

The Interplay of Power, Incentives, Academic Freedom, and Gender Equity

Alice Wieland and Amy Jansen

Abstract

Academic freedom is crucial to not only teaching and research but also the shared governance of our educational institutions, and it is granted and protected by tenure. Therefore, gender inequality in the attainment of tenure reproduces the embedded power hierarchy in academia, perpetuating gender disparities for female scholars. Misinformation and disinformation in academic evaluations—shifting standards, the use of invalid metrics, and the lack of outside regulation and oversight—inhibit gender equity and obstruct academic freedom. This article explores the intersection of how power, adverse incentives, and gender bias combine to perpetuate gender inequity in our institutions. It presents recommendations to help rectify the problem.

Although women are more likely to graduate from college and earn approximately half of PhD degrees (DeFrank-Cole and Tan 2019; US Census Bureau 2023), they are still underrepresented in tenured academic positions, much less likely to hold full professorships, and, as a group, earn significantly less than male colleagues (AAUP 2023; Colby and Bai 2023)—especially in male-dominated fields such as business (Gooty et al. 2023). The AAUP acknowledged this problem in its recent statement “On Eliminating Discrimination and Achieving Equality in Higher Education” (AAUP 2024b). The fundamental underpinning of academic freedom is tenure, which grants faculty the right “to speak freely when participating in institutional governance, as well as to speak freely as a citizen” (AAUP 2024a). The disadvantaging of women and underrepresented minorities (Martin, Gray, and Finley 2019) in obtaining tenure differentially restricts their academic freedom—which has significant downstream effects on institutional governance, societal role models, and women’s research agendas. Female faculty may have a different perspective on how our institutions should be run, and professors model for students who has authority in organizations and society. Additionally, women’s diverse perspective on social inequities make them more likely to pursue research that challenges the embedded power hierarchy (Jost, Banaji, and Nosek 2004). Therefore, the systems that perpetuate gender differentials in tenure attainment also enable and reinforce the social power hierarchy in society.

Many faculty who participate in shared governance—a cornerstone of American higher education—and particularly those who hold contingent appointments (AAUP 2024a), are vulnerable to negative evaluations and even termination if their opinions oppose those of the embedded faculty and administrators who hold power in their organizations. Tenure, then, affords faculty freedom, flexibility, and protection from retaliation. Higher education is witnessing a shrinking percentage of full-time, tenured faculty, falling from 39 percent of all academic appointments in 1987 to 24 percent in 2021 (Colby 2023), with white men most likely to hold this status. Thus, a smaller percentage of faculty are freely engaging in shared governance (Colby and Bai 2023). Stephen Ceci, Wendy Williams, and Katrin Mueller-Johnson (2006) found that nontenured and lower-ranked tenured faculty tend to feel silenced by concerns over negative evaluations if they assert themselves and that promotion to full professor is a better predictor of who exercises academic freedom than is being tenured. Women make up less than a third of full professors (Colby and Bai 2023), leaving institutional governance dominated by men and limiting women’s input in promotion and tenure decisions.

This article explores how power, incentives, and gender biases combine to inhibit the academic freedom of female faculty by obstructing their attainment of tenure. First, we outline the situational factors that contribute to unchecked power differentials, then explore the adverse incentives of embedded faculty. Next, we review the relevant social psychology literature on “lack of fit” (Heilman 1983) and “backlash” (Rudman and Glick 2001) theories that bias the evaluations of women in academia. Finally, we review specific recommendations to promote gender equity in our institutions.

Power

Although there has been ongoing discussion by academics and the AAUP about gender disparities in faculty outcomes, little of this conversation has focused on the role that embedded power relations play in fostering the gender gap. The structure of academia can enable the distorted and even corrupt use of discretionary power. Embedded faculty create the metrics by which untenured faculty are assessed and control the resources that may support or inhibit performance. For example, embedded faculty often control course assignments, including the number of new course preparations, and enrollment size, which may inhibit research productivity and course evaluations. Additionally, service work falls disproportionately on untenured faculty, also inhibiting research productivity, which is more crucial to tenure evaluations. Embedded faculty also conduct annual evaluations, enabling them to establish metrics to benefit themselves, especially related to competitive merit awards. For example, personnel committees may use numerical student teaching evaluations (STEs) if this benefits their evaluation, despite the consensus that they are invalid metrics of teaching quality and biased against women and minorities (Uttl, White, and Gonzalez 2017). (See Rodriguez 2019 for an

illustration of how power differentials and STEs have been deployed to “bully” untenured faculty.)

