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# 1940 Statement of Principles on Academic Freedom and Tenure

## with 1970 Interpretive Comments

In 1915 the Committee on Academic Freedom and Academic Tenure of the American Association of University Professors formulated a statement of principles on academic freedom and tenure. The statement formulated at this conference, known as the 1925 Conference Statement on Academic Freedom and Tenure, was endorsed by the Association of American Colleges (now the Association of American Colleges and Universities) in 1925 and by the American Association of University Professors in 1926.

In 1940, following a series of joint conferences begun in 1934, representa

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The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to ensure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole.<sup>2</sup> 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.<sup>3</sup>

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

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Colleges. These comments represent the attempt of the two associations, as the original sponsors of the 1940 •StatementŽ to formulate the most important of these re nements. Their incorporation here as Interpretive Comments is based upon the premise that the 1940 •StatementŽ 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 re ecting a growing insistence by the courts on due process within the academic community which parallels the essential concepts of the 1940 •StatementŽ; particularly relevant is the identi cation by the Supreme Court of academic freedom as a right protected by the First Amendment. As the Supreme Court said in *Keyishian v. Board of Regents*, 385 US 589 (1967), •Our Nation is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore(e)-9.3 (d(ac))-25.(t)-16.29-26 (n)-28 (n)-28.4 (it)-16.7 ( Nat).4 (at f)-27.3 (r)-15.3 19.4 (e(or)-1(7)(n)-

## Academic Tenure

After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

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

1. The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.
2. Beginning with appointment to the rank of full-time instructor or a higher rank,<sup>7</sup> 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 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.<sup>8</sup> 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.<sup>9</sup>

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

Paragraph 3 of the section on Academic Freedom in the 1940 •StatementŽ should also be interpreted in keeping with the 1964 •Committee A Statement on Extramural Utterances,Ž Policy Documents and Report§1, which states inter alia: •The controlling principle is that a faculty member's expression of opinion as a citizen cannot constitute grounds for dismissal unless it clearly demonstrates the faculty member's unfitness for his or her position. Extramural utterances rarely bear upon the faculty member's fitness for the position. Moreover, a decision should take into account the faculty member's entire record as a teacher and scholar.Ž

Paragraph 5 of the •Statement on Professional Ethics,Ž Policy Documents and Report§46, also addresses the nature of the •special obligationsŽ of the teacher:

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

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

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

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Personnel Ineligible for Tenure,Ž AUP Bulletin 52 (September 1966): 280...82.]

8. Sixth 1970 comment: In calling for an agreement •in writingŽ on the amount of credit given for a faculty member's prior service at other institutions, the •StatementŽ furthers the general policy of full understanding by the professor of the terms and conditions of the appointment. It does not necessarily follow that a professor's tenure rights have been violated because of the absence of a written agreement on this matter. Nonetheless, especially because of the variation in permissible institutional practices, a written understanding concerning these matters at the time of appointment is particularly appropriate and advantageous to both the individual and the institution. [For a more detailed statement on this question, see •On Crediting Prior Service Elsewhere as Part of the Probationary Period,Ž Policy Documents and Report§67...68.]

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

The general principle of notice contained in this paragraph is developed with greater specificity in the

3. During the probationary period a teacher should have the academic freedom that all other members of the faculty have<sup>10</sup>.
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 made by the faculty.

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North Central Sociological Association.....	1980
Dante Society of America.....	1980
Association for Communication Administration.....	1981
National Communication Association.....	1981
American Association of Physics Teachers.....	1982
Middle East Studies Association.....	1982
National Education Association.....	1985
American Institute of Chemists.....	1985
American Association of Teachers of German.....	1985
American Association of Teachers of Italian.....	1985
American Association for Applied Linguistics.....	1986
American Association for Cancer Education.....	1986
American Society of Church History.....	1986
Oral History Association.....	1987
Society for French Historical Studies.....	1987
History of Science Society.....	1987
American Association of Pharmaceutical Scientists.....	1988
American Association for Clinical Chemistry.....	1988
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American Physiological Society.....	2006	Chinese Language Teachers Association..	2014
National Women's Studies Association.....	2006	Coordinating Council for Women	
National Coalition for History .....	2006	in History .....	2014
Society for Military History .....	2006	Ecological Society of America.....	2014
Society for Industrial and Applied		Institute for American Religious and	
Mathematics .....	2006	Philosophical Thought.....	2014
Association for Research on Ethnicity and		Italian American Studies Association.....	2014
Nationalism in the Americas.....	2006	Midwestern Psychological Association.....	2014
Society of Dance History Scholars.....	2006	Modern Greek Studies Association.....	2014
Association of Literary Scholars, Critics,		National Association of Professors	
and Writers.....	2006	of Hebrew.....	2014
National Council on Public History.....	2006	National Council of Less Commonly	
College Forum of the National Council of		Taught Languages.....	2014
Teachers of English.....	2006	Population Association of America.....	2014
Society for Music Theory.....	2006	Society for Italian Historical Studies.....	2014
Society for Historians of American		Society for Psychophysiological Research.....	2014
Foreign Relations.....	2006	Society for Romanian Studies.....	2014
Law and Society Association.....	2006	Society for Textual Scholarship.....	2014
Society for Applied Anthropology.....	2006	Society for the History of Children and	
American Society of Plant Taxonomists.....	2006	Youth .....	2014
Society for the History of Technology.....	2006	Society for the Psychological Study	
German Studies Association.....	2006	of Social Issues.....	2014
Association of College and Research		Society for the Study of the Multi-Ethnic	
Libraries .....	2007	Literature of the United States.....	2014
Czechoslovak Studies Association.....	2007	Society of Civil War Historians.....	2014
American Educational Studies Association.....	2007	Society of Mathematical Psychology.....	2014
Southeastern Women's Studies Association.....	2009	Sociologists for Women in Society.....	2014
American Academy for Jewish Research.....	2014	Urban History Association.....	2014
American Association for Ukrainian		World History Association.....	2014
Studies.....	2014	American Educational Research	
American Association of Italian Studies.....	2014	Association.....	2014
American Theatre and Drama Society.....	2014	Labor and Working-Class History	
Central European History Society .....	2014	Association.....	2014
Central States Communication Association.....	2014	Paleontological Society .....	2014