

AAUP Policies and Principles: The Essentials

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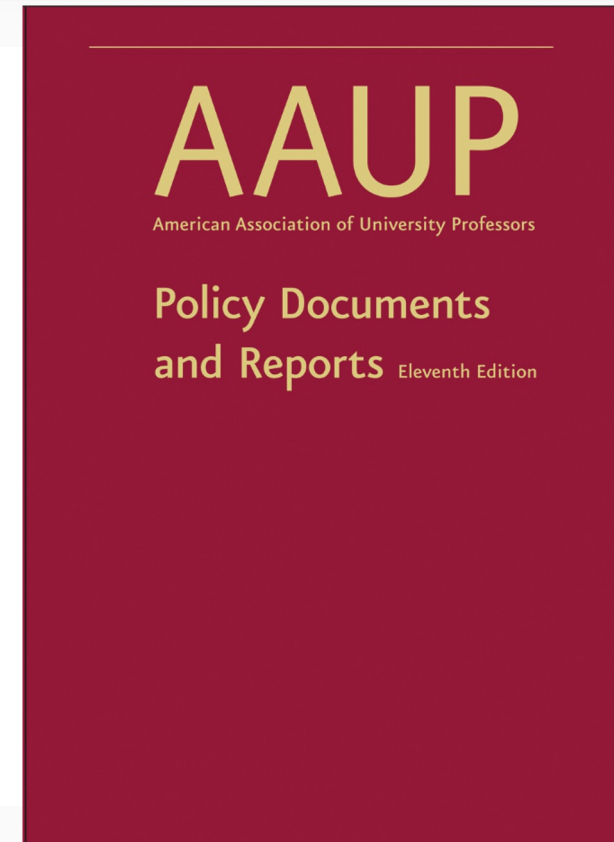
AAUP Chapters and Conferences

“A major responsibility of a chapter or conference is to seek the adoption or retention of local institutional regulations that comport with Association policies.” *

* “Introduction,” *AAUP Policy Documents and Reports* (“Redbook”), Tenth Edition, 2006

The “Redbook”

- Official title: *Policy Documents and Reports*
- Eleventh edition
- Significantly enlarged
- Updated statistical and legal Information
- Larger number of sections that are more thematically organized
- Makes an excellent gift for new administrators



Four fundamental documents

- *1940 Statement of Principles on Academic Freedom and Tenure*
- *Statement on Government of Colleges and Universities*
- *Recommended Institutional Regulations on Academic Freedom and Tenure*
- *Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments*

1940 Statement of Principles on Academic Freedom and Tenure

- The AAUP's most significant policy document
- Joint formulation of the AAUP and the American Association of Colleges and Universities (AAC&U)
- Endorsed by more than 250 scholarly societies and higher-education organizations
- Represents a consensus in American higher education about the meaning and purpose of academic freedom and tenure
- Incorporated in hundreds of faculty handbooks and collective bargaining agreements

1940 *Statement of Principles on Academic Freedom and Tenure*

- The preamble of the 1940 *Statement* summarizes the argument for tenure: “Institutions of higher education are conducted for the common good and **not to further the interest of either the individual teacher** or the institution as a whole. The common good depends upon the free search for truth and its exposition.”
- “Academic freedom is essential to these purposes.”
- “Tenure is a means to certain ends, specifically (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability.”

1940 *Statement of Principles on Academic Freedom and Tenure*

Elaborates on academic freedom in research, teaching, and extramural expression:

- “Teachers are entitled to full freedom in research and in the publication of the results....”
- “Teachers are entitled to freedom in the classroom in discussing their subjects....”
- “College and university teachers are citizens, members of learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline....”

What about intramural speech?

“Academic freedom is the freedom to teach, both in and outside the classroom, to conduct research and to publish the results of those investigations, and to address any matter of institutional policy or action whether or not as a member of an agency of institutional governance. Professors should also have the freedom to address the larger community with regard to any matter of social, political, economic, or other interest, without institutional discipline or restraint, save in response to fundamental violations of professional ethics or statements that suggest disciplinary incompetence.”*

**Protecting an Independent Faculty Voice: Academic Freedom after Garcetti v. Ceballos*

1940 *Statement of Principles on Academic Freedom and Tenure*

The section on academic tenure is arguably the most important:

1. “After the expiration of a probationary period, teachers or investigators [researchers] should have permanent or continuous tenure, and their service should be terminated only for adequate cause...”
2. “Beginning with appointment to the rank of full-time instructor...the probationary period should not exceed seven years....”
3. “Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution” in a hearing of record

1940 *Statement of Principles on Academic Freedom and Tenure*

Why should you incorporate the 1940 *Statement* into your faculty handbook or collective bargaining agreement?

- It provides authoritative definitions of key principles that will govern your professional life at the institution
- It provides definitions that the institution has agreed upon, if not endorsed, by incorporating them
- It acknowledges the authority of the AAUP on these matters
- Its presence in your regulations implies that other AAUP standards may be applicable

1940 *Statement of Principles on Academic Freedom and Tenure*

In what form should you incorporate the 1940 *Statement* into your faculty handbook?

