

Information for Observers Who Represent the Association
at College or University Proceedings

May 2002

The following represent current Association policies as to the role of observers at institutional proceedings:

- (a) The duties of observers relate primarily to the hearing or meeting in question, and they should decline social entertainment offered by the interested parties or their colleagues.
- (b) If interviewed by anyone, including representatives of the press, they should confine their remarks to supplying their names and institutions, the fact that the Association has asked them to serve as official observer at the hearing or meeting, and that their duties will be limited to that purpose.
- (c) On occasion, interested parties in a proposed hearing request advice of observers, prior to the hearing, with respect to bases for settlement; in such cases, observers should telephone the General Secretary or the appropriate member of the Association staff for advice, and they should inform the General Secretary or the staff member immediately by telephone of the action taken in light of the advice.
- (d) Under no circumstances are observers to comment on any substantive aspect of the case in interviews or during the hearing proceedings, nor are they to speak publicly or write about it afterwards. Ordinarily, the function of observers at a hearing will be limited, if their advice on procedures is sought, to reference to appropriate provisions of the 1940 *Statement of Principles on Academic Freedom and Tenure*, the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, and derivative Association standards as they are found in the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure*. In citing the references, observers should attempt to avoid providing gloss or personal assistance in interpretation.

Procedural questions put to observers should come from or through the hearing committee, and not directly from the interested parties or their counsel. If observers have doubts concerning responses to questions on procedures, or in the event that important procedural questions arise which they cannot answer, they should, during the course of the proceedings, telephone for advice from the General Secretary or from the staff member who briefed them. Occasionally, observers may see a clear violation of applicable procedural standards but, since they are there as an observer of proceedings, they should not volunteer comments on procedural errors.

In explaining the nature of the written report which observers are asked to make, the following matters should be covered. The report is to be sent only to the Association's staff, which, acting on behalf of Committee A, will be interested primarily in an observer's conclusions on the *procedural* adequacy of the hearing as judged by the provisions of the 1940 and 1958 *Statements and the Recommended Institutional Regulations*. In developing their analysis of the hearing procedures, observers should feel free to supply full details. In some instances, the general tone of the hearing proceedings, particularly the manner in which the hearing committee receives information or responds to points raised, will be important. Again, the report is for the use of the Association's staff, and potentially of Committee A. Thus, at no time should observers discuss the case, and particularly their views on the substance of the case, with anyone outside the Association's staff. This policy is basic in order to preserve the integrity of this important procedure.