February 9, 2024

Members of the Nebraska Legislature Education Committee:

Nebraska LB 1064 poses a dangerous threat to public higher education in Nebraska. If passed it will severely diminish the ability of the state’s public universities to recruit and retain the quality of faculty required for first-rate teaching and research. The American Historical Association, chartered by the US Congress “for the promotion of historical studies,” urges you to reject this ill-conceived attempt to undermine the principles that have made American higher education the envy of the world.

LB 1064 mandates that an institution governed by the Regents of the University of Nebraska, the Board of Trustees of Nebraska State Colleges, or any of the state’s community colleges “shall not establish or continue to authorize an academic system of tenure for any employee of such institution.”

Tenure was instituted nearly a century ago, not as a sinecure but to guarantee the academic freedom necessary to assure integrity and innovation in both teaching and research. A tenured scholar can ask controversial—even daring—questions in the classroom and in developing innovative research projects. Scholarly pathways can draw from creativity, expertise, and evidence without limitations from political mandates or pressure. This entrepreneurial spirit is essential to any environment that nourishes fresh ideas. America’s colleges and universities draw faculty and students from around the world because of the research and educational advantages that follow from these principles of academic freedom.

Despite occasional media misrepresentations, tenure is not a license to slack off or to engage in untoward behavior. Higher education institutions in general, including public institutions in Nebraska, evaluate faculty performance annually and articulate standards of behavior, violation of which is grounds for dismissal even for tenured faculty.

Why would eliminating tenure diminish Nebraska’s public universities?

Nebraska’s universities will immediately find themselves at a disadvantage in attracting top-level scholars, or even in retaining current faculty. Whether in STEM (science, technology, engineering, and mathematics) fields, humanities, or social sciences, faculty achieve their credentials only after long years of intensive graduate training. They then enter a competitive national job market, in which they may apply for dozens of positions in as many states. Although academic job markets vary across disciplines, candidates are unlikely to opt for institutions where their teaching and research will not benefit from the academic freedom guaranteed by tenure. Were Nebraska universities to eliminate their systems of tenure, any public university in the state would immediately become an employer of last choice among scholars who desire an environment amenable to high-quality teaching and research. Higher education administrators and hiring committees across the country will begin contacting Nebraska scholars at every career stage with offers to lure them out of state.
Scholars who cannot even apply for tenure because of legislated restrictions confront serious disadvantages. Without tenure protections, they will shy away from daring and innovative research questions. Their scholarship will tilt toward “safe” areas of exploration less likely to generate the breakthroughs characteristic of top research institutions. Their teaching will be similarly cautious. Without tenure, a teacher avoids controversy, including the kinds of issues that students need and want to engage in order to become future leaders.

This pathway directly contradicts Governor Pillen’s new scholarship program to keep promising high school graduates in the state, “as part of a comprehensive plan to reverse Nebraska’s brain drain and compete more effectively for top talent.” This major public investment, he explained, “is a simple, but powerful, message to our best and brightest young people: We want you on Team Nebraska. As I travel around the state and talk to business and community leaders, something I hear again and again is that we need to do a better job of competing for talent.” Eliminating tenure would mean top students would arrive at the universities and find the best teachers and scholars leaving.

LB 1064 would inappropriately inject university boards of trustees into decisions about faculty hiring and work responsibilities—an intrusion across the boundary of governance and management in any nonprofit entity. This move to undercut the independence of public higher education threatens the integrity of every discipline on campus.

This includes history, and as the institutional representative of thousands of historians and those who value their work, the AHA can knowledgably predict that this bill will undermine the quality of public education in Nebraska by preventing qualified instructors from teaching honest and accurate history in courses that serve the needs of our students.

Sincerely,

James Grossman
Executive Director
American Historical Association