

# Chapter and Conference Committee A Work: The Redbook

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# Hans-Joerg Tiede

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Joerg is a faculty member at Illinois Wesleyan University, a member of Committee A on Academic Freedom and Tenure, chair of the AAUP's Assembly of State Conferences, and the editor of the 2015 Redbook.



# Donna Young

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Donna is an attorney and a staff member in the AAUP's Department of Academic Freedom, Tenure, and Governance.





# National Academic Freedom Work

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Carried out primarily by:

**The Department of Academic Freedom, Tenure, and Governance;** a group of five staff members within the national office.

**Committee A on Academic Freedom and Tenure;** composed of about a dozen AAUP members plus a handful of consultants.



# Legislative & Judicial Work

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**Legislative** work consists of the development of policy statements and reports. Since 1968, the most central policy statements of the AAUP have been collected in the Redbook.

**Judicial** work consists of investigations of violations of academic freedom, which can lead to censure.



# Conference & Chapter Committees A

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The primary functions of a conference or chapter committee are **to promote the adoption of AAUP principles** into faculty handbooks and **to assist faculty with concerns or complaints.**



# This Webinar Series

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The central activities of chapter and conference Committees A require familiarity with

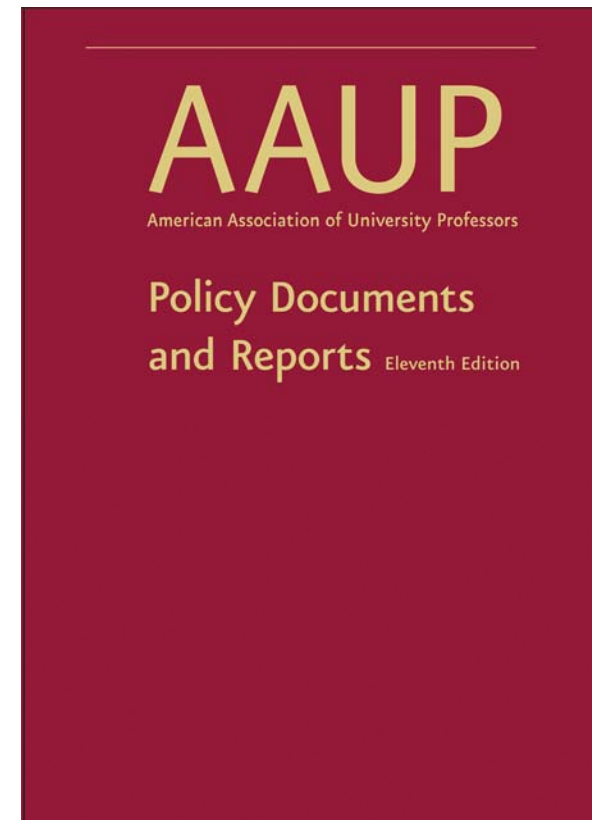
- **AAUP principles**
- **Applicable institutional regulations** found in faculty handbooks.

This webinar provides an introduction to using **the AAUP Redbook**. Future webinars will address **how to read faculty handbooks** and **how to assist faculty** with concerns or complaints.

# The Redbook

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- Official title: *Policy Documents and Reports*
- Significantly enlarged
- Updated statistical and legal information
- Larger number of sections that are more thematically organized







