

FACULTY SENATE
JANUARY 21, 1980

The joint recommendations from Dr. Rosenblatt, Dean of the College of Liberal Arts, and the Committee of Eleven concerning student writing, as amended and adopted, are as follow:

- "1. An Intercollegiate Writing Committee (IWC) shall be established at the University of Arizona. Its functions shall include but not be limited to the following:
 - a) monitoring and evaluating the Freshman Composition program of the University;
 - b) identification of writing needs specific to each college within the university;
 - c) identification of those courses in each college where writing could be emphasized;
 - d) reviewing and supporting development of writing standards within each college;
 - e) reporting annually before U/A Faculty Senate on the Freshman Composition program and on each college's commitment to and activity in promoting better writing among majors.

The IWC shall be composed as follows:

- a. the Dean of the College of Liberal Arts, the Head of the Department of English, and the Director of Freshman Composition shall serve ex officio;
- b. a representative from each college, selected by the President from recommendations submitted by the Committee on Committees. Members shall serve three-year terms on a rotating basis.

At their first meeting of each academic year, the IWC members shall elect one member to chair the Committee during the subsequent year.

- "2. The Department of English shall be responsible for the establishment and functioning of the following:
 - a. the Writing Workshop, which shall provide diagnostic and developmental assistance with writing skills on a one-to-one basis to students who seek help and/or are referred for help;
 - b. problem solving workshops on topics related to writing for UA students and faculty;
 - c. active and continuing coordination with Arizona secondary school teachers to establish and to maintain the appropriate level of student writing skills expected at the time of matriculation at the University of Arizona;
 - d. other functions as needed to improve student writing skills, including applying for grants to fund increased services, etc.

- "3. Each undergraduate and transfer student shall take a proficiency-measuring (diagnostic) writing examination between the student's 45th and 75th hour of degree credit. The examination shall be administered by the Department of English. Results of the diagnostic examination shall be sent to the student and to the department head of the student's major field. The mechanism for correction of any deficiencies shall be determined by the major department--including but not limited to self-study and re-taking of the examination, successful completion of an advanced writing course or other relevant writing--related course jointly approved by the student's department and the Intercollegiate Writing Committee, or work under the auspices of the Writing Workshop."

*Sent out to all members of the faculty with
the 1/21/80 Senate minutes*

Academic Freedom and Tenure

1940 Statement of Principles and Interpretive Comments

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 upon a restatement of principles 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.

The 1940 Statement is printed below, followed by Interpretive Comments as developed by representatives of the American Association of University Professors and the Association of American Colleges during 1969.

The following organizations officially endorsed the 1940 Statement in the years indicated.

