

The Effect of Limited-Term Contracts on Teaching Standards at Tertiary-Level Education in Japan

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Abstract

This article argues that the introduction of limited-term contracts (*sentaku ninkisei*) among faculty members at Japanese universities has directly contributed to a decline in the standard of language instruction for university students. The main consequence of this employment reform, indeed one of its central aims, has been to impact on job security among foreign faculty members. This has led to some faculty members adopting teaching activities which lack pedagogic value and merely pander to student expectations which are often based on non-academic criteria.

The Academic Review

The 1995 University Deliberation Council's 4th Report (*Daigaku Shingikai*), commissioned by the Ministry of Education, proposed certain changes in relation to employment positions at Japanese universities and colleges. These proposals were passed by the Diet in 1997, the main aim of the legislation being to increase the use of limited-term contracts by correcting the faults that are wrong with higher education because of the problems caused by immediate tenure (Ministry of Education, 1995). It is accepted that such measures

are necessary to “energize and enliven” (ibid) teaching and research practices among teaching staff who are usually given tenure status from the commencement of their position and generally cannot be dismissed until reaching mandatory retirement age. By introducing limited contracts it is argued that competition among faculty members will be encouraged, leading to a reinvigoration of higher education.

Japanese labor law now recognizes two different types of contracts: those for a limited term (a specific date of termination is required) and those without any specific time limitation. Limited-term contracts can, in theory, be renewed indefinitely as long as there is mutual agreement between the employer and the employee. This has led to fears that university positions, especially tenured ones, which have always existed as a means to prevent dismissal on the basis of ideological rather than professional grounds, will be undermined as job security becomes more conditional on annual university approval. In addition, the report states that this situation is also “desired” for contracts at not only national and public universities but private ones as well. With the passage of this law contract employment became an option for Japanese teachers as well, although protest from faculty members has prevented most universities from implementing it. It is still the case that many full-time Japanese academics are in tenured positions, while most full-time foreigners are in contracted, non-tenure track positions despite Article 3 of the Labor Standards Law prohibiting any kind of discrimination based on nationality.

The Effects of the Ninkisei System

Theoretically, contracted employees are protected under Japanese labor law even if the employer wishes not to renew the contract once it has expired. Employees who want to continue are legally entitled to expect their contract to be renewed as the law does not allow for dismissal due to contract expiry once renewal has occurred. “After

such a contract has been repeatedly renewed, it will resemble a contract without a fixed period" (Sugeno, 1992, p. 389). This entitles all contracted workers, including university teachers, to many of the rights extended to tenured positions, including freedom from arbitrary dismissal. Unfortunately, it remains unclear how many times a contract has to be renewed before an employee can expect his/her contract to be automatically renewed. At least four or more renewals appears to bind the employer to continue the contract which then offers protection under sections of the labor law covering fair and legal reasons for dismissal. This extends to requiring "an objective and logical reason based upon social convention" (ibid) for the dismissal of an employee.

What happens if a dispute arises during the term of the contract remains more nebulous. There have been several reported cases of foreign language teachers who have not had their contracts renewed on tenuous grounds ranging from, "lack of freshness" to "being too Japanese" (Fox, Shiozawa, & Aldwinckle, 1999). Whether such criteria constitute "social convention" remains contentious. It seems clear that if universities are able to justify non-renewal on such grounds, despite legal protection after having worked for several years, then job security will become almost non-existent. Also, a system where academics can be dismissed, through non-renewal, for any reason (e.g. age, gender, opinions etc.) will inevitably impact on how faculty members perform their duties and would appear highly detrimental to the quality of teaching. As a consequence, if faculty members see that the law in fact offers little protection, they will be more inclined to ingratiate themselves with the university to reduce the prospect of non-renewal. It is this ingratiation which is most likely to influence how they behave in the classroom. The fear of non-renewal almost ensures that teachers are going to pay attention to how they are perceived by the students as these will directly influence how student course evaluations are completed.

