ACADEMIC FREEDOM AND TENURE

Report To The
Association of American Colleges

1939
THE document* before us does not propose to launch this Association upon a new policy. In January, 1925, the Association of American Colleges adopted a statement on academic freedom and tenure which was also adopted by the American Association of University Professors, the Association of American Universities, the American Council on Education, and at least five other associations. That action, by this body, has never been rescinded. The suggestion now before us is to endorse a new statement as a substitute for the old.

It is clear that the statement of 1925 becomes the point of reference for all our discussion. It proved to be an exceedingly useful document, and pioneered in a field of great importance. Like all human enterprises it had certain defects, and because of those shortcomings a new document is now presented.

In the first place, the statement of 1925 was designed for adoption by boards of trustees, to be spread upon their minutes as a binding program of rules governing their future actions. However, in the intervening fourteen years that hope has been almost entirely defeated. Only six or seven boards of trustees in the entire United States adopted the statement. Many presidents hesitated to submit it for adoption at all, and when submitted one board after another declined to adopt it because the document, cast in the form of mandatory rules, was regarded as transgressing charter rights which, as trustees, they were bound to maintain. Many who approved the spirit of the proposal felt that its form made adoption impossible. There was a second shortcoming, closely allied to the first: statements of principle and procedural provisions were given equal weight. Experience has inevitably established that any such equality of emphasis and authority is unwise and impracticable. In the third place, it was largely negative in tone; instead of making its affirmations positively, its principal mandates were cast in the temper of prohibitions. Finally, the old statement, with its references to treason and other matters, bears the stigmata of the twenties, rather than the marks of current issues.

* See pages 179 et seq.
These several defects the new document seeks to efface. It is not stated as a group of rules; it invites approval rather than adoption; it cannot be thought to run counter to charter rights. It is an educational document, and, as such, is designed to be influential, but it is not a code to be "enforced." Boards of Trustees may well endorse it as an expression of their policy. Principles are stated with clarity, and preferred procedure is described, but procedure is no longer in a position of parity with principle. Procedure is not fixed and rigid, but may vary from college to college; rights are the same in every institution unless they are specifically limited in individual cases. One other feature represents a fresh step in advance. For practical reasons to be discussed at a later point in this report, tenure is dissociated from rank. The general tone is positive rather than negative. It looks to the current situation; doubtless ten or fifteen years from now it will have to be revised.

The new document has not been slapped together. It is the result of many meetings, and much reflection, during the last three years. Discussions were carried on with great freedom and candor, and with consequent vigor in difference of opinion. There has never been a meeting when we did not think we might have to adjourn and throw up the task. This suggests the need to forego individualistic points of view with reference to each word and phrase within the document. A personal letter from the president of the American Association of University Professors contained the following remark, "There is no document written by a group as large as ours with as many diverse opinions where every sentence would be just what each person would write. . . . On the whole I feel it is a document we can all be happy to have had a part in framing." There are many things within this statement that I personally should like to have seen put differently. If my views had prevailed, they would have been different. But it seemed to all eminently important that we find some common denominator, therefore each one yielded his personal preferences to achieve that end. I must ask you, as you read this statement, to do the same.

The motion that I shall make at the close of my report is that this body "endorse" the statement, not "adopt" it, because this is not a treaty with the American Association of University Pro-
fessors. It does not represent any "agreement" between this organization and that one. It is, if I may borrow Mr. Hull's apt phrase, a "parallel" endorsement of a common statement. It is true that it was framed by our Commission on Academic Freedom and Tenure and a committee of their association. It seemed better that two relatively stable bodies should engage in the necessary discussions, but when they were concluded, the result was not an "agreement" between these two organizations and it will not become so. That fully accounts for the fact that within this statement there is no stipulation of obligation toward that association on our part and none toward this one on their part. The document is to be presented not only to these two organizations for endorsement but also to other educational groups for their endorsement; therefore, any stipulation with reference to the obligation of one association to another is wholly irrelevant. The cooperation between the two associations is rightly based on an informal and largely unwritten understanding between their committee and our commission. It is not affected in any way, shape, or manner by this statement. That mutual understanding may continue or it may be dropped at any time—without reference to this statement, or that of 1925.

Will you now read this document with me. I shall interrupt the reading frequently for comment, in order that the brief statement may be as clear as possible.

"The purpose of this statement is to promote public understanding and support of academic freedom and tenure..." That phrase did not appear in 1925. It is designed to explain our fundamental purpose, and I do not need to insist that it is vital.