# 2015 Redbook

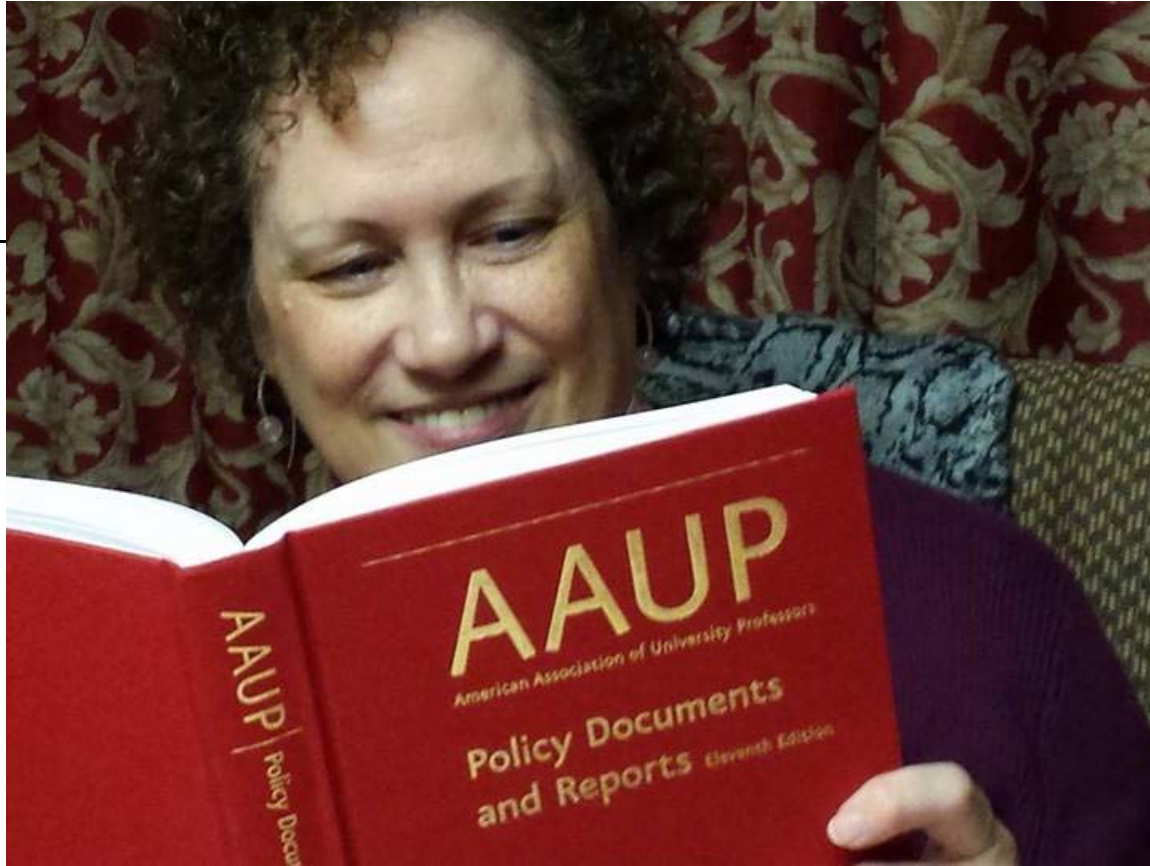
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To recognize the centennial, the Redbook includes brief historical introductions to each section

plus

A new introduction on how to incorporate AAUP principles into faculty handbooks.

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# Today's Agenda

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In this webinar, we will

- Go over definitions of central concepts and
- Identify key statements related to those concepts.



# Academic Freedom

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Authoritative statement: 1940 *Statement of Principles on Academic Freedom and Tenure*.

- Jointly formulated by the AAUP and the American Association of Colleges (now AAC&U).
- Endorsed by more than 200 other organizations.
- Included in scores of faculty handbooks.



# Academic freedom is

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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.



# Constitutive Elements

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- Freedom of teaching
- Freedom of research and publication
- Freedom of extramural speech
- Freedom of intramural speech



# Related Statements

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Freedom of teaching:

- *Freedom in the Classroom*
- *The Assignment of Course Grades and Student Appeals*

Freedom of research and publication:

Multiple statements in Redbook section “Intellectual Property, Copyright, and Outside Funding.”



# Related Statements

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Freedom of extramural speech:

- *Committee A Statement on Extramural Utterances*
- *Academic Freedom and Electronic Communication*

Freedom of intramural speech:

- *On the Relation of Faculty Governance to Academic Freedom*
- *Protecting an Independent Faculty Voice*





# Rationale for Academic Freedom

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“The reason why such freedom is ... socially necessary lies in the fact that there are certain professional functions generally recognized to be indispensable in the life of a civilized community which cannot be performed if the specific manner of their performance is dictated by those who pay for them, and that the profession of the scholar and teacher in higher institutions of learning is one of these.”

—*AAUP founding member Arthur Lovejoy*

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# Tenure

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*1940 Statement:* “After 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 . . . or under extraordinary circumstances because of financial exigencies.”



# Tenure is

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**An indefinite appointment terminable only for cause or due to program discontinuance or financial exigency.**



# Related Statements

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## The 1940 *Statement*

On specific topics:

- *On the Imposition of Tenure Quotas*
- *Tenure in the Medical School*
- *Tenure and Teaching-Intensive Appointments.*



# Rationale for Tenure

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“The function of tenure is not only to encourage the development of specialized learning and professional expertise by providing a reasonable assurance against the dispiriting risk of summary termination; it is to maximize the freedom of the professional scholar and teacher to benefit society through the innovation and dissemination of perspectives to the conventional wisdom.”

— *former AAUP president William Van Alstyne*



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QUESTIONS?

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# Academic Due Process

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Tenure protects academic freedom.

**Academic due process protects tenure.**

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# Terminology

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The term “academic due process,” which was coined by the ACLU in 1954, applies and extends the concepts of constitutional due process to the specific circumstances of the academy.





