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# Report of Committee A on Academic Freedom and Tenure, 2015–16

## Introduction

As we complete the first year of the AAUP's second century, Committee A and the AAUP's Department of Academic Freedom, Tenure, and Governance remain as active as ever. Indeed, the cases investigated this year are, as usual, sadly but the tip of a larger iceberg threatening our most fundamental values. We definitely live in challenging times for higher education and the professoriate, so I will begin by thanking our members for their work and dedication in support of the AAUP and its principles and by urging faculty members everywhere to join us in standing up for academic freedom, shared governance, quality higher education, and the common good.

## Judicial Business

### Impositions of Censure

At its June meeting, Committee A considered two cases that had been subjects of ad hoc investigating committee reports published since the 2015 annual meeting. The committee adopted the following statements concerning these cases, the Council concurred, and the 2016 annual meeting voted to impose censure.

*The College of Saint Rose (New York).* The report of the investigating committee concerns the administration's termination of twenty-three tenured and tenure-track appointments as a result of program reductions and closures, the product of a three-month "academic prioritization process" that did not involve the faculty. The affected faculty members received notice on December 11, 2015, that their appointments would end at the close of the fall 2016 semester.

The faculty first learned in late August 2015 that retrenchment was to occur and that the Representative Committee of the Faculty (Rep Com), the body charged with coordinating the faculty's participation in retrenchment decisions, would be required to

formulate its recommendations on program and position cuts by November 2. The administration did not hold its first meeting with Rep Com, however, until almost a month later, did not readily provide the committee with requested information, and circumscribed the committee's role in the process, leading a special meeting of the faculty in early October to direct Rep Com to withdraw from what the faculty called a "rushed and superficial" process. The administration went forward alone, and when it made its final decisions on closures, reductions, and terminations of appointments, it elected not to consult the faculty before implementing them.

In its report, the investigating committee reached the following conclusions:

- In selecting academic programs for reduction or elimination without faculty participation, the administration disregarded widely accepted standards of academic governance, as set forth in the AAUP's *Statement on Government of Colleges and Universities* and in Regulation 4 of the *Recommended Institutional Regulations on Academic Freedom and Tenure*.
- By giving the faculty only two months in which to make recommendations for eliminating programs and faculty positions, restricting access to information, and otherwise constraining the faculty's participation, the administration placed the faculty in an "untenable position" that justified its withdrawal from the academic prioritization process.
- By unilaterally terminating fourteen tenured appointments, the administration and governing board undermined both tenure and academic freedom. As one faculty member put it, "If they can [so easily] eliminate tenured faculty, then tenure will mean nothing. And if there is no tenure, there is no academic freedom."

- In effecting the terminations in disregard of AAUP-recommended procedures concerning financial exigency and discontinuing programs for educational reasons, the administration and governing board violated the joint 1940 *Statement of Principles on Academic Freedom and Tenure* and Regulation 4 of the *Recommended Institutional Regulations*.

Committee A on Academic Freedom and Tenure accordingly recommends to the 102nd Annual Meeting that the College of Saint Rose be added to the Association's list of censured administrations.

*University of Missouri (Columbia).* The report of the investigating committee concerns the actions taken by the University of Missouri system board of curators to dismiss Melissa Click, an assistant professor of communication, from the faculty of the University of Missouri. Professor Click was dismissed on charges of misconduct without having been afforded the faculty hearing called for under both the university's regulations and the AAUP's recommended standards. Her dismissal occurred after more than three months of controversy about her confrontation with two University of Missouri students whom Professor Click had attempted to exclude from a public space on campus where African American student protesters and supporters had established a tent camp. In attempting to exclude the students, who were trying to photograph and film the camp despite the objections of the protesters, Professor Click jostled one student's camera. One of the students captured this encounter on video and posted it on YouTube, where it received significant attention on social media and in the press. It also attracted the attention of members of the Missouri legislature, who exerted political pressure on the system governing board and the university administration—threatening budgetary and other consequences—in openly demanding Professor Click's summary dismissal.

