

# Rules Committee

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## 2012-2013 Annual Report to the University Senate

### Introduction:

The Rules Committee (RC) is an organizing committee of the University Senate and is responsible for monitoring the “Rules of the University Faculty” and of all statutes and bylaws pertaining to the Senate. It ensures all published rules and bylaws within the Senate’s purview are up to date, and initiates, receives, reviews, and recommends improvements to existing rules.

The RC consists of ten voting members: Six faculty members (each of whom must be a senator), three students and the secretary of the University Senate. The RC traditionally works closely with key personnel in the Office of Academic Affairs and other administrative units. Individuals from these and other offices regularly attend RC meetings and provide valuable counsel, data, and support.

During the 2012-13 academic year, RC met the second and fourth Thursday of each month during Fall Semester and each Monday morning during Spring Semester. The routine business of the committee includes announcement of any new requests for rule changes, updates and discussions on rule changes currently under consideration, and votes on proposed rule changes. The 2012-13 year was very busy for the RC and highlights from the committee are listed below.

### Significant Rule Changes:

#### Rule 3335-5-01 Academic Freedom and Responsibility.

In Spring Semester 2013, the RC was asked to consider how non-tenure track faculty could be given access to “due process” when they had a complaint regarding academic freedom or when a complaint was made against them. Under the existing rules, non-tenure track faculty were not granted the same rights to appeal as tenure-track faculty. As part of this endeavor, 3335-5-01 was modified by changing the word “teachers” to “faculty”, making it clear that academic freedom and responsibility applied to anyone defined as faculty. The rule change was passed by University Senate in April 2013.

#### Rule 3335-5-19 Faculty.

The purpose of this rule change was to clarify the various categories of faculty and to define faculty as including all the categories specified. The changes in this rule did the following things:

- 1) Created three general categories of faculty: tenure-track, non-tenure-track, and emeritus. Specified that within the non-tenure track there are Clinical, Research, and Associated faculty. The term auxiliary was replaced with the term Associated.
- 2) Identified Associated faculty as Clinical Practice, Visiting, Adjunct, and Lecturer

- 3) Provided the opportunity for Associated faculty to participate in academic unit governance when approved by a vote of the majority of that unit's appropriate faculty
- 4) Removed the term "regular" as a description of faculty because it implied there were "irregular" faculty. Faculty are now simply referred to as faculty regardless of type.

This change will require that the RC review all existing rules and change the use of the word "faculty" to ensure it conforms to the new definitions. It is expected that this review will occur in the 2013-14 academic year. The rule change was passed by University Senate in April 2013.

#### Rule 3335-5-04 Hearing procedures for complaints against faculty members.

The purpose of this rule change was (1) to extend the "04" process to all members of the faculty as defined in the revised 5-19 change above, and (2) to modify some aspects of the "04" process. In particular, this change did the following:

- 1) Made the "04" process available to all members of the faculty as defined in 3335-5-19.
- 2) Added definitions of gross incompetence and grave misconduct where none had been provided before.
- 3) Added and defined a new form of misconduct – research misconduct.
- 4) Changed the hearing process so that allegations of grave misconduct and research misconduct follow the same steps as nontrivial financial fraud and must be forwarded to the Provost.

The rule change was passed by University Senate in April 2013.

#### Rule 3335-5-05 Procedures concerning faculty complaints about promotion, tenure, and renewal decisions.

The purpose of this rule change was to extend the "05" procedures to any member of the faculty as defined in 3335-5-19 above. This rule change came in response to a request from the Committee on Academic Freedom and Responsibility (CAFR) regarding whether non-tenure-track faculty should be given the same protections as tenure-track faculty. Under the existing rules, only tenure-track faculty could file a complaint with CAFR. As a result of this rule change, any member of the faculty can file a complaint with CAFR. The rule change was passed by University Senate in April 2013.

### **Other Things of Interest**

In response to the above rule changes, all of which were submitted to the April 2013 meeting of the University Senate, the Committee on Academic Freedom and Responsibility contended that the proposed changes had to be reviewed by them first and, therefore, should not be considered for adoption until such a review was conducted. This contention was based on their interpretation of their duties and responsibilities as set forth in 3335-5-48.9 (B) (1) which states:

Study all conditions which may affect the academic freedom or responsibility of the faculty of the university, including the review of proposed changes in the "Faculty Handbook," Chapter 3335-6 of the Administrative Code (rules of the university faculty concerning faculty appointments, reappointments, promotion and tenure), and such changes in the "Operating Manual" as may impinge upon academic freedom or tenure. If the committee finds that any such proposed change adversely affects academic freedom or tenure, it shall report that finding promptly to the senate for its review.

However, prior to the Senate meeting it was determined that this rule applies to CAFR's oversight of OAA, not the Rules Committee, and that CAFR is to review any rule changes by OAA that may impinge on academic freedom or tenure. This understanding of the rules was presented and discussed at the April 2013 Senate meeting and CAFR's request to have the vote on the propose rule changes postpone was denied.

Respectfully submitted,  
Jeffrey Ford, Ph.D.  
Chair, 2012-13  
Rules Committee