

COMMITTEE ON ACADEMIC FREEDOM AND RIGHTS ANNUAL REPORT

2018-2019

The Committee on Academic Freedom and Rights (CAFR) serves as the guardian of academic freedom and rights for all members of this academic community.

During the Academic Year 2018-2019, CAFR met as a group 43 times; most meetings lasted about an hour, although some of these meetings were over 6 hours long.

Because all of these meetings 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.

Cases

CAFR had a total of 7 cases (4 informal + 3 formal) this year. In hearing and investigating these cases, CAFR spoke with a total of 20 unique tenure-line faculty (and to many others not on the tenure-line).

Informal Cases: The faculty members of CAFR heard four informal cases (all faculty) to discuss possible violations of academic freedom and rights. These were independent, unrelated complaints.

- Two of the informal cases did not appear to contain potential violations that would fall under CAFR's purview.
- In two informal cases, CAFR concluded that the concern was consistent with a potential violation of academic freedom or rights, but the petitioner(s) did not proceed with a formal case. That is, these were situations in which a more formal complaint to CAFR or investigation by CAFR could be warranted, but the petitioner(s) elected not to pursue a formal case at this point.
 - In the first instance, the petitioner(s) decided to try to resolve the issue through direct discussion with the alleged violators and did not proceed with a formal CAFR case.
 - In the second instance, CAFR offered to informally mediate and help to resolve the concern. However, because the issue was complex, the petitioner(s) did not seek CAFR's assistance.

Formal Cases: After informal inquiries and discussion with CAFR, the committee received and adopted three formal petitions and pursued formal investigations. The committee conducted investigations into the alleged violations, and presented its findings and recommendations to the President in the form of written letter as well as a pair of meetings between the President and the members of CAFR.

CAFR completed investigation of three cases, presented its findings and communicated its recommendations to the President.

Here is some information about the investigation timeline of CAFR:

- Case 1: Informal meeting was on March 4, and formal petition was received on March 29. CAFR finalized its findings and recommendation report on April 25, and met with the President on April 30.
- Case 2: Informal meeting was on April 1, and formal petition was received on April 16. CAFR met with the President on May 14. CAFR finalized the findings and recommendation report on May 21. We wish to note that given the timeline that CAFR had, this investigation was completed, but not exhaustive.
- Case 3: Informal meeting was April 18, and formal petition was received on April 24. The letter of findings and recommendation was submitted to the President on May 13.

CAFR had 11 interview sessions to investigate the cases. Most of these interviews were in May 2019.

CAFR also presented its recommendations related to tenure appeal cases to the Board of Trustees on May 16, 2019.

Because CAFR's recommendations were delivered close to the end of the semester, the President has not communicated his decisions yet. After the President communicates his decisions in writing in response to CAFR's recommendations, CAFR will communicate these decisions to the petitioners.

Other work

- Besides its regular meetings with FEC and the President and its meetings as part of the cases described above, CAFR met with ATC, TRB and FEC four times to

review the Faculty Handbook language on the tenure appeal process. Although the committees have worked on several iterations of a proposed revision to the Faculty Handbook, the committees have not reached an agreement about details of the process. CAFR's primary concerns in this conversation are: (1) ensuring the robust preservation of academic freedoms and rights for the faculty; (2) ensuring adequate time during the process for full investigation; and (3) the preservation of confidentiality of those involved. CAFR hopes that the committees will be able to bring this to the faculty floor for discussion and a vote in the next academic year.

- The Committee has revised its operating code to reflect committee membership changes. The new operating code of CAFR can be found here: <https://www.skidmore.edu/governance/cafr/CAFR-OperatingCode-2018.pdf>
- CAFR also worked on a manual for new CAFR members to learn about the procedures and the decision-making process within CAFR. The manual supplements the guidelines provided by the operating code with more detailed discussion of practical matters involved in the committee's work.