# Terminology

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- Probationary and non-tenure-track faculty are sometimes **nonreappointed** or **non-renewed**.
- Tenured, probationary, and non-tenure-track faculty are sometimes **dismissed for cause**.
- Tenured, probationary, and non-tenure-track positions can be **terminated** due to financial exigency or program discontinuance.

# Nonreappointment: Notice

AAUP standards for notice are:

<b>Years of Service</b>	<b>Notice should be given by</b>
First academic year of service	March 1
Second academic year of service	December 15
Two or more years of service	At least twelve months before the expiration of an appointment.

# Nonreappointment: Procedures

<b>Faculty who</b>	<b>Have the right to</b>
are not reappointed	written reasons upon request
allege that nonreappointment was based on considerations that were discriminatory or violated their academic freedom	make this case to a hearing committee
allege that nonreappointment was based on inadequate consideration	have their case reviewed by a faculty committee



# Dismissal For Cause

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“Adequate cause for dismissal will be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers or researchers.”

--AAUP *Recommended Institutional Regulations (RIR5)*



# Dismissal For Cause

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Adequate cause should usually be restricted to:

- demonstrated incompetence or dishonesty in teaching or research,
- substantial and manifest neglect of duty, or
- personal conduct which substantially impairs the individual's fulfillment of institutional responsibilities.



# Dismissal For Cause

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The essential elements of a dismissal proceeding:

- Written statement of charges
- Opportunity for a pre-termination hearing before an elected body of peers
- Burden of proof rests on the administration, based on clear and convincing evidence in the record as a whole
- The faculty member has the right to present evidence and cross-examine witnesses
- The decision is based on the record of the hearing
- The faculty member may to appeal to the governing board



# Suspensions

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AAUP policies distinguish between suspensions

- that are imposed prior to a dismissal for cause hearing and
- that are imposed as a sanction.



# Suspensions Prior to Dismissal Hearing

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- Faculty should be suspended only if immediate harm is threatened.
- Before suspending, the administration should consult with the faculty committee on academic freedom and tenure
- A suspension that is intended to be final is a dismissal, and should be treated as such.
- Salary should continue during suspension.





# Sanctions

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**Major sanctions** short of dismissal (such as suspension) require the same procedural safeguards as dismissal for cause.

**Minor sanctions** (such as a letter of reprimand) can be imposed by the administration but can be appealed to the grievance committee.



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QUESTIONS?

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# Program Discontinuance

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The AAUP recommends that the decision to discontinue a program or department should be

- based essentially upon educational considerations, OR
- necessitated by bona fide financial exigency



# Educational Considerations

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- Determined primarily by the faculty.
- Do not include cyclical or temporary variations in enrollment.
- Reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuance.



# Financial Exigency

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Financial exigency is a severe financial crisis that fundamentally compromises the academic integrity of the institution as a whole and that cannot be alleviated by less drastic means.



# Financial Exigency

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AAUP recommendations:

- Faculty should be involved at every stage of the process.
- Faculty bodies participating in the process should not be appointed by the administration.
- All faculty in a program being considered for discontinuance should be informed in writing and given at least thirty days to respond.



# Financial Exigency

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Faculty should have access to five years of

- audited financial statements, budgets, and detailed cash-flow estimates.
- detailed program, department, and administrative-unit budgets.

The faculty should determine whether all feasible alternatives to termination of appointments have been pursued.



# Possible Alternatives to Terminations

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- Expenditure of one-time money or reserves as bridge funding
- Furloughs
- Pay cuts
- Deferred-compensation plans
- Early-retirement packages
- Deferral of nonessential capital expenditures
- Cuts to non-educational programs and services, including administration.





# Grievance Policies

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Access to an elected grievance committee is a central element of academic due process.

Consideration should be given to informal and formal grievance procedures.



# Academic Due Process

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Primary policy documents:

- *Statement on Procedural Standards in Faculty Dismissal Proceedings*
- *Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments*
- *Recommended Institutional Regulations on Academic Freedom and Tenure (RIR)*
- *The Use and Abuse of Faculty Suspensions*
- *The Role of the Faculty in Conditions of Financial Exigency*



# Additional Resource

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A useful resource on academic freedom is the book *For the Common Good* by Matthew Finkin and Robert Post (New Haven: Yale University Press, 2009).



# Thank You!

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Hans-Joerg Tiede: [htiede@iwu.edu](mailto:htiede@iwu.edu)

Donna Young: [dyoung@aaup.org](mailto:dyoung@aaup.org)

[www.aaup.org](http://www.aaup.org)

Redbook contents and ordering info:

<http://www.aaup.org/redbook-contents>

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