

Academic Freedom

Faculty Manual
Chapter III. A

“Academic freedom is essential”

**“Academic freedom is a right and not a
privilege to be granted or withheld”**

Faculty Manual
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“In policy and in practice, the University and its accrediting agency, the Southern Association of Colleges and Schools, adhere to the 1940 Statement of Principles on Academic Freedom and Tenure of the American Association of University Professors (AAUP)”

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- (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.**

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“After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure”

“Beginning with appointment to the rank of full-time instructor or a higher rank,⁷ the probationary period should not exceed seven years”

The 1940 Statement of Principles on Academic Freedom and Tenure

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[For a discussion of this question, see the "Report of the Special Committee on Academic Personnel Ineligible for Tenure," ...]'

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Tenure*

Report of the Special Committee on Academic Personnel Ineligible for Tenure

“The Special Committee is unanimously agreed... any person whom an institution appoints to a full-time teaching position should be treated as a candidate for tenure under the requirements of the 1940 Statement, no matter what rank or title he may be given by the institution.”

Report of the Special Committee on Academic Personnel Ineligible for Tenure

“If an institution wants to exclude a doctoral candidate (or any other person whom it considers inadequately qualified for regular faculty membership and status) from tenure candidacy, it should not appoint him as a full-time teacher.”

Report of the Special Committee on Academic Personnel Ineligible for Tenure

“The Special Committee believes that anyone who does an instructor's work should be given appropriate rank and privileges. In short, the Special Committee wishes to eliminate the second problem category by refusing to grant that, for purposes of the 1940 Statement, there is any such thing as a full-time teacher at a rank below that of instructor.”

Report of the Special Committee on Academic Personnel Ineligible for Tenure

“Acceptable academic practice for tenure is described in the 1940 Statement of Principles only for full-time appointments beginning with the rank of instructor. The Special Committee recommends that these provisions be extended to include all full-time teacher appointments in the university.”

Report of the Special Committee on Academic Personnel Ineligible for Tenure

“If, however, a full-time appointment can be made as a **lecturer** or acting instructor, without obligating the institution to a limited probation period, it will diminish the protection of the Association's statement of policy on tenure.”

[Thus...]

Report of the Special Committee on Academic Personnel Ineligible for Tenure

**“To provide for protection of the young teachers' tenure rights, the committee proposes:
(3) All full-time teachers, but not investigators, in the universities regardless of their titles should acquire tenure after a probationary period as provided for appointments to the rank of full-time instructor or a higher rank in the 1940 Statement.”**

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(3) **All full-time teachers**, but not investigators, in the universities **regardless of their titles** should acquire **tenure** after a probationary period as provided for appointments to the rank of full- time instructor or a higher rank in the 1940 Statement.”

Faculty Manual
Chapter III. D. 1

“Regular Faculty Ranks

- a. Regular appointments are full-time appointments in an academic unit that is under the jurisdiction of the Provost for individuals expected to have a permanent association with the university.**

- b. These are tenurable appointments, except for the rank of Instructor”**

Faculty Manual
Chapter III. D. 1

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- b. These are **tenurable** appointments, **except for the rank of Instructor”**

Faculty Manual
Chapter III. D. 2 d

“Special faculty appointments are not tenurable and do not carry any expectation of renewal”

Chapter III. D. 2 i. iv (1)

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The Three Key Questions

- 1) Is the position teaching a “full time load”?
- 2) Is the position “permanent” (or temporary)?
- 3) Is it “appropriate” for a regular faculty member to teach those classes?

The Bottom Line

In policy and in practice, Clemson University **does not** adhere to the 1940 Statement of Principles on Academic Freedom and Tenure of the American Association of University Professors.

Possible Solution

- 1) Abrogate our commitment to the nationwide standard of Academic Freedom and Tenure**

Possible Solution

2) Insert language into the Faculty Manual

- To define where the assignment of regular faculty ranks is not appropriate
- To define what happens when a temporary need becomes a permanent need
- To convert positions as needed to adhere to the AAUP statements.

Not A Possible Solution

3) Ignore the problem

4) Make the excuse that other universities have the same violations

5) Blame the state legislature for not opening FTEs

Thank You

1940 Statement of Principles on Academic Freedom and Tenure

with 1970 Interpretive Comments

In 1915 the Committee on Academic Freedom and Academic Tenure of the American Association of University Professors formulated a statement of principles on academic freedom and academic tenure known as the 1915 *Declaration of Principles*, which was officially endorsed by the Association at its Second Annual Meeting held in Washington, D.C., December 31, 1915, and January 1, 1916.

