

October 25, 2021

VIA ELECTRONIC MAIL

Acting Chancellor Teresa MacCartney
University System of Georgia
270 Washington Street Southwest
Atlanta, Georgia 30334

Dear Chancellor MacCartney:

Thank you for your letter of October 22 responding to ours of October 21 regarding the AAUP's recently authorized report on the October 13 action by the board of regents of the University System of Georgia to eliminate the due-process protections of tenure from the system's post-tenure review policy.

You write, "Due process is and will be a central feature of the policy updates on post-tenure review." You also state, "It will not be necessary for an investigation into the removal of due process as it clearly has not been removed."¹

These statements suggest that you may not fully appreciate what the AAUP means by due process.

Please allow me to clarify. The due process referred to in our October 21 letter is the procedure that the AAUP requires to dismiss a tenured faculty member. It consists essentially in an adjudicative hearing of record before an elected faculty body in which the burden of demonstrating adequate cause for dismissal rests with the administration.² This academic due process is essential to tenure as the AAUP defines it: an indefinite appointment that can be terminated only for cause as demonstrated in such a hearing. If an indefinite appointment does not include the right to this process, the AAUP does not regard it as tenured, regardless of how the appointing administration may designate it.

USG board policy does incorporate regulations that afford academic due process. These are found in Board Policy 8.3.9.2, Procedures for Dismissal, which closely conforms with Regulation 5, "Dismissal Procedures," of the AAUP's enclosed *Recommended Institutional Regulations on*

¹ Your letter highlights the following provision from the new post-tenure review policy, presumably as evidence of "due process": "An aggrieved faculty member may seek discretionary review of the institution's final decision pursuant to the Board Policy on Applications for Discretionary Review." An examination of that policy (6.26) reveals that this process consists only in the option of asking for "discretionary review" from the University System Office of Legal Affairs, which may or may not elect to grant it (hence, "discretionary"). This procedure bears no resemblance to the academic due process described in this letter.

² See the AAUP-AAC&U 1940 *Statement of Principles on Academic Freedom and Tenure*, the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings* (like the 1940 *Statement*, also the joint articulation of the AAUP and the Association of American Colleges and Universities), and Regulations 5 and 6 of the AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure* (last revised in 2018).

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Academic Freedom and Tenure. Unfortunately, the changes enacted on October 13 uncoupled Board Policy 8.3.9.2 from post-tenure review. To cite the relevant amendments:

Remedial actions taken as part of the post tenure review process shall *not* be governed by [Board] policies on Grounds for Removal and Procedures for Dismissal, but rather shall be governed by the Board Policy on Post Tenure Review. (Emphasis added)

The institution's imposition of such remedial action will *not* be governed by or [be] subject to the Board Policy on Grounds for Removal or Procedures for Dismissal. (Emphasis added)³

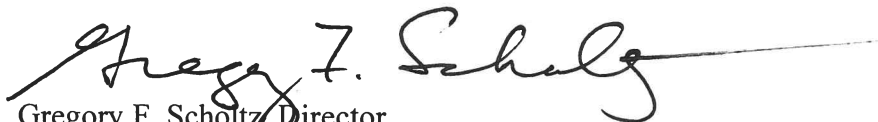
Board Policy 8.3.9.2 now applies to dismissals on grounds of misconduct only, as you acknowledged in your October 1 letter to Georgia AAUP conference president Matthew Boedy.

The plain fact is that the trustee's revisions to the post-tenure review policy of the University System of Georgia have severed it from academic due process as the AAUP understands it. Misconduct aside, when it comes to their performance as teachers and researchers, the 6,000 tenured faculty members in the University System of Georgia no longer enjoy the protections of tenure, which the AAUP considers as necessary for academic freedom. We cannot overemphasize the gravity, scope, and unprecedented nature of this action. As far as we are aware, no other public university system has stripped the due-process protections of tenure from its post-tenure review policy.

Despite your assertion to the contrary, an AAUP investigation is all too necessary. It is not, however, unavoidable. If the trustees restore the applicability of Board Policy 8.3.9.2 to post-tenure review (it may be as simple as removing two "nots"), they will have addressed our central concerns. I can assure you that our executive director would welcome a resolution that would obviate the need for a published report and potential AAUP censure.

If you would like to discuss this matter further by teleconference, please let me know.

Sincerely,



Gregory F. Scholtz, Director
Department of Academic Freedom, Tenure, and Governance

Enclosures via email

Cc: Professor Matthew L. Hipps, Chair, University System of Georgia Faculty Council
Professor Matthew Boedy, President, Georgia Conference of the AAUP

³ "Remedial action" is clearly a euphemism. The policy enumerates "suspension of pay, salary reduction, revocation of tenure, and separation from employment" among possible remedial actions.