. His work on media history, politics and culture has appeared in a wide variety of academic journals, edited volumes, and alternative news and opinion outlets. Additional information is available at MemoryHoleBlog.com, TracyLegalDefense.org, and jamesftracy.wordpress.com.

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