In 1925 the American Council on Education called a conference of representatives of a number of its constituent members, among them the American Association of University Professors, for the purpose of formulating a shorter statement of principles on academic freedom and tenure. The statement formulated at this conference, known as the 1925 *Conference Statement on Academic Freedom and Tenure*, was endorsed by the Association of American Colleges (now the Association of American Colleges and Universities) in 1925 and by the American Association of University Professors in 1926.

In 1940, following a series of joint conferences begun in 1934, representatives of the American Association of University Professors and of the Association of American Colleges agreed on a restatement of the principles that had been set forth in the 1925 *Conference Statement on Academic Freedom and Tenure*. This restatement is known to the profession as the 1940 *Statement of Principles on Academic Freedom and Tenure*.

Following extensive discussions on the 1940 *Statement of Principles on Academic Freedom and Tenure* with leading educational associations and with individual faculty members and administrators, a joint committee of the AAUP and the Association of American Colleges met during 1969 to reevaluate this key policy statement. On the basis of the comments received, and the discussions that ensued, the joint committee felt the preferable approach was to formulate interpretations of the 1940 *Statement* from the experience gained in implementing and applying it for over thirty years and of adapting it to current needs.

The committee submitted to the two associations for their consideration *Interpretive Comments* that are included below as footnotes to the 1940 *Statement*.¹ These interpretations were adopted by the Council of the American Association of University Professors in April 1970 and endorsed by the Fifty-Sixth Annual Meeting as Association policy.

1. The Introduction to the Interpretive Comments notes: In the thirty years since their promulgation, the principles of the 1940 "Statement of Principles on Academic Freedom and Tenure" have undergone a substantial amount of refinement. This has evolved through a variety of processes, including customary acceptance, understandings mutually arrived at between institutions and professors or their representatives, investigations and reports by the American Association of University Professors, and formulations of statements by that association either alone or in conjunction with the Association of American

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to ensure them in colleges and universities. 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.² The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.³

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

Colleges. These comments represent the attempt of the two associations, as the original sponsors of the 1940 "Statement," to formulate the most important of these refinements. Their incorporation here as Interpretive Comments is based upon the premise that the 1940 "Statement" is not a static code but a fundamental document designed to set a framework of norms to guide adaptations to changing times and circumstances.

Also, there have been relevant developments in the law itself reflecting a growing insistence by the courts on due process within the academic community which parallels the essential concepts of the 1940 "Statement"; particularly relevant is the identification by the Supreme Court of academic freedom as a right protected by the First Amendment. As the Supreme Court said in *Keyishian v. Board of Regents*, 385 US 589 (1967), "Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."

2. The word "teacher" as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

3. First 1970 comment: The Association of American Colleges and the American Association of University Professors have long recognized that membership in the academic profession carries with it special responsibilities. Both associations either separately or jointly have consistently affirmed these responsibilities in major policy statements, providing guidance to professors in their utterances as citizens, in the exercise of their responsibilities to the institution and to students, and in their conduct when resigning from their institution or when undertaking government-sponsored research. Of particular relevance is the "Statement on Professional Ethics" adopted in 1966 as Association policy (AAUP, *Policy Documents and Reports*, 11th ed. [Baltimore: Johns Hopkins University Press, 2015], 145–46).

attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

Academic Freedom

1. Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
2. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.⁴ Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.⁵
3. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.⁶

4. Second 1970 comment: The intent of this statement is not to discourage what is "controversial." Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster. The passage serves to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject.

5. Third 1970 comment: Most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 "Statement," and we do not now endorse such a departure.

6. Fourth 1970 comment: This paragraph is the subject of an interpretation adopted by the sponsors of the 1940 "Statement" immediately following its endorsement:

If the administration of a college or university feels that a teacher has not observed the admonitions of paragraph 3 of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning the teacher's fitness for his or her position, it may proceed to file charges under paragraph 4 of the section on Academic Tenure. In pressing such charges, the administration should remember that teachers are citizens and should be

Academic Tenure

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 for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

1. The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.
2. Beginning with appointment to the rank of full-time instructor or a higher rank,⁷ the

accorded the freedom of citizens. In such cases the administration must assume full responsibility, and the American Association of University Professors and the Association of American Colleges are free to make an investigation.