Immediately following the incident, Professor Click publicly apologized and resigned her courtesy appointment in the journalism school. She also received a written reprimand from the provost, which she did not contest. Although the administration initially refused to engage in summary action after one of the students filed misdemeanor assault charges against her, it expressed its support for the board of curators' decision to suspend Professor Click. The board then engaged a law firm to conduct an investigation of her conduct, an action it justified by alluding to what the

board perceived as the failure of the campus to initiate disciplinary proceedings against her. After the publication of the results of the investigation, the board summarily dismissed Professor Click.

The investigating committee found that, by threatening budgetary and other consequences and openly demanding a professor's summary dismissal, members of the Missouri legislature exerted undue political interference in the case of Professor Click, and the threat of such illegitimate interference in the operations of the university continues. It found that the board of curators' unilateral action usurped the traditional role and authority of both the faculty and campus administrators under principles of academic governance and thus failed to adhere to the admonition in the AAUP's *Statement on Government of Colleges and Universities* that governing boards should "undertake appropriate self-limitation." It further found that, by dismissing Professor Click without affording her an adjudicative hearing of record before a duly constituted faculty body, the board of curators violated basic principles of academic due process as set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*.

Committee A recommends to the 102nd Annual Meeting that the University of Missouri (Columbia) be placed on the Association's list of censured administrations.

#### **Removal of Censure**

Committee A adopted the following statements recommending removal of Grove City College and Metropolitan Community College from the Association's list of censured administrations and recommending that the annual meeting authorize Committee A to remove the University of Illinois at Urbana-Champaign from the list. The Council concurred in the statements, and the annual meeting voted to approve the removal of Grove City and Metropolitan Community Colleges from the list but declined to authorize Committee A to remove the University of Illinois at Urbana-Champaign.

*Grove City College (Pennsylvania).* Having been placed on the Association's list of censured administrations in 1963 by the Forty-Ninth Annual Meeting, Grove City College has been on the list longer than any other institution. The report of the investigating committee found that a professor with almost five years of service at the college and with five years of prior service elsewhere had been dismissed for stated cause without "any recognizable form of due process,

academic or general,” thus raising “grave doubts regarding the academic security of any persons who may hold appointment at Grove City College under existing administrative practice.”

For nearly fifty years, successive Grove City College administrations had declined to respond to semiannual letters from the Association’s staff inviting discussion of the censure and its potential removal. Then, in 2013 a newly appointed provost did respond, initiating a phone call with the AAUP’s staff to discuss removal of censure. In 2014, with the accession of a new president, dialogue intensified. The staff urged, as a first step, that the administration extend a gesture of redress to the affected professor, who was now in his nineties.

In October 2015 the college’s president emeritus drove to the professor’s home in Ohio to offer the administration’s apology, thus addressing one obstacle to removing censure. In March 2016 the administration agreed to adopt official policy based on Association standards that would prevent a case such as the one that had occasioned the censure from occurring again. The agreed-upon policy states as follows: “If the Grove City College administration believes that cause exists for suspending a professor or for terminating his or her employment while that professor is under contract with the College, it will provide the professor with a written statement of the cause and opportunity for defense in a hearing before a representative faculty body. In the case of a suspension due to exigent circumstances, such statement and opportunity for a hearing will be provided as soon as practicable after the initiation of the suspension.” In April the incoming president of the Pennsylvania AAUP conference visited the campus to assess general conditions for academic freedom and submitted a report supporting removal.

Committee A on Academic Freedom and Tenure recommends to the 102nd Annual Meeting that Grove City College be removed from the Association’s list of censured administrations.

