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AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS

ALBANY LAW SCHOOL CHAPTER
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The Albany Law School AAUP Chapter would like to thank Gregory F. Scholtz, AAUP Director of the Department of Academic Freedom, Tenure and Governance for his letter to Dean Andrews dated December 24, 2013. Members of our Chapter are united in valuing and supporting all faculty members, including those who have long-term contracts, are on long-term contract track, are on tenure track, or have already been awarded tenure. The Chapter's position is consistent with Albany Law School's faculty handbook and the laws of New York and of the United States, which protect all full time faculty members from unjust and arbitrary dismissal, unilateral changes to their terms and conditions of employment and infringements upon their academic freedom. The Chapter maintains that there is no showing of a bona fide institutional financial exigency or of individual faculty incompetence. Accordingly, no justification for faculty terminations exists. Since no faculty terminations are justified, the Chapter takes no position on what the order of layoffs would be if terminations were warranted under a state of financial exigency. In the absence of evidence of anything remotely resembling a bona fide financial exigency, firing any faculty member would depart from nationally accepted standards of law school governance.

The Chapter endorses the presumption of contract renewal afforded to Albany Law School faculty with long term contracts pursuant to both ABA Standard 405(c)¹ and the Albany Law School Faculty Handbook, Appendix B, Part 4. Under these provisions, a decision not to renew a contract is justified only by a determination by a majority of the faculty that the faculty member has failed to comply with his or her responsibilities to Albany Law School.²

The Chapter also endorses the principle in the national AAUP's 1971 Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointment that promotion, tenure, and contract renewal decisions are primarily a faculty responsibility. Finally, the Chapter endorses the procedural protections afforded to tenure track faculty set forth in the Albany Law School Faculty Handbook, including, but not limited to, the provision that tenure track faculty shall be reappointed each year except upon a vote by a majority of the faculty that "the faculty member is not making satisfactory progress for promotion and tenure," or a determination of financial exigency.³

¹ Standard 405(c) applies to clinical faculty, which includes all current Albany Law School faculty with long term contracts, including faculty with "Lawyering Professor" titles.

² Albany Law School Faculty Handbook Appendix B, Part 4.

³ Albany Law School Faculty Handbook Appendix B, Part 1, sec. III (discussing presumption of reappointment in the case of tenure track faculty), and Appendix B, Part 1, Standards for Clinical Tenure and Promotion, sec. D (discussing presumption of reappointment in the case of clinical tenure track faculty).