Paragraph 3 of the section on Academic Freedom in the 1940 "Statement" should also be interpreted in keeping with the 1964 "Committee A Statement on Extramural Utterances," *Policy Documents and Reports*, 31, which states inter alia: "The controlling principle is that a faculty member's expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member's unfitness for his or her position. Extramural utterances rarely bear upon the faculty member's fitness for the position. Moreover, a final decision should take into account the faculty member's entire record as a teacher and scholar."

Paragraph 5 of the "Statement on Professional Ethics," *Policy Documents and Reports*, 146, also addresses the nature of the "special obligations" of the teacher:

As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

Both the protection of academic freedom and the requirements of academic responsibility apply not only to the full-time probationary and the tenured teacher, but also to all others, such as part-time faculty and teaching assistants, who exercise teaching responsibilities.

7. Fifth 1970 comment: The concept of "rank of full-time instructor or a higher rank" is intended to include any person who teaches a full-time load regardless of the teacher's specific title. [For a discussion of this question, see the "Report of the Special Committee on Academic

probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution, it may be agreed in writing that the new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years.⁸ Notice should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.⁹

Personnel Ineligible for Tenure," *AAUP Bulletin* 52 (September 1966): 280–82.]

8. Sixth 1970 comment: In calling for an agreement "in writing" on the amount of credit given for a faculty member's prior service at other institutions, the "Statement" furthers the general policy of full understanding by the professor of the terms and conditions of the appointment. It does not necessarily follow that a professor's tenure rights have been violated because of the absence of a written agreement on this matter. Nonetheless, especially because of the variation in permissible institutional practices, a written understanding concerning these matters at the time of appointment is particularly appropriate and advantageous to both the individual and the institution. [For a more detailed statement on this question, see "On Crediting Prior Service Elsewhere as Part of the Probationary Period," *Policy Documents and Reports*, 167–68.]

9. Seventh 1970 comment: The effect of this subparagraph is that a decision on tenure, favorable or unfavorable, must be made at least twelve months prior to the completion of the probationary period. If the decision is negative, the appointment for the following year becomes a terminal one. If the decision is affirmative, the provisions in the 1940 "Statement" with respect to the termination of service of teachers or investigators after the expiration of a probationary period should apply from the date when the favorable decision is made.

The general principle of notice contained in this paragraph is developed with greater specificity in the "Standards for Notice of Nonreappointment," endorsed by the Fiftieth Annual Meeting of the American Association of University Professors (1964) (*Policy Documents and Reports*, 99). These standards are:

Notice of nonreappointment, or of intention not to recommend reappointment to the governing board, should be given in writing in accordance with the following standards:

1. *Not later than March 1 of the first academic year of service*, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.

3. During the probationary period a teacher should have the academic freedom that all other members of the faculty have.¹⁰
4. 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 all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges and should have the opportunity to be heard in his or her own defense by all bodies that pass judgment upon the case. The teacher should be permitted to be accompanied by an advisor of his or her own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from the teacher's own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.¹¹

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2. *Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.*
 3. *At least twelve months before the expiration of an appointment after two or more years in the institution.*

Other obligations, both of institutions and of individuals, are described in the "Statement on Recruitment and Resignation of Faculty Members," *Policy Documents and Reports*, 153–54, as endorsed by the Association of American Colleges and the American Association of University Professors in 1961.

10. Eighth 1970 comment: The freedom of probationary teachers is enhanced by the establishment of a regular procedure for the periodic evaluation and assessment of the teacher's academic performance during probationary status. Provision should be made for regularized procedures for the consideration of complaints by probationary teachers that their academic freedom has been violated. One suggested procedure to serve these purposes is contained in the "Recommended Institutional Regulations on Academic Freedom and Tenure," *Policy Documents and Reports*, 79–90, prepared by the American Association of University Professors.

11. Ninth 1970 comment: A further specification of the academic due process to which the teacher is entitled under this paragraph is contained in the "Statement on Procedural Standards in Faculty Dismissal Proceedings," *Policy Documents and Reports*, 91–93, jointly approved by the

5. Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

Endorsers

Note: Groups that changed names subsequent to endorsing the statement are listed under their current names.