*Metropolitan Community College (Missouri).* The Seventieth Annual Meeting voted to impose censure in 1984, based on an investigating committee’s report on actions by the administration and the board of trustees of Metropolitan Community Colleges (now Metropolitan Community College) that resulted in the termination of eight tenured faculty appointments. The actions were attributed to financial exigency and decreased enrollment, but the report found that enrollment had stabilized before the terminations

went into effect and that a state of financial exigency neither existed nor was imminent. The investigating committee concluded that the administration had implemented the terminations because it wished to reduce the size and percentage of the regular full-time faculty in favor of engaging part-time teachers and assigning overloads. The committee found that these actions were contrary to generally accepted principles of academic freedom and tenure.

This past year the institution’s administration has worked with the Association’s staff to address outstanding concerns regarding the removal of censure. The administration has agreed to resolve the single remaining case requiring redress, and the board approved revisions of the institution’s regulations on termination of appointments for financial exigency and dismissal for cause which incorporates language drawn from AAUP policy documents. A representative of the Association who visited the college in May found that both the faculty and the administration “were aware of how academic freedom and tenure are essential to the health of an institution of higher education—as essential in the important mission of the community college as in any university.”

Committee A recommends to the 102nd Annual Meeting that Metropolitan Community College be removed from the Association’s list of censured administrations.

*University of Illinois at Urbana-Champaign.* The censure imposed by the 2015 annual meeting was based on actions taken by the administration and governing board to reject the appointment of Steven Salaita, a tenured professor in the American Indian Studies Program, which had been offered in October 2013 and was to be effective with the start of the fall 2014 semester. Professor Salaita accepted the offer, received course assignments, and resigned from his tenured position at another institution. In late summer 2014, Professor Salaita posted messages on the social media site Twitter expressing outrage in strong language over the war in Gaza. After these messages came to the attention of the UIUC administration, the institution’s chancellor informed him on August 1 that she would not be submitting his appointment to the board for approval, citing the tone of the faculty member’s posts as justification for her decision. The administration’s offer had defined his appointment, like all other tenured appointments, as subject to final approval by the board of trustees, but the appointee and those who recruited him considered the board’s approval a mere

formality, mainly because the board was not scheduled to meet until more than two weeks after the fall term began. Subsequently, the chancellor did submit the appointment to the board, which voted to reject it.

The investigating committee concluded that the rejection of Professor Salaita's appointment because of the "incivility" of his Twitter messages violated his academic freedom and cast a pall of uncertainty over the degree to which academic freedom was understood and respected at UIUC. The committee further concluded that the chancellor, in rejecting Professor Salaita's appointment without having gone back to the faculty bodies that had recommended it, contravened the AAUP's widely accepted standards for the conduct of academic governance.

Then, in late summer 2015, the chancellor resigned from the administration and took up a UIUC faculty appointment. Dr. Barbara Wilson was appointed interim chancellor pending the selection of a permanent successor. In response to a congratulatory e-mail message from the chair of Committee A, Chancellor Wilson immediately expressed interest in working toward censure removal. The chair of Committee A and the AAUP staff advised her that a satisfactory settlement with the subject faculty member would be a significant initial step in resolving the censure.

Professor Salaita had filed suit in federal district court following his dismissal. In fall 2015, he reached a financial settlement with the university. "The settlement," he remarked to the press, "is a vindication for me, but more importantly, it is a victory for academic freedom and the First Amendment."

With news that a settlement had been reached, AAUP staff and leaders again conferred with the interim chancellor regarding what remained to be done to lift the censure. The staff made three recommendations. The first was that official policies be revised to ensure board approval of faculty appointments prior to their effective date. The second was that the board approve a new rule applying to cases in which issues arise about a tenure-track or tenured faculty appointment that has been tentatively forwarded to the board by an administrative officer. The rule would require the board to send the recommendation back, through that administrator, to the appropriate faculty committee in order to give that body an opportunity to respond or rebut any concerns or problems raised by the board. And the third recommendation was that the board satisfactorily address the matter of academic freedom and the role of the governing board in faculty personnel matters.

Chancellor Wilson explained that an official policy, revised in May 2015, required board approval prior to the beginning date for all new tenure-system appointments. She also expressed the hope that a board consultation process applicable to cases in which issues arose concerning tenure-track or tenured faculty appointments could be put in place by April 2016 and that the board would be willing to approve a statement endorsing academic freedom and affirming an appropriate role of the governing board in faculty appointment decisions.

