

Barrett Taylor on Tenure Ban Legislation

Hopkins Press Podcast Transcript

Season 3 Episode 10

28 May 2025

SPEAKERS

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You are listening to the Hopkins Press Podcast. My name is Rahne Alexander and I'm the Senior Publicist for the Hopkins Press Journals Division.

On today's episode, we're talking with Barrett Taylor, who is a professor and coordinator of, The Higher Education Program at the University of North Texas. He studies the ways in which higher education interfaces with Society, investigating topics including State Politics and Policy, the Organization of Academic Work, and Institutional Inequality. Outside of his professorship, he is a Fellow in the Center for the Defense of Academic Freedom, a project housed at the AAUP, funded by the Mellon Foundation and directed by Isaac Kamola.

Taylor is the co-author, together with, Kimberly Watts, currently a Doctoral Candidate at UNT, of a new article in *The Review of Higher Education* entitled, "Tenure Bans: An Exploratory Study of State Legislation Proposing to Eliminate Faculty Tenure 2012-2022." This article, as you may guess, surveys ten years of proposed legislation across the United States aiming to restrict tenure in higher education, and offers observations on the underlying motives and meanings behind these legislative efforts, as well as some recommendations for educators and administrators interested in protecting academic freedom.

The Review of Higher Education is one of the 43 Hopkins Press journals participating in our new Subscribe-to-Open S2O Open Access program, which means that that article, along with the rest of this year's issues of *The Review of Higher Education*, will be free to all readers in perpetuity.

As Barrett Taylor says in this episode, find the article link in the Show Notes, read along and get ready to concur and or critique the research methodology. With no further ado, let's talk with Barrett Taylor about tenure bans.

Welcome to the Hopkins Press Podcast. Today we're talking with Barrett Taylor. Would you like to introduce yourself, Barrett?

Barrett Taylor

Sure, thanks, Rahne. I'm Barrett Taylor. I'm a professor and the coordinator of the higher education program at the University of North Texas. I study higher education for a living and teach in a graduate program that's focused on higher ed. And most of my work's focused on the way that higher ed relates to the broader society. So I'm interested in institutional inequality and how that's changed over time, what it means for students. I'm interested in the organization of academic work and I'm interested in politics and policy generally as they relate to higher education.

Rahne Alexander

Well, that makes sense because your latest article for *The Review of Higher Education*, “Tenure Bans: An Exploratory Study of State Legislation Proposing to Eliminate Faculty Tenure 2012-2022.” is just coming out. And yeah, we wanted to jump on this because this is fresh and timely.

[Laughter] What a time to be alive, as I often find myself saying. So, what exactly are we talking about when we're talking about this idea of tenure bans? In this paper, you've set out to define them. You say, “Operationalizing the concept of a tenure ban was the central component of this project.” So, I suppose, what is tenure exactly? And what are the reasons for pursuing, on one hand, reforms, and on the other hand, bans?

Barrett Taylor

That's a great question, Rahne. You know, defining a tenure ban is tricky. I started with my co-author, Kim Watts, who's a PhD Student here at UNT, and we combed through, you know, a decade's worth of state legislation to get a sense of what kinds of bills related to faculty tenure had been introduced in that time span. And then we, you know, iteratively, talked back and forth, developed some ideas about what we would consider a tenure ban, drafted and presented a version of this manuscript at a conference. And really the review process at RHE and the editors there were extremely helpful for us in developing and making a more precise definition of what we meant by a tenure ban. So, what we ended up with was a definition that passed a tenure ban as legislation that would eliminate tenure in all or part of a state's higher education system. Very straightforward, except for the question, implicit in what you ask, “What is tenure,”

