



**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 2020-2021 academic year.

Continuing Members	College	Department	Term Expires	Service
Erdal Ozkan	FAES	Food, Ag/Bio-Eng	2024	
Sarah Cole	LAW	Law Administration	2024	04 Hearing Panel
Shuman He	MED		2024	
Steven Lopez	ASC-SBS	Sociology	2024	04 Hearing Panel
Desheng Liu	ASC-SBS	Geography	2023	
Don Mutti	OPTOMETRY		2023	Senate Ad Hoc 04 Rules Revision Committee, Member
Antonio Ramirez	ENG	Materials Science	2023	
Terry Reese	LIBRARIES		2023	
Orlando Simonetti	MED	Internal Med	2023	
Keith Warren	SOC WORK		2023	
Desheng Liu	ASC-SBS	Geography	2023	
Scott McGraw	ASC-SBS	Anthropology	2023	04 Hearing Panel
Joshua Blakeslee	OARDC	Horticulture/Crop Sci	2023	
Noelle Arnold	EHE	Ed Studies	2022	04 Hearing Panel
John Blackburn	BUS	Finance	2022	
Enrico Bonello	FAES	Plant Pathology	2022	
Imed Dami	FAES	Horticulture/Crop Sci	2022	
Colette Dollarhide	EHE	Ed Studies	2022	Senate Ad Hoc 04 Rules Revision Committee, Chair
Christopher Highley	ASC-AH	English	2022	04 Hearing Panel, Presiding Officer
Loren Wold	NURS/MED	Physiology/Cell Bio	2022	
Ningchuan Xiao	ASC-SBS	Geography	2022	

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

Outgoing Members	College	Department	Service
Prosper Boyaka	VET MED	Vet Biosciences	
Caroline Clark	EHE	Teaching & Learning	Committee Chair
Kent Harrison	FAES	Extension	
Rocki Strader	LIBRARIES	Vet Biosciences	04 Hearing Panel

Finally, this last table includes the affiliations and end-term dates for newly appointed members who will join the committee in the 2021-2022 academic year.

Incoming Members	College	Department	Term Expires
Rocki Strader	LIBRARIES		2025
Maxey Wellman	VET MED	Clinical Pathology	2025
Caroline Clark	EHE	Teaching & Learning	2025
Courtney Lynch	PUB HLTH	Epidemiology	2025
Nathan Brummell	MED	Pulmonary Disease	2025

## Hearings

During the 2020-2021 academic year, the Faculty Hearing Committee received 2 appeals from faculty members 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](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. A hearing time and date were set for June 4, 2021. The hearing will occur via Zoom. This case is still in progress.

### **Case #2: Appeal of a Finding of Research 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/Policy-FINAL-Research-Misconduct-20210301.pdf>).

Per university rule 3335-13-08:

*Research misconduct mean 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. This case is still in progress.

### **Meetings and Committee Engagement in Shared Governance**

The full body of the Faculty Hearing Committee met 6 times during the 2020-2021 academic year via Zoom. The Committee also worked via email on several key documents. This included actively participating in the revision of the University 04 Rule; responding to the Ad-Hoc Report on Senate Standing Committees, conducted by the Senate Steering Committee; and developing a Hearing Procedures Manual to help guide the work of the FHC on 04 cases.

*October 2, 2020:* The FHC met from 1:30-3:30 pm via Zoom. This was the first meeting of the academic year. The chair shared the full text of Faculty Rule 3335-5 Faculty, Governance, and Committees and discussed the specific charges, processes and procedures relative to sections 3335-5-04 and 05 with the membership. There was also initial discussion of the “Faculty Council Ad Hoc Committee on the 04 Rule Final Report.” Members who could not attend the meeting were invited to provide feedback via email on this report via email. The FHC composed a memo of “top-level” concerns related to the rule changes to be shared with the Senate Rules Committee and OAA.

*October 9, 2020:* Representatives from the FHC met with representatives from the Rules Committee and OAA to discuss some of the broad concerns expressed in response to the proposed 04 revisions. As part of that meeting, the memo composed at the October 2<sup>nd</sup> FC meeting was shared. The meeting was productive and positive, with general agreement that the process of approving these changes will be slowed enough for FHC and other key stakeholders to weigh in before any final votes or approvals are taken by Faculty Council. The FHC also agreed to provide additional, more fine-grained feedback after our next regular meeting on Friday, November 6<sup>th</sup>.

*October 9-30, 2020:* The FHC members engaged in a close review, analysis, and mark-up of the proposed 04 Rules changes in a shared document in Buckeye Box for discussion at the next FHC meeting.

*November 6, 2020:* The FHC met from 1:30-3:30 pm via Zoom. The primary business was to discuss and finalize feedback on the proposed revisions to the 04 Rule in order to report back to Jared Gardner, Chair of Faculty Rules, about any questions, concerns, or recommendations of the FHC. Based on this meeting, the FHC submitted a “Final mark-up” of the proposed 04-rule revisions to the Faculty Rules Committee, color-coded in order to indicate changes considered be “critical recommendations” vs “important, but non-essential recommendations” vs “recommendations to improve the document.” Throughout November

and into December, the FHC provided feedback and input as the Faculty Council and the University Senate debated and ultimately voted on the final revised 04-Rule.

*February 5, 2021:* The FHC met from 1:30-3:30 pm via Zoom. The primary business was to discuss the development of a Hearing Procedures Manual to help guide the work of the FHC, particularly in conducting 04 Hearings. As noted at this meeting, the Faculty Rules offer scant guidance on the actual conduct of hearings. The hope of the FHC is that such a manual might create consistency across hearings and make the work of subsequent FHCs and FHC Chairs a bit easier and more seamless.

*March 5, 2021:* The FHC met from 1:30-3:30 pm via Zoom. The primary business was to review and discuss a first draft of the Hearing Procedures Manual. Feedback was provided and further revisions were discussed. Additionally, the FCH reviewed the initial draft of the Ad-Hoc Report on Senate Standing Committees, conducted by the Senate Steering Committee, which provided feedback on the role, function, structure, and communication of the FHC and other recommendations. Based on this meeting, the FHC chair drafted a response to the subcommittee report on behalf of the FHC.

*April 9, 2021:* The FHC met from 1:30-3:30 pm via Zoom. The primary business was to review the FHC response to the report from the Senate Steering ad-hoc committee and to discuss a revised draft of the Hearing Procedures Manual. Based on the meeting and discussion, a final Hearing Procedures Manual was agreed upon, shared with all members, and affirmed, via Qualtrics vote on April 16, 2021. The final Hearing Procedures Manual is attached with this Annual Report.