In early April, Chancellor Wilson wrote to the AAUP staff as follows: "The Board of Trustees (the chair) will read a statement at its May meeting that endorses academic freedom, calling out our own statutes as well as supporting protections afforded in the AAUP statement. The Board statement also addresses the timing of hiring approvals and the need to consult with the chancellor who should use shared government processes if any questions arise about an appointment. The BOT statement will be read into the minutes and afterward, the provost and I will publicly endorse it."

Following the May 19 board of trustees meeting, Chancellor Wilson wrote that she was "happy to report that at yesterday's University of Illinois Board of Trustees meeting, President Tim Killeen reiterated the foundational importance of academic freedom to the University of Illinois." She cited specific steps that had been taken to improve the university's appointment policies in order to "facilitate final approval well in advance of the beginning of the academic year" and "an explicit consultation process with the relevant dean and academic unit to address any questions that may arise at the campus or BOT level."

President Killeen's statement on academic freedom, as well as the steps taken to amend appointment procedures, addressed to some extent the issues of AAUP concern. But one issue remained unaddressed. The board had not explicitly endorsed the president's statement on academic freedom, a key omission, as the staff explained to the chancellor, in view of the role played by the board of trustees in Professor Salaita's dismissal. This remaining issue was satisfactorily resolved when Chancellor Wilson, after consultation with President Killeen and University of Illinois board chair Edward McMillan, sent the staff a June 1 letter from the board chair, in which he stated, "As Chairman of the Board of Trustees of the University of Illinois, I write to acknowledge and support the statement made by University of Illinois President Timothy

Killeen at the recent Board of Trustees meeting on May 19, 2016, regarding the University's long abiding commitment to the principles of academic freedom."

Because of the lateness of these developments, it was not possible to arrange for an AAUP representative to visit the UIUC campus to evaluate the climate for academic freedom and prepare a report before the June 3–4 meeting of Committee A, at which the committee formulates its recommendations on removal of censure. With the progress that the UIUC administration and board have made, however, the committee is equally reluctant to have the action on potential censure removal held over until the 2017 annual meeting.

It accordingly recommends that the 102nd Annual Meeting delegate to Committee A authority for removing the censure once it can attest that the climate for academic freedom is sound. If the committee cannot so attest by the time of its fall meeting in November, the issue of censure removal will be held over for consideration by the 2017 annual meeting.

### **Other Committee Activity**

Last year's report noted the appointment of a joint subcommittee consisting of representatives from Committee A and from the Committee on Women in the Academic Profession (formerly known as Committee W) to prepare a report on abuses of Title IX (the federal law prohibiting discrimination on the basis of sex in any federally funded education program). Committee A has observed that college and university administrations, when responding to Title IX complaints, are frequently relying on policies and procedures that disregard AAUP-recommended principles and procedural standards. In March a draft text of the subcommittee's report, *The History, Uses, and Abuses of Title IX*, was posted on the AAUP's website for public comment and notice was sent by e-mail to the AAUP membership. The report received considerable media coverage, and we received helpful feedback, which the subcommittee took into account when preparing the final draft. In May both parent committees approved that final version, and in June the AAUP Council voted to adopt it as official AAUP policy. Shortly after the annual meeting, it was published online in its final form, and it is printed in this issue of the *Bulletin*. I wish to thank AAUP general counsel Risa Lieberwitz for her leadership of the joint subcommittee that prepared the report as well as subcommittee members Joan Scott and Donna Young of Committee A and Rana Jaleel, Tina Kelleher, and Anne Sisson Runyan of the Committee on Women in the Academic Profession. All AAUP

members should read this informative and thoughtful document, which I hope will significantly inform the wider public debate over this important issue.

