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The following text is proposed as an addition to the AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure*. Comments about this proposed new regulation are welcome from members of the American Association of University Professors and other interested persons and organizations. They should be addressed to Gwendolyn Bradley in the AAUP's Washington office ([gbradley@aaup.org](mailto:gbradley@aaup.org)).

The *Recommended Institutional Regulations* set forth, in language suitable for use by an institution of higher education, rules which derive from AAUP policy statements. They are available in the AAUP's *Policy Documents and Reports* (also known as the Redbook) or on the AAUP Web site. Many colleges and universities across the United States use them as the basis for institutional policies.

The text below was prepared by an AAUP subcommittee and was approved for publication by the AAUP's Committee A on Academic Freedom and Tenure and the Committee on Contingent Appointments and the Profession. It may be revised in response to comments received and will then be considered by the AAUP Council for adoption as AAUP policy.

### **Part-Time Faculty Appointments<sup>1</sup>**

- a. The terms and conditions of every appointment to a part-time non-tenured faculty position will be stated in writing, including the length of service. A copy of the appointment document will be provided to the part-time faculty member.
- b. In a case of dismissal before the end of the period of appointment, the administration will set forth cause for the action and the faculty member will have the right to a hearing before a faculty committee.<sup>2</sup> If the faculty member alleges that a decision not to renew was based on considerations violating academic freedom or governing policies against discrimination, the allegation will be subject to review in the manner set forth in Regulation 10.
- c. In a case of nonreappointment, if a part-time faculty member establishes a prima facie case, to the satisfaction of a duly constituted faculty committee, that considerations violating academic freedom or of governing policies against improper discrimination significantly contributed to his or her non-retention, it is incumbent on those who made the decision to come forward with evidence in support of that decision.

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<sup>1</sup> This regulation does not apply to faculty members with reduced loads who are tenured or probationary for tenure and who have the protections of due process that are provided in Regulations 2, 4, 5, 6, 7 and 8. It does apply to all other faculty members whose appointments are less than full-time, whatever their rank or title and whether they are paid on a *pro rata*, a per course, or any other basis.

<sup>2</sup> As stated in Regulation 5 (a), "Adequate cause for a dismissal will be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers or researchers. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights of American citizens."

- d. For part-time faculty members who have served for three or more terms within a span of three years, the following additional protections of due process apply:
1. Written notice of reappointment or nonreappointment will be issued no later than one month before the end of the existing term of appointment. If the notice of reappointment is to be conditioned, for example on sufficiency of student enrollment or on financial considerations, the specific conditions will be stated with the issuance of the notice.
  2. In a case of nonreappointment, the faculty member will be advised upon request of the reasons which contributed to the decision. Upon the faculty member's further request, the reasons will be confirmed in writing.
  3. If the faculty member notified of nonreappointment alleges that the decision was based significantly on considerations violating academic freedom or governing policies against improper discrimination, the allegation will be subject to review in the manner set forth in Regulation 10.
  4. When the part-time faculty member is denied reappointment to an available assignment (one with substantially identical responsibilities assigned to another part-time faculty member with less service), if the nonreappointed faculty member alleges that the decision was based on inadequate consideration, the allegation will be subject to review by a faculty body. If this body, while not providing judgment on the merits of the decision, finds that the consideration has been inadequate in any substantial respects, it will remand the matter for further consideration accordingly.<sup>3</sup>
- e. Prior to consideration of reappointment beyond a seventh year, part-time faculty members who have taught at least 12 courses or six terms within those seven years shall be provided a comprehensive review with a view toward (1) appointment with part-time tenure where such exists, (2) appointment with part-time continuing service, or (3) nonreappointment. Those appointed with tenure shall be afforded the same procedural safeguards as full-time tenured faculty. Those offered additional appointment without tenure shall have continuing appointments and shall not be replaced by part-time appointees with less service who are assigned substantially identical responsibilities without having been afforded the procedural safeguards associated with dismissal as set forth above in Section (b).

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3 See "Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments" (Policy Documents and Reports, 15-20), especially the following passages:

It is easier to state what the standard "adequate consideration" does not mean than to specify in detail what it does. It does not mean that the review committee should substitute its own judgment for that of members of the department on the merits of whether the candidate should be reappointed or given tenure. The conscientious judgment of the candidate's departmental colleagues must prevail if the invaluable tradition of departmental autonomy in professional judgments is to prevail. The term "adequate consideration" refers essentially to procedural rather than to substantive issues: Was the decision conscientiously arrived at? Was all available evidence bearing on the relevant performance on the candidate sought out and considered? Was there adequate deliberation by the department over the import of the evidence in the light of the relevant standards? Were irrelevant and improper standards excluded from consideration? Was the decision a bona fide exercise of professional academic judgment? These are the kinds of questions suggested by the standard "adequate consideration."

If in applying this standard, the review committee concludes that adequate consideration was not given, its appropriate response should be to recommend to the department that it assess the merits once again, this time remedying the inadequacies of its prior consideration.