



University Senate Annual Committee Report Academic Year 2015-2016

Section I

Name of Committee: Committee on Academic Freedom and Tenure

Submitted by: Kathleen Puckett, Mary Lou Fulton Teachers College, Associate Professor, Chair

Date Submitted: April 25, 2016

Roster:

Angela Chen, Downtown Phoenix campus, Nursing 2018
Barbara Ainsworth, Downtown Phoenix campus, Nutrition and Health Promotion 2018
Rojann Alpers, Downtown Phoenix campus, Nursing 2016
Robert Kleinsasser, Polytechnic campus, Mary Lou Fulton Teachers College 2017
Brooks Simpson, Polytechnic campus, Barrett Honors College 2018
Terri Kurz, Polytechnic campus, Mary Lou Fulton Teacher's College 2018
Fabio Milner, Tempe campus, Mathematical and Statistical Sciences 2016
Michael F. Kelley, Tempe campus, Mary Lou Fulton Teachers College 2017
Robert St. Louis, Tempe campus WP Carey School of Business 2017
Carol Mueller, West campus, Humanities Arts and Culture 2018
Suzanne Painter, West campus, Mary Lou Fulton Teachers College 2017

Overview Narrative:

The chair of CAFT is also the chair of the Grievance Clearinghouse Committee. During AY 2015-16, the Grievance Clearinghouse Committee received eight cases filed by seven grievants, and assigned five cases to the Committee on Academic Freedom and Tenure. Of these cases, one went to hearing, two were dismissed after pre-hearings, and two were dismissed due to no grievable issue and/or available remedy as stated in the individual's Grievance Services Request (GSR) form.

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Section II

Grievance cases reviewed by the committee and outcomes:

1. Grievant alleged that denial of tenure was due to a violation, a misinterpretation, an arbitrary or differential application of university policy, regulation, or procedures.
 - a. Outcome: After grievant's clarification of his arguments regarding the basis of his grievance during the pre-hearing, the CAFT Chair ruled that the Grievant had identified no material violations over which CAFT had jurisdiction or could offer a remedy.
2. Grievant alleged that denial of tenure was due to an improper review by the University P & T committee. The grievant disputed the manner in which judgment was exercised and disagreed with the outcome.
 - a. Outcome: After two amendments to the GSR, there was no description of alleged procedural violations. No hearing was held because the GSR was inadequate in describing a grievance that fell within CAFT's jurisdictional guidelines.
3. Grievant alleged denial of tenure was due to a conflict of interest between grievant and a committee member in the unit's tenure review committee.
 - a. Outcome: After grievant's clarification of his arguments regarding the basis of his grievance during the pre-hearing, CAFT Chair ruled that the attempt to grieve a conflict of interest was untimely and that there was no policy governing a possible recusal by the faculty member under the circumstances presented, and the grievant had identified no grievable issues to be heard.
4. Grievant alleged that denial of tenure was due to a procedural error resulting in the wrong CV uploaded to the tenure application forwarded to the university P & T committee and to the provost.
 - a. Outcome: After grievant's clarification of his arguments regarding the basis of his grievance during a hearing by the committee, the CAFT chair ruled that the error of the wrong CV in the tenure application was material and recommended a re-review of the file. The president upheld the recommendation of the CAFT and ordered a re-review of the file by the university P & T committee and the provost, and directed the dean to review procedures for forwarding tenure materials from the unit in order to insure the accuracy of subsequent files.
5. Grievant's leave request to be absent during 14 days of instruction was denied. Despite the denial of leave by her dean, she left her position as clinical associate professor, and upon return was notified that her resignation was accepted without notice. Grievant appealed this dismissal/resignation on the grounds that she did not resign, and sought reinstatement or compensation until the end of her contract period.

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- a. Outcome: The CAFT chair asked for further clarification, and subsequently denied a hearing because dismissal is covered in ABOR policy 6-201, “*Conditions of Faculty Service*,” and cannot be grieved under ACD-509-2.

Section III

Request for Consultations and/or topics that were not started or remain unfinished and need to be carried over to the next academic year.

None.

Section IV

Recommendations to the Senate or Final Comments

ACD 509-01 and ACD 509-02 clearly define the role of the University Ombudsperson, and clearly state that issues ineligible for ombudsperson intervention include denial of faculty tenure and dismissal for cause. These are the primary issues considered by CAFT during this academic year. There remains a need for faculty who are considering filing a grievance to receive informal assistance by someone familiar with ACD and ABOR policies to frame a clear and concise Grievance Services Request, including consideration of issues where CAFT would have jurisdiction.

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