At its October meeting, Committee A approved for publication a text setting forth the AAUP's long-standing position on the due-process protections that institutions should afford full-time faculty members outside the tenure system when their length of service exceeds the maximum period of probation allowed under the 1940 *Statement of Principles on Academic Freedom and Tenure*. The committee also began considering how best to strengthen the AAUP's recommended due-process protections for part-time faculty members, as set forth in Regulation 13 of the *Recommended Institutional Regulations on Academic Freedom and Tenure*.

Over the past year the committee has engaged in a lively discussion of the 1999 statement *On Collegiality as a Criterion for Faculty Evaluation*. Our concerns have been twofold. First, while that statement already opposes the use of collegiality as a separate criterion for evaluation, we want to ensure that collegiality not be employed as a special subcriterion of teaching, scholarship, and service, thereby essentially making it a separate criterion. In addition, we want to reinforce the point that collegiality is not civility. We expect shortly to approve minor revisions to this policy that should address these concerns.

At its fall meeting, the committee discussed the relationship of accreditation to academic freedom. On the basis of that discussion, Professor Tom Coffey, chair of the Committee on Accreditation, and I wrote jointly to all the regional accrediting agencies asking them to report on what actions they had taken in response to *Accreditation and Academic Freedom*, the 2012 statement jointly formulated by the AAUP and the Council for Higher Education Accreditation. Not entirely unexpectedly, no agency has yet replied. At its June meeting, the committee considered further steps, and we will continue to work with the Committee on Accreditation on this issue.

Committee A has also begun moving ahead on three additional substantive reports and statements.

First, at its spring meeting, the committee agreed to form a joint subcommittee with the Committee on College and University Governance to study the failure of a disturbing number of governing boards at a variety of institutions to heed the admonition of the *Statement on Government* to "exercise appropriate self-limitation." On the basis of this study of board overreach the subcommittee will make policy recommendations.

As we all know, sound shared governance and academic freedom are, as our 1994 statement *On the Relationship of Faculty Governance to Academic Freedom* puts it, “closely connected, arguably inextricably linked.” The two committees agree that given a number of recent cases, including several that have led to investigation and censure or sanction, it is timely and appropriate to review the conduct of governing boards.

Second, members of and consultants to Committee A have begun working with the College Media Association and the Student Press Law Center on a report on censorship of student publications, with a focus on efforts to severely limit the freedoms of faculty advisers to such publications. This group hopes to complete its report by next fall’s Committee A meeting, if not sooner.

Third, at its most recent meeting, the committee discussed the case of Professor Xiaoxing Xi, a Chinese American physicist at Temple University, whom the Department of Justice arrested last May on charges of sharing restricted American technology with the Chinese government. In September the charges were dropped when prosecutors and FBI agents acknowledged that the allegations were false, the result of their ignorance of the science at the heart of the case. Professor Xi’s case is but one of a number of troubling incidents in which legitimate international scientific collaboration has been confused with espionage in ways that implicate principles of academic freedom. The committee has begun discussions with staff at the National Academies of Sciences, Engineering, and Medicine about the possibility of preparing a joint report or statement on this emerging academic freedom issue.

Lastly, in October the committee approved a brief restatement of the Association’s policy on public access to AAUP case files, and this month the committee approved a staff initiative to reintroduce, beginning with this issue of the *Bulletin*, the nearly sixty-year-old practice of publishing in *Academe* summary reports on cases of late notice. These summary reports appear after the accounts of cases settled through staff mediation that follow this report of Committee A.