The first sentence concludes: "and agreement upon procedures to assure them in colleges and universities." "Agreement" in this context does not mean a contract but a meeting of minds; the word "agreement" is not to be taken in the sense of a treaty. It denotes a common point of view.

"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." This also is a new statement and one of great significance. It is most important that we should not be defensive about our institutions. Again and
again we make defensive gestures, but actually the American colleges do not need to make any defensive gestures, and a statement which disdains any such attitude is refreshing. This statement also brings the individual teacher into his right perspective by pointing out that academic freedom is not for his personal benefit but for the common good.

"The common good depends upon the free search for truth and its free exposition." Certainly, the experience of Russia and Germany and many other nations makes that assertion pertinent.

"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." This likewise is new. The first part, of course, represents an old tenet of belief with all of us. The last phrase is a genuine contribution to thought on this subject, and has never before appeared in such a document. It ties in with the emphasis upon the common good; it reminds us once again that this is not a protection for the teacher as an individual, but only for the teacher as such—the teacher in his teaching, and the student in his study.

"It carries with it duties correlative with rights." This is new and clear and absolutely fundamental. Again the common good is set over against the individual teacher—over against personal tastes and predilections.

"Tenure is a means to certain ends; specifically: (1) Freedom of teaching and research and of extra-mural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Upon freedom and economic security, and hence upon tenure, depends the success of an institution in fulfilling its obligations to its students and to society." There is a statement of the philosophy of tenure. Tenure is not an end in itself. It is an instrument to achieve those things to which this association has long been committed—freedom in teaching, in research, in extra-mural activities, and the recruitment of high-grade people for our teaching staffs.

This concludes the preamble. I think you will see that it represents an advance. The entire matter is brought into its
right perspective in a public document in the form of a statement of the philosophic bases of both freedom and tenure. Both serve the rights of the student and the common good.

After the preamble occurs the section upon academic freedom, "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." The first clause covers precisely what was said in 1925, though it states it with more brevity. The second clause, about pecuniary return, is new. It is extremely important because it clarifies the moral status of research for pecuniary return, and it will be even more important since business is continually becoming more conscious of the industrial usefulness of academic research.

"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." This again was in the statement of 1925. The language has been changed somewhat in the interest of greater clearness. The introduction of irrelevant controversial matter is explicitly recognized as a violation of academic freedom.

"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." The substance of this declaration appeared in the 1925 statement. It is important because there are institutions in the United States which have definite aims that do limit the freedom of the individual teacher. This demands that those limitations should be absolutely explicit and fully understood at the time the appointment is made.

"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,
A similar paragraph appeared in the statement of 1925; namely, "the teacher in speaking and writing outside of the institution upon subjects beyond the scope of his own field of study is entitled to precisely the same freedom and is subject to the same responsibility as attach to all other citizens." The new statement is an improvement because it recognizes the tri-partite relationship—first, as a citizen; second, as a member of a learned profession; and third, as an educational officer. It also acknowledges some special obligations attaching to a member of a college faculty which result in new and very significant limitations. Furthermore, the explicit restrictions are enumerated. This is the first time that a definite and unequivocal recognition of special obligations on the part of the teacher as a citizen has appeared in any such statement.

The last sentence of that paragraph many of you will regard as of critical importance: "The judgment of what constitutes fulfillment of these obligations should rest with the individual." The 1925 statement was different, and I ask particular attention to it: "If the extra-mural utterances of a teacher should be such as to raise grave doubts concerning his fitness for his position, the question should in all cases be submitted to an appropriate committee of the faculty of which he is a member."

So far as I know, not a single institution has utilized that procedure during my chairmanship, and the previous chairman reports that it was not used while he was in office. The question arose whether the procedure outlined had ever been employed. I asked the American Association of University Professors to search its files, and received a letter stating that, so far as that office is aware, "no case has ever been referred to a faculty committee pursuant to the above quoted section." If this procedure has never been used in fourteen years, it obviously is meaningless.

