

1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comment

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 (now the Association of American Colleges and Universities) 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 in 1969. The governing bodies of the two associations, meeting respectively in November 1989 and January 1990,

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 they are not

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 Comment

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 adopted 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 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 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 professors in their utterances as citizens, in the exercise of their responsibilities to the institution and to stu-

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 3 of the section on Academic Freedom and believes that the extramural utterances of the teacher have been such as to raise grave doubts concerning the teacher's fitness for his or her position, it may proceed to file charges under paragraph 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 3 of the section on Academic Freedom in the 1940 *Statement* should also be interpreted in keeping with the 1964 *Committee A Statement on Extramural Utterances*, 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 final decision should take into account the faculty member's entire record as a teacher and scholar."

Paragraph 5 of the

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 University 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.

American Psychological Association	1961
American Historical Association	1961
Modern Language Association of America	1962
American Economic Association	1962
American Agricultural Economics Association	1962
Midwest Sociological Society	1963
Organization of American Historians	1963
American Philological Association	1963
American Council of Learned Societies	1963
Speech Communication Association	1963
American Sociological Association	1963
Southern Historical Association	1963
American Studies Association	1963
Association of American Geographers	1963
Southern Economic Association	1963
Classical Association of the Middle West and South	1964
Southwestern Social Science Association	1964
Archaeological Institute of America	1964
Southern Management Association	1964
American Theatre Association	1964
South Central Modern Language Association	1964
Southwestern Philosophical Society	1964
Council of Independent Colleges	1965
Mathematical Association of America	1965
Arizona-Nevada Academy of Science	1965
American Risk and Insurance Association	1965
Academy of Management	1965
American Catholic Historical Association	1966
American Catholic Philosophical Association	1966
Association for Education in Journalism and Mass Communication	1966
Western History Association	1966
Mountain-Plains Philosophical Conference	1966
Society of American Archivists	1966
Southeastern Psychological Association	1966
Southern Speech Communication Association	1966
American Association for the Advancement of Slavic Studies	1967
American Mathematical Society	1967
College Theology Society	1967
Council on Social Work Education	1967
American Association of Colleges of Pharmacy	1967
American Academy of Religion	1967
Association for the Sociology of Religion	1967
American Society of Journalism School Administrators	1967
John Dewey Society	1967
South Atlantic Modern Language Association	1967
American Finance Association	1967
Association for Social Economics	1967
Phi Beta Kappa Society	1968
American Society of Christian Ethics	1968
American Association of Teachers of French	1968
Eastern Finance Association	1968
American Association for Chinese Studies	1968
American Society of Plant Physiologists	1968
University Film and Video Association	1968
American Dialect Society	1968

American Speech-Language-Hearing Association	1968
Association of Social and Behavioral Scientists	1968
College English Association	1968
National College Physical Education Association for Men	1969
American Real Estate and Urban Economics Association	1969
History of Education Society	1969
Council for Philosophical Studies	1969
American Musicological Society	1969
American Association of Teachers of Spanish and Portuguese	1969
Texas Community College Teachers Association	1970
College Art Association of America	1970
Society of Professors of Education	1970
American Anthropological Association	1970
Association of Theological Schools	1970
Association of Schools of Journalism and Mass Communication	1971
American Business Law Association	1971
American Council for the Arts	1972
New York State Mathematics Association of Two-Year Colleges	1972
College Language Association	1973
Pennsylvania Historical Association	1973
Massachusetts Regional Community College Faculty Association	1973
American Philosophical Association ⁵	1974
American Classical League	1974
American Comparative Literature Association	1974
Rocky Mountain Modern Language Association	1974
Society of Architectural Historians	1975
American Statistical Association	1975
American Folklore Society	1975
Association for Asian Studies	1975
Linguistic Society of America	1975
African Studies Association	1975
American Institute of Biological Sciences	1975
North American Conference on British Studies	1975

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 of Teachers of Slavic and East European Languages	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
Council for Chemical Research	1988
Association for the Study of Higher Education	1988
Association for Psychological Science	1989
University and College Labor Education Association.....	1989
Society for Neuroscience.....	1989
Renaissance Society of America.....	1989
Society of Biblical Literature	1989
National Science Teachers Association.....	1989
Medieval Academy of America.....	1990
American Society of Agronomy	1990
Crop Science Society of America.....	1990
Soil Science Society of America.....	1990
International Society of Prosthetologists.....	1990
Society for Ethnomusicology.....	1990
American Association of Physicists in Medicine	1990

Association for Canadian Studies in the United States	1999
American Association for the History of Medicine	2000
Missouri Association of Faculty Senates	2000
Association for Symbolic Logic	2000
American Society of Criminology	2001
New England Historical Association	2001
American Jewish Historical Society	2001
Group for the Use of Psychology in History	2001
Society for the Scientific Study of Religion	2001
Society for German-American Studies	2001
Society for Historians of the Gilded Age and Progressive Era	2001
Eastern Sociological Society	2001
Chinese Historians in the United States	2001
Community College Humanities Association	2002
Immigration and Ethnic History Society	2002
Agricultural History Society	2004
National Council for Accreditation of Teacher Education	2005
American Council on the Teaching of Foreign Languages	2005
Society for the Study of Social Biology	2005
Association of Black Sociologists	2005
Society for the Study of Social Problems	2005
Dictionary Society of North America	2005
Society for Buddhist-Christian Studies	2005
National Women's Studies Association	2006
National Coalition for History	2006
Society for Armenian Studies	2006
Society for the Advancement of Scandinavian Study	2006
American Physiological Society	2006
College Forum of the National Council of Teachers of English	2006
Society for Military History	2006
Society for Industrial and Applied Mathematics	2006
Association for Research on Ethnicity and Nationalism in the Americas	2006
Society of Dance History Scholars	2006
Association of Literary Scholars and Critics	2006
Society for Applied Anthropology	2006
Society for Music Theory	2006
Society for Historians of American Foreign Relations	2006
American Society of Plant Taxonomists	2006
Law and Society Association	2006