As I noted in last year’s report, Committee A found itself unable in fall 2014 to reach agreement with the administration of Louisiana State University on policies that would permit that institution’s removal from the censure list. Not long afterward the LSU administration took another action that, sadly, will make such removal even more difficult. In September, for only the seventh time in the Association’s history,

the AAUP, with the approval of Committee A, released a supplementary report, this time about the dismissal of Professor Teresa Buchanan from Louisiana State University. Professor Buchanan, a specialist in early childhood education with an unblemished eighteen-year performance record, was being evaluated for promotion to full professor when a district school superintendent and an LSU student filed complaints against her, alleging sexual harassment as defined by LSU as a result of her occasional use of profanity and bawdy language. Her dean immediately suspended her from teaching, and eventually, despite a faculty hearing committee’s unanimous recommendation against dismissal, the LSU board of supervisors accepted the administration’s recommendation that she be dismissed. The faculty senate at LSU also condemned the administration’s actions, and, represented by attorneys from the Foundation for Individual Rights in Education, Professor Buchanan has filed a lawsuit against the university, for which the AAUP Foundation has provided financial assistance.

### Conclusion

I wish to thank the members of Committee A for their tireless work on behalf of the principles of academic freedom, our profession, and the AAUP. I also wish to thank the members of the Department of Academic Freedom, Tenure, and Governance as well as other members of our devoted and hard-working national staff for their support of the committee and their tireless efforts on behalf of academic freedom, shared governance, and the common good throughout higher education. And I welcome to the department Hans-Joerg Tiede, a former AAUP leader and member of Committee A who joined the staff in January.

Lastly, a year ago the annual meeting honored Jordan E. Kurland for his fifty years of service to the AAUP. Sadly, Jordan succumbed to illness in January. In June President Fichtenbaum, Executive Director Schmid, and I, along with many other members and former members of the committee and the staff, joined his family and friends at a special and moving memorial in his honor. The entire AAUP membership and staff will surely miss Jordan’s dedication, intelligence, and capacity for work on our behalf. But we will just as surely continue to be inspired by his example and his memory.

**HENRY REICHMAN** (History), *chair*  
California State University, East Bay

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## Cases Settled through Staff Mediation

*The four accounts that follow are indicative of the nature and effectiveness of the mediative work of Committee A's staff during the 2015–16 academic year.*

The administration of a small public university in the Southeast suspended a tenured professor without pay and benefits for the fall term, despite a faculty hearing committee's unanimous recommendation against the sanction and despite the failure of the board of trustees to hear his appeal of the suspension before the official deadline for doing so had passed. The professor's attorney contacted the Association on his client's behalf after his numerous efforts to have his client reinstated proved fruitless. In a letter addressed to the institution's chancellor, the AAUP's staff cited Regulation 6 (Action of the Governing Board) of the *Recommended Institutional Regulations on Academic Freedom and Tenure*. Regulation 6 specifies that a faculty member upon whom an administration wishes to impose a severe sanction may appeal that decision to the institution's governing board, whose authority in the matter is final, a provision mirrored in the institution's faculty handbook. The staff's letter urged the professor's immediate reinstatement, with benefits and back pay, pending conclusion of his appeal to the governing board.

The appeal hearing never took place. A few weeks later, the professor's attorney wrote to inform the staff that, soon after the administration had received the AAUP's letter, the professor was reinstated to his teaching responsibilities, with retroactive restoration of salary and benefits, "as if the incident never happened." "We could not have achieved it without your help," he wrote. "Thanks!"

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An assistant professor at a public research university in the Southwest contacted the AAUP's staff after his dean notified him that he was being placed on paid administrative leave "until further notice." The provisions of the leave included being barred from campus and being prohibited from contacting any of his department colleagues. The dean informed him that the leave was being imposed because of allegations that he had criticized the administration to students following his unsuccessful application for tenure. The

professor informed the staff that his tenure bid had received the unanimous support of the department only to fail at the college level when reviewed by a committee partially appointed by the dean.

In conveying the Association's concerns to the administration, the AAUP's staff pointed out that the AAUP regards an action to suspend a faculty member from his or her primary responsibilities as a severe sanction, second only to dismissal, to be imposed only following a hearing before a faculty body in which the administration carries the burden of demonstrating adequate cause for the suspension. After noting that the university's administrative leave policy diverged significantly from AAUP-recommended standards, the staff pointed out that the Association's concerns regarding this case were further intensified by the nature of the stated charges. None of the charges identified conduct that the academic community at large would view as warranting such a severe penalty, and several of them related to speech that should have been protected under principles of academic freedom.