Now, what you really need to answer that is to spend an hour with a good historian of higher education, not with me. I can give you the sort of like fifty thousand foot view that is found in this paper. And basically it's an employment practice, and it's an unusual one. I get questions about it all the time from students, from our grad students. I get questions about it from neighbors and family members. “*What is this? Why do you have it? Why does it matter?*” The fifty thousand foot view is that for most of the history of higher education in the US, there was no such thing as tenure, faculty had practically no labor protections. They could be and were fired at the whim of a governor or a president or a legislator or a trustee, a regent of some sort. In the late 19th and early 20th centuries, faculty members started to organize to protect themselves and to establish control over their work. And this is where, again, historians of higher education like Tim Cain can really provide some richness to this account that I'm glossing over here. The argument of these advocates ended up being codified and statements through the AAUP in 1915 and 1940. And there was pretty straightforward argument that to contribute to humane, flourishing, democratic societies, prosperous economies, all the things that we expect higher education to do to shape people for a life's purpose, that faculty needed to be free of external influence on their teaching and research. That we should follow where knowledge leads us, rather than follow the political trends or economic demands of the moment. And so tenure, by providing some protections for faculty members, and I

want to be very clear, tenure is not a guarantee of a job for life. Getting tenure doesn't mean you just stop showing up to work or stop producing. It's hard earned. It takes a long time to get it. And actually, there are not nearly enough tenure stream faculty positions for the number of folks applying for them. That's a real problem. A growing share of the workforce, the faculty workforce is outside the tenure stream. But the purpose of tenure is to have faculty professional control over knowledge creation and transmission over research and teaching rather than having it be shaped by outside faculty.

Rahne Alexander

Yeah. It's so interesting because I think that I came up with kind of this, understanding of Tenure and this fantasy kind of idea. "Oh yeah, you've got job protection, you can't be fired, you know, whatever." But now that I'm older, it would seem to be such a gift to have that kind of protection. Like, I think for me, it would make me want to work a little harder and to push, maybe push a little further into areas I might have felt less safe doing before.

Barrett Taylor

Yeah, yeah. I mean, it's not the focus of this paper, but you know, we're always standing on the shoulders of giants. Building on other people's work. And one of the bodies of literature on which we dip, you know, early and often in the paper is stuff that shows that having folks working in the tenure stream is associated with a high level of productivity. So I think it's easy for people, particularly because it is a complicated and an arcane thing, people have lots of demands on their time to think, you know, well, "Why should my neighbor who is a professor have tenure and I don't when we both, you know, get up and go to work in the morning, take our kids to school and do all that kind of stuff." One answer to that question and you know, listen, the nature of work in the US is well beyond the scope of this paper. I'm not talking about that. I'm talking within the scope of this paper. One response to that is that having folks in the tenure stream is associated with increased productivity overall and just the way you're talking about. Whether we measure that in research or teaching or other things.

Rahne Alexander

Yeah, you've got a study that spans 10 years, 2012 to 2022. How did you arrive at the methods and parameters and then especially the research questions that used in this study? Of course, I'm just wondering from your analysis, are these bands increasing in their frequency?

Barrett Taylor

Yeah. So, that's a, that's a great question, or a couple of questions. Let me answer them as best I can. I'll start with the approach. Kim and I came at this from a couple of different perspectives simultaneously, one of which is there's a big body of literature, and I've contributed some to this. So I'm not criticizing this body of literature at all. I'm just acknowledging that it's well established, that at the institutional level, so the individual college or university, the number of tenure stream appointments have been shrinking for decades.

And the most, I think, widely accepted explanation for that, and there's some wrinkles to this that I'll get to in a minute, is that it's about money. It's increasingly