Observations and suggestions:

- Because we received such a large number of informal and formal cases, CAFR is concerned about the uptick in cases. We are concerned from a workload perspective (CAFR members receive no compensation; note that outside of the 40+ meetings reported above -- many of which lasted 2-7 hours -- CAFR members reported working an additional ~20-30 hours *each* on investigations and writing outside of our meetings). More importantly, because ~10% of tenure-line faculty met with CAFR as part of a formal or informal investigation, CAFR is concerned because this uptick in cases *could* be indicative of important dynamics and structural issues in the college. We hope the faculty will continue to monitor the volume of cases that CAFR receives.
- CAFR is concerned that many faculty are not aware of their rights and freedoms, and/or are not aware of what CAFR does, how CAFR differs from other bodies (e.g., TRB), the types of violations CAFR can investigate, and the types of recommendations CAFR can make. We recommend that CAFR be part of new faculty orientation in August, and that CAFR makes a short presentation every year in the first faculty meeting. We hope that this may lead to more awareness of what

CAFR does and facilitate proactive engagement with CAFR to address potential violations of academic freedom and rights as early as possible.

- One important role that CAFR can play is in investigating potential academic rights and freedoms violations in cases of tenure denial. This is because TRB is only able to assess the contents of the tenure file and ATC's procedure, and is not an investigative body. In other words, CAFR is the only committee that can investigate potential concerns related to violations of academic freedom and rights, and is the only committee that can consider material outside of a candidate's file and appeal letter. However, the new ATC timeline simply does not allow adequate time for the candidate to compile a petition, CAFR to investigate it, and CAFR to provide a recommendation to the President in advance of the trustee's meeting.
- Bias can take multiple forms (e.g., gender bias, disciplinary bias, racial bias). Skidmore College has been proactive about understanding bias. However, there is currently no body to assess bias at the tenure evaluation stage or before coming to tenure evaluation: CAFR acknowledges that TRB's purview and assessment of tenure appeals is narrowly defined and cannot capture such bias, if and when it exists. Therefore, CAFR recommends the DOF, ATC and FEC to engage in a broader conversation about bias with specific attention to how to protect faculty who believe they are experiencing bias. We also recommend that the faculty consider *whether* and *how* to modify Faculty Handbook language and/or procedures related to assessing and protecting from bias.
- CAFR's investigations are focused on specific allegations of violations of academic freedoms and rights but often reveal larger structural issues at the college beyond the specific charges. Over the course of our investigations, we gain insights that could lead to recommendations about changes to the faculty handbook that would more effectively protect the faculty's academic freedoms and rights. We hope to work with FEC and others in the faculty and administration to develop mechanisms whereby these insights could lead to productive structural changes and/or actions.
- Currently, there are several documents that CAFR and the faculty use to determine the rights and freedoms of the faculty: the Faculty Handbook, the Chairs and Program Director's Handbook (including the Model Personnel Procedure), and departmental policies. CAFR notes that there are substantial potential (practical, logistical) barriers to following the procedures outlined in these documents, including:

- Lack of updated documents on department websites.
- The updating of procedures and documents mid-semester.
 - Absence of archives of **dated** older documents/procedures.
 - Absence/inadequacy of communication about changes to document/procedures.
- Confusion about which documents take precedent (e.g., if a departmental policy conflicts with the Model Personnel Procedures).
- Regular communication across the college about these documents.

Respectfully Submitted,

Nurcan Atalan Helicke, Chair of CAFR, 2018-2019

AY 2018-19 CAFR Membership

Nurcan Atalan Helicke (Environmental Studies and Sciences), Ben Bogin (Asian Studies), Masako Inamoto (World Languages and Literatures), Jessica Sullivan (Psychology)

AY 2019-20 CAFR Membership

*Benjamin Bogin (Asian Studies), ^[]_[SEP]Masako Inamoto (World Languages and Literatures), Jessica Sullivan (Psychology), Dan Curley (Classics)

Student Reps will be determined with SGA at the beginning of the semester.