



November 12, 2015

Academic Due Process for Non-Tenure-Track Full-Time Faculty Members* after Seven Years of Service

Since its founding in 1915, the AAUP has stressed the necessity of indefinite tenure for the protection of academic freedom. Retention of tenure is in turn protected through academic due process. Since, under AAUP-supported principles, all faculty members should have academic freedom, long-serving full-time faculty members on renewable term appointments should be afforded the same procedural protections against involuntary separation as tenured faculty members. Indeed, long-standing AAUP policy on full-time appointments with a stated term—whatever the length of the term and regardless of whether the appointment is defined as probationary for tenure—holds that, after seven years of service, full-time faculty members must be afforded the due-process protections of tenure before their services can be terminated, whether the termination occurs in the midst of an appointment or at the end of it through nonrenewal.

The source of the above policy is the joint 1940 *Statement of Principles on Academic Freedom and Tenure*, formulated by the AAUP and the Association of American Colleges and Universities (AAC&U), which provides that, “[a]fter the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.” The 1940 *Statement* further provides that the probationary period should not exceed “the normal maximum of seven years.” The opening sentence of the Association’s derivative *Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments* puts it more succinctly: “Except for special appointments clearly designated at the outset as involving only a brief association with the institution, all full-time faculty appointments are either with continuous tenure or probationary for tenure.”

The AAUP regards “special appointments clearly designated at the outset as involving only a brief association with the institution” as appointments that are designed to address transient programmatic needs or to provide temporary replacement for faculty members who are on leave or who cannot otherwise fulfill their responsibilities. Core or introductory courses, often assigned to faculty members on term appointments, are not transient programmatic needs, and

* The Association considers a teacher who is classified as part time by his or her institution, but who in fact nonetheless teaches the equivalent of a full-time load or otherwise performs responsibilities equivalent to those of a full-time faculty member at that institution, to be entitled to the procedural safeguards of a full-time faculty member.

an appointment that extends beyond a reasonable probationary period cannot reasonably be said to constitute a brief institutional association.

The academic due-process protections of tenure are set forth in the AAUP-AAC&U 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings* and, more elaborately, in the derivative Regulations 5 and 6 of the *Recommended Institutional Regulations on Academic Freedom and Tenure*. The basic elements of these protections are an adjudicative hearing of record before a duly constituted faculty body in which the burden of demonstrating adequate cause for dismissal rests with the administration.

AAUP documents that address the extension of the probationary period beyond the 1940 *Statement's* stated seven-year maximum include published policies on credit toward tenure of years of service elsewhere (*On Crediting Prior Service Elsewhere as Part of the Probationary Period*); on stopping the tenure clock for one or two additional years because of family responsibilities (*Statement of Principles on Family Responsibilities and Academic Work*); and on the need in certain specialties to provide time to evaluate, not only teaching and research, but also clinical performance (*Tenure in the Medical School*).