

Committee on Academic Freedom and Responsibility

Annual Report 2006

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Rule and policy review

- Consensual sexual relations policy – CAFR presented an alternative approach to the originally proposed policy at the faculty forum which was well received. CAFR's recommendations helped shape the final policy. Status: completed
- Anonymous complaint hotline – CAFR conferred with faculty leadership and argued the case in senate. Status completed.
- College Patterns of Administration – CAFR strongly supported the process and conclusions of the senate ad hoc committee chaired by Charlie Wilson to develop a proposed rule regarding College POAs. The rule is needed to clarify the role of College POAs in P & T decisions. Status ongoing.
- College P & T evaluation letters - The pattern of concern is that some College P & T committees are not referencing department Pattern's of Administration (3335-6-02) in P & T recommendations. College committees are instead substituting new evaluation standards at the college level. Status ongoing.

Emerging Policy Issues

- IRB - CAFR received a complaint concerning OSU's IRB procedures for human subjects research and their impact on academic freedom in social science research. We are working with University Senate Steering Committee as this issue is being explored.
- Tenure clock - CAFR is interacting with the Women's Place and the Senate Committee on Diversity on possible changes to rules concerning exclusion of time from faculty probationary periods following birth of a child (3335-6-03(D)).

Policy Complaints

- email voting -CAFR received a complaint alleging misuse of email voting. The concern was using email voting in instances when a secret vote is either required or requested. The committee agreed that email ballots are not confidential and the voter can be easily identified. In addition, email voting does not allow for discussion on important matters. CAFR recommends OSU provide a common and secure technological approach to Colleges and Departments to ensure privacy in electronic voting. A letter was sent to OAA asking for review of email voting policy at OSU. No review has been received.
- Improper evaluation based on secret files- CAFR received and dismissed a complaint regarding a denial of academic freedom. The faculty member did not show evidence of quality of teaching in annual report as required in POA. Student complaints received by the chair were the only evidence of teaching quality. The faculty member was able to review the student complaints, however, the students' names were removed by the department chair in accordance with FERPA rules.

P & T complaints

CAFR received 7 complaints on P & T issues – 1 was withdrawn.

- The Faculty member with the withdrawn complaint went successfully through a 7-year P & T review.
- Request for additional information: Following a negative tenure decision were complaints alleging improper evaluation. Two faculty members felt documents were not included in the dossier and should have been requested. CAFR found that candidates are responsible for preparing dossiers for consideration (3335-6-04 (B)(2)). CAFR did not forward the cases to the Hearing Committee.
- Referrals to Hearing Committee: 2 faculty complaints were referred to the Senate Hearing Committee. In one case a probationary faculty member was dismissed with inadequate notice and the dismissal was inconsistent with annual reviews. However, questions arose over hearing a case when the individual is no longer an employee of the university.

Another case referred to Hearing following a denial of promotion centered on concerns over faculty track requirements. Hearing rejected the arguments.

- Re-reviews: CAFR responded, prior to 2006, on complaints from 2 faculty who received negative tenure reviews. Both CAFR and Hearing found serious errors in their tenure reviews and Hearing found the necessity for new, fair and impartial evaluation under 3335-5-05 (C)(6)(b).

Following re-review CAFR, in 2006, received additional complaints that the two re-reviews were not new, fair and impartial evaluations. In one case communication from

the Provost office went beyond instruction to include interpretation of the case. In both cases, candidate dossiers were submitted to the original P & T committees. CAFR believed that faculty did not receive a new, fair and impartial evaluation and that the spirit of 3335-5-05 (C)(6)(b) was not followed in both cases.

Action Item

Rule 3335-5-05 (C)(6)(b) lacks sufficient explanation or detail in what constitutes a new, fair and impartial evaluation. This lack of guidance has created disagreement between CAFR and OAA and leaves 2 faculty members without a remedy through the university system.

Therefore CAFR recommends that:

The Faculty Council form an ad hoc committee to draft language to amend rule 3335-5-05 (C)(6)(b) on Procedures concerning faculty complaints about promotion, tenure and renewal decisions to clarify the process to assure a new, fair and impartial evaluation.