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## AAUP Principles and Standards for the COVID-19 Crisis

The COVID-19 pandemic has posed serious challenges for faculty members and their institutions. While its scope and severity are unprecedented in recent memory, this crisis is not the first that the Association has had to address in its 105 years. As the authors of [the AAUP's 2007 report](#) on mass appointment terminations at five New Orleans universities in the wake of Hurricane Katrina pointed out, "Relevant AAUP-supported policies . . . are sufficiently broad and flexible to accommodate even the inconceivable disaster." What follows are questions related to the COVID-19 crisis and guidance derived from AAUP policy documents for faculty members as they assert their proper role in institutional governance during this challenging time.

### **1. What do AAUP policy standards have to say about decisions to shut down campuses; cancel classes; move classes online; alter the academic calendar; replace letter grades with pass-fail, credit-no credit, or incomplete designations; and cancel final exams and papers?**

Critical principles and standards relating to academic decision-making in American higher education are set forth in the AAUP's [Statement on Government of Colleges and Universities](#), which the AAUP formulated in cooperation with the Association of Governing Boards of Universities and Colleges (AGB) and the American Council on Education (ACE). The *Statement on Government* outlines principles of joint or shared governance in which the faculty exercises "primary responsibility" for decision-making on academic matters, including "curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process." Although governing boards have final decision-making authority (and may have delegated such to the president), that authority "should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty." Under the *Statement on Government*, decisions related to canceling classes, holding them online, altering the academic calendar, replacing letter grades with pass-fail or incomplete designations, or canceling final exams and papers fall within the faculty's area of primary responsibility. Even in areas where the faculty does not exercise primary authority—such as budgetary matters and long-range planning—the faculty still has the right, under principles of shared governance, to expect meaningful participation in the decision-making process. None of these decisions should be made unilaterally by administrations or governing boards.

### **2. Do these AAUP governance standards apply even in an unprecedented national crisis?**

The COVID-19 pandemic should not become the occasion for administrations to circumvent widely accepted principles of academic governance, as some faculty members have reported has happened at their institutions. As [the Katrina report](#) pointed out, "However cumbersome faculty consultation may at times be, the importance and value of such participation become even greater in exigent than in more tranquil times. The imperative that affected faculties be consulted and assume a meaningful role in making critical judgments reflects more than the values of collegiality; given the centrality of university faculties in the mission of their institutions, their meaningful involvement in reviewing and approving measures that vitally affect the welfare of the institution (as well as their own) becomes truly essential."

### **3. How can the faculty exercise its appropriate role in academic decision-making when faculty bodies cannot meet in person?**

As the [Statement on Government](#) specifies, "Agencies for faculty participation in the government of the college or university should be established at each level where faculty responsibility is present. An agency should exist for the presentation of the views of the whole faculty. The structure and procedures for faculty participation should be designed, approved, and established by joint action of the components of the institution. Faculty representatives should be selected by the faculty according to procedures determined by the

faculty.” If such faculty governance bodies exist on a campus, nothing in the AAUP’s guidance dictates that their members must meet in person. Numerous virtual means exist by which faculty discussions can take place, and some faculties have been conducting governance by such means long before the current crisis. What is critical is that the bodies conducting this work consist of faculty representatives selected by the faculty and that those serving on those bodies take seriously their representative role. Also critical is that the faculty, not the administration, takes responsibility for determining the best means of conducting its business while socially distancing.

#### **4. What guidance does the AAUP have to offer faculty members teaching online who are concerned about administrators surreptitiously monitoring their classroom performance?**

The AAUP discussed the topic of administrators’ secretly monitoring faculty members in 1983, long before online education existed. In “The University at Odds with Itself: Furtive Surveillance on Campus,” Committee A on Academic Freedom and Tenure concluded, “We think the appropriate policy for the Association to recommend is that academic institutions forswear . . . covert surveillance and not . . . seek to spy upon anyone within that community. . . . An academic community will not subject its members to the debilitating inhibitions and anxieties of covert surveillance. . . . The proper [institutional] policy is the absolute prohibition” of such practices. In its 2013 report [Academic Freedom and Electronic Communications](#), Committee A noted that administrators might abuse online teaching platforms “to determine whether faculty members were logging into the service ‘enough,’ spending ‘adequate’ time on certain activities, and the like.” The committee concluded that “such monitoring should not be permitted without the explicit and voluntary permission of the instructor involved.”