Even legal and judicial opinions have recognized that the opinions of departmental committees are given undue deference by higher-level university committees, with the assumption being the candidate’s department is in the best position to evaluate the candidate (Dyer 2004). This assumption may allow biases in the candidate’s department to proceed unchecked by higher-level committees, including the use of arbitrary and capricious metrics to assess research productivity. Additionally, if the university uses external tenure reviews, departmental personnel select and contact external reviewers. Without oversight, this enables inconsistent instructions to be communicated to reviewers for different candidates, resulting in the application of inconsistent standards to evaluations.

These power differentials can create two especially problematic situations. The first arises when the requirements for tenure are subjective, nonpublic, or inconsistently applied among candidates. The second surfaces when annual review evaluation criteria vary from those applied to tenure evaluations. If standards are not written, with specific examples of what is required in the evaluation categories, and consistently applied to the various evaluation types, then subjective biases may creep in, enabling self-interested power holders to implement arbitrary standards. That power combined with incentives and gender biases (implicit or not) is an underexamined factor disadvantaging women’s attainment of tenure, academic freedom, and institutional influence.

Conflicts of Interest and Adverse Incentives

At many universities, faculty pay increases are determined on a relative basis, considering the teaching and research productivity of both tenured and untenured members of the department. Untenured faculty frequently outperform tenured colleagues in research to bolster their tenure prospects. Salary compression may lead faculty to view more productive peers as threats to their financial and professional standing. Therefore, embedded faculty who may no longer be active researchers are incentivized to prevent productive peers from becoming permanent employees, to protect their relative standing. Additionally, appointments, such as those of chaired positions or program directors, are made on a relative basis—providing financial incentives, course load reductions, and status.

Again, since women are less likely to obtain tenure and full professorships, supervisory and evaluative roles are disproportionately held by embedded male faculty. Some male faculty may perceive threats to their status when younger women obtain equal rank or higher compensation resulting from salary compression due to masculinity norms (Vandello and Bosson 2013). Embedded male faculty may be implicitly motivated to protect their relatively high status, as it is well accepted that the relative status of an occupation declines as more women enter the field (Levanon, England, and Allison 2009). Evaluation committees dominated by male breadwinners

may resent female tenure candidates considering the well-documented “backlash” effect against competent women (Rudman et al. 2012) and the reduced likelihood that men with homemaking spouses promote qualified women (Desai, Chugh, and Brief 2014).

Gender Biases in Evaluation Decisions

Academia is recognized as a highly masculinized environment. Almost all higher education institutions were founded by men, to serve men. Ivy League institutions—time-honored leaders of academia—were particularly slow and reluctant to admit female students, most not admitting women until the late 1960s and 1970s (1983 for Columbia University). A Dartmouth alum pleaded to “keep the damned women out” even in 1970 (Malkiel 2016). Since unwritten masculine rules are deeply embedded in academia, the stereotypes associated with success in the profession highly favor men (Vasic 2021). Combined with the social-psychology processes that lead to biases in the evaluation of female professionals (explored in a wide body of research), this puts women academics at a distinct disadvantage. The lack-of-fit model (Heilman 1983) suggests that women suffer prejudice and discrimination because they do not match the stereotypes of the role prototypes: men in academia. Women who demonstrate competence are perceived to be socially deficient (Heilman and Okimoto 2007). Backlash theory (Rudman and Glick 2001) suggests that when women take on traditionally masculine roles (as academics, for example), they experience social sanctions for not behaving consistently with feminine (communal) gender norms and are rated as less likeable than women who conform to gender norms, or comparable men. Additionally, feminine gender stereotypes prescribe that junior female academics be deferential to senior male counterparts. This expected deference may be objectionable to highly accomplished women, who are less likely to display traditional gender role behaviors. Female academics may therefore be more likely to violate others’ stereotypic expectations and be perceived as having communal deficiencies, eliciting backlash.

Women may also discriminate against other women. “Queen bees” are senior women in male-dominated fields who have achieved success by emphasizing how they differ from other women and do not support the advancement of other women. Queen bees contribute to career gender disparities, stemming from gender bias and female competition for limited spots in male-dominated domains (Derks et al. 2011). Elizabeth Parks-Stamm, Madeline Heilman, and Krystle Hearn (2008) suggest that the interpersonal derogation of successful women by other women functions as a self-protective strategy against threatening social comparisons.

