

Committee on Academic Freedom and Tenure 2012-13 Annual Report

Chair:

Brooks D. Simpson, Tempe, School of Historical, Philosophical, and Religious Studies/Barrett, The Honors College, **2014**

Committee Members:

Cheree Carlson, Downtown, School of Letters and Sciences, **2015**

Gloria Cuadraz, West, Humanities, Arts & Cultural Studies, **2015**

Alejandra Elenes, West, Humanities, Arts & Cultural Studies, **2015**

Jeffrey Hampl, Polytechnic, Nutrition & Health Promotion, **2013**

Roger Hutt, Polytechnic, Morrison School, **2014**

Paul Knauth, Tempe, School of Earth & Space Exploration, **2013**

Jacqueline Martinez, Downtown, School of Letters and Sciences, **2014**

Kathleen Puckett, Polytechnic, Mary Lou Fulton Teachers College, **2015**

Shirley Rose, Tempe, English, **2014**

During the past year the Committee on Academic Freedom and Tenure (CAFT) received five grievances. These grievances were as follows:

1. Grievant alleged that administrative supervisors failed to assess fairly in accordance with unit standards the grievant's record in declining to renew a probationary contract. The grievance was **withdrawn**.
2. Grievant alleged that administrators failed to review grievant's entire file in recommending against promotion and tenure; that the various versions of the bylaws under which grievant's file was evaluated were inconsistent and at variance with each other; and that administrators failed to inform external reviewers of materials added to the candidate's file after those reviewers had submitted their letters, thus supposedly violating procedure as understood by grievant. The chair of CAFT ruled that the grievance had been **abandoned** in the wake of the grievant's and grievant's legal counsel's decision not to respond to a request to reschedule a previously postponed rehearing.
3. Grievant alleged that administrators failed to inform external reviewers of materials added to the candidate's file after those reviewers had submitted their letters, thus supposedly violating procedure as understood by grievant. The grievance was **withdrawn**.
4. Grievant alleged that there were no established bylaws in existence to be employed to evaluate grievant's research and publication record; that an administrator orally

misrepresented the content of the administrator's assessment; and that repeated organizational and personnel changes at grievant's campus complicated the process of mentoring and assessment. The chair of CAFT, citing a possible conflict of interest, stepped aside, with committee member Dr. Shirley Rose assuming the role of acting chair. This grievance **remains pending** with a hearing scheduled before the end of AY 2012-13: the delay was not due to any actions on CAFT's part.

5. Grievant alleged that administrators did not follow the procedures set forth in post-tenure review and did not adhere to federal and university regulations concerning medical leave and disability. The grievant failed to appear at a grievance hearing: the chair of CAFT ruled that the grievant had **abandoned** the grievance and terminated the process.

In consultation with members of CAFT, the chair notes that a common thread running through these cases is the absence of clarity regarding the existence, acceptance, and applicability of bylaws, which in some cases have undergone changes that create uncertainty as to which bylaws apply in various cases. The chair observes that grievants often claimed a lack of clarity in assessment that may be due to ambiguity on the part of administrators who may be less than direct in expressing their expectations and assessments. Clarity, transparency, and directness of communication would do much to resolve such confused communication and misunderstanding; so would a move to put in place those proposed bylaws that remain pending (in some cases for extended periods of time) in the upper levels of university administration. It is in the interest of faculty that they understand the criteria used to assess their performance and that they understand the process of assessment as well as of promotion and tenure. The committee also wishes to remind faculty that they need to pursue their grievances in an expedient and timely manner: much of the delay in resolving this year's caseload was due to grievants' inaction. Finally, given the claims alleged in one case, the UAS may want to address the issue of faculty responsibility to respond to e-mail notifying them of administrative decisions or engaging in personnel deliberations affecting said faculty member, and that such responsibility does not end with the termination of the academic year. Faculty should not claim that they do not have to respond to administrators because they are not actively engaged in teaching, research, or service at the time of the communication, for such a claim severely complicates the act and timing of such notification. The UAS may have to explore a code of communications conduct to address such circumstances.