

Opposition to Kansas House Bill HB2348

I strongly oppose Kansas House Bill HB2348, which seeks to eliminate tenure at postsecondary educational institutions in the state. The underlying justification for this bill appears to be the misconception that tenure shields ineffective faculty members from accountability, while "good" educators do not need tenure since they will continue to perform well regardless of job security. This perspective is both flawed and deeply problematic, as it ultimately punishes dedicated educators and infringes upon their property rights in an attempt to create a means of punishing so-called "bad" professors—an issue that tenure-granting institutions already have mechanisms to address.

The Misconception of Tenure as Protection for Ineffectiveness

Tenure is not a guarantee of lifetime employment; rather, it is a safeguard for academic freedom and an incentive for long-term commitment to educational excellence. Institutions that grant tenure have rigorous review processes in place, ensuring that only faculty who have demonstrated exceptional teaching, research, and service receive tenure. Moreover, tenured faculty are not immune from dismissal—procedures exist for removing faculty members who engage in misconduct or fail to meet institutional expectations. HB2348, therefore, creates a solution to a problem that does not exist, ignoring the fact that tenure does not protect incompetence but rather preserves the integrity of higher education.

The Consequences of Eliminating Tenure

1. **Weakening Academic Freedom:** Tenure allows faculty to pursue research and teaching that may challenge prevailing political or corporate interests without fear of retribution. Without tenure, scholars may hesitate to explore controversial but important topics, leading to intellectual stagnation and a decline in the quality of education students receive.
2. **Erosion of Faculty Retention and Recruitment:** High-caliber educators and researchers are drawn to institutions that offer job security and academic freedom. By eliminating tenure, Kansas institutions will struggle to attract and retain top faculty, ultimately diminishing the state's standing in higher education and reducing opportunities for students to learn from leading experts.
3. **Negative Impact on Students:** Tenured faculty provide continuity and mentorship that benefit students' long-term academic and professional development. A revolving door of short-term, underpaid instructors would reduce the ability of institutions to provide stable and high-quality education.
4. **Loss of Institutional Stability:** Tenured faculty contribute to institutional governance and long-term planning. Without tenure, faculty turnover will increase, weakening institutional memory and continuity, ultimately harming both the university and its students.
5. **Violation of Property Rights:** Tenure is a contractual right, often earned through years of dedicated service and meeting stringent performance criteria. Eliminating tenure effectively strips away a vested property interest from faculty members, undermining the principles of fairness and contractual integrity.
6. **Potential Legal Challenges and Financial Implications:** The Office of the Attorney General estimates that defending HB2348, if enacted, could result in expenditures of approximately \$250,000 from the State General Fund in both FY 2026 and FY 2027. Additionally, the Kansas Board of Regents indicates that the bill could have an

undetermined fiscal effect on the operations of the Board and Kansas postsecondary educational institutions. (Fiscal Note for HB 2348, kslegislature.gov)

Personal Experience at Emporia State University

As a tenure-track faculty member at Emporia State University (ESU), I have personally witnessed the devastating effects of undermining tenure. In 2022, the Kansas Board of Regents (KBOR) allowed increased flexibility to fire tenured faculty, enabling the ESU administration to restructure the university. Morale at ESU has never recovered. Even those not directly impacted by the terminations continue to feel the repercussions, as the loss of due process in faculty dismissals creates an atmosphere of fear and uncertainty. The damage to faculty trust, retention, and institutional stability has been profound, serving as a stark warning of what could happen statewide if HB2348 is enacted.

Conclusion

HB2348 is a misguided attempt to solve a problem that has already been addressed by tenure-granting institutions through existing policies and procedures for faculty accountability. By eliminating tenure, Kansas would weaken its higher education system, diminish academic freedom, deter top faculty from working in the state, and ultimately harm students and the broader academic community. Furthermore, the potential legal challenges and financial burdens associated with defending this bill could divert valuable resources from educational priorities. I urge lawmakers to reject this bill and instead support policies that strengthen, rather than undermine, Kansas' higher education institutions.

Sincerely,

A handwritten signature in blue ink that reads "Rachel Bowes". The signature is fluid and cursive, with the first name "Rachel" and last name "Bowes" clearly distinguishable.

Rachel Bowes, Ph.D.