I am ready to go much beyond this and to say that the old provision was probably bad in principle. That change of view is reflected in the assertion that when he acts as a citizen the teacher should be "free from institutional censorship or discipline." Those who framed this statement could see nowhere...
that the judgment on extra-mural activities can rest save with
the individual. Obviously it is not safe if reposed there; free-
dom is never safe, but it is more nearly safe with the individual
teacher than if lodged anywhere else. Any presumed "offence"
will usually be a matter of opinion and judgment, not of fact.
The question will be one of degree, and sharp lines are impos-
sible. Some concrete examples will illustrate the point. A pro-
fessor of music was secretary of the local Townsend Club. The
economics of Townsendism seemed to me, to all my trustees,
and to the rest of the faculty all wrong. The activities of this
professor as secretary of the club were annoying, but it fell
within his right as a citizen. There were many other members
of the Townsend Club including doctors and lawyers. In the
late nineties a distinguished professor of economics believed in
the free silver heresy. He was displaced. I suppose no one,
either on the faculty or the board of trustees of his institution,
believes in the free silver heresy, but likewise, no one in that
entire constituency now thinks it was wise to interfere with his
activities as a citizen. At a public dinner the other evening, I
sat beside a very distinguished scholar. He is one of the leaders
in his field in the United States, and he was denouncing Presi-
dent Roosevelt because, he said, the President was "propping
up the decayed capitalistic system." Most of his colleagues on
the faculty would not agree with that. It was just his opinion
as a citizen. I could go on and give many illustrations that have
come up in connection with the work of this commission.

It may be asserted that in the expression of unpopular opin-
ions teachers have the protection of their institutions if the point
of view embodied in this statement is approved. Insofar, it may
be argued, they will occupy a position of privilege and possess
greater freedom than other citizens. Let us explore that argument
for a moment. Suppose a lawyer espouses some unpopular cause.
Part of his clients will leave him, but under the laws of chance,
not all will. Most of them are concerned with his skill as a
lawyer, and they will not make a change. Others will come to
him because they like his views. Similarly, a doctor may make
a tactless remark, but most people go to a doctor for physical
care, not for politics; if he is skillful, his practice will not suffer
greatly. With regard to preachers, Father Coughlin offers a
good illustration. As a preacher he is subject to discipline, but
as a citizen he is free to go on in spite of the obvious embarrassment he causes. Though his views and mine seldom are within gunshot of agreement, I am glad he is free to go on. A foreman in a factory goes out to make a political speech. Any reasonable employer regards that as his right and his views are wholly irrelevant so long as he discharges his duties in the factory efficiently. It is extremely important to remember that while a teacher appears to have greater freedom because he moves behind the ramparts of his institution, he is also more vulnerable because a board of trustees can deprive him of his position. When that happens he loses his whole professional status at one blow and often under circumstances that make his appointment elsewhere extremely difficult. His position of peculiar freedom is more than overbalanced at present by his position of peculiar vulnerability.

I believe very sincerely that it is better for the administrative officer and better for the institution as a whole if we are in a position to say that when the teacher is acting as a citizen he does not represent us or our institutions. As long as we assume any responsibility, through committees or otherwise, for disciplining him for extra-mural utterances, we cannot honestly make that assertion. But if he alone is responsible, we are free from all kinds of political and other outside pressure. If some committee or an administrative officer deals with him in connection with his actions as a citizen, we implicitly assert what we verbally deny—that he represents the institution. The statement as it is written leaves with the teacher both his rights and his obligations.

We may lose money by reason of his unpopular activity. We may even offend the city fathers, and then a resolution may pass the council asking the State legislature to make the college an independent municipal corporation, obligated to have its own water department, its own fire department—all at greater cost. Well, we may lose money by performing any of our duties—by dismissing from college the son of a rich man. I once flunked the son of a trustee who promptly cut the college out of his will and died within six months. The action had disastrous results, but I was never subjected to criticism by the administration or the faculty. I approached a rich man once for money, and he reminded me that he had been thrown out of college by one of
my predecessors. I must assume that my predecessor did the right thing, although it cost me heavily years later. Cash considerations simply cannot be weighed in connection with academic freedom. Freedom bought with tribute is slavery in disguise.

We are always pleased when some professor says something wise. We heard Mr. Tead discuss brilliantly the cultural relationship of the faculty to the community. But once in a while some of them say something foolish. We must remember, however, that there is always a chance that the one who seems foolish is simply smarter than we are. It has happened many times in history. Scientific advance has always been hampered by popular scepticism. Let me repeat, there is no safe place for this responsibility, but the individual is by far the least dangerous repository of these rights and duties. It is with the individual that it rests in other professions, so let it be with ours.

We come now to the section on academic tenure. It begins with a statement of principle from which, I think, there will be no dissent whatever. "After the expiration of a probationary period teachers or investigators should have permanent or continuous tenure, and their services should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.”