Association of American Colleges and Universities.....	1941
American Association of University Professors.....	1941
American Library Association (adapted for librarians).....	1946
Association of American Law Schools.....	1946
American Political Science Association.....	1947
American Association for Higher Education and Accreditation.....	1950
American Association of Colleges for Teacher Education.....	1950
Eastern Psychological Association.....	1950
Southern Society for Philosophy and Psychology.....	1953
American Psychological Association.....	1961
American Historical Association.....	1961
Modern Language Association.....	1962
American Economic Association.....	1962
Agricultural and Applied Economic Association.....	1962
Midwest Sociological Society.....	1963
Organization of American Historians.....	1963
Society for Classical Studies.....	1963
American Council of Learned Societies.....	1963
American Sociological Association.....	1963

American Association of University Professors and the Association of American Colleges in 1958. This interpretive document deals with the issue of suspension, about which the 1940 "Statement" is silent.

The "Statement on Procedural Standards in Faculty Dismissal Proceedings" provides: "Suspension of the faculty member during the proceedings is justified only if immediate harm to the faculty member or others is threatened by the faculty member's continuance. Unless legal considerations forbid, any such suspension should be with pay." A suspension which is not followed by either reinstatement or the opportunity for a hearing is in effect a summary dismissal in violation of academic due process.

The concept of "moral turpitude" identifies the exceptional case in which the professor may be denied a year's teaching or pay in whole or in part. The statement applies to that kind of behavior which goes beyond simply warranting discharge and is so utterly blameworthy as to make it inappropriate to require the offering of a year's teaching or pay. The standard is not that the moral sensibilities of persons in the particular community have been affronted. The standard is behavior that would evoke condemnation by the academic community generally.

Southern Historical Association	1963	American Speech-Language-Hearing Association.....	1968
American Studies Association.....	1963	Association of Social and Behavioral Scientists	1968
Association of American Geographers	1963	College English Association.....	1968
Southern Economic Association	1963	National College Physical Education Association for Men.....	1969
Classical Association of the Middle West and South.....	1964	American Real Estate and Urban Economics Association.....	1969
Southwestern Social Science Association.....	1964	Council for Philosophical Studies	1969
Archaeological Institute of America	1964	History of Education Society.....	1969
Southern Management Association.....	1964	American Musicological Society.....	1969
American Theatre Association (now dissolved)	1964	American Association of Teachers of Spanish and Portuguese.....	1969
South Central Modern Language Association.....	1964	Texas Community College Teachers Association.....	1970
Southwestern Philosophical Society.....	1964	College Art Association of America.....	1970
Council of Independent Colleges.....	1965	Society of Professors of Education	1970
Mathematical Association of America.....	1965	American Anthropological Association.....	1970
Arizona-Nevada Academy of Science	1965	Association of Theological Schools	1970
American Risk and Insurance Association.....	1965	Association of Schools of Journalism and Mass Communication	1971
Academy of Management	1965	Academy of Legal Studies in Business.....	1971
American Catholic Historical Association.....	1966	Americans for the Arts	1972
American Catholic Philosophical Association	1966	New York State Mathematics Association of Two-Year Colleges.....	1972
Association for Education in Journalism and Mass Communication.....	1966	College Language Association.....	1973
Western History Association	1966	Pennsylvania Historical Association.....	1973
Mountain-Plains Philosophical Conference....	1966	American Philosophical Association.....	1974
Society of American Archivists	1966	American Classical League	1974
Southeastern Psychological Association.....	1966	American Comparative Literature Association.....	1974
Southern States Communication Association.....	1966	Rocky Mountain Modern Language Association.....	1974
American Mathematical Society.....	1967	Society of Architectural Historians.....	1975
Association for Slavic, East European, and Eurasian Studies.....	1967	American Statistical Association.....	1975
College Theology Society	1967	American Folklore Society	1975
Council on Social Work Education.....	1967	Association for Asian Studies.....	1975
American Association of Colleges of Pharmacy	1967	Linguistic Society of America	1975
American Academy of Religion	1967	African Studies Association	1975
Association for the Sociology of Religion	1967	American Institute of Biological Sciences	1975
American Society of Journalism School Administrators (now merged with the Association of Schools of Journalism and Mass Communication).....	1967	North American Conference on British Studies.....	1975
John Dewey Society	1967	Sixteenth-Century Society and Conference ...	1975
South Atlantic Modern Language Association.....	1967	Texas Association of College Teachers.....	1976
American Finance Association	1967	Association for Jewish Studies	1976
Association for Social Economics	1967	Association for Spanish and Portuguese Historical Studies	1976
Phi Beta Kappa Society	1968	Western States Communication Association....	1976
Society of Christian Ethics	1968	Texas Association of Colleges for Teacher Education.....	1977
American Association of Teachers of French	1968	Metaphysical Society of America.....	1977
Eastern Finance Association	1968	American Chemical Society	1977
American Association for Chinese Studies	1968	Texas Library Association.....	1977
American Society of Plant Biologists.....	1968	American Society for Legal History	1977
University Film and Video Association	1968	Iowa Higher Education Association	1977
American Dialect Society	1968	American Physical Therapy Association	1979

