

COMMITTEE ON ACADEMIC FREEDOM AND RIGHTS ANNUAL REPORT 2017-2018

The Committee on Academic Freedom and Rights (CAFR) serves as guardian of academic freedom and rights for all members of this academic community. Because all the CAFR meetings in 2017-2018 focused on sensitive complaints particular to faculty and faculty petitioners, participation was limited to the four members of the committee that are faculty at the College and did not include the student representatives provided by SGA.

Informal Cases: CAFR met with three petitioners (all faculty) to discuss possible violations of academic freedom and rights. These were independent, unrelated complaints. None of these three concerns were ultimately adopted by CAFR as a formal case.

In the first, CAFR helped the petitioner determine the relationship between earlier actions by a third party and the academic rights of the petitioner, and sought to facilitate a common understanding of academic rights among the parties. Our understanding is that the petitioner was satisfied with the outcome of their subsequent meetings with the third party.

In the second, the faculty member sought clarification on whether a series of actions could entail a violation of academic freedoms or rights, and to identify possible responses.

In conjunction with the third issue, CAFR participated in a series of internal conversations focused on the intersection of sabbatical leaves, Human Resource's Family Medical Leave policies, and the capacity of these emergencies to interrupt or alter sabbatical leaves. Because these concerns focused on a hypothetical scenario (one that was feared but not yet actualized) rather than a complaint wherein confidentiality is necessary, we share elements of that conversation here. The concern that has been expressed to, and within, CAFR is a lack of clarity for policy regarding how emergency leaves that occur during a sabbatical should be handled. Although existing policy is clear for emergencies that could arise during periods of conventional work, it has no particular language regarding sabbatical. One can imagine scenarios where an emergency leave makes it impossible to effectively fulfill a sabbatical. To the extent that a sabbatical is understood to be work (which doesn't seem controversial), and to the extent that one in seven emergencies of a scale that necessitates a leave of work will probabilistically occur during a sabbatical year, this seems to warrant clear policy. Would an individual that required emergency medical leave during the sabbatical process still be eligible for that (same) sabbatical in an adjacent semester? Are there existing, transparent guidelines about managing the sabbatical leave if an emergency occurred early in the sabbatical leave? If an emergency occurred just prior to a sabbatical, could that sabbatical be transferred to a subsequent semester (and a semester that was identified, rather than ambiguously *deferred*)? To the extent that sabbatical is understood to be work (albeit a different type), should these emergency leaves be treated as a disruption of work?

Precedent may be a poor guide here, given the idiosyncrasies that may be particular to any case. Context such as when within the arc of the sabbatical process the emergency occurred, or how other resources (budgets, adjacent personnel, capacity of particular departments to endure an absence) are affected, could make the topic even more subject to arbitration on a case by case basis. Further, it is unclear what criteria would be used for any arbitration.

This ambiguity will be particularly challenging for individuals confronted with unexpected emergencies (for themselves or dependents) that would trigger medical leaves during a sabbatical. That is, we can assume they'll be under considerable duress at the time. CAFR concluded that clearer policy could diminish the prospect of violations of Academic Rights in this instance. Clearly articulated policy could also decrease the likelihood of individuals relying on their particular understanding of precedent for their assessment of how appeals will be treated.

This was an unusual discussion for CAFR; it focused on a perceived threat to academic freedom and rights that could occur in the future, in the absence of clarifying text. Recognizing that the Faculty Development Committee is the primary faculty committee that participates in issues related to sabbaticals and communicates recommendations to others (including faculty and office of DOF/VPAA), CAFR recommended that the FDC clarify and, as necessary, develop and propose, a policy at the intersection of sabbatical leaves and HR's Family Medical Leave policies that recognizes that emergencies have the potential to interrupt or alter sabbatical leaves. CAFR further encouraged that any new language regarding criteria or deadlines be provided to the faculty for adoption in the Faculty Handbook. That request, and the aforementioned concerns, was communicated to FDC in a letter from CAFR.

Formal Cases: The concerns brought by a fourth individual culminated in a formal complaint and adoption of the complaint by CAFR. The committee conducted an investigation into the alleged violations and presented its findings and recommendations at a meeting with the President and DOF/VPAA. A series of additional meetings with other stakeholders occurred thereafter, and the President communicated his response to CAFR's recommendations to the Committee and the petitioner.

Other Communications:

The chair of CAFR communicated with the Board of Trustees twice (once by phone, once in person). The CAFR chair attended chairs' gatherings with President Glotzbach, wherein shared governance and initiatives expected by attending committees / groups are introduced by the chairs and discussed.

CAFR participated in the Committee of Committees meetings hosted by the FEC during the fall and spring semesters. In conjunction with those meetings, we were reminded of discussions about how service is valued, incentivized, and enabled, as well as whether the faculty have a common understanding of what the term *service* means. One modest proposal (from the chair of CAFR) was that the elected committees communicate the number of course releases provided to support the work of their committee within a given year. The Annual Report seemed an appropriate forum to communicate and archive that information in a fashion that increased transparency regarding service. To that end, we report here that no course releases occurred to support the work of CAFR in 2017-2018.

Committee members for 2017-2018 included Josh Ness (chair), Nurcan Atalan-Helicke, Benjamin Bogin and Masako Inamoto. The committee members for 2018-2019 will include Nurcan Atalan-Helicke (chair), Benjamin Bogin, Masako Inamoto, and Jess Sullivan.

Respectfully submitted,
Josh Ness
Chair of 2017-2018 CAFR