- In full, including the 1940 Interpretations and the 1970 Interpretive Comments, with the endorsement of the governing board
- In full, with endorsement by the institution
- The preamble and section on academic freedom
- The preamble
- The section on academic freedom
- By reference

Statement on Government of Colleges and Universities

- The foundational articulation of principles of academic governance
- Like the 1940 *Statement*, a joint formulation
- The AAUP, the Association of Governing Boards (AGB), and the American Council on Education (ACE)
- Quoted or referred to in many institutional regulations

Statement on Government of Colleges and Universities

- Source of the prevailing understanding of “**shared governance**”
- “The variety and complexity of the tasks performed by institutions of higher education produce an inescapable interdependence among governing board, administration, faculty, students, and others.”
- Effective institutional decision-making therefore requires “adequate communication among these components and full opportunity for appropriate joint planning and effort”—i.e., shared governance.

Statement on Government of Colleges and Universities

- *Shared governance is not the same as stakeholder engagement or even democracy.*
- It acknowledges the differences in responsibility, and therefore authority, that each institutional component possesses—with the **governing board**, the “final institutional authority,” having responsibility for the general oversight of the institution, the **administration** for its day-to-day operation, and the **faculty** for academic matters.

Statement on Government of Colleges and Universities

- “The faculty has **primary responsibility** for such fundamental areas as curriculum, subject matter and methods of instruction, research . . . and those aspects of student life which relate to the educational process”
- The faculty has **primary responsibility** for “faculty status and related matters,” which include “appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal.”

Statement on Government of Colleges and Universities

The administration and governing board “should concur” with faculty recommendations regarding the curriculum, academic program, and faculty status “except in rare instances and for **compelling reasons** stated in detail.”

Recommended Institutional Regulations on Academic Freedom and Tenure

- The *RIR* are designed to be incorporated verbatim into an institution's regulations
- Of the sixteen regulations, most of which are critical, the most critical, in order of importance, are Regulations 5, 4c, and 4d
- Regulation 5, "Dismissal Procedures"
- Regulation 4c, "Financial Exigency"
- Regulation 4d, "Discontinuance of Program or Department for Educational Reasons"

Regulation 5, “Dismissal Procedures”

- Sets forth AAUP-recommended procedures for dismissing a tenured faculty member for cause
- If your faculty handbook lacks these procedures, or the key elements thereof, tenure does not exist at your institution
- Of its nineteen provisions, the most basic provisions are
 - A hearing before an elected faculty body (5c)
 - Burden of proof on the administration for demonstrating adequate cause (5c[8])

Regulation 4c and Regulation 4d

- Under AAUP standards, there are only three legitimate bases for terminating a tenured appointment: dismissal for cause (prior slide), financial exigency, and program discontinuance for educational reasons
- The purpose of Regulation 4c is to prevent administrations from terminating tenured appointments for bogus financial reasons
- The purpose of Regulation 4d is to prevent the same for bogus educational reasons

Regulation 4c, “Financial Exigency”

Contains two basic kinds of standards among its many specific provisions:

- Those that ensure that the collective faculty plays a meaningful role in all decision-making (governance)
- Those that ensure that the laid off faculty members have the opportunity to contest the decision with an elected faculty hearing body (due process)

Regulation 4c, “Financial Exigency”

- Definition: “severe financial crisis that fundamentally compromises the academic integrity of the institution as a whole and that cannot be alleviated by less drastic means” than terminating appointments
- Requirement to “make every effort” to find another suitable position for affected faculty members
- Severance pay of at least one year

Regulation 4d, “Discontinuance of Program or Department for Educational Reasons”

Contains the same two basic kinds of standards among its specific provisions:

- Those that ensure that the collective faculty plays a meaningful role in all decision-making (governance)
- Those that ensure that the laid off faculty members have the opportunity to contest the decision with an elected faculty hearing body (due process)

Regulation 4d, “Discontinuance of Program or Department for Educational Reasons”

Key specific language:

“The decision to discontinue formally a program or department of instruction will be based essentially upon educational considerations, **as determined primarily by the faculty** as a whole or an appropriate committee thereof.

“‘Educational considerations’ **do not include cyclical or temporary variations in enrollment**. They must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuance.”

Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments

- Applies to all faculty on full-time renewable term appointments
- Elaborates procedural rights set out in Regulations 2 and 10 of the *RIR*
- Purpose is to protect the academic freedom of full-time faculty members without tenure

Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments

Key procedural rights:

1. A written statement of the reasons for the nonrenewal
2. Timely notice of nonrenewal, based on length of service
3. Opportunity to contest the decision with a faculty body if alleging inadequate consideration, academic freedom violations, or discrimination

Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments

What to incorporate, in rank order:

1. The entire statement verbatim.
2. The basic standards on the previous slide, reasons, timely notice, and review, applied to all full-time faculty members
3. The basic standards on the previous slide, reasons, timely notice, and review, applied to all tenure-track faculty members

- *1940 Statement of Principles on Academic Freedom and Tenure*
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Thank You!

If you have questions or need assistance, send an email to academicfreedom@aaup.org.

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