The use of student teaching evaluations in tenure decisions may also mask illegal discrimination, especially when inconsistently applied as a metric. The research consensus indicates that STEs are invalid metrics of teaching, are biased against women and other minorities (Wagner, Rieger, and Voorvelt 2016), lead to grade inflation (Stroebe 2016), and correlate with the rank of the instructor and the expected grade in the course (Kogan, Schoenfeld-Tacher, and Hellyer 2010). Students’ evaluative perceptions of female faculty are subject to the same lack-of-

fit (Heilman 1983) and backlash (Rudman and Glick 2001) biases that plague person perceptions in academia (and beyond). Further, when the evaluation process relies on STEs, it puts pressure on faculty to make courses easy—bartering high grades for positive course evaluations—thereby inhibiting academic freedom in teaching.

In addition to political attacks on diversity, equity, and inclusion (DEI) offices and related research at some universities, there is growing recognition of implicit biases against “diversity” research, such as gender-equity topics, and those who study these topics (King et al. 2018; Gooty et al. 2023). These biases may affect not only the publication rates of “diversity” scholars but also who is perceived as a desirable long-term colleague—thereby harming both tenure status and the academic freedom of these scholars.

Finally, although the AAUP has warned against using collegiality as a criteria in evaluations (AAUP 2017), many institutions still use it informally, or formally as an optional metric that can be cited as a reason for denying tenure. Compulsory civility is enforced in institutional culture through discourses of “collegiality” and “being a team player” (Rohrer 2019). It is recognized that collegiality evaluations threaten academic freedom by silencing the voices of the untenured, limiting the contributions of diverse viewpoints that do not align with the agendas of senior colleagues (Adams 2006). The collegiality standard disproportionately disadvantages women in academia because of perceptions of gender role incongruity and subsequent derogation (Heilman and Okimoto 2007). If a female faculty member also dares to influence shared governance, she risks backlash from senior faculty who may perceive her as violating prescriptive feminine stereotypes (Rudman et al. 2012).

These gender biases combine to inhibit qualified women from advancing in academia, especially in higher-paying, research-oriented universities (Vasic 2021).

Recommendations for Universities to Promote Gender Equity

The table below provides eight recommendations to help institutions ensure gender equity in the tenure process. These recommendations draw from several resources (cited in the table) that promote procedural justice in universities. First and foremost are the guidelines for tenure committees provided by the AAUP (2007), *Good Practice in Tenure Evaluation*. Additionally, a recent article tackled the challenges to gender equity in business schools and presented twelve specific recommendations to address the masculine structure of these schools, the muddled approach to performance evaluations, and the underrepresentation of topics that affect women in the workplace (Gooty et al. 2023, 3), challenges also encountered in academia generally. The table restates two recommendations because they are particularly relevant to this thesis and build on those provided by the AAUP. In addition to the essential guidelines provided by these sources, we provide three additional recommendations to facilitate objectivity and accountability:

1. *Each department, school, and university should track those awarded and not awarded tenure, the specific performance criteria applied, and the evaluation or recommendation given for the candidate's performance.* Long ago, the courts ruled that tenure was a "subjective assessment" (Dyer 2004), but more recently they have ruled that a candidate's record can be compared against peers to determine if the evaluation was consistent with other tenure decisions (Tudor et al. v. Southeastern OK St. University et al., no. 18-6102 (10th Cir. 2021)). To avoid liability, institutions should help their tenure committees make more objective assessments. A database of research productivity for tenure applicants would help with the evaluation of research. The evaluation of teaching may be more challenging, because there has yet to be a valid assessment of teaching quality, so it is recommended to avoid relying on STEs (Uttl, White, and Gonzalez 2017).
2. *Outside accreditation bodies should provide oversight of tenure and promotion processes; and apply sanctions if best practices are violated.* DEI oversight boards of accrediting bodies should create best practices for member institutions to implement. Accrediting bodies can ensure fairness by evaluating the clarity, communication, and consistency of actual tenure and promotion processes at institutions (Cain 2023). If failing to provide fair and impartial opportunities to women (and minorities) puts their accreditation status in jeopardy, universities will be incentivized to create procedures to ensure fair and equitable evaluations.
3. *Make it financially painful for both the universities and individuals to discriminate.* Universities accused of discrimination block and drag out litigation to make it prohibitively expensive for victims to obtain justice (Dyer 2004). It is common practice for universities to indemnify personnel on decision-making committees, provide legal defense, and pay damages in the event of legal liability. Therefore, unethical or illegal behavior is protected by institutional resources, creating a moral hazard. University administrations, like chief financial officers, should face penalties for not intervening in unjust lower-level decisions which they were, or should have been, aware. Those who have the power to intervene in unethical decisions but refrain from doing so should be subject to punitive damages to deter their allowing illegal behavior, whether out of negligence, lack of oversight, or simply not wanting to oppose other colleagues.

