



Faculty Hearing Committee Members and Service

This is an academic year annual report of the Faculty Hearing Committee established under university faculty rule 3335-5-4810 and comprising 24 faculty members who serve four-year terms (3 years as a regular member; 1 year as an alternate). The table below includes the affiliations, email addresses, end-term date and service activities for continuing members during the 2019-2020 academic year.

Continuing Members	College	Department	Term Expires	Service
Desheng Liu	ASC-SBS	Geography	2023	
Scott McGraw	ASC-SBS	Anthropology	2023	04 Presiding Officer
Don Mutti	OPTOMETRY		2023	
Antonio Ramirez	ENG	Materials Science	2023	
Terry Reese	LIBRARIES		2023	04 Presiding Officer
Orlando Simonetti	MED	Internal Med	2023	04 Panelist
Keith Warren	SOC WORK		2023	04 Alternate
Strader, C. R.	LIBRARIES		2023	
Desheng Liu	ASC-SBS	Geography	2023	
Scott McGraw	ASC-SBS	Anthropology	2023	
Don Mutti	OPTOMETRY		2023	04 Panelist Senate Ad Hoc 04 Rules Committee, Member
Joshua Blakeslee	OARDC	Horticulture/Crop Sci	2023	04 Panelist
Noelle Arnold	EHE	Ed Studies	2022	04 Panelist
John Blackburn	BUS	Finance	2022	
Enrico Bonello	FAES	Plant Pathology	2022	04 Alternate
Imed Dami	FAES	Horticulture/Crop Sci	2022	
Colette Dollarhide	EHE	Ed Studies	2022	Senate Ad Hoc 04 Rules Committee, Chair
Christopher Highley	ASC-AH	English	2022	
Loren Wold	NURS/MED	Physiology/Cell Bio	2022	04 Alternate
Ningchuan Xiao	ASC-SBS	Geography	2022	04 Panelist
Prosper Boyaka	VET MED	Vet Biosciences	2021	
Caroline Clark	EHE	Teaching & Learning	2021	Ex Officio
Kent Harrison	FAES	Extension	2021	

The table below includes the affiliations, email addresses and service activities for outgoing members of the committee. Much thanks to all of these colleagues for their significant service to the university.

Outgoing Members	College	Department	Service
Steven Lopez	ASC-SBS	Sociology	04 Presiding Officer
Greg Labarge	FAES	Extension	04 Panelist

Tania Obersyszyn	MED	Pathology	
Cliff Whitehead	ENG	Mech/Aerospace	

Finally, this last table includes the affiliations, email addresses and end-term dates for newly appointed members who will join the committee in the 2020-2021 academic year.

Incoming Members	College	Department	Term Expires
Erdal Ozkan	FAES	Food, Ag/Bio-Eng	2024
Sarah Cole	LAW	Law Administration	2024
Shuman He	MED		2024
TBD			2024

Hearings

During the 2019-2020 academic year, the Faculty Hearing Committee received four appeals from faculty members under university faculty rule 3335-5-04 and one appeal under faculty rule 3335-5-05. After face-to-face consultation between the appealing faculty member, the Vice Provost for Academic Policy and Faculty Resources, and the FHC Chair, the 05 appeal was dropped and a re-review, due to procedural error, was conducted per the prescribed University guidelines.

Case #1: Appeal of a Finding of Grave Misconduct

On July 3, 2019, the Faculty Hearing Committee of the University Senate (FHC) received notification of an appeal by a tenured, Full Professor in response to a charge of “grave misconduct,” which was initiated in conjunction with an HR finding that this faculty member violated the University Policy on Workplace Violence, 7.05. - <https://hr.osu.edu/wp-content/uploads/policy705.pdf>

Per university faculty rule 3335-5-04:

Grave misconduct is defined as flagrant, egregious, and willful misbehavior in violation of the law or established university rules or policies. Allegations of grave misconduct shall be judged on the basis of acts or omissions which seriously impair the effectiveness of a faculty member to meet his or her obligations as a faculty member.

The claim against this professor, as framed by the College Investigation Committee, their college Dean, and Provost McPheron, hinged fully on having violated the Workplace Violence policy through “demonstrated direct threats, physical conduct resulting in harm, and intimidating conduct that disrupted the work environment and created fear of personal safety.” The proposed sanction was revocation of tenure and termination.

