



Faculty Hearing Committee members and service:

We met as a whole committee twice – once in Fall 2015 and once in Spring 2016. The committee heard one 05 case requiring a Hearing Panel.

Name	Term expires
Robert Derr	2018
Jessica Page	2018
Scott Harper	2018
Prabir Dutta	2018
Alan Hirvela	2018
Stratos Constantinidis	2018
Suzanne Haring	2018
Benjamin Acosta-Hughes	2018
Bala Balasubramaniam	2018
Kenneth Loper	2018
Molly Farrell	2018
Maurice Stevens	2018
Terry Reese	2018
Kent Harrison	2017
Neal Hooker	2017
Tatiana Suspitsyna	2017
Loren Wold	2017
Bill Brantley	2017
George Billman	2016
Tatiana Oberyszyn	2016
Steven Lopez	2016
Vidhyanath Rao	2016

Outgoing members:

I wish to thank the outgoing members for their service: Vidhyanath Rao, Tatiana Oberyszyn, and George Billman.

Business in Progress:

The main business addressed by the committee this year, apart from the 05 case we heard, dealt with proposed changes to the 04 rule. In the spring of 2015, the previous chair of Hearing, TK Daniel, with the unanimous support of the committee, initiated a proposal that would allow any faculty member to appeal a negative decision of the Provost under the 04 rule, regardless of the sanction. With

encouragement from the chair of Rules, and the unanimous support of this year's Hearing committee, Steve Lopez brought the following proposal to Rules on November 19, 2015:

Rule 3335-5-04 (G) (3) [current]:

If the executive vice president and provost upholds the dean's decision and proposed termination of employment, or if the executive vice president and provost modifies a sanction that is less than termination, the respondent may appeal to the faculty hearing committee. In all other cases, the executive vice president and provost's decision shall be final.

Rule 3335-5-04 (G) (3) [Hearing Committee proposal]:

The respondent may appeal any decision or sanction of the executive vice president and provost to the faculty hearing committee.

Rules discussed this proposal in its November 19 meeting with Steve Lopez present.

Ultimately, rules decided not to support the proposal. However, given the existence of broader issues and questions surrounding procedures for dealing with faculty misconduct, Senate leadership decided to create an ad hoc committee, chaired by the outgoing chair of Faculty Council, to review all policies and rules relative to faculty misconduct at OSU, with the aim of presenting findings and recommendations to Steering. The ad hoc committee is meeting during summer 2016. The members of the ad hoc committee on faculty misconduct are:

Deb Steward (chair)
Trish Van Zandt (chair of Rules)
Harald Vaessin (chair of CAFR)
Steve Lopez (chair of Hearing)
Ken Lee (representing Steering)
Kay Wolf (Vice Provost)
Jan Neiger (Assistant Vice Provost)

Finally, on February 25th, 2016, committee member Jessica Page attended a Steering Committee meeting and gave a brief report on Hearing's activities for the year.

Hearings:

The case of Luis Rademacher, Computer Science and Engineering

Hearing received this case from the Committee on Academic Freedom and Responsibility (CAFR) on September 15, 2015. CAFR's initial review of Dr. Rademacher's negative P&T decision found evidence of improper evaluation. A Hearing Panel was appointed, consisting of Vidhyanath Rao (chair), Jessica Page, and Stratos Constantinidis as voting members, and Bill Brantley as non-voting alternate. The Panel interviewed all relevant parties and reviewed all the evidence put forward by the department, college, and candidate. By unanimous vote, the Panel determined that improper evaluation had occurred. The Panel's findings were transmitted to Acting Provost Bruce McPheron on December 4, 2015. Provost McPheron concurred with the findings and ordered a new P&T review.

Meetings:

Monday, September 21, 2015

At this meeting, the chair welcomed new members and gave an overview of the purview of the Committee. The status of proposed changes to the 04 Rule was discussed, and the 05 Hearing Panel for the Rademacher case was appointed.

Monday, March 28, 2016

At this meeting, the outcome of proposed changes to the 04 rule was discussed. The committee also discussed the interface between OSU's new Sexual Misconduct Policy and the 04 rule. The following main points emerged from the discussion: (1) the sexual harassment policy is not in compliance with University Rule 3333-5-04; (2) the policy gives fewer due process protections to faculty than to students; (3) in general, the policy should be revised to accord with the 04 rule rather than the other way around; and (4) The following changes to the 04 rule should be considered in the future: (a) sexual misconduct cases received from HR should bypass the chair and go directly to the college investigation committee; (b) the 04 rule should be revised to state clearly that HR will conduct initial investigations in sexual misconduct cases involving faculty, but the college investigation committee is not bound by the findings of HR's initial investigation; and (c) all members of college investigation committees and the Hearing panel should receive Title IX training specific to cases of sexual misconduct.

Steve Lopez was re-elected as chair of Hearing for 2016-17 by unanimous vote of those present.