

Section I

Name of Committee: Committee on Academic Freedom and Tenure

Submitted by: David William Foster, Chair, School of International Letters and Cultures

Date submitted: April 30, 2019

Roster:

Jill Messing, Downtown Phoenix Campus, Social Work
Rojann Alpers, Downtown Phoenix Campus, Nursing and Health Innovation
Hans van der Mars, Polytechnic Campus, Teacher Preparation
David Martinez, Tempe Campus, American Indian Studies
Nancy Grimm, Tempe Campus, Life Sciences
Micha Espinosa, Tempe Campus, Film, Dance and Theatre
Karen Leong, Tempe Campus, Social Transformation
Sree Kanthaswamy, West Campus, Social Transformation
Patricia Clark, West Campus, Humanities, Arts and Cultural Studies

Overview Narrative:

During AY 2018-19 the chair of the Committee on Academic Freedom and Tenure (CAFT) also chaired the Grievance Clearinghouse Committee (GCC). There were six new cases presented, and two additional cases that carried over from AY 2017-2018. Of the six cases presented, two were dismissed by the GCC and the remaining four were assigned to CAFT.

Section II

Grievance Cases Dismissed by the Committee:

1. Grievant alleged infringement of academic freedom as a consequence of a stipulation imposed by his retirement agreement (of which he was a co-signatory) that limited his access to campus, his office, and his laboratory and restricted his access to unit e-mail distribution lists. Since grievant had agreed formally to this stipulation, CAFT was judged to have no jurisdiction.
2. Grievant under 1) refiled his complaint, insisting that, despite formal agreement to access restrictions, their enforcement was *de fact* a violation of his academic freedom. It was, once again, determined by the CAFT Chair that the Committee had no jurisdiction to intervene in a contractual arrangement between the grievant and the university.

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3. Grievant alleged that his denial of tenure and promotion to associate professor was the consequence of the abridgement of his academic freedom as part of the process of the assessment of his research and grant-generation activities. This grievance led to a full hearing, and the hearing committee determined that there was no grievable issue.

4-5. Grievant alleged that her academic freedom had been abridged as a consequence of several administrative decisions, and she filed two separate petitions. Since these issues were resolved administratively, the case was dismissed as no longer pertinent and that, as a result, there were no remedies to be recommended (i.e., because they had already been effected by the administration). It would have been appropriate for grievant to withdraw her complaint, but since she did not, CAFT was obliged to proceed with a prehearing and ruling.

Grievance Cases Heard and Terminated

1. Grievant has presented multiple versions of multiple grievances based on multiple administrative decisions with regard to her loss of significant outside funding, which has led to a severe curtailing of her research space and associate resources. In addition to alleging arbitrary and discriminatory decision-making, she has alleged that her search material have been lost or damaged, that equipment has been rendered inaccessible and unserviceable, and that various promises of remedy have not been forthcoming. In the most recent version of her grievance, the CAFT chair determined that no issue of academic freedom or tenure was at issue and that the grievance was dismissed. Subsequent appeal by the grievance led the committee to agree to consider some issues as potentially grievable, and a date was set for a full hearing. Prior to the hearing, Grievant's attorney filed a petition with Superior Court that the hearing should not take place for various reasons, principally that the Chair of CAFT had ruled against the grievant in the matter of academic freedom. The Superior Court judge assigned to take action on the petition rejected the petition as not covered by state statutes. As a consequence, the hearing was convened. However, the grievant and her attorneys failed to appear. In conformance with CAFT procedures, the case was closed, with no further action being taken.

Grievance Cases by the Committee and Forwarded to the University President

1. Grievant alleged several material irregularities and arbitrary procedures in the evaluation of his dossier for tenure and promotion. A hearing was held, and CAFT recommended to the President that the Grievant's case be re-reviewed, along with including additional documentation. The President, however, upheld the unit's determination to award a terminal contract, thereby rejecting CAFT's recommendations.

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Grievance Cases Pending as of April 30, 2019

1. Grievant alleged serious structural and judgmental irregularities in a decision regarding tenure promotion to associate professor. Because of a conflict of interest, the Chair recused himself and Hans van der Mars was asked to chair CAFT for this hearing. A hearing was held, but a committee report is still pending as of this writing.

Grievance Cases Considered but not Heard

1. Grievant denied promotion. In the original grievance submission the Grievant failed to specify any procedural violations or identify any available that could be granted. The CAFT invited the Grievant to make amendments, but received none, and therefore CAFT declined, and CAFT declined to hear his grievance.

Section III

Item to carry-over into AY 2019-20

If pending case noted above does not result in a final report before the end of the AY, it will have to be held over to the next AY.

Section IV

Recommendations to the Senate or Formal Comments

It may be worthwhile for CAFT to develop some guidelines in order for faculty members to understand what constitutes academic freedom. Arbitrary, irresponsible, or incompetent administrative actions rarely rise to the level of academic freedom. While they are to be lamented and redressed, they do not fall under the purview of CAFT. Academic freedom is crucial and is of utmost importance to the intellectual health of the university, and it must be clearly understood in concept and scope.

Dossiers reviewed by unit committee and unit chair ought to occur in a truly independent and simultaneous fashion. That is, the chair ought to write an assessment independent from seeing the assessment of the committee, not in response to it. As a dossier moves up to the next level, there appears to be an increasing dependence of the internal committee and administrative review letters. This recommendation would ensure a true level of independence, at least in the early stages of the tenure and promotion review process.

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There continues to be inconsistency in bylaws across administrative levels when it comes to tenure and promotion committee composition for review of applications for promotion to full professor. There is a valid question as to whether or not the ACD manual authenticates the requirement by some units that decisions regarding promotion to full professor must be made only by a committee composed of other full professors. While it is common “practice” to have only full professors in a department review a dossier for promotion to full professor, the case still pending (see above) involves a department that currently has bylaws that define the personnel committee at the departmental level as one consisting of both full and associate professors

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