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# Association Procedures in Academic Freedom and Tenure Cases

(OCTOBER 2019)

*The following procedures were initially approved by Committee A on Academic Freedom and Tenure in August 1957. Subsequent revisions were approved by Committee A in June 1982, November 1999, June 2000, and October 2019.*

1. The executive director<sup>1</sup> is authorized to receive, on behalf of Committee A, complaints from faculty members at duly accredited colleges and universities about departures from the Association's recommended standards concerned with academic freedom and tenure and related principles and procedures which are alleged to have occurred or to be threatened at their institutions. Incidents coming to the executive director's attention through other channels may also be subject to examination, if in the executive director's judgment the incidents in question are likely to be of concern to the Association. In cases where attention by the Association seems justified, the executive director shall make a preliminary inquiry and, where appropriate, communicate with the administration of the institution concerned in order to secure factual information and comments.
2. The executive director should attempt to assist the complainant(s) and the institution in arriving at a satisfactory resolution of the situation, if that appears to be possible.
3. If there is substantial reason to believe that a serious departure from applicable Association supported standards has occurred, and if a satisfactory resolution of the situation does not appear to be possible, the executive director shall determine, upon the advice of the staff's committee on investigations and of others as appropriate, whether an ad hoc committee should be established to investigate and prepare a written report on the situation. In an exceptional case in which a violation of the 1940 *Statement of Principles on Academic Freedom and Tenure* or related Association standards is clearly established by incontrovertible written evidence, the executive director may authorize the preparation of a report without an onsite investigation.
4. If a decision is made to establish an investigating committee, the executive director shall designate a committee of two, three, or occasionally a larger number of members of the Association, depending on the importance and complexity of the case. One of the members ordinarily shall be designated as chair. In selecting the members, the executive director shall take account of such relevant factors as their experience and expertise in academic freedom and tenure issues, their subject matter fields in relation to those of the faculty member(s) involved in the incident(s), and the relation of

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1. As used in this statement, the "executive director" may be another member of the Association's professional staff to whom the executive director has assigned responsibility.

- their home institutions to the institution where the investigation will occur.
5. The executive director shall provide the committee with an advisory briefing on the procedures it will be expected to follow, on the existing information about the situation to be reported upon, and on the issues that appear to call for analysis, accompanied by available documentary evidence relevant to the investigation. The task of the investigating committee is to ascertain the facts involved in the incident(s) under investigation and the positions of the principal parties. The committee will determine whether the 1940 *Statement of Principles on Academic Freedom and Tenure* and/or related standards as interpreted by the Association have been violated, whether the institution's own stated policies have been disregarded, and whether conditions for academic freedom and tenure, as well as related conditions, are generally unsatisfactory. The executive director shall assist the committee so far as possible in making arrangements for its work and in providing it with clerical and editorial services.
  6. The investigating committee shall, at Association expense, visit the institution where the incident(s) under investigation occurred, for the purpose of securing information and interviewing the parties concerned and others who may possess relevant information or views.
  7. The investigating committee should inquire fully into the violation(s) of AAUP standards alleged to have occurred, into conditions of academic freedom and tenure in the institution that form the background of the particular case(s) or that may have given rise to related incidents, and into relevant subsequent developments. The investigating committee may seek to secure such facts and viewpoints as it may deem necessary for the investigation, through onsite interviews, written documents, or correspondence or interviews both before and after the campus visit. In communications with the principal parties and on its visit to the institution, the investigating committee should make clear that it acts not in partisanship, but as a professional body charged with ascertaining the facts and respective positions as objectively as possible and as related to applicable Association-supported standards.
  8. In an institution where a local chapter of the Association exists, the executive director should consult with the chapter officers when an investigation is being considered, when one is authorized, and when the visit of the investigating committee is being arranged. Either the executive director or the committee may seek the assistance of these officers in making local arrangements. The appropriate officer of the state conference shall also be consulted.
  9. The investigating committee should not accept hospitality or any form of special treatment from the administration, from a faculty member whose case is being investigated, or from anyone else who has had a direct involvement in the case. The AAUP chapter should be alerted to the need to avoid situations, such as social events, which might compromise the integrity of the investigation. If the administration provides a room or other facilities for the committee's interviews, the committee may accept the arrangements if this will serve the convenience of the investigation.
  10. The investigating committee may interview any persons who might be able to provide information about the matter(s) under investigation, and it must afford the subject faculty member(s) and the chief administrative officers the opportunity to meet with the committee. The committee should set up personal interviews with individuals who have firsthand information, whether members of the faculty, members of the governing board, or officers of the administration. The committee should also seek meetings with officers of faculty bodies and of the AAUP chapter. Such persons should ordinarily be interviewed separately from each other, but exceptions may be made upon the wishes of those interviewed and at the discretion of the committee. In order for the Association's investigative and mediative processes to be most effective, faculty members, board members, and administrators alike need to be able to communicate freely with the investigating committee. Accordingly, the committee should encourage candor from all interviewees by protecting their confidentiality to the fullest extent possible consistent with the committee's need to prepare its report to Committee A. Information gathered in the course of an investigation should be kept confidential to the maximum extent permitted by law.
  11. The function of the investigating committee is to prepare a report for submission to Committee A. The members of the investigating committee

should not express opinions on the matter(s) under investigation, either confidentially to the parties concerned or publicly. If questions about a potential resolution of the situation under investigation should arise, the committee should refer the matter promptly to the executive director.

12. The investigating committee should determine its plan for the writing of its report. The report should include a sufficiently full statement of the evidence to enable the reader to understand the situation and judge the adequacy of the information in support of the committee's findings and conclusions. The report should state definite conclusions, either on the issues suggested to the committee by the executive director or on its own alternative formulation of the issues involved. The committee should determine whether the administration's actions that were investigated were in procedural and substantive compliance with principles and standards supported by the Association. The committee may set forth recommendations for or against publication of its report and for or against Association censure of the administration concerned, but the decision on these matters will rest with Committee A and, as to censure, with the Council of the Association. Hence, any recommendation as to censure will not be published as part of the report. The report should be transmitted in confidence to the executive director.
13. As soon as possible after receiving the report of the investigating committee, the executive director shall review it and communicate with the committee regarding any suggestions for revision. The committee's completed draft shall be transmitted to the members of Committee A, who may call for further revisions prior to the report's release to the principal parties and its potential publication. With Committee A's approval, the revised text shall then be transmitted on a confidential basis to the persons most significantly involved in the report, and to the local chapter president, with the request that they provide corrections of any errors of fact that may appear in it and make such comments as they may desire on the findings and conclusions reached. The appropriate state conference officer shall be provided with the prepublication report on a confidential basis and be invited to offer comments. The executive director shall invite the investigating committee to revise its report in the

light of comments received. If significant revisions are to be made, the executive director shall seek Committee A's approval. The final text shall be published through its posting on the Association's website and subsequently in printed form in the annual *Bulletin of the American Association of University Professors*. The members of the investigating committee shall be listed as the authors of the published report unless they withhold their names because of disagreement with changes required by Committee A or as a result of comments from the principal parties.

14. At any time during the process described above, the Association remains open to the possibility of a resolution agreeable to all parties that will serve to confirm the administration's acceptance of Association-supported policies and procedures and provide corrective measures for the events that gave rise to the investigation. ■