Association of American Colleges.....	1941	American Society of Journalism School Administrators.....	1967
American Association of University Professors.....	1941	John Dewey Society for the Study of	
American Library Association (adapted for librarians).....	1946	Education and Culture.....	1967
Association of American Law Schools.....	1946	South Atlantic Modern Language Association.....	1967
American Political Science Association.....	1947	American Finance Association.....	1967
American Association of Colleges for Teacher		Catholic Economic Association.....	1967
Education.....	1950	United Chapters of Phi Beta Kappa.....	1968
American Association for Higher Education.....	1950	American Society of Christian Ethics.....	1968
Eastern Psychological Association.....	1950	American Association of Teachers of French.....	1968
Southern Society for Philosophy and Psychology.....	1953	Appalachian Finance Association.....	1968
American Psychological Association.....	1961	Association of Teachers of Chinese Language	
American Historical Association.....	1961	and Culture.....	1968
Modern Language Association of America.....	1961	American Society of Plant Physiologists.....	1968
American Economic Association.....	1962	University Film Association.....	1968
American Farm Economic Association.....	1962	American Dialect Society.....	1968
Midwest Sociological Society.....	1963	American Speech and Hearing Association.....	1968
Organization of American Historians.....	1963	Association of Social and Behavioral Scientists.....	1968
American Philological Association.....	1963	College English Association.....	1968
American Council of Learned Societies.....	1963	National College Physical Education Association	
Speech Association of America.....	1963	for Men.....	1969
American Sociological Association.....	1963	American Real Estate and Urban Economics	
Southern Historical Association.....	1963	Association.....	1969
American Studies Association.....	1963	History of Education Society.....	1969
Association of American Geographers.....	1963	Council for Philosophical Studies.....	1969
Southern Economic Association.....	1963	American Physicists Association.....	1969
Classical Association of the Middle West and South.....	1964	American Musicological Society.....	1969
Southwestern Social Science Association.....	1964	American Association of Teachers of Spanish	
Archaeological Institute of America.....	1964	and Portuguese.....	1969
Southern Management Association.....	1964	Texas Junior College Teachers Association.....	1970
American Educational Theatre Association.....	1964	College Art Association of America.....	1970
South Central Modern Language Association.....	1964	Society of Professors of Education.....	1970
Southwestern Philosophical Society.....	1964	American Anthropological Association.....	1970
Council for the Advancement of Small Colleges.....	1965	Association of Theological Schools.....	1970
Mathematical Association of America.....	1965	American Association of Schools and Departments	
Arizona Academy of Science.....	1965	of Journalism.....	1971
American Risk and Insurance Association.....	1965	American Business Law Association.....	1971
Academy of Management.....	1965	American Council for the Arts in Education.....	1972
American Catholic Historical Association.....	1966	New York State Mathematics Association	
American Catholic Philosophical Association.....	1966	of Two-Year Colleges.....	1972
Association for Education in Journalism.....	1966	College Language Association.....	1973
Western History Association.....	1966	Pennsylvania Historical Association.....	1973
Mountain-Plains Philosophical Conference.....	1966	Massachusetts Regional Community College	
Society of American Archivists.....	1966	Faculty Association.....	1973
Southeastern Psychological Association.....	1966	American Philosophical Association ¹	1974
Southern Speech Association.....	1966	American Classical League.....	1974
American Association for the Advancement of		American Comparative Literature Association.....	1974
Slavic Studies.....	1967	Rocky Mountain Modern Language Association.....	1974
American Mathematical Society.....	1967	Society of Architectural Historians.....	1975
College Theology Society.....	1967	American Statistical Association.....	1975
Council on Social Work Education.....	1967	American Folklore Society.....	1975
American Association of Colleges of Pharmacy.....	1967		
American Academy of Religion.....	1967		
American Catholic Sociological Society.....	1967		

¹ Endorsed by Association's Western Division in 1952, Eastern Division in 1953, and Pacific Division in 1962.

Association of Asian Studies	1975
Linguistic Society of America	1975
African Studies Association	1975
American Institute of Biological Sciences	1975
Conference on British Studies	1975
Texas Association of College Teachers	1976
Society for Spanish and Portuguese Historical Studies	1976

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure 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 teacher² or the institution as a whole. 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. [1]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 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

(a) The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

(b) The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matter which has no relation to his subject. [2] 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. [3]

(c) The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he 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 he is not an institutional spokesman. [4]

¹ The word "teacher" as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.

² Bold-face numbers in brackets refer to Interpretive Comments which follow.

Academic Tenure

(a) 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, [5] the 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 his 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. [6] 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. [7]

(3) During the probationary period a teacher should have the academic freedom that all other members of the faculty have. [8]

(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 against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an adviser of his 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 his 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. [9]

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

1940 Interpretations

At the conference of representatives of the American Association of University Professors and of the Association of American Colleges on November 7-8, 1940, the following interpretations of the 1940 *Statement of Princi-*

ples on *Academic Freedom and Tenure* were agreed upon:

1. That its operation should not be retroactive.
2. That all tenure claims of teachers appointed prior to the endorsement should be determined in accordance with the principles set forth in the 1925 Conference Statement on Academic Freedom and Tenure.
3. If the administration of a college or university feels that a teacher has not observed the admonitions of Paragraph (c) of the section on *Academic Freedom* and believes that the extramural utterances of the teacher

have been such as to raise grave doubts concerning his fitness for his position, it may proceed to file charges under Paragraph (a) (4) of the section on *Academic Tenure*. In pressing such charges the administration should remember that teachers are citizens and should be 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.

