At the last annual meeting in Louisville, the Commission on Academic Freedom and Tenure submitted a document drafted jointly by your Commission and a Committee representing the American Association of University Professors. This was designed as a substitute for a statement of like character presented in 1925 and adopted by that Association, by this body and by several other educational organizations.

This Association after preliminary moves, including an amendment of the statement, returned the document for resubmission in 1940 without prejudice.

During the year four things of first-class importance have happened. First, one of the members of this Association, after an earnest attempt at mediation had been undertaken by your Commission, was put on the list of censured administrations by the American Association of University Professors because of a case growing out of the activities of a full professor, long a member of the professional faculty, on the grounds of his public political activity. Such an occurrence shows that the lack of clarity on this issue leads to difficulties, sometimes of a very serious nature.

The second important consideration is by no means as tangible and yet is, on the whole, more significant. It has become increasingly clear as the year has gone on that the existence of the new statement, drafted as it was, even though it was not adopted by this body, has destroyed the moral position of the Statement of 1925. Although that statement was adopted by a number of associations, its basic moral position rested upon its adoption by the American Association of University Professors and by this body because those were the two Associations which treated it as an operative document and not merely as a pious expression. The fact that these two Associations, to a greater or lesser degree, have moved toward a substitute accounts for this loss of moral
position. While, therefore, the Statement of 1925 still rests upon the books of this organization and certain other organizations, it is not that statement but the new statement which has the moral ascendency.

The third important occurrence during the year is the incidence of war and its attendant problems for neutral United States. When war was declared there was very serious doubt in many quarters whether the United States would maintain neutrality, and while people feel more hopeful on that point now, it is not yet a settled issue. If the present war turns into a totalitarian war, if it spreads to Scandinavia, whose meticulous neutrality was supposed to be virtually impossible, and if other possibilities materialize, issues may be drawn in the United States with an acid sharpness that we cannot now accurately describe. It seemed, therefore, to your Board of Directors and to the members of the Commission essential that there should be on our records a clear and modern statement.

The fourth consideration, even before that in importance, is another of the intangibles, though less real for that fact. While the discussion of this statement was not, unfortunately, as widespread as we had desired because of the absence of regional conferences and certain other factors, there was, nonetheless, exchange of opinion regarding it, and it became adequately clear that this body was not likely to adopt the current statement without amendment. When this became evident, an attempt was made to arrange another joint conference between the members of your Commission and the Committee of the American Association of University Professors. However, this proved impossible in the time allowed; consequently it was suggested at the joint meeting of the Commission and your Board of Directors that this Association take independent action upon as much of the statement as was acceptable to its members, and a letter from the General Secretary of the American Association of University Professors contains this passage: "I think your Commission on Academic Freedom and Tenure should report to your forthcoming Annual Meeting on January 11 the amendments to the present statement it desires, and seek to secure endorsement of all the other provisions of the statement." With that opinion the Chairman of Committee A of the American Association of Uni-
versity Professors is in agreement, as is also the Council of that organization. The substance of the suggestion was transmitted to the members of your Commission, and without dissent they agreed to it.

I come to you, therefore, with the statement as amended at a joint meeting of the Board of Directors of the Association of American Colleges and your Commission on Academic Freedom. All the changes were made by unanimous vote and at the close it was voted unanimously that all members of both bodies present would support the statement as redrafted.

You have before you the redrafted statement. I will not weary you with a repetition of the arguments presented last year, but will confine myself exclusively to the changes; and I will say that every point which was subjected to criticism last year has been changed. There are three. In the third paragraph the last sentence formerly read, "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." It now reads, "Freedom and economic security, hence tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society." The revision is entirely noncontentious. The object is simply to make the meaning clearer. No one would dispute, for example, that equipment, resources, skill in teaching, and many other things are also necessary for the success of an institution. The new statement is cast in an inclusive form whereas the old one was in exclusive terms.

The second change involves striking out the sentence which an amendment from the floor last year proposed to strike out. This was the last sentence in paragraph (c) under Academic Freedom and read, "The judgment of what constitutes fulfillment of these obligations (that is, his obligations as a citizen) should rest with the individual." It was eliminated by your Commission because it was felt that the sentence as it stood was open to the possible interpretation that the institution should protect the man from criticism. Frankly, it did not occur to me that anyone who spoke as a citizen could escape censure. His freedom to speak involves a correlative freedom on the part of others to criticize and oppose what he says, even to the point of argumentum ad
hominem, and that criticism or censure may come from individuals or groups or organizations. However, it was the opinion of the overwhelming majority of your Board of Directors and the Commission on Academic Freedom and Tenure, as well as of those who were consulted, that the sentence was open to that interpretation.

The elision of the last sentence does not alter the sentence above wherein the teacher is given freedom from institutional censorship or discipline. The principal object of the paragraph is to protect him in his relationship with those who exercise authority within the field of his activity. The last sentence, it was felt, went far beyond that and appeared to withdraw the right from anyone under any circumstances whatever to say that the teacher, no matter how wild or unjustified his remarks, had violated the canons of ethics which are there laid down. For that reason it was stricken out.