A hearing panel was agreed to, consisting of Terry Reese (Presiding Officer), Noelle Arnold, and Donald Mutti as voting members. The hearing panelists met multiple times to review the materials from both parties, and a hearing time and date were set. However, immediately prior to the hearing, the respondent and their counsel notified the Office of Academic Affairs that this faculty member was resigning from the university.

Case #2: Appeal of a Finding of Grave Misconduct

On September 1, 2019 the Faculty Hearing Committee of the University Senate (FHC) received notification of an appeal by a tenured, Full Professor in response to a charge of “grave misconduct,” which was initiated on December 17, 2018 by OSU HR in conjunction with allegations that the respondent violated the following university policies and state and federal laws:

- Responsible Use of University Computing and Network Resources Policy- <https://ocio.osu.edu/sites/default/files/assets/Policies/Responsible-Use-of-University-Computing-and-Network-Resources-Policy.pdf>
- Identity Theft Red Flags - <http://www.whatiscoddependency.com/change-your-attachment-style/>
- Information Technology (IT) Security - <https://ocio.osu.edu/sites/default/files/assets/Policies/ITSecurity.pdf>
- 18 U.S.C. 1028 (Fraud and related activity in connection with identification documents, authentication features, and information) - <https://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/18-usc-sect-1028.html>
- O.R.C. 2913.05 (Unlawful use of telecommunications device) - <http://codes.ohio.gov/orc/2913.06>
- O.R.C. 2913.49 (Identity fraud) - <http://codes.ohio.gov/orc/2913.49>

The claim against this professor, as framed by the College Investigation Committee, their college Dean, and Provost McPheron, was that the respondent faculty member had sent four separate emails using the identity of another university employee, which “undermined the integrity of a national search...imparted confidential information shared by chair candidates with third parties; implicated (a colleague) in improper professional conduct, and damaged the reputation of the College and Ohio State.” The proposed sanction was revocation of tenure and termination.

On September 14, 2019, a hearing panel was agreed to, consisting of Scott McGraw (Presiding Officer), and Greg Labarge and Desheng Liu as voting members, and Loren Wold as non-voting alternate. Guidelines for conducting the hearing were developed by the panel and shared with the complainant and respondent. Both parties agreed to these guidelines and the date of November 4, 2019 was set for the hearing. Neither the complainant nor the respondent was represented by legal counsel. After opening statements from both parties, additional witnesses were called to answer questions posed by the complainant, the respondent, and members of the hearing panel. The hearing began at 8:00 am and concluded at approximately 5:00 pm, with a 30-minute break for lunch. A digital audio-recording was made of the full hearing procedures. Based on careful deliberation and review of all information, the FHC hearing panel unanimously found that the respondent’s violation of the university policies and state and federal laws outlined in the initial December 17, 2018 complaint were flagrant, egregious, and willful and did rise to the level of grave misconduct. In concurrence with the College Dean, the CIC, and Provost McPherson, they recommended immediate dismissal of the faculty respondent for cause.

A full report of the hearing, findings, and the above recommendations were delivered to President Michael Drake on November 22, 2019. On January 14, 2020, the Chair of the FHC was alerted that the responding faculty member had resigned their position from the university, and therefore, no further action was taken by the university relative to this case.

Case #3: Appeal of a Finding of Grave Misconduct

On October 22, 2018, the Faculty Hearing Committee of the University Senate (FHC) received notification of an appeal by an Associate Professor in response to charges of “grave misconduct,” which were initiated by a faculty program director in a letter to the Dean of their college on November 27, 2018.

The claim against this associate professor, as framed by the College Investigation Committee, their college Dean, and Provost McPheron, asserted that the appealing faculty member violated several university policies including the University’s Sexual Misconduct Policy (1.15) -

https://policies.osu.edu/assets/docs/policy_pdfs/SexualMisconduct_FINAL.pdf

On November 10, 2019, a hearing panel was agreed to, consisting of Steven Lopez (Presiding Officer), Orlando Simonetti and Joshua Blakeslee as voting members, and Enrico Bonello as non-voting alternate. After several meetings and interactions with counsel for the respondent and the complainant, guidelines for conducting the hearing were developed and lists of witnesses and pertinent evidence were established. Both parties agreed to these guidelines and the date of Monday, February 10, 2020 was set for the hearing. On January 30, 2020, however, the faculty respondent and their counsel notified the Office of Academic Affairs that this faculty member was resigning from the university and would not pursue the hearing process. Therefore, no further action was taken by the university relative to this case.