1970 Interpretive Comments

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 Statement in terms of the experience gained in implementing and applying the Statement for over thirty years and of adapting it to current needs.

The Committee submitted to the two Associations for their consideration the following "Interpretive Comments." These interpretations were approved by the Council of the American Association of University Professors in April, 1970, and endorsed by the Fifty-sixth Annual Meeting as Association policy.

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 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 U.S. 589 (1967), "Our Nation is deeply com-

mitted 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."

The numbers refer to the designated portion of the 1940 Statement on which interpretive comment is made.

1. 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 the professor in his utterances as a citizen, in the exercise of his responsibilities to the institution and students, and in his conduct when resigning from his institution or when undertaking government-sponsored research. Of particular relevance is the *Statement on Professional Ethics*, adopted by the Fifty-second Annual Meeting of the AAUP as Association policy and published in the *AAUP Bulletin* (Autumn, 1966, pp. 290-291).

2. 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 the teacher to avoid persistently intruding material which has no relation to his subject.

3. 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.

4. This paragraph is the subject of an Interpretation adopted by the sponsors of the 1940 Statement immediately following its endorsement which reads as follows:

If the administration of a college or university feels that a teacher has not observed the admonitions of Paragraph (c) of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning his fitness for his position, it may proceed to file charges under Paragraph (a) (4) of the section on Academic Tenure. In pressing such charges the administration should remember that teachers are citizens and should be 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 (c) of the 1940 Statement should also be

interpreted in keeping with the 1964 "*Committee A Statement on Extramural Utterances*" (*AAUP Bulletin*, Spring, 1965, p. 29) 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 position. Extramural utterances rarely bear upon the faculty member's fitness for his position. Moreover, a final decision should take into account the faculty member's entire record as a teacher and scholar."

Paragraph V of the *Statement on Professional Ethics* also deals with the nature of the "special obligations" of the teacher. The paragraph reads as follows:

As a member of his community, the professor has the rights and obligations of any citizen. He measures the urgency of these obligations in the light of his responsibilities to his subject, to his students, to his profession, and to his institution. When he speaks or acts as a private person he avoids creating the impression that he speaks or acts for his college or university. As a citizen engaged in a profession that depends upon freedom for its health and integrity, the professor has 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 as well as to the tenured teacher, but also to all others, such as part-time and teaching assistants, who exercise teaching responsibilities.

5. 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 his specific title.*

6. In calling for an agreement "in writing" on the amount of credit 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 his 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.

7. 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 services 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 Univer-

sity Professors (1964). 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.

(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 individuals, are described in the *Statement on Recruitment and Resignation of Faculty Members*, as endorsed by the Association of American Colleges and the American Association of University Professors in 1961.

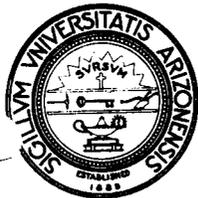
8. The freedom of probationary teachers is enhanced by the establishment of a regular procedure for the periodic evaluation and assessment of the teacher's academic performance during his probationary status. Provision should be made for regularized procedures for the consideration of complaints by probationary 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*, prepared by the American Association of University Professors.

9. 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*, jointly approved by the 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 1958 Statement provides: "Suspension of the faculty member during the proceedings involving him is justified only if immediate harm to himself or others is threatened by his 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.

*For a discussion of this question, see the "Report of the Special Committee on Academic Personnel Ineligible for Tenure," *AAUP Bulletin*, Autumn, 1966, pp. 280-282.



