

I was told the course I usually teach will be taught by another faculty member in my department, is this a violation of my academic freedom to teach in my discipline?

No, if the course is still being taught in the department, and the department votes to have other faculty members teach, it is within APM 005. The APM 005 makes clear that departments have the authority to determine course content, curricula, and the scheduling, staffing, and management of courses. No faculty member has an individual right to teach a particular course. Academic freedom depends, in fact, on departments' responsible self-management of curricula.

I am a tenured faculty member at a public institution. What are my constitutional rights with respect to continued employment?

The U.S. Supreme Court has recognized that tenured faculty members have a property interest in continued employment, and this interest translates into certain due process rights. Perry v. Sindermann, 408 U.S. 593 (1972) (“A written contract with an explicit tenure provision clearly is evidence of a formal understanding that supports a teacher’s claim of entitlement to continued employment.”). Lower federal courts have recognized the same right; see, e.g., North Dakota State University v. United States, 255 F.3d 599 (8th Cir. 2001); Colburn v. Indiana University, 973 F.2d 581 (7th Cir. 1992); Johnston-Taylor v. Gannon, 907 F.2d 1577 (6th Cir. 1990); Johnson v. Board of Regents, 377 F. Supp. 227 (W.D. Wis. 1974), aff’d, 510 F.2d 975 (7th Cir. 1975). That interest requires, at the very least, that the faculty member receive notice of termination and have an opportunity to be heard.

The precise contours of the notice and hearing vary by court and by the circumstances involved. See, e.g., Texas Faculty Association v. University of Texas at Dallas, 946 F.2d 379 (5th Cir. 1991) (faculty member must have written notice of reasons for termination and an opportunity to rebut those reasons); Russell v. Harrison, 736 F.2d 283 (5th Cir. 1984) (the right to rebut includes “the right to respond in writing . . . and to respond orally before the official charged with the responsibility of making the termination decision”); Johnson v. Board of Regents of University of Wisconsin, 377 F. Supp. 277 (W.D. Wis. 1974) (there must be a “reasonably adequate” written statement of the reason for the decision and the process by which it was made, as well as an opportunity to respond), aff’d without opinion, 510 F.2d 975 (7th Cir. 1975); Cleveland Bd. of Education v. Loudermill, 470 U.S. 523 (1985); Bignall v. North Idaho College, 538 F.2d 247 (9th Cir. 1976); Milbouer v. Keppler, 644 F. Supp. 201 (D. Idaho 1986); Klein v. Board of Higher Education, 434 F. Supp. 1113