North Central Sociological Association.....	1980	Council of Teachers of Southeast	
Dante Society of America.....	1980	Asian Languages	1994
Association for Communication		American Association of Teachers of Arabic...	1994
Administration.....	1981	American Association of Teachers of	
National Communication Association.....	1981	Japanese.....	1994
American Association of Physics Teachers.....	1982	Academic Senate for California	
Middle East Studies Association	1982	Community Colleges.....	1996
National Education Association.....	1985	National Council for the Social Studies.....	1996
American Institute of Chemists	1985	Council of Academic Programs in	
American Association of Teachers		Communication Sciences and Disorders	1996
of German	1985	Association for Women in Mathematics	1997
American Association of Teachers of Italian...	1985	Philosophy of Time Society.....	1998
American Association for Applied		World Communication Association	1999
Linguistics.....	1986	The Historical Society.....	1999
American Association for Cancer Education...	1986	Association for Theatre in Higher Education..	1999
American Society of Church History.....	1986	National Association for Ethnic Studies.....	1999
Oral History Association.....	1987	Association of Ancient Historians	1999
Society for French Historical Studies	1987	American Culture Association	1999
History of Science Society.....	1987	American Conference for Irish Studies	1999
American Association of Pharmaceutical		Society for Philosophy in the	
Scientists	1988	Contemporary World.....	1999
American Association for Clinical		Eastern Communication Association.....	1999
Chemistry	1988	Association for Canadian Studies	
Council for Chemical Research	1988	in the United States.....	1999
Association for the Study of Higher		American Association for the History of	
Education.....	1988	Medicine.....	2000
American Psychological Association	1989	Missouri Association of Faculty Senates.....	2000
Association for Psychological Science.....	1989	Association for Symbolic Logic	2000
University and College Labor Education		American Society of Criminology.....	2001
Association.....	1989	American Jewish Historical Society	2001
Society for Neuroscience	1989	New England Historical Association	2001
Renaissance Society of America.....	1989	Society for the Scientific Study of Religion	2001
Society of Biblical Literature	1989	Society for German-American Studies	2001
National Science Teachers Association	1989	Society for Historians of the Gilded Age	
Medieval Academy of America	1990	and Progressive Era.....	2001
American Society of Agronomy	1990	Eastern Sociological Society	2001
Crop Science Society of America	1990	Chinese Historians in the United States.....	2001
Soil Science Society of America	1990	Community College Humanities	
International Society of Protistologists.....	1990	Association.....	2002
Society for Ethnomusicology	1990	Immigration and Ethnic History Society	2002
American Association of Physicists		Society for Early Modern Catholic Studies	2002
in Medicine	1990	Academic Senate of the California State	
Animal Behavior Society.....	1990	University	2004
Illinois Community College Faculty		Agricultural History Society	2004
Association.....	1990	National Council for Accreditation	
American Society for Theatre Research.....	1990	of Teacher Education	2005
National Council of Teachers of English.....	1991	American Council on the Teaching	
Latin American Studies Association.....	1992	of Foreign Languages.....	2005
Society for Cinema and Media Studies.....	1992	Society for the Study of Social Biology	2005
American Society for Eighteenth-Century		Society for the Study of Social Problems	2005
Studies.....	1992	Association of Black Sociologists.....	2005
Council of Colleges of Arts and Sciences.....	1992	Dictionary Society of North America	2005
American Society for Aesthetics.....	1992	Society for Buddhist-Christian Studies.....	2005
Association for the Advancement		Society for Armenian Studies.....	2006
of Baltic Studies.....	1994	Society for the Advancement of	
American Council of Teachers of Russian.....	1994	Scandinavian Study	2006