A response from the university's provost came a few weeks later, with the welcome news that the professor had been reinstated to his teaching responsibilities. The provost's letter went on to express appreciation for the staff's critique of the university's regulations on administrative leave, stating that the university was currently engaged in reviewing and updating its policy manual and promising that the administration would consult the AAUP when it considered changes to the administrative leave policy.

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An assistant professor at a medium-sized public university in the Midwest held an appointment in an academic center on campus jointly operated with a large research university. When the professor attempted to appeal an adverse tenure decision, the provost informed him that his appeal could be heard only by the provost himself, rather than by the university's promotion and tenure committee, as specified in the university's regulations. The reason given for this

determination was that faculty members with appointments in this particular center were not subject to the governance structure at their university and thus had no rights under that structure, including the right to file an appeal with an elected faculty grievance body.

In its letter to the administration, the AAUP's staff quoted the AAUP's *Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments*, which states that, "[e]ven with the best practices and procedures, . . . faculty members will at times think they have been improperly or unjustly treated and may wish another faculty group to review a decision. . . . The Association believes that fairness to both the individual and the institution requires that the institution provide for such a review when it is requested." In closing, the staff's letter urged that the professor be afforded an opportunity to contest the adverse tenure decision with an appropriately constituted faculty body and that other members of the academic center be afforded the same opportunity, should circumstances warrant.

The university's president responded five days later. After providing a lengthy explanation for the decision not to afford the professor the opportunity for appeal to the university's promotion and tenure committee, the president stated that "out of respect for the AAUP," the administration had "reconsidered" its decision and would now allow the professor to file an appeal with the university's promotion and tenure committee.

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A tenure-track professor in his fourth year of service at a public university in the West sought the advice and assistance of the AAUP's staff when, in a meeting late in the fall semester, his dean informed him that his appointment would not be renewed upon its expiration in May and that he was being immediately relieved of all his faculty responsibilities, though his salary and benefits would continue until the end of the academic year. He was asked to hand over his office keys and his faculty ID card and to clean out his office, which he did under the supervision of campus police officers.

In writing the university's president to convey its "keen interest" in this case, the staff cited the 1940 *Statement of Principles on Academic Freedom and Tenure*, which asserts that "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 staff's letter went on to state that the action taken against the professor was "a summary dismissal in contravention of the 1940 *Statement*." The letter closed by strongly urging the administration to restore the professor's access to his office immediately and to reinstate him to his teaching responsibilities beginning with the spring semester, the fall semester having ended by this time. If the administration insisted on dismissing him for cause, the letter added, it should afford him an adjudicative hearing before an elected faculty body, in which the burden of demonstrating adequate cause would rest with the administration.

A few days later the administration restored the faculty member's access to his office and computer and returned his faculty ID card. A letter from the president that came the following week confirmed that his access to his office and computer had been restored and that the professor could file a grievance over his nonreappointment. It also conveyed the good news of the professor's immediate reinstatement to his teaching responsibilities.

In its response to the president's letter, the staff welcomed these actions, which, the staff's letter stated, resolved several of the AAUP's key concerns. The staff, however, noted that concerns remained about two additional departures from AAUP-recommended standards, as set forth in the *Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments*. The first was the administration's apparent failure to afford the professor a written statement of the reasons for the nonrenewal. The second was the lack of affordance of adequate notice of nonrenewal, which should have been one year rather than five months. The administration replied that system policies did not permit the provision of written reasons or adequate notice as defined by the AAUP.

However, at the staff's urging, the administration reached a settlement with the faculty member that included provision of a half year's salary and benefits. The administration offered to assist the professor in securing a suitable appointment elsewhere. And the university's provost assured the staff that he would advocate for revision of system policies on nonrenewal of appointment to bring them into close conformance with AAUP-supported standards.



