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Committee on Academic Freedom and Responsibility Annual Report 2017-2018

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. The university is currently reviewing its research misconduct policy. CAFR is represented by its chair on that committee. One issue CAFR has discussed as part of this revision process is the discrepancy between the federal standard of proof for research misconduct (preponderance of evidence, >50%, or more likely than not) compared to the standard cited in rule 3335-6-04 ("clear and convincing," typically taken to be 75%). CAFR has not issued a report on this issue or on the proposed revisions to the policy at this time.

CAFR heard three complaints of improper evaluation and three complaints of infringement of academic freedom during the 2017-2018 academic year.

Complaints of Improper Evaluation

Two complaints of improper evaluation were from clinical faculty and one was from research faculty.

Pursuant to University rule 3335-5-05, section (B)(5), CAFR found that reasonable and adequate grounds existed for asserting improper evaluation in the two clinical faculty cases. The primary concern was the disparity between the external reviews, the department vote, and the college vote. CAFR had no opinion on which interpretation was more appropriate, just that this disparity created an inherently improper evaluation. The rules of the university align with this view. If the candidates for promotion in these cases were on the tenure track, "unclear or inconsistent recommendations from previous levels of review" would be forwarded to the provost's promotion and tenure committee under rule 3335-6-04 (C)(3). CAFR received the complaint because the candidates were members of the clinical faculty. The cases were forwarded to the Hearing Committee.

This issue of different treatment of clinical and tenure-track faculty under the rules was resolved by a change to rule 3335-7-08 specifying that the executive vice president and provost's review of clinical faculty appointment and non-reappointment should be consistent with rule 3335-6-04 for tenure-track faculty, i.e., that inconsistent reviews should be forwarded to the standing university faculty promotion and tenure committee.

The complaint from the member of the research faculty is still being evaluated at the time of this report.

Complaints of Infringement of Academic Freedom

The College of Medicine had a previous workload policy that empowered the dean and department chairs to impose involuntary reductions in tenured faculty appointments due to unsatisfactory job performance. One complaint was received from a faculty member who had an involuntary reduction in appointment imposed for this reason. CAFR expressed its view that such involuntary reductions amounted to improper sanctioning of faculty and should not be allowed. The college workload policy was revised and no longer contains the problematic language. CAFR proposed a change to university policy that involuntary reductions in tenured faculty appointments could only be imposed through the process described under university rule 3335-5-04. This change is being considered as part of the overall revision of the policy on faculty appointments. On the advice of the provost, the faculty member is currently seeking restitution of the involuntarily sanctioned salary from the college's Grievance and Appeals Committee.

In the second case, CAFR did not find sufficient evidence that the numerous allegations represented infringement of academic freedom and the complaint was dismissed.

The third complaint was raised by a group of faculty in the College of Education and Human Ecology alleging that academic freedom was infringed when a program within a major was terminated without following the procedures outlined in the college's Pattern of Administration document or in the Office of Academic Affairs Handbook describing modification of existing undergraduate majors. This complaint is still being evaluated at the time of this report.

CAFR Membership 2017-2018

| | College | Term Ends |
|------------------------------------|--|------------------|
| Donald O. Mutti, OD, PhD, Chair | Optometry | 2019 |
| Martha A. Belury, PhD, RD | Education and Human Ecology | 2018 |
| Korie L. Edwards, PhD | Arts and Sciences | 2019 |
| Sandra A. Metzler, DSc, PE | Engineering | 2019 |
| Melvin A. Pascall, PhD | Food, Agriculture, and Environmental Sciences | 2020 |
| Scott R. Schricker, PhD | Dentistry | 2020 |
| Katja R. Turner, MD | Medicine | 2019 |
| Michael Koenig, BS | Medicine | 2018 |

Dr. Belury will be leaving the committee following Summer semester 2018. Jennifer Suchland, PhD (College of Arts and Sciences) will fill that slot beginning in Summer 2018.