#### **5. What guidance does the AAUP have to offer faculty members teaching online who are worried that their classroom speech or course materials might be circulated on the internet and expose them to targeted harassment?**

The publication of faculty members’ classroom speech by self-appointed “watchdogs,” with a chilling effect on the academic freedom of teachers and students, is nothing new. In 1915, in the *Declaration of Principles on Academic Freedom and Academic Tenure*, the AAUP’s founders had to assert that “the classroom utterances of college and university teachers . . . ought always to be considered privileged communications. Discussions in the classroom ought not to be supposed to be utterances for the public at large. They are often designed to provoke opposition or arouse debate. It has, unfortunately, sometimes happened in this country that sensational newspapers have quoted and garbled such remarks.” Online instruction has made it even easier for modern-day watchdogs, like Turning Point USA, to disseminate video and texts cherry-picked from a teacher’s presentation and bring down a hailstorm of harassment on the instructor and, occasionally, the institution.

In 2017, in response to a spate of such cases, the AAUP issued [Targeted Online Harassment of Faculty](#). The statement urges “administrations, governing boards, and faculties, individually and collectively, to speak out clearly and forcefully to defend academic freedom and to condemn targeted harassment and intimidation of faculty members” and “administrations and elected faculty bodies [to] work jointly to establish institutional regulations that prohibit the surreptitious recording of classroom discourse or of private meetings between students and faculty members.” An in-depth overview of targeted online harassment of faculty members, as well as resources, reports, and articles to aid faculty members in the fight against targeted harassment, is available [here](#).

#### **6. Do AAUP policy standards address the concerns of faculty members, particularly those serving without the protections of tenure, that student evaluations may be even less reliable when the courses evaluated are being taught online for the first time?**

Principles of academic governance dictate that assessment of faculty teaching performance is the primary responsibility of the faculty, not the administration. The degree to which that assessment takes student perceptions into account thus falls under the faculty’s purview. The AAUP’s [Statement on Teaching Evaluation](#) contains guidance on how to assess teaching in a manner that relies on peer review and protects academic freedom while incorporating student perceptions. Under these extraordinary circumstances, the faculty may wish to consider whether temporary adjustments in faculty evaluation, including suspending the administration of student evaluations, may be appropriate.

#### **7. What AAUP standards apply to tenure-track faculty members whose progress toward tenure has been adversely affected by the pandemic?**

In conjunction with the American Federation of Teachers, the AAUP issued *AFT and AAUP Principles for Higher Education Response to COVID-19*. Principle 12 states, “Tenure-track faculty members whose work is disrupted by the institutional or governmental response to COVID-19 should have the option to stop their tenure clock for the duration of the disruption.” AAUP guidelines for stopping the tenure clock are contained in the [Statement of Principles on Family Responsibilities and Academic Work](#). As an alternative, department faculty

and other faculty personnel bodies may wish to cooperate with academic administrators in adjusting standards for tenure to reflect the impact of the pandemic on teaching, scholarship, and service. Under the AAUP's [Statement on Government of Colleges and Universities](#), "Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal."

**8. Many colleges and universities forced to shut down prematurely this spring were already financially stressed. What guidance do AAUP principles and policy standards have to offer faculty members serving at institutions facing increased teaching loads, salary cuts, furloughs, program reductions and eliminations, declarations of financial exigency, and even closure?**

As already noted, principles of academic governance apply no matter how exigent the situation, as the authors of the [Katrina report](#), cited above, asserted: "However cumbersome faculty consultation may at times be, the importance and value of such participation become even greater in exigent than in more tranquil times. The imperative that affected faculties be consulted and assume a meaningful role in making critical judgments reflects more than the values of collegiality; given the centrality of university faculties in the mission of their institutions, their meaningful involvement in reviewing and approving measures that vitally affect the welfare of the institution (as well as their own) becomes truly essential."

To the extent that decisions are related to the academic program and to faculty status, the faculty should play a "primary role," as required under the [Statement on Government of Colleges and Universities](#): "Determinations in these matters should first be by faculty action through established procedures, reviewed by the chief academic officers with the concurrence of the board. The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail."

The AAUP has not issued specific policy guidance on furloughs, across-the-board pay cuts, changes to retirement contributions, and other emergency measures affecting faculty compensation. Furloughs and pay cuts, moreover, are enumerated in Regulation 4c ("Financial Exigency") of the [Recommended Institutional Regulations on Academic Freedom and Tenure](#) among the "feasible alternatives" to terminations of appointments that an institution should pursue when facing a financial emergency. As with all such decisions, what is essential, again, is that the faculty participates meaningfully. As the [Role of the Faculty in Budgetary and Salary Matters](#) emphasizes,

When financial exigency leads to a reduction in the overall salary budget for teaching and research, the governing board, while assuming final responsibility for setting the limits imposed by the resources available to the institution, should delegate to the faculty and administration concurrently any further review of the implication of the situation for individual salaries, and the faculty should be given the opportunity to minimize the hardship to its individual members by careful examination of whatever alternatives to termination of services are feasible.

