The Association of Louisiana Faculty Senates and
The Louisiana Statewide Colleagues Collaborative

Umbrella Policy

ACADEMIC FREEDOM AND TENURE

Approved December 2, 2012

(The primary source for this policy statement is the AAUP's Policy Documents and Reports, 10th ed. 2006, commonly known as the Redbook)

The purpose of this statement is to promote understanding and support of academic freedom and tenure, and to seek agreement concerning procedures to ensure them in Louisiana colleges and universities. It suggests ways to support uniformity of policy among these academic institutions.

The common good depends upon the free search for truth and its free exposition. In the words of the U. S. Supreme Court, “Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.” Academic freedom is essential to these purposes and applies to teaching, research and university governance. Freedom in research is “the indispensable condition” (American Academy of Arts and Sciences) for the advancement of knowledge and understanding. Academic freedom is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. The academic freedom of faculty members in addressing issues of institutional governance is a prerequisite for the practice of governance unhampered by
fear of retribution. In its 1915 *Declaration of Principles*, the American Association of University Professors (AAUP) says that, “once appointed, the scholar has professional functions to perform in which the appointing authorities have neither competency nor moral right to intervene. The responsibility of the university teacher is primarily to the public itself and to the judgment of his own profession.” Evaluation of faculty members should protect their freedom to challenge orthodoxies, and be governed only by rigorous professional standards and the value of free and open intellectual inquiry. Tenure, while distinct from academic freedom, is inextricably linked to it. More than a lifetime guarantee for an individual, it too is a distinguishing characteristic that society has granted to certain institutions for the common good. Judges in federal courts are given indefinite tenure to protect them from possible retaliation for their ideas or decisions that might turn out to be unpopular. Even while recognizing that there may be a few laggards or incompetents, it is seen as the price paid for the higher good of having a judicial culture that operates without fear of reprisal. Tenure in the academic world is similar. Recognizing that knowledge, its critical analysis, its creation, and its transmission are crucial to our culture and civilization, and that our universities have become central to these activities, tenure is vested as an integral part of university culture with its spirit of free inquiry. This spirit is a habit of the mind, a way of approaching all questions to get closer to truth and understanding, whether convenient or not to society and governments of the time. Tenure nurtures and sustains a campus culture that values such inquiry, not just tolerates it. You cannot be free when you fear for your job, whether from pressures from outside the academy or even from differing styles and ideological pressures from within academic units themselves. Such habits of critical inquiry are particularly necessary in a profession that analyzes received knowledge critically and generates new knowledge, both activities that may upset the status quo.

Tenure is a means to certain ends; specifically: (1) freedom of teaching, research, and extramural activities, especially in examining ideas that may be unpopular in society or even within the particular subject or discipline, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability, this profession in particular calling for a long period of study and training and continued scholarship to stay current in the field. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

Tenure protects academic freedom by ensuring that faculty can be fired only for causes such as gross professional incompetence or behavior that evokes condemnation from the academic community itself. Tenure is also a property right, designed to protect those academic freedoms concomitant with the duties of the individual faculty members.
**Academic Freedom**

1. Teachers and investigators are entitled to full freedom in research and in the publication of the results.

2. Teachers and investigators are entitled to full freedom in the classroom in discussing their subject.

3. The academic freedom of faculty members includes the freedom to express their views on matters to do with their institution, their governing board and their policies. The faculty’s voice must be authoritative across the entire range of decision making that bears on its “primary responsibilities”, as defined in AAUP’s 1966 Statement on Governance that set out three components: Governing Board, Administration, and Faculty, each with specific responsibility for the ultimate aim of institutional excellence.

4. Academic freedom carries with it duties correlative with rights. Faculty members are generally entitled as citizens to speak in public without fear of institutional discipline but should make clear they are not acting or speaking for the institution.

5. 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 faculty, but also to all others, such as part-time faculty and teaching assistants, who exercise teaching, research or service responsibilities.

**Academic Tenure**

After the expiration of a probationary period, teachers or investigators who have been granted tenure should be terminated only for just cause and with due process or under extraordinary circumstances of bona fide financial exigency.

As per best practices of the AAUP, the following represents required academic procedures:

1. The precise terms and conditions of every appointment shall be stated in writing and be in the possession of both institution and faculty member before the appointment is consummated.

2. The terms and conditions of an offer to an individual should be consistent with the
job announcement for the position. Other precise terms and conditions of the appointment can be negotiated such as years of credit toward tenure.

3. Once tenured, these terms and conditions of employment cannot be changed or altered without mutual consent of both the individual faculty member and the university.

4. Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period shall 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 faculty member 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. Notice must be given at least one year prior to the expiration of the probationary period if the faculty member is not to be continued in service after the expiration of that period. 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 AAUP 1940 Statement on Principles on Academic Freedom and Tenure with respect to the termination of service of faculty after the expiration of a probationary period shall apply from the date when the favorable decision is made.

5. Termination for cause of a tenured appointment, or the dismissal for cause of a faculty member previous to the expiration of a term appointment, must “be restricted to (a) demonstrated incompetence or dishonesty in teaching or research, (b) substantial and manifest neglect of duty, and (c) personal conduct which substantially impairs the individual’s fulfillment of his institutional responsibilities” (1973 AAUP Commission on Academic Tenure in Higher Education). Termination must be considered by both a faculty committee (chosen and/or elected solely by the faculty) and the governing board of the institution. An important principle is that the burden of proving the charges rests on the administration, based on clear and convincing evidence of the faculty member’s record as a whole. In all cases where the facts are in dispute, the accused faculty member must be informed before the hearing in writing of the charges and must have the opportunity to be heard in his or her own defense by all bodies that pass judgment upon the case.

The faculty member must be permitted to be accompanied by an adviser of his or her own choosing who may act as counsel. There must 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 faculty member’s own or from other institutions. 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.

6. Termination of a continuous appointment because of financial exigency must be demonstrably bona fide. Recommended Institutional Regulations (RIR) of the AAUP define exigency as “an imminent financial crisis that threatens the survival of the institution and cannot be alleviated by less drastic means.” Financial exigency can only exist for the university as a whole or the system as a whole. Financial exigency cannot be declared for individual colleges, departments, programs, budget units, or smaller units (e.g. department divisions, majors or individuals). Per RIR, there must be a faculty body that participates in the decision that a condition of financial exigency exists. Given a decision to reduce the academic program, it is the responsibility of the faculty (not the administration) to determine where reductions should be made. The tenured faculty alone are given the responsibility of establishing criteria to determine and recommend which faculty will be terminated with the purpose of avoiding arbitrary cherry picking. Dismissal cannot occur without due process or without explanation. RIR also has good practices on reassignment of faculty members within the institution and on restoration of programs or faculty positions when the crisis alleviates.

7. Application for tenure is the prerogative of the individual faculty member.

Non-Reappointment

Notice of non-reappointment, or of intention not to recommend reappointment to the governing board, must be given in writing in accordance with the following standards recommended by AAUP:

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.