American Physiological Society	2006	Chinese Language Teachers Association	2014
National Women’s Studies Association	2006	Coordinating Council for Women	
National Coalition for History	2006	in History.....	2014
Society for Military History	2006	Ecological Society of America	2014
Society for Industrial and Applied		Institute for American Religious and	
Mathematics	2006	Philosophical Thought	2014
Association for Research on Ethnicity and		Italian American Studies Association.....	2014
Nationalism in the Americas	2006	Midwestern Psychological Association.....	2014
Society of Dance History Scholars.....	2006	Modern Greek Studies Association.....	2014
Association of Literary Scholars, Critics,		National Association of Professors	
and Writers	2006	of Hebrew.....	2014
National Council on Public History.....	2006	National Council of Less Commonly	
College Forum of the National Council of		Taught Languages	2014
Teachers of English.....	2006	Population Association of America	2014
Society for Music Theory	2006	Society for Italian Historical Studies.....	2014
Society for Historians of American		Society for Psychophysiological Research.....	2014
Foreign Relations.....	2006	Society for Romanian Studies.....	2014
Law and Society Association	2006	Society for Textual Scholarship.....	2014
Society for Applied Anthropology.....	2006	Society for the History of Children and	
American Society of Plant Taxonomists.....	2006	Youth.....	2014
Society for the History of Technology	2006	Society for the Psychological Study	
German Studies Association.....	2006	of Social Issues.....	2014
Association of College and Research		Society for the Study of the Multi-Ethnic	
Libraries	2007	Literature of the United States	2014
Czechoslovak Studies Association.....	2007	Society of Civil War Historians	2014
American Educational Studies Association	2007	Society of Mathematical Psychology	2014
Southeastern Women’s Studies Association ..	2009	Sociologists for Women in Society	2014
American Academy for Jewish Research.....	2014	Urban History Association	2014
American Association for Ukrainian		World History Association	2014
Studies.....	2014	American Educational Research	
American Association of Italian Studies	2014	Association.....	2014
American Theatre and Drama Society	2014	Labor and Working-Class History	
Central European History Society	2014	Association.....	2014
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Report of the Special Committee on Academic Personnel Ineligible for Tenure

The report which follows is published here, at the direction of the Association's Council, in order that chapters, conferences, members and other interested persons may have an opportunity to submit their comments to the Special Committee. All comments should be directed to the Association's Washington Office.

Preamble

The Special Committee considered problems with regard to nontenure positions particularly as they concern three categories of academic people: (1) part-time teachers, (2) full-time teachers who are not considered regular members of faculties, and (3) persons who are appointed to full-time research positions. The Special Committee's first effort has been to survey and analyze the policies and practices of reputable universities with regard to nontenure positions, reports of which were previously made to the Council and Committee A. Its second concern has been to examine these practices in relation to the 1940 *Statement of Principles on Academic Freedom and Tenure* of the Association of American Colleges and the American Association of University Professors. Its third and final effort has been to formulate an interpretation of the 1940 Statement that might serve to guide the Association in advising interested persons about problems and disputes involving nontenure appointments.

The Special Committee soon concluded that the 1940 Statement could not be interpreted as guaranteeing tenure rights to part-time teachers. Its provisions for a probationary period apply explicitly to ". . . appointment to the rank of full-time instructor or higher rank." The Special Committee feels, however, that the Association should continue to be actively concerned with cases belonging to this category, and should use its influence to persuade institutions to adopt and use suitable grievance procedures so that disputes involving part-time teachers can be judiciously resolved within the institutions. Where such procedures are inadequate or lacking, the Association should vigorously uphold the right of part-time teachers to the same academic freedom that teachers with tenure have. This policy should of course apply equally to full-time teachers during their probation period.

There has been much discussion by the Special Committee, as there has been among other organs of the

