

University Senate
 Faculty Hearing Committee 2021-20221 Annual Report
 Professor Christopher Highley, Chair

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, end-term date, and service activities, beyond regular FHC meetings, for continuing members during the 2021-22 academic year.

Continuing Members	College	Department	Term Expires	Service
Christopher Highley	ASC	English	2026	Chair
Nathan Brummell	MED	Pulmonary Disease	2025	
Caroline Clark	EHE	Teaching & Learning	2025	04 Hearing Panel
Courtney Lynch	PUB HLTH	Epidemiology	2025	04 Hearing Panel
Rocki Strader	LIBRARIES		2025	
Maxey Wellman	VET MED	Clinical Pathology	2025	
Erdal Ozkan	FAES	Food, Ag/Bio-Eng	2024	
Sarah Cole	LAW	Law Administration	2024	
Shuman He	MED	Otolaryngology	2024	
Steven Lopez	ASC-SBS	Sociology	2024	
Desheng Liu	ASC-SBS	Geography	2023	
Don Mutti	OPTOMETRY		2023	04 Hearing Panel
Terry Reese	LIBRARIES		2023	
Antonio Ramirez	ENG	Materials Science	2023	
Orlando Simonetti	MED	Internal Med	2023	
Keith Warren	SOC WORK		2023	
Scott McGraw	ASC-SBS	Anthropology	2023	
Joshua Blakeslee	OARDC	Horticulture/Crop Sci	2023	

The table below includes the affiliations, and service activities, beyond regular FHC meetings, for outgoing members of the committee. Many thanks to all of these colleagues for their significant service to the university.

Outgoing Members	College	Department	Service
Noelle Arnold	EHE	Ed Studies	2022
John Blackburn	BUS	Finance	2022
Imed Dami	FAES	Horticulture/Crop Sci	2022
Collette Dolarhide	EHE	Ed Studies	2022
Loren Wold	NURS/MED	Physiology/Cell Bio	2022
Ningchuan Xiao	ASC-SBS	Geography	2022

Finally, this last table includes the affiliations and end-term dates for newly appointed members who will join the committee in the 2022-23 academic year.

Incoming Members	College	Department	Term Expires
Kartik Venkatesh	Medicine		2026
Feng Qin	Engineering		2026
Lyda Garcia	CFAES		2026
Curtis Haugvedt	Business	Marketing	2026
John Blackburn	Business	Finance	2026

Hearings

During the 2021-22 academic year, the Faculty Hearing Committee resolved two cases of Grave Misconduct and received one appeal from a faculty member under university faculty rule 3335-5-04.

Case #1: Appeal of a Finding of Grave Misconduct

On March 30, 2021, the Faculty Hearing Committee of the University Senate (FHC) received notification of an appeal by a tenured, Associate Professor in response to a charge of “grave misconduct,” which was initiated in conjunction with an HR and OIE finding that this faculty member violated the University Policy on Sexual Misconduct (1.15). -

https://policies.osu.edu/assets/docs/policy_pdfs/SexualMisconduct_FINAL.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 “flagrantly, egregiously, and willfully violated the Sexual Misconduct policy.” The sanction proposed by the CIC and Provost McPheron is revocation of tenure and termination. A hearing panel was agreed to, consisting of Christopher Highley (Presiding Officer), Sarah Cole, and Scott McGraw as voting members. The hearing panelists met multiple times to review the materials from both parties. The panelists as well as the FHC Chair (Caroline Clark) also went through a 4.5-hour training on the management of sexual misconduct cases through the Title IX Office in OIE. Following a thorough review of the case and a hearing conducted via Zoom with the respondent and complainants on June 4, 2021, the panel voted to uphold the findings of the College Investigation Committee and of the Executive Vice President and Provost. The FHC panel’s letter to the President concluded: ‘Based on our findings, which are supported by clear and convincing evidence, it is with regret that the Faculty Hearing Committee recommends immediate dismissal of [...] for cause.’

