

Committee on Academic Freedom and Tenure 2013-14 Annual Report

Chair:

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

Committee Members:

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

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

Rojann Alpers, Downtown, Nursing **2016**

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

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

Shirley Rose, Tempe, English **2014**

Fabio Milner, Tempe, Mathematical and Statistical Sciences, **2016**

Gloria Cuádras, West, School of Humanities, Arts & Cultural Studies **2015**

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

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

1. Grievant alleged that the Faculty Annual Review scores upon which a Performance Improvement Plan was implemented were based on a flawed reading of the grievant's FAR materials. The Chair of CAFT, citing a possible conflict of interest, stepped aside, with committee member Dr. Gloria Cuadraz assuming the role of acting chair. In a prehearing CAFT found that the grievance was not filed in a timely manner and declined to proceed with the grievance. **Dismissed.**
2. Grievant alleged that the Faculty Annual Review scores upon which a Performance Improvement Plan was implemented were based on a flawed reading of the grievant's FAR materials. The Chair of CAFT, citing a possible conflict of interest, stepped aside, with committee member Dr. Jacqueline Martinez assuming the role of acting chair. In a prehearing CAFT found that the grievance was not filed in a timely manner because it was not filed within 30 days of notification of FAR scores and declined to proceed with the grievance. **Dismissed.**
3. Grievant alleged that the grievant's file for promotion and tenure contained guidelines for promotion that had not been approved by grievant's unit and thus were inapplicable to evaluating grievant's file by external examiners and by the University Committee on Tenure and Promotion. Respondent added that the University P&T Committee looked for "the promise of continued excellence," which was not mentioned in the unit bylaws. CAFT found that although there was a procedural violation in the submission of inappropriate standards, there was no substantive impact since in grievant's opinion

grievant's file met the proposed standards; it declined to find in favor of the grievant. The President concurred with CAFT's recommendation.

4. Grievant alleged that grievant was entitled to an extension of time to submit grievant's tenure file in 2011 due to personal circumstances, that extenuating circumstances prevented her from meeting the terms of a two-year extension of time, and that there was confusion as to which bylaws were in place at the time of the 2011 evaluation. In a prehearing CAFT ruled that the events that took place in 2011 were no longer under CAFT's purview due to lack of timeliness in filing a grievance, while CAFT was not empowered to review evaluations of standards of scholarly accomplishments. CAFT thus declined to proceed with the grievance. **Dismissed.**
5. Grievant alleged that in 2006 , 2010, and 2011 grievant was not informed that grievant could have sought relief from personal issues through FMLA, that the conditions of a one-year extension in 2012 were unfair, and that administrative superiors failed to mentor and support grievant in the period before 2011. CAFT found that none of these grievances were filed in a timely manner, and declined to proceed with the grievance. **Dismissed.**
6. Grievant alleged that respondents violated procedure by unilaterally imposing a revised PIP upon grievant's failure to meet the terms of the original PIP. Respondents argued that the proposed PIP offered by grievant's unit post-tenure review committee failed to secure the approval of one of the respondents, as per procedure. Respondents argued that accepting the proposed PIP was in itself a procedural violation, one that favored grievant, as respondents would have recommended termination had proper procedure been followed. CAFT found that the grievant had not identified a procedural violation that resulted in substantive impact adverse to the grievant, and declined to proceed with the grievance. **Dismissed.**

In addition, CAFT completed hearings on a case that was not resolved at the time last year's annual report was issued. In that case, 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. CAFT found that there was a procedural violation with substantial impact and recommended that the President provide for the Grievant two additional years to prepare her promotion and tenure file in accordance with current P&T standards and allow her to submit that file in reconsideration of the original tenure and promotion decision. The President concurred with CAFT's recommendation.

Finally, in accordance with ABOR 6-201.L.4.i, CAFT heard an appeal of a decision to dismiss a faculty member for violating ACD 402 ("Amorous Relationships"), the Code of Ethics, Responsibilities to Students, and SSM 107-1, Release of Student Information. The hearing focused on the first of these three matters, specifically the definition of an amorous relationship.

CAFT found that the Respondent had just cause to recommend the dismissal of the faculty member in question, and the President concurred with that finding.

Based on the experience derived from these cases CAFT recommends that the University Senate should remind faculty of the importance of filing grievances in a timely manner pursuant to ACD 509-2. This is especially true concerning FAR evaluation scores that may trigger the post-tenure review process through the implementation of a Performance Improvement Plan. Faculty should understand that FAR scores themselves are not grievable to CAFT, although CAFT may consider grievances concerning procedure and process which are in its purview. CAFT also recommends that the University Senate take steps to remind faculty of the resources and opportunities available to them under FLMA rather than depending on administrators to notify faculty of their options during the processes of annual evaluation, probationary review, and promotion and tenure.