

COMMITTEE ON ACADEMIC FREEDOM AND RIGHTS (CAFR)
ANNUAL REPORT, 2021–2022

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

SUMMARY

During Academic Year (AY) 2021–2022, CAFR considered or was involved in 17 separate issues: consultations, governance matters, informal or formal inquiries, and professional development. Although our doctrine of confidentiality requires the withholding of certain details, the breakdown is as follows (an *asterisk indicates additional discussion later in this report).

- Two consultations with the administration, one mandated by the *Faculty Handbook (FHB)*, the other on the question of mandatory COVID vaccinations and boosters.
- A *governance issue related to CAFR's interactions with the President.
- Fall anti-bias training to support CAFR's new role in the tenure-appeal process. No tenure appeals were lodged this year.
- Seven consultations with community members (six with faculty, one with a student) that either did not merit or did not escalate to informal inquiries. It is worth noting that all six faculty consultations were with *non-tenure track (NTT) faculty.
- Four informal inquiries with faculty members, none of which escalated to formal inquiries. An informal inquiry requires meeting with CAFR and bringing a complaint to the full committee. Following this meeting, CAFR might engage in an informal investigative process or attempt to resolve the complaint informally via mediation. In two of the above cases, CAFR recommended direct consultation between the complainants and the Associate Dean of the Faculty (ADOF); CAFR does not consider these cases closed. In addition, *one other case remains ongoing.
- One formal inquiry related to sanctions against a faculty member. A formal inquiry requires a written petition, naming one or more respondents, which initiates a formal CAFR investigation. In this case, the petition was submitted on October 6, 2021. CAFR's written findings and recommendations were conveyed to President Marc C. Conner on November 4 (20 working days later). President Conner issued a written response on November 30, which was lightly emended (per CAFR's request) on December 2.
- A *special investigation related to the 2015 legislation that (A) defined the positions of Teaching Professors and Lecturers; and (B) provided *FHB* language for renewing these positions and promoting within their ranks.

The work surrounding these issues required some 50 meetings with faculty and administrators, with approximately 40 involving a CAFR quorum (and usually a full quorum). We were fortunate in that many complainants were available during our standing meeting time, thus mitigating the need to schedule special meetings — though we had no shortage of these, either. CAFR also delivered a report on academic freedom and rights to the Board of Trustees on May 10, 2022.

DISCUSSION

Governance. CAFR collaborated with President Conner on a change to next year's operating code with regard to formal inquiries. A second meeting with the President has been added *after* the committee writes and submits our findings and recommendations, and *before* the President writes and submits their response. This step is a further opportunity to exchange information about a case prior to any decisions being communicated to CAFR. The second meeting will be implemented, should any formal inquiries arise, on a trial basis in 2022–23.

Ongoing informal inquiry. At the prompting of a faculty member, CAFR looked into the principles for recording/not recording individual meetings between faculty and members of the administration. By way of beginning an investigation, CAFR sent an inquiry to Vice President for Academic Affairs (VPAA) Michael Orr; however, the year's business precluded follow-up. The committee will continue this inquiry in the coming year.

NTT faculty. While investigating the 2015 legislation, CAFR was guided by the comments we received from NTT faculty, both in person and in writing, including colleagues on contracts when the legislation went into effect. With approval from each faculty member, CAFR conveyed the comments in anonymous written form to the office of the VPAA.

CAFR's findings from the investigation include the following:

- The original intent of the legislation was to create the rank of Teaching Professor for faculty who had served as Visiting Assistant Professors for at least three years, to provide a path to promotion for Teaching Professors and Lecturers on iterative terminal contracts, and to regularize the process and timeline guiding their potential reappointment. No distinction in how the legislation applied to faculty on terminal contracts versus renewable contracts was ever intended.
- After the legislation was approved, the new language in the *FHB* concerning renewal of NTT contracts was understood by the DOF Office as only applying to Teaching Professors and Lecturers specifically appointed to renewable contracts.
- In addition, the originally intended review process for Teaching Professors and Lecturers, irrespective of the type of contract, was never implemented by the DOF Office, though some departments/programs might have modified their internal review procedures in response to the legislation.

CAFR, the VPAA, and ADOF for Diversity and Faculty Affairs Janet Casey discussed these findings. The DOF Office will develop a review process and timeline that honors the intent of the original legislation. The VPAA has committed to consulting widely and appropriately with the faculty, including NTT faculty, before bringing *FHB* revisions to a vote on the faculty floor.

Finally, CAFR has noted a rather high volume of consultations with NTT faculty this year, quite apart from the issue of contracts. Although not all of these issues had direct bearing on academic freedom and rights, they were all an index of low morale among, if not marginalization of, NTT faculty at the college — despite these colleagues' central role in implementing our educational mission.

ADDITIONAL

After two-plus years of the ongoing COVID-19 pandemic, CAFR has come to prefer Zoom as our platform for conducting confidential meetings with complainants, respondents, and the administration. Virtual meetings (A) obviate the need for physical infrastructure in the form of discreet and private meeting spaces (which are *de rigeur* for both informal and formal inquiries); (B) allow for transcripts and recordings as desirable or necessary; and (C) leave a milder environmental footprint by enabling the committee and others to gather from anywhere, even when abroad. Whenever possible, CAFR will continue to advocate for meeting with community members via Zoom (or a comparable platform) — unless persuaded that an in-person meeting is in the interest of equity, inclusion, or similar considerations.

Respectfully submitted,

Dan Curley, Chair of CAFR, 2021–2022

MEMBERSHIP

AY 2021–22

*Dan Curley (Classics, Chair), Corey Freeman-Gallant (Biology), Siobhan Hart (Anthropology), Kelly Melekis (Social Work, untenured at the time of election).

AY 2022–23

*Siobhan Hart (Anthropology, Chair), Corey Freeman-Gallant (Biology), Kelly Melekis (Social Work), A.J. Schneller (Environmental Studies and Sciences, untenured at the time of election).

Student representatives will be determined in consultation with the Student Government Association (SGA) next fall.