Case #2: Appeal of a Finding of Grave Misconduct

On May 21, 2021, the Faculty Hearing Committee of the University Senate (FHC) received notification of an appeal by a tenured, Associate Professor in response to a charge of “research misconduct,” in conjunction with allegations that the respondent violated the university Research Misconduct Policy (<https://orc.osu.edu/files/PolicyFINAL-Research-Misconduct-20210301.pdf>). Per university rule 3335-13-08: Research misconduct means fabrication, falsification or plagiarism in proposing, performing, or reviewing research or in report results. Research misconduct does not include honest error or differences of opinion. The proposed sanction was revocation of tenure and termination. On May 24, 2021, a hearing panel was proposed consisting of Noelle Arnold, Steve Lopez, and Rocki Strader. Ultimately, this case was resolved before the hearing could take place.

Case #3: Claim of Infringement of Academic Freedom

On November 23, 2021, the Faculty Hearing Committee of the University Senate (FHC) received a referral from the Committee on Academic Freedom and Responsibility (CAFR) to investigate a claim of infringement of academic freedom brought forward by a tenured Associate Professor. The professor wished to revoke her resignation from the university which she had submitted while suffering a mental health crisis. The university would not allow her to revoke it. A hearing panel was formed of Professor Caroline Clark (Presiding Officer), Professor Don Mutti, and Professor Courtney Lynch. The panel spoke to the complainant via Zoom but never received responses to requests for interviews from others involved in the case. At the request of the Senate Steering Committee, the panel agreed to suspend its investigation. Nevertheless, the panel reported its findings in a letter to the President and Vice-Provost. It asserted that the faculty member's academic freedom had been violated and that the university should reinstate her.

Meetings and Committee Engagement in Shared Governance

The full body of the Faculty Hearing Committee met 6 times during the 2021-2022 academic year via Zoom.

September 3, 2021: The FHC met from 1:30-3:30 pm via Zoom. At this, our first meeting of the year, committee members introduced themselves. We discussed the two essential documents for our committee: the Rules of the University Faculty (as of May 20, 2021) which state FHC's Duties and Responsibilities (p.91-2) and set out the kinds of appeals that we are authorized to hear (p.26-56); and FHC Procedures Manual that Caroline Clark very helpfully put together last year and that was approved by FHC.

October 1, 2021: The FHC met from 1:30-3:30 pm via Zoom. The primary business was to discuss an informal complaint to the Chair by a professor from the College of Education about bullying and harassment by a senior colleague. The Chair sought guidance from the committee on how to advise the complainant and what course of action to recommend. At this point, the complainant has not lodged an official complaint with FHC.

November 5, 2021: The FHC met from 1:30-3:30 pm via Zoom. The primary business was to discuss a case out of the College of Engineering in which a faculty member had been investigated for gross incompetence and grave misconduct under Faculty Rule 3335-5-04. In the end, the faculty member was cleared of the charges by his CIC, but the record of these charges and their investigation remained in his personnel file. The faculty member was seeking to have these documents expunged from his file. At this point, the faculty member has not lodged an official complaint with FHC.

February 4, 2022: The FHC met from 1:30-3:30 pm via Zoom. The primary business was to give updates on and discuss developments in Case #3 above. One aspect of this case involves the University's official resignation policy for faculty. FHC is working with Steering to help to update and clarify faculty resignation policy.

March 4, 2022: The FHC met from 1:30-3:30 pm via Zoom. The primary business was to give updates on and discuss developments in Case #3 above.

April 8, 2022: The FHC was joined by Professor Russell Hassan, Co-Chair of the Steering *Ad Hoc* Committee on Harassment and Bullying. Russell explained that his committee was formed to address the many cases of alleged bullying and harassment lodged by faculty and students that lie outside of protected class situations. Thus, these cases are not covered by Faculty Rule 3335-5-04.3 which only

applies to bullying and harassment based on gender, sexual orientation, race, veteran status, etc. Some faculty and administrators argue that such cases fall under University Faculty Rule 3335-5-04.1 'Procedures for complaints of failure to meet academic responsibilities.' However, the Senate Steering Committee has determined that the uncertainty of how to handle complaints of this nature necessitates urgent clarification by way of an *ad hoc* Committee on Harassment Amongst Faculty. The FHC offered to assist the Steering *Ad Hoc* committee in its work.