Although the principal object of the paragraph, as I have indicated, is to protect the individual in his relationship with authority, it has a second importance scarcely less great; namely, to protect the institution itself from a responsibility which it is not capable of discharging and which it is not desirable that it should attempt to discharge. Recently, two members of the Faculty came to me to ask if I had any objection if they took ordination into holy orders, and I was a little chagrined that anybody could dream that the institution should in any way stand between a man and his God; nor should the institution stand between a man and the State. In those relationships he should be an individual. In almost every instance where there has been interference on either of these points, it has been unfortunate. It is, therefore, a protection to the institution to have it clearly understood that those are two responsibilities which it does not accept.

The third change has to do with the detailed provision with regard to the acquisition of tenure after a stated and minutely defined period of probation. That section was open to the criticism that it violated the foundation upon which this whole statement was drafted; namely, the separation of principles and procedures into different categories with different moral position and sanction, principles having a higher moral position and sanction than procedures.
In the statement presented last year, paragraph (2) under Academic Tenure read: "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." It has been amended to read: "Each institution should define with great care the probationary period and notify every appointee of its precise length and its terms. 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."

In making the change there is no desire whatever to bring into question the principle of probation with tenure thereafter. There is, on the other hand, the unanimous agreement that it is impractical to set an arbitrary period of six years (particularly with the proviso which was formerly included) and making it applicable to all institutions, large or small, collegiate in form or university in structure. It is the hope of your Commission that, at subsequent meetings with the Committee of the American Association of University Professors, this section may be re-drafted in such terms that ultimately both Associations can endorse a uniform statement. The draft now before you for endorsement constitutes a statement, therefore, which may not be final but which represents, pending further conferences, the judgment, both of your Commission and of your Board of Directors.

I make no effort to conceal the fact that it is not as satisfactory to have two statements as to have one. However, the two statements do not have insuperable differences and it is hoped that in subsequent negotiations uniformity can be secured. Even
with these differences, the endorsement of the statement as amended by this body will provide a working arrangement through the period of tension in which we already find ourselves. On behalf of the Commission I move that this Association endorse the amended statement.

**Statement of William C. Dennis**

I arise to second President Wriston's motion for the endorsement of the statement on Academic Freedom and Tenure as amended by the Commission on Academic Freedom and Tenure of this Association. In seconding this motion, however, I wish to file what a lawyer might call a brief separate but conferring opinion which reaches the same conclusion reached by President Wriston but as to one point adopts a somewhat different course of reasoning.

My remarks are directed entirely to paragraph C of the statement under the heading Academic Freedom. I believe that this paragraph as amended is not entirely clear on its face and requires some interpretation in the light of its history. The whole burden of the fight made on this paragraph in its original form at the Louisville meeting was that it imposed certain serious obligations on the teacher when he speaks or writes as a citizen and then provided in its last sentence that "the judgment of what constitutes fulfilment of these obligations should rest with the individual," thus making the teacher the judge in his own case as respects the propriety of his conduct as a citizen. It was proposed that this should be corrected by striking out the offending sentence and substituting a fair and impartial tribunal to determine the issues involved. This association did strike out the last sentence and then put the whole matter over until this year. The amended statement now before us also strikes out the last sentence but makes no express provision for a fair and impartial tribunal. I submit, however, that in view of the tenor and purpose of the entire paragraph and in the light of the debate which took place last year, the striking out of the last sentence not only permits general censure by outside bodies but by fair and necessary implication leaves the way open for the setting up of such a tribunal so long as the arrangement made does not conflict with the earlier provision prohibiting "institutional censorship and discipline."
To be more specific, by way of illustration, I do not believe that the adoption of this statement as amended precludes the setting up in various ways of various types of impartial non-institutional tribunals or committees to which grievances could be submitted by educational institutions. For example such a tribunal or committee might be constituted as suggested by Dr. Allee in the *Bulletin* of the Association of American University Professors for October 1939, from representatives of the Association of American Colleges, the Association of American Universities and the Association of American University Professors. Or, in my opinion, such a committee might include members elected by the faculty of the institution in question or members chosen from its alumni or constituency, always provided that the committee was fairly constituted and was *bona fide* non-institutional in character. Further, I do not believe that the statement as amended precludes the initiative of the institution in bringing such a tribunal into being nor does it preclude action by an institution as a result of the judgment of such a non-institutional tribunal or committee.

I do not desire to argue this interpretation at this time. I simply want to put it into the record for all pertinent purposes. Some of the most important provisions of the United States Constitution, including for example the expression "direct tax," were adopted and consciously adopted with knowledge that they were susceptible of more than one meaning and with no attempt at definition or interpretation. So let it be with paragraph C of the amended statement on Academic Freedom and Tenure.

I second President Wriston's motion for the endorsement of the statement as amended.

In response to President Dennis' statement, Mr. Wriston said, "I dissent entirely from that interpretation. In my judgment the statement in Paragraph (c) that 'When he speaks or writes as a citizen, he should be free from institutional censorship or discipline' means precisely that and nothing else."

**Revised and Approved Statement**

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. 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. 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.

(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.

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

and should make every effort to indicate that he is not an institutional spokesman.

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) Each institution should define with great care the probationary period and notify every appointee of its precise length and its terms. 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.