

The Profession

AAUP Statement on Professors and Political Activity*

Introduction

The institutional regulations of many colleges and universities govern the participation of professors in political activity and public office holding. These regulations vary from absolute prohibitions against holding public office, campaigning for public office, or participating in the management of political campaigns, to requirements that professors engaging in such political activities merely inform administrative authorities in the college or university of their activities.

Some idea of the variety of regulations is suggested by the following examples. A large private institution in the Southwest states that when a member of the faculty accepts "appointment to or becomes a candidate for any public office whatever" his connection with the university is "automatically severed." A state university in the South declares that when any staff member "becomes a candidate for public office or takes an active part in the support of any political party or a candidate for office, he thereby automatically severs his connection with the university." A state college in the Northwest prohibits its faculty and other employees from holding "any political party office" or participating in the "management of a partisan political campaign." A less common regulation is found at a Midwestern state university which requires nontenured faculty members to resign before seeking full-time public office but allows a faculty member on tenure to request a leave of absence. This same university allows political activity only in parties that are qualified to place candidates on the ballot in that state. Given the widespread tendency of states to make it difficult for "third parties" to get on the ballot, such a regulation could prove to be very restrictive.

Some institutions allow participation only in local political activities. For example, one Southern state university requires a professor to resign before participating in a political campaign, as a candidate or manager, for state or federal office, but permits political activity at the local level. Other institutions prohibit professors from seeking or holding salaried public office but, by implication at least, permit them to hold nonpaying positions. One Southern state has such a regulation for all its public institutions of higher education. One university in that system, however, also prohibits

holding appointive or elective public office without pay. One private university in the far West allows faculty members to hold remunerative part-time public offices while their university salaries are continued, but requires that they turn over to the university all compensation received for serving in the public office.

A number of colleges and universities require that professors obtain permission from administrative officers before engaging in political activity. Very few of those with such requirements specify the terms under which such permission will be granted or withheld, thus allowing for arbitrary decisions. Other institutions simply require that administrative officers be informed of the intent to seek or accept appointment to public office. A number of colleges and universities, including some state institutions, have regulations which conform to the principles stated below.

Some institutional regulations make reference to federal law governing political activities of federal employees, since faculty members frequently receive federal funds. There seems to be some misunderstanding of the relevance of this law. The federal Hatch Act prohibits federal employees and employees of state and local agencies paid wholly or in part from federal funds, among other things, to "take any active part in political management or political campaigns." It was amended in 1942 to exempt explicitly from this quoted provision and certain others not involving oppressive or corrupt conduct "any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any state or political subdivision thereof, or by the District of Columbia or by any Territory or Territorial possession of the United States; or by any recognized religious, philanthropic, or cultural organization," even though payment of salaries comes from federal funds. This amendment, which was stated to embody the original understanding and intent of Congress, was supported by expressions of confidence in the teaching profession and of the value attached to political activity by its members, subject to proper state, local, and institutional limitations.

Some states, in laws designed to restrict the political activities of state employees, have not been as careful as the federal Hatch Act to exclude from the terms of such laws the employees of educational institutions. Thus, some of these laws are ambiguous regarding the freedom of professors in public institutions to engage in political activity. For example, the statutes of one state say that "Contributions to aid the election

*The Statement above was prepared by a subcommittee of Committee A on Academic Freedom and Tenure and approved by Committee A. It was approved by the Council of the American Association of University Professors in May, 1969, and endorsed by the Fifty-fifth Annual Meeting as AAUP policy. It is reprinted here from the September, 1969, *AAUP Bulletin* for the information of political scientists.

of any other person to public office shall not be made or accepted by holders of nonelective public positions." Another state prohibits a holder of a *public office not filled by election from contributing* to the election of any person to public office or party position.

In view of the range and variety of institutional and legislative restrictions on political activities of professors, the American Association of University Professors feels the need of a definition of rights and obligations in this area. The following statement is offered as a guide to practice. It is hoped that colleges and universities will formulate and publish regulations consistent with these principles.

Statement

1 The college or university faculty member is a citizen and, like other citizens, should be free to engage in political activities so far as he is able to do so consistently with his obligations as a teacher and scholar.

2 Many kinds of political activity (e.g., holding part-time office in a political party, seeking election to any office under circumstances that do not require extensive campaigning, or serving by appointment or election in a part-time political office) are consistent with effective service as a member of a faculty. Other kinds of political activity (e.g., intensive campaigning for elective office, serving in a state legislature, or serving a limited term in a full-time position) will often require that the professor seek a leave of absence from his college or university.

3 In recognition of the legitimacy and social importance of political activity by professors, universities and colleges should provide institutional arrangements to permit it, similar to those applicable to other public or private extramural service. Such arrangements may include the reduction of the faculty member's workload or a leave of absence for the duration of an election campaign or a term of office, accompanied by equitable adjustment of compensation when necessary.

4 A faculty member seeking leave should recognize that he has a primary obligation to his institution and to his growth as an educator and scholar; he should be mindful of the problem which a leave of absence can create for his administration, his colleagues, and his students; and he should not abuse the privilege by too frequent or too late application or too extended a leave. If adjustments in his favor are made, such as a reduction of workload, he should expect them

to be limited to a reasonable period.

5 A leave of absence incident to political activity should come under the institution's normal rules and regulations for leaves of absence. Such a leave should not affect unfavorably the tenure status of a faculty member, except that time spent on such leave from academic duties need not count as probationary service. The terms of a leave and its effect on the professor's status should be set forth in writing.