costing more to deliver education. For privates, endowment returns are variable; for publics, the states aren't always supplying as much. And a tenured faculty member often is paid more than a non-tenure track or professional colleague in the same unit. But also the tenure is a long-term commitment. It does not guarantee you employment when you stop producing. It does not guarantee you employment when you come in and teach the sky is green, but it also is intended to protect faculty members. There's nothing in the language for most places outside of real extreme exigent fiscal circumstances. Routine budget fluctuations are not a basis for getting rid of folks. So, there seems to have been this general preference over time at the institutional level for substituting in more folks who work outside the tenure system because they're flexible, they're contingent. That also relates to institutional independence and self-governance. People without tenure protections have to take on more risk. They expose themselves more when they speak out in institutional governance against a provost, dean or president. And there are also important wrinkles to that. There are real wrinkles showing that like how this plays out and the sciences is different than in the humanities, how it plays out in fields where a disproportionate share of folks working in them are women play out differently than in when a disproportionate share are men. So, that's not the whole story is about money. There are variations and wrinkles on that, but that's one thing that brought us to it. Hey, maybe states are just facing these really tight budgets. And so, they think, we just can't afford a tenure stream faculty anymore. The other option, and this I think touches on your last question about are these things increasing in incidents?

You know, if you open your higher ed trade publications, and I will not name them because you don't do free advertising on your podcast, folks need to pay for advertising, or even your local newspaper. You're gonna read stories of state governments and increasingly the federal government making sort of direct intrusions into curriculum, into personnel, into governance, faculty, senates, things like that. Things that were, you know, while the higher education has always been political. And always will be political because that's how the world works, that represent a real change from prior decades in terms of direct intrusion into core academic enterprises. That, I do think is, is on the rise in many contexts. And in fact, I wrote a book about it a couple of years ago called *Wrecked* it gives you a sense of like what an uplifting and cheerful book it is from the title, about this process of what I call "deinstitutionalization." Why have states that spent decades, building up these colleges and universities and establishing them as central institutions in society, suddenly decided to tear them down, to deinstitutionalize them. To make them less independent from state government. So, when you put these two things together, this long-term financial erosion, administrative erosion that has wrinkles and complex dynamics that are related to race and gender and discipline and things. And then, this sort of like political shift that's happened in the last year where there is a coalition on the political right that seems to think that higher education is just their opponent and higher education should be different. Not supposed to be more efficient or more cost effective. It's supposed to be different. The core mission and the people we're serving should be different. It occurred to Kim and me that maybe states were going to take some steps to try to finish off the work that years and years of divestment and volatile funding started and sharply curtail or even end tenure in some of these states.

Rahne Alexander

I was especially struck by this sentence in the article, “Efforts to restore lost trust in public higher education might follow different trajectories if tenure bans were associated primarily with political partisanship rather than economic instability.” And then in your conclusion, you return to this notion of trust, you say, or our analyses highlight context in which that trust has frayed to the point of conflict. I can't help but wonder what drives this notion of “lost trust” and how do you think we remedy this?

Barrett Taylor

That is a great question, and I think you're a really close reader, Rahne, to pick up on the role that trust plays in sort of the undergirding factor in all of this. People have been studying why there's falling confidence in higher education for decades. And the reasons vary over time, of course. A persistent theme that has become really, really widespread in the last decade or more is that higher ed is just too expensive. Tuition is too high. It's not reasonable for people to afford it. It's not worth the money. The return on investment is not there. All that kind of stuff. That fits in with the sort of financial, that first category of arguments about tenure bans that I was just talking about a minute ago. Like, hey, maybe we think tenure is good, but we just can't afford it because prices are too high and we got to do something to bring prices down. The second basis, for a lost trust that we've really noticed acutely in the last decade is located almost exclusively on the right of the political spectrum.

And that is this idea that higher education is indoctrinating students into a leftist worldview, that we are trying to take your children from you and turn them against you and all this kind of stuff. Now, this is not a majority opinion, at least as far as I read polling data, but it's rapidly become position with a lot of influence. And you know, people are really busy. They don't have a lot of time or band, width to think about higher ed policy. I'm really blessed and privileged that it's my job to think about this all the time and to run these kinds of models. So, you we know that these two things are going on. And then we can use, we use, and this actually refers back to a question you asked previously that I didn't answer. We dipped into a family of quantitative techniques called, “event history analysis.” That's probably more than enough information for most of your listeners and not nearly enough for some. Those people can download the paper and read it and make their methodological critiques because that's how social science proceeds. It's how we get smarter.