Association, of the question whether the increasing use of people without doctors' degrees as full-time teachers calls for clarification of the probationary requirements set forth by the 1940 Statement. That is, does an educational institution have to count years of full-time service accumulated by a tenure candidate before he has received his doctorate in determining when the decision to grant or not grant tenure must be made? Or, conversely, is it legitimate for an institution to appoint a doctoral candidate as a full-time teacher, in a rank below, or different from, that of instructor, and consider that his term of probation for tenure begins only if and when he receives the doctorate? The 1940 Statement, whether intentionally or not, appears to leave room for the second interpretation by saying that the probationary period should begin with appointment at the rank of instructor or a higher rank. It does not, however, say at what rank a full-time teacher with the doctorate must be appointed. After full discussion, the Special Committee is unanimously agreed that the first interpretation should be Association policy; that is, any person whom an institution appoints to a full-time teaching position should be treated as a candidate for tenure under the requirements of the 1940 Statement, no matter what rank or title he may be given by the institution. If an institution wants to exclude a doctoral candidate (or any other person whom it considers inadequately qualified for regular faculty membership and status) from tenure candidacy, it should not appoint him as a full-time teacher. The Special Committee believes that less injustice will be done, both to teachers and to institutions, if this policy is enforced than if the apparent loophole is left open. A serious doctoral candidate ought not to do full-time teaching anyhow; it is not in his interest or that of the institution to have his attainment of the degree delayed or prevented by overwork. Nor are academic salaries any longer so low, or financial support in the form of

fellowships and loans so difficult to attain, that a serious doctoral candidate cannot survive a few years on part-time pay. The Special Committee feels particularly strongly that an institution which is unable to recruit enough doctors to fill all its full-time teaching positions ought not to deny tenure to full-time teachers lacking doctors' degrees. The Special Committee does not believe that the present shortage of fully qualified teachers is in any sense a temporary emergency. It was foreseen twenty years ago, and it should have been prevented. It will continue indefinitely if institutions allow themselves to make do with underqualified and underprivileged teachers of the kind implied by the term "subfaculty." Institutions should do all they can to increase the number of qualified teachers. The Special Committee believes that anyone who does an instructor's work should be given appropriate rank and privileges. In short, the Special Committee wishes to eliminate the second problem category by refusing to grant that, for purposes of the 1940 Statement, there is any such thing as a full-time teacher at a rank below that of instructor.

The third problem category, that of research people who are not teachers, is relatively new to higher education. It was not foreseen, and its full effect on the regulation and conduct of academic institutions is not yet foreseeable. In particular, it seems clear to the Special Committee that the two associations had no major category of such academic people in mind when they formulated the 1940 Statement. A question may be, therefore, whether it is possible for the Special Committee to apply the 1940 Statement to this category. Its deliberations may in fact have led to another question: does the 1940 Statement itself need some revision, amendment, or supplement in order to provide proper guidance for Association policy in this area? The 1940 Statement plainly assumes that the normal basic activity of university professors is teaching and that research is a functionally related activity by means of which teaching is enriched and extended. On this assumption it is entirely reasonable and proper to maintain, as the 1940 Statement evidently does, that a researcher is the same thing as a teacher insofar as his right to academic freedom, his status as a faculty member, and his entitlement to tenure are concerned. In 1940, with negligible exceptions, researchers in universities were teachers, part of whose teaching was by word of mouth and part by the medium of print. The two parts served the same purpose of transmitting the teacher's individual ideas into the arena of public discussion, and the same principles of freedom and of responsibility applied to both.

Now, however, there are an important number of researchers working in universities and university-operated agencies to whom this assumption does not so clearly apply. Workers on Department of Defense and Atomic Energy Commission projects offer the extreme example; but anyone who works on a project which is defined by a contract between the employing institution and a sponsoring agency, government, industry, or foundation is likely to be more or less limited in his freedom to decide for himself what line of investigation he will pursue. The

question arises whether universities ought to be engaged in this kind of contract research at all. The Special Committee regards this as an important question, but not one that can be settled at this time by a component of the AAUP. The fact is that many of the best universities are so engaged, and the question to be answered is what the AAUP policy should be toward the people involved, particularly concerning the conditions of academic freedom and tenure under which they work.

The Special Committee recognizes that many and perhaps most of the researchers doing contract work are qualified by education and training to be members of teaching faculties. What makes them different is their function. A related consideration, which administrators are quick to point out, is that the shifting character of the financial support for contract work imposes a special problem in relation to tenure. It is not so much a matter of the total amount of money available as it is of the fact that individual research contracts run for limited terms, and that researchers are not always transferable from one contract project to another within the same institution. Administratively, the logical solution is to let the individual researcher's contract run for not longer than the term of the project contract. The situation is roughly parallel to that which arises when an institution decides to discontinue a course or department or college. The AAUP recognizes that legitimate academic reasons may require such a change, and that it is not always possible for the institution to retain all the people whose positions are eliminated. Such a situation, rare in teaching faculties, is normal and frequent in contract research.

