

**Annual Report to the University Senate from the Committee on Academic Freedom and Responsibility, 2004-2005**

Members of the committee:

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Graeme M. Boone, School of Music (chair)  
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The Committee on Academic Freedom and Responsibility is charged with studying conditions affecting the academic freedom and responsibility of the faculty, including rules changes, and reporting its conclusions to the University Senate; hearing and investigating complaints of individual faculty members regarding possible infringements of their academic freedom; and hearing and investigating complaints, particularly about denial of tenure, promotion, or re-appointment. This report provides an overview of our activities since the time of our last annual report of September 2004.

The committee has deliberated on six faculty complaints regarding improper denial of promotion or tenure. Four of these six cases were essentially new, having been submitted for the first time during or after the summer of 2004; the two remaining cases involved complications arising in the re-review process. On the one hand, it is gratifying to observe that the total of six cases is a far lower number than the fourteen we reported for the year 2003-2004. On the other hand, we found that at least five of the six cases raised legitimate concerns about proper evaluation and procedure, either within the department or at higher levels beyond the department.

Three of the six cases involved denial of promotion to associate professor with tenure; one case involved denial of promotion to full professor. We forwarded three of those four cases to Hearing. The two remaining cases involved promotion and tenure evaluations that had been appealed the year before, had gone through our committee and through Hearing, and had been remanded by the Provost for re-evaluation and re-vote, beginning on the departmental level.

These two cases returned to our committee because of new complaints about improper procedure in the course of re-evaluation, and they provoked the following question: what safeguards does the university have to guarantee a new, fair, and impartial evaluation in instances of re-review? The question arises because of the lack of explicit language in the university rules governing complaints about the re-review process. Our committee found that it can legitimately consider such complaints under its explicit mandate, i.e., "Complaints concerning promotion, tenure, or renewal decisions may be made to the committee on academic freedom and responsibility" (university rule 3335-5-05-A-1).

We are disturbed by the possibility that re-reviews, rather than prompting a new, fair, and impartial reconsideration of a candidate for promotion or tenure, may on the contrary provoke an entrenched negative response, whether on the departmental, college, or university level, from such deliberative bodies as might find that a mandate to re-review constitutes a challenge to the legitimacy and authority of an earlier decision they have rendered. It seems not only that it can be a complicated matter to insure a new, fair, and impartial re-review, but also that the very fact of appealing a denial of promotion or tenure, even when it does lead to a re-review, can risk poisoning the atmosphere surrounding the affected candidate.

A significant factor in the re-review process is the memorandum, stemming from the provost, that initiates this process. In 2004-2005 there was controversy about one such memorandum which, in our committee's judgment, included an evaluation of the candidate and, for that reason, improperly influenced the course of the candidate's re-review. In a meeting between our committee and the provost in May 2005 on this issue, all agreed that new, fair, and impartial evaluation is essential in cases of both review and re-review, and that the evaluation process can, and should, better conform to that standard.

Apart from cases involving promotion and tenure, the committee received three other complaints, or communications preparatory to the submission of complaints, regarding infringement on the academic freedom of individual faculty members. We also received one complaint concerning fairness of voting procedures in relation to proposed amendments to a college pattern of administration. Two of these cases are currently under deliberation.

Finally, the committee has been involved with several other topical issues in the past year. These include, notably, the recent amendment to university rule 3335-5-04, regarding financial misconduct. The committee finds that the revised rule runs the substantial risk of eroding faculty freedom by making it possible for faculty to be suspended, or even dismissed, on simple allegation of wrongdoing.