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## Reports on Cases of Late Notice

The Association’s standards for timely notice of nonreappointment exist to provide ample opportunity to untenured members of the academic profession to secure a suitable position at another institution or to seek reconsideration of a negative decision before their existing appointment expires. Since institutional timelines for filling vacancies are tied to the academic calendar, late notice of nonrenewal can prevent a faculty member from securing another suitable position for the following academic year. The Association’s position on timely notice dates back to its founding document, the 1915 *Declaration of Principles on Academic Freedom and Academic Tenure*. The general principle was set forth in the 1940 *Statement of Principles on Academic Freedom and Tenure*, a joint formulation of the AAUP and the Association of American Colleges (now the Association of American Colleges and Universities), which has been endorsed by more than 240 educational and professional organizations. *Standards for Notice of Nonreappointment*, adopted by the Association in 1964, provides that

[n]otice 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.
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.

In order to promote the widespread adoption of these standards, the Association regularly published brief reports on cases of late notice for a period of some twenty years, from the late 1950s to the late 1970s. These reports were summaries of such cases that remained unresolved despite the mediative

efforts of the staff. At the request of Committee A on Academic Freedom and Tenure, that practice was reviewed in 1975. The review determined that “during the 1960–1974 period, eighty-two institutions have been the subject of late notice reports, and nearly half of these have subsequently modified their policies so as to bring them substantially into accord with the standards supported by the Association.” Shortly after the report’s publication, the practice ceased.

The efforts of the Association to promote the provision of timely notice to faculty members who are probationary for tenure have been quite successful, as the almost universal practice of affording a “terminal year” to faculty members who are denied tenure attests. Providing such notice to full-time faculty members on non-tenure-track appointments, a policy that Committee A has explicitly endorsed, is a standard not nearly as widely observed. The purpose of resuming the practice of publishing these brief reports is to help promote the adoption and implementation of these standards at institutions that do not observe them, not only with respect to tenure-track faculty members, but also with respect to faculty members serving on full-time contingent appointments.

On the basis of correspondence, the Association’s staff has determined that the administrations of the institutions listed below failed to provide timely notice to faculty members whose full-time term appointments were not renewed during the past twelve months. This failure should be noted by individuals who may seek an appointment at the institution, and faculty members at the institution are encouraged to advocate the adoption of adequate standards for timely notice for all faculty members.

After being approved by Committee A, the proposed text of each case reported below was sent to the administration of the institution and to the faculty member who sought the Association’s assistance with an invitation for comment and corrections of fact. The reports have been revised for publication in the light of the responses received.

*University of Missouri (Columbia)*. Following the conclusion of the AAUP’s investigation of the dismissal of Professor Melissa Click at the University of Missouri,

an associate teaching professor (a designation used for non-tenure-track faculty members at the institution) informed the AAUP's staff that he had received notice from his department chair in late February 2016 that his appointment would not be renewed beyond the end of the 2015–16 academic year, the faculty member's fifth year of service at the institution. The University of Missouri system's rules and regulations provide for only three months of notice of nonreappointment to non-tenure-track faculty members, regardless of their length of service at the institution.

The staff advised the administration of the serious inadequacy of notice provided and the applicability of *Standards for Notice of Nonreappointment* to non-tenure-track faculty members. In its response, the administration conveyed its disagreement with the AAUP's position that the faculty member was "entitled to more or different notice" and pointed to the relevant institutional regulations for non-tenure-track faculty members.

*Regent University.* A tenure-track faculty member in his third year of service at Regent University was notified on May 15, 2015, of his nonreappointment, effective June 30, 2015. The faculty member's written request to the executive vice president for a terminal year having proved unsuccessful, the professor contacted the Association's staff, who conveyed the Association's concern regarding the severely short notice to the chancellor. The response by the general counsel simply noted that "as a faith-based institution, it is our goal to treat every faculty member fairly" and that the institution strives to follow the terms of the faculty handbook, which states that "the University reserves the right, at its discretion, to not renew [a nontenured faculty member's] contract, at the end of the contract period." ■