Course Evaluations

The evaluation of university teachers by their students, introduced after the Ministry of Education (1991) called for “Self-Check and Evaluation” within universities, enables students to assess their teacher on a variety of criteria. These evaluations have taken on an even greater significance since the Ministry of Education proposed linking them directly to negotiations on employment contracts. The University Deliberation Council went even further by recommending that one of the factors involved in decisions regarding contracts should be the evaluations of teachers carried out by their students at the end of each semester. This means at IPU, for example, students are required to complete an anonymous evaluation form which covers issues from “how much they benefited from the course” to “the enthusiasm of the teacher” (International Pacific University, 2007). However, a body of research suggests that Japanese students use different criteria based on cultural-personal expectations to evaluate the “standard” of the teacher and course. Many of these criteria may be unknown or of different priority to non-Japanese faculty members leading to evaluations which may not strictly assess criteria directly related to the pedagogical merits of the class. However well these teachers teach in their own terms, they may not live up to their students’ image of a “good teacher.” If these evaluations can influence positions then it seems unrealistic that teachers will pay little attention to what is written, which may lead some to adopt teaching practices which attempt to influence how they are completed by directly addressing students’ expectations.

Student Expectations

Foreign teachers in Japan are likely to encounter instances of student concern or dissatisfaction whenever instructional activities are inconsistent with preconceived beliefs about learning. Although students’ knowledge and attitude are the key to language success, their

knowledge about their role in the learning process has been shaped and maintained by other beliefs they hold about themselves as students. This knowledge has been acquired throughout their language learning and has contributed to their beliefs, insights and concepts. For many Japanese students entering university, this has resulted in negative attitudes towards English due to expectations of teacher-centered, rote learning, and grammar memorization. These assumptions and prejudices, which underlie their attitudes towards their role in learning must be changed, a process termed “de-conditioning” (Holec, 1981). Any resistance to a new teaching method will be because of these beliefs. Consequently, when they encounter a communicative language class they can often experience difficulty adapting to the change of learning styles and understanding exactly what is expected of them.

Japanese students’ lack of strategic knowledge about how to approach communicative language learning (one of the most prevalent language teaching methodologies) can be observed in class as they quickly complete speaking exercises as opposed to using the tasks as a means to develop their communicative and linguistic proficiency. It is common for many Japanese students to write their answers during speaking activities instead of using the time more productively, as they assume their answers will be checked and that having the “correct” answer is essential. The learner independence which the communicative approach affords students contrasts sharply with their schooling, throughout which they are evaluated by tests, where memorization is emphasized at the expense of other skills, especially creativity and problem solving. Such teacher-centered learning develops a reliance on the teacher and can lead to confusion when asked to perform independent, creative, autonomous activities, resulting in some students to even question whether they should complete the speaking exercise in English or Japanese.

A further contributing factor (admittedly for all teachers) is that some university students display what has been referred to as an apathetic

attitude which can manifest itself by a loss of academic interest once they enter university (McVeigh, 2002). The resulting frustration that is felt by teachers about the level of application of Japanese university students is well documented. Common theories for this lack of motivation range from universities being a reward for studying so hard in high school, to them being a 4-year respite before the demands of corporate Japan. The commonly accepted explanation is that students are aware that even with the least amount of effort graduation is almost certainly guaranteed.

It therefore seems reasonable to assume that a combination of these factors has the possibility to cause frustration with the teacher and the class, which could be reflected in the comments made in the student evaluations. The potential for negative feedback is probably strong enough to force faculty members lacking job security to go some way to (a) meeting students' expectations, and (b) overcoming the apathy. Concern that a lack of participation in the lesson due to lack of strategic knowledge, combined with a general lack of willingness because of apathy may force teachers to adopt ways to appease these two elements out of fear that they reflect a lack of interest in the course which could also be reflected in students' comments.

The “Nice” Teacher Syndrome

The situation is further complicated by suggestions that Japanese students may apply different standards to Japanese and non-Japanese teachers. There have been several recent studies which have attempted to analyze Japanese students' concept of a “good” teacher, all of which have concluded that the criteria on which an opinion is based differs when applied to foreign faculty members. These studies tried to quantify what attributes students thought were important for teachers to possess, with responses implying that Japanese students perceive non-Japanese as less “academic” than their Japanese colleagues.

Shimizu's research focused specifically on foreign English teachers,

asking university students to say which “qualities and attributes they felt important in their foreign and Japanese English teachers” (1995, p. 7). In the case of foreign English teachers, the two qualities students felt were most important were how easy they were to get acquainted with (28%) and how entertaining they were (26%). These two qualities appear to refer more to personality traits than to academic or pedagogical skills.