These problems are closely related to the fact that many research projects are carried out by teams of researchers under the supervision of project directors. The director of a project, often a faculty member with tenure, and very often a kind of entrepreneur in proposing the project and attracting financial support for it from sources outside the institution, has a legitimate need for freedom in the selection and rejection of team members, and for adequate authority to assign their tasks and coordinate their activities. Furthermore, individual team members are not free to publish results of work they have done on the project without the consent of other members and especially of the director. For these reasons, traditional concepts of academic freedom and tenure do not apply to the activities of contract research teams. The Special Committee has gone as far as it believes possible, under the circumstances, in asserting and defending in the statement which follows such academic freedom and job security as can be had. Its members feel that an effort to go beyond the limits imposed by the facts of the situation would make the statement weaker, not stronger.

The Special Committee is by no means indifferent to the conditions under which members of contract research project teams have to work, nor does it advocate indifference on the part of the AAUP. It believes that good administrative and personnel policies ought to operate in this area as in all other areas of academic life, and that the AAUP should try to define good policies and

encourage institutions to apply them. It also believes that, whenever academic institutions designate full-time researchers as faculty members, either by formal appointment or by conferring the titles of instructor, assistant or associate professor, or professor, those researchers should have all the rights of other faculty members, and that the AAUP should apply the 1940 Statement of Principles to them as strictly as to anyone else.

Statement of the Special Committee on Academic Personnel Ineligible for Tenure

A clear definition of acceptable academic practice in American colleges and universities requires some amplification and interpretation of the 1940 *Statement of Principles on Academic Freedom and Tenure*. Most of the 1940 Statement applies without change to the operation of the universities today. The academic freedom statement however leaves some question about the freedom of research for the secondary staff of large research projects restricted by government or industrial support and security. The academic tenure provisions leave some doubt about the tenure rights of part-time teachers and of persons appointed with titles other than those of the four ranks of instructor to professor.

To make quite clear that the policy of the Association provides protection in matters of academic freedom to all teachers at all ranks and on any fractional appointment and to all investigators with university appointments, the following amplifying statement is proposed:

- (1) The academic freedom of all teachers and investigators with full-time or part-time appointments in a university should have the full protection of the Association.

The committee recognizes that it is appropriate to have, within the university, faculty members with instructor or professional status who are exclusively investigators. These professors should be selected by the faculty and should have the full privileges of other professors. The following statement is within the 1940 Statement but more directly describes the status of the research faculty member with an academic appointment:

- (2) Full-time teachers and investigators who are appointed to the rank of Instructor, Assistant Professor, Associate Professor and Professor should have the rights and privileges appropriate to their rank including tenure or the eligibility for tenure after the appropriate probationary period.

Acceptable academic practice for tenure is described in the 1940 Statement of Principles only for full-time

appointments beginning with the rank of instructor. The Special Committee recommends that these provisions be extended to include all full-time teacher appointments in the university. Part-time appointments are often given to scholars who are still working on their advanced degree programs. If, however, a full-time appointment can be made as a lecturer or acting instructor, without obligating the institution to a limited probation period, it will diminish the protection of the Association's statement of policy on tenure. To provide for protection of the young teachers' tenure rights, the committee proposes:

- (3) All full-time teachers, but not investigators, in the universities regardless of their titles should acquire tenure after a probationary period as provided for appointments to the rank of full-time instructor or a higher rank in the 1940 Statement.

The Association extends the full protection of academic freedom to all teachers and investigators on full-time or part-time university appointments. The policy for the tenure of investigators with full-time university appointments without one of the usual academic ranks has not been adequately determined. In the science and technology areas of the twenty largest universities, there are now twice as many full-time investigators as full-time academic appointments. Most of these investigator appointments are made from research grants of short duration that are subject to frequent and uncertain renewal. The selection and termination of appointees is made by the project director without the usual procedures of review involved in departmental academic appointments. Until the funds for the support of investigators are assured for substantial periods and until the university determines policies for the distribution and use of these funds it will be difficult for the university to assume the obligation for continuous tenure appointments. The committee makes no recommendation for a tenure policy for investigators who do not have regular academic appointments.

Special Committee on Academic Personnel Ineligible for Tenure:

- Robert B. Brode (Physics, University of California, Berkeley), *Chairman*
Richard P. Adams (English, Tulane University)
William G. Bowen (Economics, Princeton University)
Winston W. Ehrmann (Sociology, Washington Office)
Richard B. Richter (Medicine, University of Chicago)