

## 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:

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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 t

- 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