Recommendations for Creating Gender Equity

1) *Mandate clarity in standards and procedures for tenure evaluation.* Stated criteria for tenure must match the criteria that, in actual practice, the institutions apply. Department chairs and administrators should clearly communicate all criteria, including any special requirements applicable within a department or college, to a tenure-track faculty member early in his or her career at the institution (AAUP, ACE, and United Educators 2000, 3).

2) *Ensure consistency in tenure decisions.* Tenure decisions must be consistent over time among candidates with different personal characteristics, such as race, gender, disability, and national origin. Protections in law and institutional policy against discrimination apply with full force to the tenure process. Consistency also requires that the formal evaluations of a single individual over time reflect a coherent set of expectations and a consistent analysis of the individual's performance (AAUP, ACE, and United Educators 2000, 3).

3) *Require candor in the evaluation of tenure-track faculty.* The department chair or other responsible administrator should clearly explain to every tenure-track faculty member the standards for reappointment and tenure and the cycle for evaluations of his or her progress in meeting these requirements (AAUP, ACE, and United Educators 2000, 3).

4) *Institute independent, trained justice advocates to observe and monitor selection, tenure, and promotion procedures* (Gooty et al. 2023, 3).

5) *Educate evaluators on best practices, such as how to avoid arbitrary, shifting standards using ambiguous terms that tend to be proxies for liability and that can disadvantage women* (Gooty et al. 2023, 3).

6) *Each department, school, and university should track those awarded and not awarded tenure, the specific performance criteria applied and the evaluation or recommendation given for the candidate's performance.* Universities should help their tenure committees make more objective assessments relative to others evaluated for promotion and tenure. A database of research productivity for tenure applicants would help with the evaluation of research (Cain 2023).

7) *Outside accreditation bodies should provide oversight of tenure and promotion processes and apply sanctions if best practices are violated.* Diversity, equity, and inclusion oversight boards of accrediting bodies should create best practices for member institutions to implement. These accrediting bodies are in a unique position to critically evaluate the procedural fairness of not only the explicit tenure and promotion procedures but also those actually implemented by the schools and if they are clearly communicated and consistently applied—and may sanction member institutions if policies are violated.

8) *Create sufficient financial hardship for both the universities and individuals to disincentivize arbitrary and capricious decisions.* Financial disincentives may be deployed for both universities and individuals (administrators and those serving on personnel committees) for using arbitrary and capricious standards.

In Summary

Gender inequality in promotions, tenure evaluations, and tenure attainment persist despite ongoing awareness and legal protections, such as Title VII and Title IX (Thornton 2017). A substantial body of research indicates that female faculty experience obstacles in obtaining tenure that impede their academic freedom. Across academic disciplines, women remain disadvantaged in receiving tenure even after accounting for productivity and contextual differences (Weisshaar 2017). When women's professional status and livelihood are threatened by reactions to what they say, teach, or research, they cannot properly fulfill their responsibility to advance and disseminate knowledge. This places female scholars in a precarious position, their academic freedom threatened by powerful decision-makers who perpetuate the status quo in academia—limiting women's influence in institutional governance so they may not attenuate the male-dominated power hierarchy. Women tend to receive tenure in lower-prestige departments than men, with reduced access to resources and connections at high-status institutions (Weisshaar 2017), inhibiting their ability to influence society through their research. Unconscious gender bias is insidious and exhibited by men and women alike, and it emanates from individuals who would otherwise identify themselves as fair, unbiased, and progressive. It no doubt contributes to the limited number of women who hold power in academia, particularly in STEM and business disciplines (Allen-Hermanson 2017; Easterly and Ricard 2011). The table above provides recommendations to offset the power dynamics, adverse incentives, and gender biases by bolstering fair and just institutional processes.

We must guard against the use of misinformation and disinformation in academic evaluation processes—shifting standards, the use of invalid metrics (STEs), and the lack of outside regulation and oversight—that hinder not only women's academic freedom but also their research output, institutional influence, and societal influence in general. Maintaining fairness in the allocation of academic freedom is not just a question of justice but also a fundamental duty of universities.

Alice Wieland is associate professor in management at Southern Connecticut State University. Her research examines how gender influences decision-making, especially as it relates to women's careers. Amy Jansen is a business research librarian and faculty member at Southern Connecticut State University. In addition to her research pursuits in gender, business, and leadership, she provides subject-specific reference and research assistance, information literacy instruction, and collection development in support of the curriculum and faculty research.

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