Hadley & Yoshioka Hadley (1996) have mentioned other common attributes, including additional “non-scholaristic” features such as: “kindness,” “friendliness,” “cheerfulness,” “fun,” “enthusiasm,” and “humor.” This contrasts sharply with results from the assessment of Japanese English teachers, as the most important quality mentioned was knowledge of the subject area (34%), followed by pronunciation (33%). Other attributes included: “being demanding,” and “professionalism,” items which did not appear for non-Japanese teachers. Some respondents did mention “kindness” and “sense of humor,” but these answers were less frequent, indicating that they were less of a priority than for non-native English teachers.

Clearly, expectations of a “good” teacher vary in some respects from culture to culture, so while teachers from outside Japan may not necessarily disagree with the expectations of their Japanese students, they may have different priorities in conceptualizing the kind of teacher they would like to be.

Implications

Within many university language courses, learning for a grade or as a requirement openly limits language learning to what is perceived as the bare minimum, and the learners do not equate classroom learning with successful acquisition. If students are socialized to associate studying with test-taking and monotonous training, then there is little “use-value” in foreign language classroom learning (Gillette, 1998). It almost results in a self-perpetuating vicious circle: when students see

graduates who lack linguistic competence, it effects their own motivation as they think it is (a) impossible to make significant progress and (b) not necessary in order to graduate (Mori, 1999). This is further compounded by grading structures weighted towards attendance, which can result in students who possess limited linguistic proficiency achieving scores in the 80s and 90s. It is in this environment that teachers are unlikely to apply credible pedagogic approaches. With one eye on contract renewal some might be more willing to engage in the type of lessons that meet students' expectations but do not ask the right questions intellectually. Why would any teacher risk jeopardizing any future contract opportunities by adopting accepted teaching methodologies which could increase the likelihood of receiving negative course evaluations? It would seem that a combination of limited tenure and student evaluations could combine to influence teachers to attempt to manipulate how they are perceived by students. This is already evident at universities where teachers need little coercion to show a movie or play games which serve no pedagogic purpose but appease students' sense of being a "good teacher." The implication for foreign teachers in Japanese universities is clear: doing your best as a teacher may not be enough to get you a glowing evaluation from your students if they are using criteria to judge you which differ significantly from your own.

Conclusion

Whatever your opinion is in regards to "energizing and enlivening" education (Ministry of Education, 1995), the government's hope of revitalizing teaching and research by encouraging competition among all teachers is not an unwelcome initiative. However, it seems counterproductive to introduce a system which appears to restrict the opportunities of foreign teachers despite aims (of the legislation) "for Japan to be able to contribute to the world's technological research and the training of able people" (Ministry of Education, 1995, p. 15) which acknowledges will require even more foreign educators.

Effects of the increased competition can already be seen in a nationwide survey of foreign professors, published in *The Japan Times*, which revealed that those who do the most work are the younger, less experienced teachers either on limited-term or part-time contracts, rather than tenured professors. On average, the study found that universities tend to hire older professors for the tenured and part-time groups, and younger professors for the limited-term groups. The article goes on to question the real motive for such changes by arguing that:

Universities appear to be employing (limited term and part-time) instructors less to improve education than to save on labor costs. For limited-term positions, the data lead to the conclusion that universities are making deliberate efforts to employ younger, less-experienced instructors whom they then quickly replace within five years. ("Limited-term foreign professors," 2004)

It is also likely that limited-term contracts affect other areas. Teachers will lack the motivation and the funds to conduct research if they are not guaranteed secure employment, and will also have to put much energy into searching for future employment. It further impinges upon intellectual freedom since only those on contracts can be fired if they speak their mind. More importantly, it causes job insecurity, which for teachers with families is a heavy burden to carry.

A more suitable system appears to be the system employed by universities in the USA which employ teachers on a longer term contract (5 years being the average), with renewal being dependent on a range of criteria (evaluations, publications, research, etc). Without the reassurance of tenure faculty members are increasingly likely to minimize the risk of their contract not being renewed, which ultimately influences the quality and motivation of faculty members. Faced with the prospect of job-threatening student evaluations of their teaching

in the next few years, non-Japanese teachers at Japanese universities need to arm themselves with as much information about their students' expectations as possible.

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