But what we could do then is estimate the relationships between some variables that were associated with the sort of financial piece of this, Unemployment rates and things like that, and things that were associated more with the social, political, cultural stuff, partisan control of state government, changing racial demographics at the flagship campus, share of the population with a baccalaureate degree, that kind of stuff, to get a sense of what state characteristics were associated with an increase in the likelihood of introducing one of these tenure bans. And it is important, I probably should have said this at the outset, it's important to note that we are talking about bill introduction here. We're not talking about bill passage. And there's a growing body of research in political science showing that these introduced bills are really important for signaling where our political coalition is going. So, in a sense, the fact that we did this study from 2012 to 2022, and now things are playing out as they are in (2025).

Almost all the details have been surprising to me. I'm not an oracle, but the fact that this general trend is increasing is less surprising because we were able to get a sense of what was being considered and introduced in the years before. Once, we ran and specified our models and did some good descriptive analysis, and I'll stress that this is all, know, analysis, a post-hoc analysis of secondary data. There's nothing causing it. But what we found was very little evidence that this stuff was associated with the financial or economic strain.

In fact, unemployment rate was negatively correlated with the likelihood of introducing a tenure ban. So, the higher the unemployment rate, the less likely a state was to consider it. So, it's not states, it didn't seem to be anyway, States where they were facing a budget crisis where this was happening. It was much more strongly associated with the social, cultural, political factors, unified Republican control of state government, the share of the population holding a baccalaureate degree, and changing racial demographics on the flagship campus. These are not money related concerns. These are things that describe these social and political conditions in the state. It's not about making higher education cheaper to deal with a tight budget and to face harsh realities. It's an effort to make higher education different and less independent from outside influence than it was previously.

Rahne Alexander

So you're concluding this piece with advice to campus leaders. And I thought it was a very powerful ending to the piece, I should say. You conclude with this advice that campus leaders should develop robust defenses against attacks on Tenure and begin acting proactively rather than reactively. Do you have any thoughts on what source of actions or protections could or should be enacted? Or do you have resources that leaders might want to consult in order to help get ahead of the curve?

Barrett Taylor

Thank you for those kind words, And I appreciate it. That's a very generous of you. You know, in *Wrecked*, I developed this idea called "partial defenses." And a partial defense is when someone tries to support higher education without addressing the real critique that's being levied. It's kind of a look over here at what my left hand is doing, pay no attention to what my right hand is doing. So when a state legislator says the university is indoctrinating students and the president responds, you know, "Our graduates get a lot of high paying jobs." That may be a factual response, but it didn't actually address what the legislator was saying. The legislator was saying, "I don't trust you, and I think you're doing something I don't want you to do." And what the president said was, "But people are getting paid." And that doesn't address the problem. Now, I understand why leaders do this. Decades of the kinds of tight budgets that we were talking about before, and attention to outcomes. It's habituated all of us who've been in higher education a while, and thankfully, this is not a video podcast. I have a lot of gray hair. I've been in higher education a while.

I was an administrator before I became a faculty member. So we've all kind of got used to thinking it's all about the money, it's all about the outcomes. And if we can just focus on those things, that people will understand how valuable what we're doing is. And I also am grateful for partial defense. A half-hearted attempt is better than no attempt at all. It's better than being silenced. That said, I think it's pretty clear when you're dealing with a direct attack on the ways of doing academic work,

our core mission is knowledge. That's what distinguishes us from other enterprises. And when you're dealing with core attacks on the way we produce knowledge that goes to tenure, that goes to academic freedom, it goes to sheer governance, the time for partial defenses is long past at that point. The fights over what kind of higher education system do we want to have and who do we want it to serve? Do we want professors to have independence from political pressure? Or do we want them to be responsive to political pressure? That's a big fight. And leaders, I think, who want to engage that, I would advise them to do it directly, not in a partisan way. I'm not, I never would tell anybody who to vote for. That's not my job. But to, say directly that this is about the core purpose and we need to defend the way we do that work. I think PEN America and their work around educational gag orders has been really smart about this. I think the AAC&U with some of the things that they're developing over there has been really pushing things forward. So some of the accrediting agencies and I'm not a journalist, I'm a professor, but I'm going to do the journalistic caveat here.

