



August 6, 2021

VIA ELECTRONIC MAIL

Executive Council
AAUP Chapter
Truman State University
100 East Normal Avenue
Kirksville, Missouri 63501

Dear members of the Executive Council:

You have asked the American Association of University Professors to advise you regarding Association-supported procedural standards governing the renewal and nonrenewal of nontenured faculty appointments.

Those standards are derived from the enclosed 1940 *Statement of Principles on Academic Freedom and Tenure*, jointly formulated by the AAUP and the American Association of Colleges and Universities and endorsed by more than 250 scholarly societies and higher-education organizations. We are pleased to note that the Truman State University board of governors, in [section 6.010](#) of its Code of Policies, “affirm[s] its belief in sound principles of academic freedom and academic tenure” set out in the 1940 *Statement*.

According to the AAUP’s *Standards for Notice of Reappointment*, the *Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments*, and Regulations 2 and 10 of the *Recommended Institutional Regulations on Academic Freedom and Tenure*, all three of which are enclosed for your convenience, any full-time¹ faculty member whose appointment is not renewed should be afforded the following.

1. ***Timely notice.*** As the *Standards for Notice* observes, such notice is essential “in order that the faculty member may seek a position at another college or

¹ AAUP-supported standards do not distinguish between tenure-track and non-tenure-track full-time appointments. Standards concerning nonrenewal of faculty members with part-time appointments are set out in Regulation 13 of the enclosed *Recommended Institutional Recommendations on Academic Freedom and Tenure*.

university” since “failure to secure another position for the ensuing academic year will deny the faculty member the opportunity to continue in the profession.”

Accordingly, the AAUP recommends the following schedule for notice of nonrenewal:

- No 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.
- 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.
- At least twelve months before the expiration of an appointment after two or more years.

2. *Written reasons.* Faculty members whose appointments are not renewed should be so notified in writing, and, upon request, the decision-maker should provide the affected faculty member a written statement of the reasons for nonrenewal. Regulation 2e–f of the *Recommended Institutional Regulations* provides: “When a decision not to renew an appointment has been reached, . . . the faculty member will be advised upon request of the reasons which contributed to that decision. . . . If the faculty member so requests, the reasons given in explanation of the nonrenewal will be confirmed in writing.” Cf. recommendation 4 in the *Statement on Procedural Standards*. Almost fifty years ago, famed constitutional scholar Professor William Van Alstyne sketched out an argument for providing written reasons in the enclosed “Furnishing Reasons for a Decision against Reappointment: Legal Considerations.”

3. *Opportunity for Faculty Review.* Faculty members whose appointments are not renewed should have the opportunity to petition an elected faculty committee to review the decision if they allege it involved improper discrimination, a violation of their academic freedom, or inadequate consideration. In cases where the faculty member alleges improper discrimination or violation of academic freedom, the committee may recommend a formal hearing at which the burden of proving the allegations rests with the

faculty member (see Regulation 10 of the *Recommended Institutional Regulations* and recommendation 5 of the *Statement on Procedural Standards*).

In cases of inadequate consideration, the committee may recommend that the original decision-maker remedy prior inadequacies and reconsider the decision (see Regulation 2g of the *Recommended Institutional Regulations* and recommendation 6 of the *Statement on Procedural Standards*).

As the *Statement on Procedural Standards* emphasizes with regard to both types of review,

The best safeguard against a proliferation of grievance petitions on a given campus is the observance of sound principles and procedures of academic freedom and tenure and of institutional government. Observance of the procedures recommended in this statement—procedures that would provide guidance to nontenured faculty members, help assure them of a fair professional evaluation, and enlighten them concerning the reasons contributing to key decisions of their colleagues—should contribute to the achievement of harmonious faculty relationships and the development of well qualified faculties.

Nevertheless, even with best practices and procedures in place, the statement continues,

faculty members will at times think that they have been improperly or unjustly treated and may wish another faculty group to review a decision of the faculty body immediately involved. 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. The possibility of a violation of academic freedom or of improper discrimination is of vital concern to the institution as a whole, and where either is alleged it is of cardinal importance to the faculty and the administration to determine whether substantial grounds for the allegation exist. The institution should also be concerned to see that decisions respecting reappointment are based upon adequate consideration, and provision should thus be made for a review of allegations by affected faculty members that the consideration has been inadequate.

Truman State University AAUP Chapter

August 6, 2021

Page 4

In closing, let me emphasize that these procedural standards, first formulated fifty years ago for the purpose of protecting the academic freedom of untenured full-time faculty members, have been widely adopted, especially among the most reputable colleges and universities.

I hope that this letter and the enclosures are useful to your chapter as you work to ensure that Truman State University's institutional regulations comport with these AAUP-supported standards.

Please feel free to contact our department with any further questions or concerns. We also encourage any Truman State University faculty members who believe their nonrenewals were effected without regard for these standards to inform the AAUP.

Sincerely,



Mark Criley

Senior Program Officer

Department of Academic Freedom, Tenure, and Governance

Enclosures by email attachment