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# Standards for Investigations in the Area of College and University Governance

(JULY 2019)

*In 1991, the Association's Council adopted a proposal from the Committee on College and University Governance that makes it possible for the Association to sanction an institution for "substantial non-compliance with standards of academic government." The following procedures set out the steps along the path that could lead from an expression of faculty concern at an institution to the imposition of an Association sanction. They were initially approved by the Committee on College and University Governance in May 1994 and were revised by the committee in November 2010 and July 2019.*

1. The executive director<sup>1</sup> is authorized to receive, on behalf of the Committee on College and University Governance, complaints of departures from the Association's recommended standards relating to academic governance at a particular college or university.
2. Such complaints should include a description of the situation and specific information on the past or contemplated use of local remedies. They should be accompanied by supporting documentation.
3. The executive director shall, in each instance where attention by the Association seems justified, make a preliminary inquiry and, where appropriate, communicate with the administration and involved faculty bodies at the institution to secure information and comments.
4. When feasible, the executive director shall attempt, by correspondence and discussion, to assist the parties in arriving at a resolution compatible with AAUP principles and standards. When significant departures from those principles and standards appear evident, the executive director shall write to the parties to convey the Association's concerns and invite a response to them.
5. If there is substantial reason to believe that a serious departure from applicable Association-supported standards has occurred, and if a satisfactory resolution of the situation does not appear to be possible, the executive director shall determine, upon the advice of the staff's committee on investigations, the chair of the Committee on College and University Governance, and others as appropriate, whether an ad hoc committee should be established to investigate and produce a written report.
6. In determining whether to proceed to investigation and report on situations related to college or university governance, the Association looks to the condition of faculty status and of faculty-administrative relations. The Association will investigate when it appears that corporate or individual functions of the faculty, as defined in the *Statement on Government of Colleges and Universities*, have been seriously threatened or

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1. As used in this statement, the "executive director" may be another member of the Association's professional staff to whom the executive director has assigned responsibility.

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impaired. Administrative actions such as the abolition of an existing faculty senate, the thorough restructuring of an institution, or the imposition of a faculty handbook, which occur without meaningful faculty involvement, are examples of situations that might be the basis for the authorization of an investigation. In reaching a decision on whether or not to undertake an investigation, the executive director will consider the magnitude of the problem for the faculty involved, for the institution as a whole, and for the Association in its capacity as an organization representing faculty interests in higher education.

7. The Association will ordinarily investigate only after local means for correction—formal as well as informal—have been pursued without satisfactory result. This precondition may not apply where local remedies are inadequate or where recourse to them would worsen the situation or expose individual faculty members to harm.
8. If a decision is made to establish an investigating committee, the executive director shall appoint the members of the committee, designating one of them as chair. In selecting the members, the executive director shall consider such relevant factors as their experience and expertise in governance matters and the relation of their home institutions to the institution where the investigation will occur.
9. The task of the investigating committee is to determine the relevant facts and the positions of the principal parties and to reach findings on whether the standards enunciated in the *Statement on Government* and in derivative Association documents have been violated, and whether unacceptable conditions of academic governance prevail. The executive director shall provide the investigating committee with an advisory briefing on the procedures it will be expected to follow during a campus visit and on the facts, issues, and available documentary evidence relevant to the investigation. The executive director shall also assist the committee so far as possible in making arrangements for its work and in providing it with clerical and editorial support.
10. The investigating committee's report, to be submitted in confidence to the executive director, should include sufficient facts for the reader to understand the situation and judge the adequacy of the evidence in support of the committee's findings and conclusions. The committee should determine whether actions by the principal parties were reasonable under the circumstances and consistent with applicable Association-recommended procedural and substantive standards. The committee may offer advice to the Committee on College and University Governance as to whether the Association should impose a sanction on the institution concerned, but such advice is not to be included in either the draft report sent to the principal parties or the final published report. It is the responsibility of the Committee on Governance to determine whether a recommendation to impose a sanction should be presented to the Council of the Association.
11. As soon as possible after receiving the report of the investigating committee, the executive director shall review it and communicate any suggestions for revision to the investigating committee. When the report has been satisfactorily revised, the executive director shall send it to the members of the Committee on College and University Governance for comment and a decision concerning its publication. As a condition of approving publication, or by way of suggestion to the authors of the report, the members of the Committee on Governance may propose changes in the draft text. After further revision, the text shall then be transmitted confidentially to the persons most significantly affected by or implicated in the report, including the chief administrative officers of the institution, with the request that they provide corrections of any errors of fact that may appear in it and make such comments as they may desire upon the findings and conclusions reached. If their responses indicate a need for significant changes in the report, the text with the resulting revisions may be resubmitted to the Committee on College and University Governance. With that committee's concurrence, and after the investigating committee has been consulted as to final revisions, the report will be published through its posting on the Association's website and subsequently in printed form in the annual *Bulletin of the American Association of University Professors*. An advance copy of the published report shall be transmitted to the principal parties.
12. If the Committee on College and University Governance judges, based on the published report and any subsequent developments, that

the administration and/or governing board of the institution under investigation have seriously infringed standards of college and university governance endorsed by the Association, it may recommend to the next Council meeting that the institution be sanctioned for “substantial non-compliance with standards of academic government.” In reaching its decision, the Committee on Governance shall again invite comment from the investigating committee, though it is not bound to follow the investigating committee’s recommendation. If the Council concurs with the recommendation of the Committee on College and University Governance, notice of “non-compliance” will be published regularly in *Academe*, for the purpose of informing Association members, the profession at large, and the public that unsatisfactory conditions of academic governance exist at the institution in question.

13. After a notice of sanction has been published by the Association, the executive director, acting on behalf of the Committee on College and University Governance, will correspond periodically with the administration and appropriate faculty groups at the institution, seeking to ascertain whether stated policies and procedures have been brought into substantial conformity with standards of college and university governance endorsed by the Association, and whether evidence exists of meaningful faculty participation in academic governance. So long as a particular college or university remains under sanction, the Committee on College and University Governance will monitor and report on developments at the institution.
14. When evidence has been obtained that a sanctioned institution has achieved substantial compliance with Association-supported governance standards, the Committee on College and University Governance will review the information and determine whether to recommend to the Council of the Association that the sanction be removed. Notice of the recommendation and the action will be published in *Academe*. ■