Case #4: Appeal of a Finding of Grave Misconduct

On April 10, 2020, the Faculty Hearing Committee of the University Senate (FHC) received notification of an appeal by a Professor in response to charges of “grave misconduct,” which were initiated by Vice Provost Bruce McPheron on February 14, 2020 due to a continuing violation of directives related to an off-campus reassignment that was initiated by OAA on October 25, 2017 as part of an ongoing investigation into this faculty member related to “conduct that raised concerns about the safety of the University community.”

The claim against this Professor, as framed by Provost McPheron, asserted that the appealing faculty member engaged in “overwhelming abuse of University employees and resources,” including sending “voluminous email communications” in which the faculty respondent “threatened, harassed, retaliated against, and intimidated University employees in a multitude of way”; sent “daily threats and other forms of abuse (that) significantly interfered with University operations” and “resulted in other employees expressing fear for their safety”; and, engage in activities that “repeatedly violated the terms of the reassignment letter and numerous subsequent directives from the Ohio

State University Police Department and the Office of Human Resources to cease such conduct.”

On April 20, 2020, a hearing panel was agreed to, consisting of Terry Reese (Presiding Officer), Noelle Arnold and Ningchuan Xiao as voting members, and Keith Warren as non-voting alternate. After several meetings and interactions, the respondent and the complainant, guidelines for conducting the hearing were developed and lists of witnesses and pertinent evidence were established. Both parties agreed to these guidelines and the date Wednesday, May 6, 2020 was set for the hearing. On May 4, 2020, however, the faculty respondent notified the Office of Academic Affairs and the FHC Chair that they were resigning from the university and would not pursue the hearing process. Therefore, no further action was taken by the university relative to this case.

Meetings

The full body of the Faculty Hearing Committee met 4 times during the 2019-2020 academic year.

September 6, 2019: This was the first meeting of the academic year. The chair shared the full text of Faculty Rule 3335-5 Faculty, Governance, and Committees and discussed the specific charges, processes and procedures relative to sections 3335-5-04 and 05 with the membership. Current (2019-2020) and Pending (2018-2019) cases were discussed, as was the work of the Senate Ad Hoc 04 Rules Committee. We also discussed a potential change to the rules to introduce time constraints (60 days) on the decision-making of the University President relative to 04 and 05 cases.

October 4, 2019: The chair provided updates on pending cases under faculty rule 3335-5-04. The committee also developed language to submit to Senate Steering regarding the recommended changes to Faculty Rules, initiated at the September FHC meeting.

November 1, 2019: The chair provided updates on pending cases under faculty rule 3335-5-04 and shared information from Faculty Cabinet regarding potential changes to this rule. The committee also received updates from FHC committee members serving on the Senate Ad Hoc 04 Rules Committee and provided initial feedback.

January 10, 2020: The chair provided updates on pending cases under faculty rule 3335-5-04. The committee discussed continuing conversations about the FHC proposed rules change and a request from Senate Steering that these changes be tabled and go forward at a later date as part of the overall Senate Ad Hoc 04 Rules Committee work. The FHC requested that the chair respectfully request that these changes move forward independent of the Ad Hoc committee because 1) they were minor word-level changes; and 2) albeit minor in wording, they would have significant impact on the faculty members awaiting final disposition of their appeals. Relative to the potential changes to the 04 Rule, as described by members of the Senate Ad Hoc Committee, a motion was made that all members of the FHC should receive annual sexual misconduct training from the Office of Institutional Equity so that all members would be prepared and qualified to serve on sexual misconduct cases. This motion passed and the FHC determined that these processes should be outlined in a new FHC document – either a FHC Policies and Procedures Manual or as a set of FHC Bylaws. This document would also include: guidelines for establishing faculty panels; standard

practices for communications with respondents and complainants; and standard parameters for establishing witness lists and acceptable evidence including time-frames for submitting these.

March 6, 2020: The chair provided updates on pending cases under faculty rule 3335-5-04. The chair of the Senate Ad Hoc 04 Rules Committee provided a full draft of the proposed 04 Rule Changes and took feedback from attending members. There was not a quorum in attendance at this meeting, however, so no binding decisions were made.