

Post-Tenure Review – AAUP Perspective
Elmer A. Hoyer, Ph.D., Chair
AAUP Kansas Conference Committee A
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I want to say at the outset that AAUP is not opposed to the periodic review of faculty having tenure (Post-Tenure Review) if done for proper reasons. AAUP's principles guiding this review are: "Post-tenure review ought to be aimed not at accountability, but at faculty development. Post-tenure review must be developed and carried out by faculty. Post-tenure review must not be a reevaluation of tenure, nor may it be used to shift the burden of proof from an institution's administration (to show cause for dismissal) to the individual faculty member (to show cause why he or she should be retained). Post-tenure review must be conducted according to standards that protect academic freedom and the quality of education."¹ Based on this statement, the three principles that are expected by AAUP when conducting any review of a tenured faculty member are: 1) that the review must be developed and carried out by faculty (shared governance); 2) that due process is accorded the faculty member being reviewed; and 3) that academic freedom is protected. My purpose of writing this statement is to present the views of AAUP regarding the review process of a tenured faculty member.

Academic freedom and tenure are two most central tenets of AAUP. In their 1940 statement on academic freedom and tenure, they start with the following statement: "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."² It goes on to say, "Teachers are entitled to freedom in the classroom in discussing their subject." In another report, AAUP states: "A central dimension of academic freedom and tenure is the exercise of professional judgment in such matters as the selection of research projects, teaching methods and course curricula, and evaluations of student performance."³

This could also become a legal issue if not addressed by the institution. AAUP states a legal precedent on this. "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."⁴ This goes on to state the individual case which brought about this precedent.

Based on AAUP policy, tenure is primarily a protection of academic freedom for the faculty member and a protection from being arbitrarily or capriciously dismissed from their professional position as a faculty member. Having tenure doesn't mean that a faculty member cannot be terminated but it does mean that dismissal must be for cause and that procedures must be followed in this process. AAUP's principles guiding this process are: "When reasons arise to question the fitness of a college or university faculty member who has tenure or whose term of appointment has not expired, the appropriate administrative officers should ordinarily discuss the

¹ "Post-Tenure review: An AAUP Response," AAUP Policy Documents & Reports, Ninth Edition, 2001, page 50.

² "1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments," AAUP Policy Documents & Reports, Ninth Edition, 2001, page 3.

³ "Post Tenure Review: An AAUP Response," AAUP Policy Documents & Reports, Ninth Edition, 2001, page 53.

⁴ "1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments," AAUP Policy Documents & Reports, Ninth Edition, 2001, page 5.

matter with the faculty member in personal conference. The matter may be terminated by mutual consent at this point; but if an adjustment does not result, a standing or ad hoc committee elected by the faculty and charged with the function of rendering confidential advice in such situations should informally inquire into the situation, to effect an adjustment, if possible, and, if none is effected, to determine whether in its view formal proceedings to consider the faculty member's dismissal should be instituted."⁵

AAUP further states in this reference:

"There are at least three reasons why the faculty's voice should be authoritative across the entire range of decision making that bears, whether directly or indirectly, on its responsibilities. For each of these reasons it is also essential that faculty members have the academic freedom to express their professional opinions without fear of reprisal.

"In the first place, this allocation of authority is the most efficient means to the accomplishment of the institution's objectives.

"The second reason issues from the centrality of teaching and research within the array of tasks carried out by an academic institution: teaching and research are the very purpose of an academic institution and the reason why the public values and supports it.

"The third reason is the most important in the present context: allocation of authority to the faculty in the areas of its responsibility is a necessary condition for the protection of academic freedom within the institution."

The common thread in all these statements is that the instructor of record is the professional that decides what is taught, how it is taught, what is required of the student, how it is graded and the standards for the grades. This is not the purview of the student, the department chair, the dean or other administrator or any other faculty member. This is academic freedom.

In the second paragraph of this statement, three principles were stated that are expected by AAUP when a review is conducted of a tenured faculty member. The first statement states that the review must be developed and carried out by faculty. The second statement states that due process is to be accorded the faculty member being reviewed. This includes review by an Affirmative Action Committee or any other committee. The third of these statements states that academic freedom of the faculty member being reviewed is to be protected. Also in this second paragraph it was stated that "Post-tenure review must not be a reevaluation of tenure, nor may it be used to shift the burden of proof from an institution's administration (to show cause for dismissal) to the individual faculty member (to show cause why he or she should be retained)." All of these principles are very important and are often violated by the institution doing the review.

⁵ "1958 Statement of Procedural Standards in Faculty Dismissal Proceedings," AAUP Policy Documents & Reports, Ninth Edition, 2001, page 12.