In my private life, I work with the Center for the Defense of Academic Freedom at the AAUP. That's not part of my professorial role. That's something I do in my personal life. But that center and the AAUP generally have produced a lot of resources, including an academic freedom syllabus and toolkit and stuff to help people on the ground get a sense of, hey, this isn't just about tuition is too high. That's still a problem that we need to address. I'm not saying that's not a problem, but lowering tuition actually won't help with this problem.

If your goal is to preserve Institutional Independence and faculty control over knowledge creation and transmission, instead of having Elected politicians do it, then you need to stand up in the way that PEN America, the AAC&U, AAUP, and other organizations, like that.

Rahne Alexander

Great advice. So, this article is coming in the next issue of *Review of Higher Education*. So, I imagine you might be doing a little more work and maybe following this line of study a little bit further, but can you talk about what else you're working on currently?

Barrett Taylor

That is every professor's favorite question. So, thank you for asking us. We always love to talk about it. And you're exactly right. My main project right now grows out of *Wrecked* and it grows out of this line of argument that we're following, that Kim and I are following in this paper and then some other related work. And that book is a project on what we're calling the, post-liberal university. I think by now most people are comfortable with the neoliberalism terminology. That's a sort of umbrella term that a lot of people use to describe the financial austerity divestment decline of tenure system at the Institutional Level kind of stuff that I was talking about previously. That's often understood as framing higher education as a private good, whereas in the past it had been understood as a public good with the massive, massive caveat that the public was understood as fairly affluent white guys. And so, as our understanding of who we served and how we serve them changes, so to have the sort of these governance consensus or governing orders, models that cords that shape higher education. So, we're focused on this, what we understand as an

emerging post-liberal accord, that instead of casting Higher Education as a public good or a private good, cast it as a partisan good. Says that you are good in so far as you align with the preferences and goals of the governing party in this state or this country. And you are bad when you transgress those things. I think, for people who value the public good and private good components of higher education, that's that's very alarming. So, it's something that we're thinking through very carefully in our work around that and trying to document that and get a sense of what the post-liberal university is, given that we're very early in this process still by academic standards. Because academics have to deliberate and think a long time. That's why we're reliable to come to for knowledge. Again, in my personal role, not in my professional life, working with the Center for Defense of Academic Freedom at AAUP, I'm working with a couple of good colleagues there, Tim Cain, who I mentioned earlier, and Demetri L. Morgan, to edit a collection of the faculty fellows writing, the fellows who are affiliated with that center on academic freedom. The book's tentatively titled, *Controlling Ideas*. So, that phrase probably slipped into my conversation today, because it's on my mind a lot. And it's really closely related to this stuff. And this stuff I think really matters. It matters to a wide range of people. And in that volume, we've got people from history and global studies and legal studies, public admin, it's not just education folks talking about what academic freedom is, "Why it's under threat and why it matters?." So that's a really exciting collection that I'm thrilled to be a part of.

Rahne Alexander

That's exciting. A lot to look forward to. Well, thank you so much for your time today. Is there anything we haven't touched on that we should?

Barrett Taylor

No, you're a great interviewer and I really appreciate you featuring the article. Look forward to hitting newsstands soon.

Rahne Alexander

Absolutely, absolutely. And we'll make it free to everybody to read for a period of time after this podcast comes out, so everybody can take it down and do their critique of your methodology.

[Laughter]

Barrett Taylor

[Laughter] That's how we end you forward.

Rahne Alexander

Indeed, indeed. Well, I'm grateful to meet you and good luck in the future.

Barrett Taylor

Thanks, Rahne. Take care.

Rahne Alexander

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