It then goes on to say: "In the interpretation of this principle it is understood that the following represents acceptable academic practice": This phrasing makes it clear that it is not an exclusive statement. It presents an "acceptable" method of procedure but not the only one.

The next sentence is wholly non-controversial: "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." This was embodied in the 1925 statement and has long been the position of our Association.

The succeeding paragraph, however, is a new departure. "Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed six 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 three years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of six years. 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."

That represents a very definite change in point of view, and some of you may know—in fact it was thrown in my teeth this morning—that it represents a change in my own position. It was the last provision we agreed upon and the agreement was reached after I abandoned a point of view which I had urged continuously for three years. I therefore make no professions to consistency in this particular matter; instead, let me now tell why I changed my position. This provision divorces tenure from rank. That point I and my comrades were willing to yield from the outset, because such a decision seems inevitable under present circumstances. In the year 1928, just a little over ten years ago, there were nearly two hundred gifts to American colleges and universities of at least one hundred thousand dollars each. Last year that number was less than fifty. There was a similar decline in smaller gifts.

Furthermore, there has been a significant capital shrinkage since 1928, and the yield on sound investments is much less than it was in 1928, or that perfect year of government statisticians, 1926. Moreover, the decline in return on investments is not at an end, because with everything the government does, including the expansion of social security, it is promising us no end to deficit financing. So long as we have deficit financing, the government must maintain cheap money rates. The cost of carrying the public debt in dollars is no greater than it was in 1929, but only because the money market is regulated. It will continue to be regulated, indeed it must be regulated so long as we have deficit financing. This makes it evident that colleges will not have largely increased revenue for some time to come. Meanwhile, the student bodies have been growing. They are growing even this year.

With a static or declining income, with an enlarged student body, colleges are certain to have a larger ratio of junior officers
to senior officers of instruction. In one institution where the senior officers have increased only about ten per cent, the junior officers have increased approximately three hundred per cent. That is the situation the young teacher faces today. Moreover, most institutions have made the problem more acute by policies followed during the depression. Not wanting to move staff members because it was hard for them to find jobs, administrative officers postponed decisions until now the appointees have been so long in one college that they cannot readily be moved. Departmental chairmen were reluctant during the depression to make up their minds and now find that time and circumstance have made up their minds for them. The policy here outlined was important in two of the most widely discussed cases of displacement in recent years. Many teachers have in fact acquired the substance of tenure by the unconscious decision involved in making no conscious decision at all.

Too much turnover is bad, but too little is almost equally bad. The last ten years have been too static, and we must now attempt to improve the pace of reaching decisions. The purpose of this statement is to encourage chairmen of departments to do that most difficult of all things—namely, make up their minds. All must recognize this, and it was recognized by those who participated in framing the statement. That is the basic reason for my change of view.

If this proposal becomes settled academic policy, it brings one result of first importance: the benefit of the doubt as to the retention of an instructor hereafter goes to the institution, not to the instructor. Heretofore our excuse for indecision has been that the teacher was not yet satisfactory but that, given time, he might improve. If we are not to have an indefinite number of years to appraise him, clearly the benefit of the doubt must go to the institution. This will have the effect of filtering off the undesirable teachers in the early years while they are still able to adjust themselves to occupations of another character. This provision has reference to the common good, alluded to in the preamble. Fundamentally, it is not, as it appears at first glance, so much a protection of the individual teacher as a protection of the right of the student to a teacher of undoubted competence. As that became clear, it provided a second reason why I should alter my position.
Paragraph three is non-controversial: "During the probationary period a teacher should have the academic freedom that all other members of the faculty have." Although it is a new statement, it seems so obvious that there is no need to labor the point.

The next aspect of procedure should be scrutinized with particular care. "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 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."

The substance of most of this paragraph, though not in the same language, is to be found in the 1925 statement. It is important that some such procedure should be available, but it is equally important that it does not become a matter of routine. The number of cases where the teacher elects to go through this performance are very few indeed. Once in a while it is necessary, but it is not uniformly necessary, and my experience as chairman of this commission shows the reason. Usually when a man finds that his own colleagues agree that he should be removed, he would rather resign than be subjected to formal dismissal.

