



June 2, 2020

Committee on Academic Freedom and Responsibility Annual Report 2019-2020

CAFR Responsibilities

The Committee on Academic Freedom and Responsibility (CAFR) has the general responsibility under University Rule 3335-5-48.9, section (B) to:

- (1) Study all conditions which may affect the academic freedom or responsibility of the faculty of the university, including, but not limited to:
 - (a) the review of proposed changes in Chapter 3335-6 of the Administrative Code Rules of the University Faculty Concerning Faculty Appointment, Reappointments, Promotion and Tenure; and
 - (b) such changes in the Office of Academic Affairs Policies and Procedures Volume 3 Promotion and Tenure as may impinge upon academic freedom, responsibility, or tenure. If the committee finds that any such condition or proposed change adversely affects academic freedom, responsibility, or tenure, it shall report that finding promptly to the senate for its review.
- (2) Hear and investigate complaints by individual faculty members concerning alleged infringements upon academic freedom or responsibility in the university; report findings and recommendations to the parties involved with the hope of mediating a dispute and report to the senate if further action by the senate is appropriate.
- (3) Hear and investigate complaints by individual faculty members concerning alleged improper evaluation under the procedures of rule 3335-5-05 of the Administrative Code. An additional CAFR responsibility by university policy is that a member of CAFR sit on Committees of Initial Inquiry investigating allegations of research misconduct in order to determine whether or not the allegation has substance. CAFR members are currently fulfilling that responsibility.

Policy Review

Reappointment of Clinical Faculty. During the review of two complaints of improper evaluation for the reappointment of clinical track faculty, CAFR noted a problem in the process for reappointing clinical faculty. In both cases the Clinical Faculty member was reviewed by a committee of eligible faculty and/or the College promotion and tenure committee. In both cases the Dean denied reappointment. The faculty members appealed their decisions to CAFR.

According to rule **3335-7-07 Term of appointment, Section (C)** ..."By the end of the penultimate year of each contract period, the clinical/teaching/practice faculty member will be informed as to whether a new contract will be extended at the conclusion of the current contract period. If a new contract is not extended, the final year of the current contract is a terminal year of employment. There is no presumption that a new contract will be extended. In addition, the terms of a contract may be renegotiated at the time of reappointment."

Further according to rule **3335-7-08 Annual review, reappointment/nonreappointment, and promotion review procedures. Section (A)** "The college dean's decision shall be final with respect to reappointment and nonreappointment." ...



Unlike a tenure track faculty, there is no appeal on the merits of a nonreappointment decision for a Clinical Faculty beyond the College. So in the above two cases, even if CAFR and Hearing supported the allegations of an improper evaluation, the Dean could still deny reappointment upon a subsequent reevaluation. It is also clear from the rules that if a Dean does not want to reappoint a Clinical Faculty, the Dean could state this in the penultimate year and that decision would be final.

CAFR is not taking a stance on the fairness of this process. However, CAFR would like the process updated so that if a College does not intend to renew a clinical faculty member that a formal review process not be initiated. Initiating a formal review creates unnecessary work for both the faculty and college and results in uncertainty for the faculty member. In addition, the faculty member may also ask CAFR and Hearing to evaluate an improper evaluation that results from a formal review. This further extends the process creating more work and uncertainty for the faculty member. CAFR is working with the Office of Academic Affairs to address this situation.

Revisions to Rule 3335-5-04. On April 2, 2020 the Faculty Council Ad Hoc Committee on the 04 Rule released a report on proposed revisions to faculty rule 3335-5-04. While CAFR has had some initial discussions on the revisions to the '04' rule there is presently no formal response to this report.

Complaints of Improper Evaluation

There were three complaints of improper evaluation were brought to CAFR during the 2019-2020 academic year. Pursuant to faculty rule 3335-5-05 : "Procedures concerning faculty complaints about promotion, tenure and renewal decisions", CAFR is charged with evaluating complaints of improper evaluation. CAFR's role is to determine if there is enough evidence to forward this complaint to the Hearing Committee. It is not CAFR's role to "substitute its judgment on the merits of the individual's performance for that of the academic unit."

The first complaint alleged an improper evaluation to Full Professor. Specifically, that the Dean improperly influenced the review and there were irregularities in the review process. Subsequent to a review of the complaint CAFR found that there was enough evidence forward the complaint to the Hearing committee.

The second complaint alleged an improper review for a reappointment to Clinical Associate Professor. Specifically, that there was an improper vote by the Promotion and Tenure Committee, that the Dean improperly removed the faculty from an assignment and gender discrimination. The gender discrimination complaint was forwarded to the Office of University Compliance and Integrity. CAFR found that there was enough evidence to forward the complaint to the Hearing committee.

The third complaint alleged an improper review for a reappointment to Clinical Professor. Specifically, that there were numerous irregularities in the review process. The initial process did contain several irregularities; however, the College reinitiated the process and in the judgment of CAFR appeared to conduct a fair review. CAFR found that there was not sufficient evidence to forward the complaint to the Hearing committee and dismissed the complaint.



Complaints of Infringement of Academic Freedom

CAFR received one complaint alleging infringement of academic freedom. A faculty member alleged that a senate report was deliberately suppressed by the Senate and University Administration and not posted to the Senate website. It was alleged that the report was only posted after the complainant filed a formal grievance with the University. CAFR found that the report was not posted due to an oversight in management of the webpage. CAFR dismissed the complaint.

Committee Bylaws

At the October 2019 meeting CAFR voted to allow remote video participation in meetings. Video participation is allowed by Senate rules and CAFR voted to allow the practice for committee business. Due to the global pandemic, CAFR only held meeting via Zoom since March 2020.

CAFR Membership 2018-2019

Member	College	Term Ends
Scott Schricker, PhD, Chair	Dentistry	2020
Kevin Cullen, Colonel, USAF	ROTC	2022
Coralie Farinas, BS	Food, Agricultural, and Environmental Sciences	2020
Suzanne Haring, PhD	Education and Human Ecology	2022
Curtis Haugtvedt, PhD	Business	2022
Sarah Hayford, PhD	Arts and Sciences	
Melvin A. Pascall, PhD	Food, Agriculture, and Environmental Sciences	2020
Jennifer Suchland, PhD	Arts and Sciences	2021

Drs. Schricker and Pascall, Colonel Cullen will be leaving the committee following Summer semester 2020. Laine Rumreich will replace Corale Farinas as the new graduate representative. As of this report the replacements for the faculty members have not been formally named. Dr. Haugtvedt will serve as the new Chair for 2020-2021.