



**University Senate  
Annual Committee Report  
Academic Year 2020-2021**

## **Section I**

**Name of Committee:** Committee on Academic Freedom and Tenure

**Submitted by:** Jill Theresa Messing, Chair, School of Social Work, Watts College of Public Service and Community Solutions, Downtown Campus

**Date submitted:** April 23, 2021

**Roster:**

Nancy Grimm, Tempe Campus, Life Sciences

Sree Kanthaswamy, West Campus, School of Social Transformation

Angelica Afanador Pujol, Tempe Campus, School of Art

Rida Bazzi, Tempe Campus, Computing, Informatics, & Decisions Systems Engineering

Eric Kostelich, Tempe Campus, School of Mathematical & Statistical Sciences

Shawn Jordan, Polytechnic Campus, Sch EGR Programs

Marco Janssen, Tempe Campus, School of Sustainability

Aya Matsuda, Tempe Campus, Department of English

Elsie Moore, Tempe Campus, School of Social Transformation

Kristin Mickelson, West Campus, School of Social and Behavioral Sciences

**Overview Narrative:**

During AY 2020-21 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 no cases were carried over from AY 2019-2020. Of the six cases presented, three were dismissed by the GCC and the remaining three were assigned to CAFT.

## **Section II**

**Grievance Cases Dismissed by CAFT:**

1. Grievant alleged that their denial of tenure and promotion to associate professor was the consequence of the abridgement of their academic freedom as no evaluations of teaching and service occurred and that the University Promotion and Tenure Committee did not identify the

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specific number of external letters that expressed concern regarding the trajectory for future publication. The grievant was unable to articulate a connection between the alleged procedural irregularities and a material impact on the tenure review. Grievance committees do not have jurisdiction to evaluate the substance of a faculty member's original case. The case was dismissed prior to a hearing.

2. Grievant alleged that their academic freedom had been abridged as a consequence of not teaching a graduate course and that a negative teaching evaluation on their annual

review was the result of a lack of involvement with graduate students. The grievant went through an evaluation appeal process, which granted relief of increasing the teaching evaluation score, a decision that is final per ACD 506-10. Additional issues related to discrimination were pursued through the Office of University Rights and Responsibilities (OURR). No additional grievable issues were articulated (outside of those being pursued with OURR) and the matter was closed.

### **Grievance Cases by the Committee and Forwarded to the University President**

1. Grievant alleged several policy and procedural violations material to their denial of tenure and promotion. At the hearing, the parties stipulated that one matter was to be presented – whether the respondent's interpretation of the bylaws was a violation of policy or procedure. At the time of the hearing, issues of harassment or discrimination were pending before OURR and it was determined that evidence regarding these allegations was not properly before CAFT and would not be heard. The specific matter before CAFT was as follows: Within the unit tenure and promotion bylaws, "examples of scholarly portfolios that might indicate excellence" are enumerated. The respondent considered these examples a "minimum threshold" or requirement. The Unit, College, and University Promotion & Tenure committees considered these to be examples or "guidelines." Chairs of the College and University P&T Committees (called as witnesses for the grievant) stated that they did not believe that the respondent's interpretation of the bylaws constituted a policy or procedural violation. CAFT concluded that the grievant did not establish that a policy or procedural violation occurred and recommended that no relief be granted to the grievant.

### **Grievance Cases Pending as of April 19, 2021**

There are no grievance cases pending.

### **Grievance Cases Considered but not Heard**

There were no grievance cases considered but not heard.

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### Section III

#### Item to carry-over into AY 2021-22

At this time, there are no pending cases to be carried over to the next AY.

### Section IV

#### Recommendations to the Senate or Formal Comments

Academic freedom is crucial and is of utmost importance to the intellectual health of the university; it must be clearly understood in concept and scope. It may be helpful for CAFT to develop some guidance to help faculty members understand what constitutes academic freedom. Arbitrary, irresponsible, or incompetent administrative actions rarely rise to the level of academic freedom. Claims of discrimination are properly before the Office of University Rights and Responsibility. While these issues should be redressed through the proper channels, they do not fall under the purview of CAFT.

With regard to tenure and promotion decisions, grievance committees do not have jurisdiction to evaluate the *substance* of a faculty member's original case. CAFT developed some standard language to assist grievants in understanding that grievance committees may hear cases where an allegedly material substantive policy or procedural violation may have occurred. For an alleged violation to be material, it must have had an impact on the outcome of the case. The relief available for a policy or procedure violation is for the matter to be sent back to the level at which the violation allegedly occurred.

Unit promotion and tenure criteria should be reviewed carefully by faculty. Examples included in tenure and promotion criteria, even when clearly labeled as examples, may be interpreted by administrators (or faculty) at various levels of review as requirements. It is particularly disconcerting when administrators and faculty have consistently different interpretations of stated promotion and tenure criteria throughout the review process. While independent review at all levels is required, it is difficult to identify what constitutes an independent review.

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