There are some changes from the 1925 statement. One significant new phrase in this paragraph is "if possible." In small institutions or in a very compact community a faculty committee might well be the worst possible place for the man to be heard. The provision for a stenographic record is also new, and is of the highest importance. Despite superficial appearances this is a very
much more significant protection for the institution than for the individual. It is the only antidote against gossip; if a record is kept, and the teacher later declares that "this was said about me" or "they dismissed me on those grounds," the record may be opened to make the facts plain. The final sentence with respect to a separation allowance, also new, is in accordance with a practice common in industry, and a practice rapidly developing in the colleges. Surely we ought to recognize institutional responsibility to this extent.

I pause for just one moment here. President Weld in his report this morning said a very significant thing. We talk about being "forward looking," but if we are included in the Social Security Act, it will be because, as institutions, while we talked about being forward looking, we did not, in practice, keep abreast of the social conscience of the times. And if the time ever comes when we must enter upon collective bargaining and are subjected to something analogous to the Wagner Act, it will be because we have clung to outworn procedures which had better be voluntarily discarded before we are forced to a line of action by the government.

The last paragraph is brief: "Termination of a continuous appointment because of financial exigency should be demonstrably bona fide." This may not be expressed in the most felicitous phrase in the world. It is my own. I did not intend, in drafting it, to give anyone offense. The plain fact is that dismissals directly due to financial emergency are really very rare. Speaking now as an administrative officer, it is much easier for me to say "no" to a man by pleading the exigencies of the budget than by denying a request on its merits. The displacement of a teacher on continuous appointment should not be merely an "economy move" but should be done only because of a genuine emergency involving serious general retrenchment. This ties up with what was said about tenure at an earlier point in the discussion. It is a reminder that purity of purpose is no defense in the public eye, unless the purity is demonstrable. The provision is a protection to the administrative officer because it reminds him to establish the record so clearly that the exigency is as obvious to the public as it is to him.

I now ask you to endorse this new statement, and, in so doing, to withdraw your adoption of the 1925 statement. This docu-
The Activities of the Year

ment is a great improvement because it recognizes what we have learned within the last fourteen years. For example, this statement places the responsibility for extra-mural opinions on the teacher. Tenure is now in fact divorced from rank and the present document explicitly recognizes an accomplished fact. It is not expected that boards will adopt the new statement in the form of "rules" but approve it as the policy of their institutions. We should recognize that, with the disappearance of academic freedom in other parts of the world, we have got to nail it to the top of our mast so that it cannot be taken down.

It is a good thing for this association to march parallel with another association which is complementary to our own. There should be no rivalry between our Association and the American Association of University Professors. The president of one of our member colleges in his inaugural address asked the pointed question: "Who is the college?" Certainly we are not the college. Certainly the board of trustees is not the college, except as a legal personality. Certainly the students alone are not. Certainly the members of the faculty are not,—nor are the alumni. The college includes them all. A faculty member is not an employee; he is an officer of the college, an integral part of its structure. Trustees establish the trust, we administer it, the faculties execute it,—all for the benefit of the students and, through them, in the public interest. There is a diversity of function but an identity of interest. We are indissolubly linked in a common enterprise.

One last word, and I shall claim your indulgence no further. What does endorsement mean? We have, as an association, no power whatever to prescribe to any individual member institution what it shall do. Therefore, endorsement does not require any action on the part of any member college. Your vote to endorse this document gives moral support to a sound statement of principle and practice, and that is all it does. Insofar as you are individually persuaded and believe in it, the statement becomes part of your policy as an administrative officer. If your board of trustees endorses it, the document becomes part of the policy of your institution. In either event it must remain subject to all the acids which affect all other policies, because policy must inevitably have flexible characteristics.
ACADEMIC FREEDOM AND TENURE

[Statement of principles formulated by joint conferences of the Commission on Academic Freedom and Academic Tenure with the officers of the American Association of University Professors.]

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 teacher* 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.

Tenure is a means to certain ends; specifically: (1) Freedom of teaching and research and of extra-mural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Upon freedom and economic security, and hence upon tenure, depends 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. Limitations of academic freedom because of religious or

* The word "teacher" as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.
other aims of the institution should be clearly stated in writing at the time of the appointment.

(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. The judgment of what constitutes fulfillment of these obligations should rest with the individual.

ACADEMIC TENURE

(a) After the expiration of a probationary period teachers or investigators should have permanent or continuous tenure, and their services 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, the probationary period should not exceed six 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 three years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of six years. 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.
(3) During the probationary period a teacher should have the academic freedom that all other members of the faculty have.

(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.

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