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January 14, 1980

MEMO: To the General Faculty

FROM: Oliver F. Sigworth, Chairman of the Faculty
Donald E. Myers, (Chairman of the Faculty 1977-79)
Cornelius Steelink (Chairman of the Faculty 1974-77)

We have studied the document entitled "Conditions of Faculty Service," recently distributed to you, in the light of our combined experience with faculty concerns. We find the document an improvement over the "Eighth Draft" distributed to the faculty last Spring, but we also find it seriously deficient in the following respects:

- 1) The role of the faculties of the three institutions in general faculty governance is nowhere explicitly provided for, though the principle is affirmed in the Preamble.
- 2) The document does not specify any maximum probationary period for untenured faculty.
- 3) There is inadequate provision for faculty consultation in the case of reduction or elimination of programs owing to financial emergency.
- 4) The hearing procedures in the case of dismissal of a tenured faculty member are in some respects deficient.
- 5) There is no acknowledgment that the Arizona universities are ultimately a part of a larger national and even international university community which, over the years, has developed criteria relating to academic freedom and due process.

1. Sec. XI IMPLEMENTATION on p. 14 should be replaced by the following:

The President and faculty of each of the three institutions shall develop procedures consistent with these Conditions of Service, and embody these procedures in a constitution and by-laws.

2. The principle of a limit to the length of the probationary period for untenured faculty is well established and has been recognized by the courts, yet this document would allow, even encourage, an unlimited probationary period. This appears to us a step backward and unworthy of a prestigious university. We therefore propose that on p. 4 another section be added to VII.B:

A maximum probationary period of not more than seven years shall be established by each university, the final year of which shall be considered terminal unless a recommendation for tenure is approved before or during the penultimate year.

3. In Section IX, REMOVAL OF FACULTY FOR BUDGETARY REASONS OR FOR EDUCATION POLICY, there is no provision for consultation with any faculty representatives after a President decides a financial emergency exists. It would seem to be most crucial that under IX.J, p. 9, such provision be made. We therefore recommend that a majority of the "financial emergency committee" which might be convened under the section consist of faculty members elected by an appropriate faculty body, and that the report of this financial emergency committee be referred to the faculty senate or faculty of the university.
4. In that it may involve violations of the basic principles of academic freedom, dismissal for cause of a tenured faculty member is potentially so serious a matter that there should be no possibility that an injustice could go unchallenged. We therefore recommend:

--that X.C.2, p. 11, be emended by adding the sentence

Notice shall also be sent to the Committee on Academic Freedom and Tenure.

--and that X.C.3, p. 11, be replaced by the following:

The Committee on Academic Freedom and Tenure shall conduct a hearing unless the faculty member requests otherwise. The hearing shall be open unless the faculty member requests otherwise.

5. It is strange that although the Regents permit each university to be governed in the area of intercollegiate athletics by the rules and policies of the NCAA, the Pac-10, the WAC, etc. this document setting the conditions of academic service at no place acknowledges the national standards for these policies, namely the 1940 Statement of Principles formulated by the AAUP and the Association of American Colleges and accepted by over eighty scholarly and scientific societies. Our own Faculty Manual, Section 8.18, makes a portion of this statement a standard on our own campus. We therefore recommend that the last sentence of the first paragraph under GENERAL, p. 1, be replaced by:

The Arizona Board of Regents affirms the 1940 Statement of Principles of Academic Freedom and Tenure as prepared jointly by the American Association of Colleges and the American Association of University Professors.

In order that a university be great it must have a strong faculty and the faculty must participate as a body and by its elected representatives in its own governance and in decisions affecting its governance. We have at the University of Arizona a well established tradition of such faculty participation. Chapter VIII of our Faculty Manual, establishing procedures determining how promotion and tenure decisions are made and the form of faculty participation in those decisions, was adopted and later modified by the Faculty Senate after open debate. Likewise, the Faculty Constitution and By-Laws were first adopted by the Faculty Senate and later by the General Faculty. The document before us, however, makes no provision for such faculty participation. It should be subject to a faculty vote at each institution prior to action upon it by the Regents. We therefore will urge that the Faculty Senate communicate to the Regents a recommendation that the document be formally submitted to the faculties of the three universities for their approval.