For legal information regarding furloughs and similar measures, see the [guidance](#) issued by the AAUP's legal department in response to the financial crisis of 2008.

When these decisions involve the potential termination of appointments, the AAUP requires that specific governance and due-process standards be observed to protect academic freedom and tenure. These are set forth in Regulation 4c ("Financial Exigency") and 4d ("Discontinuance of Program or Department for Educational Reasons") of the [Recommended Institutional Regulations on Academic Freedom and Tenure](#). Frequently asked questions and detailed answers about Regulations 4c and 4d can be found [here](#). Additional guidance is provided in [The Role of the Faculty in Conditions of Financial Exigency, On Institutional Problems Resulting from Financial Exigency: Some Operating Guidelines](#), and [Governance Standards in Institutional Mergers and Acquisitions](#).

**9. What guidance has the AAUP issued on the use of administratively appointed task forces charged with formulating proposals that include restructuring the academic program in order to address the severe financial problems created or exacerbated by the pandemic?**

The AAUP has long questioned the use of such bodies, often sworn to secrecy, to weaken the faculty's proper role in these critical undertakings, which often eventuate in program closures and faculty layoffs. As previously noted, under widely accepted academic governance standards, decisions related to the academic program and faculty status are the "primary responsibility" of the faculty. It is therefore critical, as the [Statement on Government](#) asserts, that faculty participants on these task forces not be selected by administrative officers but "by the faculty according to procedures determined by the faculty" and that these faculty members take seriously their role as representatives of the faculty. Regarding the confidentiality agreements often imposed on faculty participants, the AAUP takes the position that they are inconsistent with both the appropriate role of a representative and principles of academic governance. See [Confidentiality](#)

[and the Faculty Representation in Academic Governance](#), a statement of the AAUP's Committee on College and University Governance.

When such a task force issues its final report, it is imperative, under AAUP-supported governance principles, that the faculty as a whole or an appropriate committee thereof review the report, take a position on it (ideally through taking a vote), and communicate that position to the administration and governing board.

**10. In an effort to address this unprecedented emergency, does a governing board or administration have the right to suspend provisions of a faculty handbook or a collective bargaining agreement?**

Boards and administrations have temporarily suspended faculty handbooks, or key portions thereof, in response to financial crises. Some handbooks even incorporate provisions permitting such an action. Collective bargaining agreements occasionally incorporate provisions allowing the administration to suspend the layoff article by invoking “force majeure,” “act of God,” “extraordinary circumstances,” or the like. Whether an institution has the legal right to suspend all or part of a faculty handbook on grounds of a financial or other emergency would be a matter for the courts to determine. Under the academic principles and procedural standards long promulgated by the AAUP, such an action is unacceptable.

The AAUP addressed this question in its 2006 investigation of five New Orleans institutions for laying off faculty members in response to the disastrous effects of Hurricane Katrina the previous summer.

The section of the report on the Louisiana State University Health Sciences Center recounts that the LSU Board of Supervisors, instead of relying on the center's existing AAUP-derived financial exigency policy, approved a “force-majeure exigency plan” for the center three months after the hurricane landed in order to involuntarily furlough ninety-seven full- and part-time faculty members, most of whom were never reinstated.

The investigating committee found that, in doing so, the LSU Health Sciences Center administration violated the provisions of Regulation 4c, “Financial Exigency,” of the [Recommended Institutional Regulations](#). As its title suggests, the purpose of Regulation 4c is to set forth procedural standards for a financial emergency—standards that safeguard academic freedom and tenure and that ensure meaningful faculty participation. Obviously, suspending the faculty handbook or specific articles of the CBA for the ostensible purpose of grappling with an unprecedented disaster and for the real purpose of circumventing these standards is inimical to principles of academic freedom and shared governance.

As the Katrina report concluded, “The relevant AAUP-supported policies—most notably those that recognize the special challenge of ‘financial exigency’—are sufficiently broad and flexible to accommodate even the inconceivable disaster. These policies have, in fact, been successfully invoked (as documented through AAUP experience) by institutions in situations that, while perhaps not matching the gravity of those in New Orleans in fall 2005, surpassed in severity the [situations] imagined” by the authors of these policies.

**During the 2008 recession, when colleges and universities suffered similar financial stress, the AAUP developed a set of online resources. An FAQ that provides clear explanations of the above standards (“AAUP Policies and Best Practices”), including those related to financial exigency and program discontinuance for educational reasons, can be found [here](#).**

**11. What guidance has the AAUP issued on reopening campuses in the fall?**

See <https://www.aaup.org/guidance-reopening-campus>.