

## 4.8.6 Academic Freedom And Professional Security

### 4.8.6/1 of 7 Freedom to Pursue Academic Inquiry

#### Presentation of Findings

Old Dominion University fosters an environment of academic freedom. Open access is afforded to a full-service University Library with interlibrary loan facilities. Open access to the Internet for academic research is provided to all students and faculty members, who are provided with free accounts. The university nurtures an intellectual climate and encourages free inquiry in teaching and research. Each year several academic programs (most notably the President's Lecture Series) and campus organizations invite speakers and artists who have diverse opinions, criticism, and methods of intellectual inquiry into academic questions.

### 4.8.6/2 of 7 Statement of Academic Freedom

The issue of academic freedom is addressed in the *Faculty Handbook*, which can be accessed online at [web.odu.edu/ao/affairs/catalogs/fac-han.htm](http://web.odu.edu/ao/affairs/catalogs/fac-han.htm). The university subscribes to the 1940 statement on academic freedom by the American Association of University Professors (approved by the Board of Visitors, 9/22/94), which is published in the *Faculty Handbook*, and which has been endorsed by nearly all important national institutions of higher learning. A statement on freedom of expression is also published in the *Faculty Handbook* (approved by the BOV, 8/27/70) which defends the right of free expression and assembly, and which prohibits forms of expression that include force, duress, or intimidation. The Faculty Senate is afforded the opportunity to make timely comment upon policy matters that directly relate to the traditional responsibilities of faculty, for example, issues related to curriculum and academic standards and freedom. Additional advisory bodies include the Council of Senior Academic Deans, the Faculty Forum, the Student Senate, and the Student Forum.

### 4.8.6/3 of 7 Professional and Ethical Performance of Duties

The issues of professional, ethical and collegial performance of duties are addressed in the *Faculty Handbook*. The university subscribes to the five-part 1987 statement on professional ethics of the American Association of University Professors (approved by the Board of Visitors, 9/22/94). Part I emphasizes the practice of intellectual honesty and the primary responsibility of faculty to seek and state truth in their discipline. Part II emphasizes the fair evaluation and treatment of students and the protection of their academic freedom. Part III addresses professional respect among colleagues in the community of scholars and the obligation of faculty to share responsibilities for the governance of their institution. Part IV instructs professors to observe the stated regulations of their institution, provided the regulations do not contravene academic freedom. And Part V reminds faculty members that they should recognize the difference between speaking as private citizens and as members of their institution, and to measure their private obligations accordingly.

### 4.8.6/4 of 7 Contracts, Terms and Conditions of Employment

Each faculty member is issued an employment agreement, referred to as a contract, from the Provost's office prior to the start of the academic year, which indicates rank, tenure status, term of employment, and level of compensation. Such things as teaching load, release time for research, release time for administrative duties, and salary increments are negotiated with the chair, and with the approval of the dean, well in advance of the issuance of the contract.

**4.8.6/5 of 7  
Publication  
of Policies  
Regarding  
Employment**

Terms and conditions of employment are thoroughly outlined in the *Faculty Handbook* in sections dealing with reappointment and termination, probationary periods, sanctions, evaluation procedures, peer reviews, promotion and tenure policies, grievances, and so on.

**4.8.6/6 of 7  
Promotion and  
Tenure**

All procedural guidelines for promotion and tenure are outlined in the *Faculty Handbook*. All requirements pertaining to expectations in teaching, research, and service are also clearly stated. Each academic department also has promotion and tenure guidelines consistent with university policy but specific to its discipline and mission. Tenure-track faculty members are mentored during their probationary period. This includes a third-year pre-tenure review coordinated among the department chair, the department promotion and tenure committee, and the college dean. Each faculty member receives student evaluations each semester and written evaluations from the chair and the dean each academic year. Calendars for the submission and evaluation of supporting materials for promotion and tenure are furnished to each eligible faculty member by the department chair; a calendar is also found on-line in an appendix to the *Faculty Handbook*.

**4.8.6/7 of 7  
Safeguards for  
Academic Freedom**

Sections on Faculty Sanctions, Policies and Procedures Relating to Severance, and a Faculty Grievance Policy are published in the *Faculty Handbook*. A Faculty Grievance Committee is one of the standing committees of the Faculty Senate.

In regard to sanctions, faculty members are guaranteed the opportunity to reply in person or in writing to the individual with the authority to impose an impending minor sanction. Only the President and the Board of Visitors can impose a major sanction such as a salary decrease or dismissal. Procedure for a major sanction is initiated by the President or his/her appointed official by taking the charges to the chair of the Faculty Grievance Committee. The president may then accept, alter, or reject the recommendation of the Faculty Grievance Committee. In the case of the imposition of a severe sanction, the affected faculty member may appeal the President's decision directly to the Board of Visitors. In every case, the decision of the Board of Visitors is final.

Tenured and non-tenured faculty may be dismissed from employment due to financial exigency. A policy for the declaration of a bona fide financial exigency, which addresses financial insolvency and budget shortfall, is contained in the *Faculty Handbook*. The fiscal integrity of the university is the ultimate responsibility of the Board of Visitors, and it is the Board which determines financial exigency and directs the President to prepare an institutional plan to rectify it. Faculty members who are dismissed as a result of such a plan may ask the Provost for a review of the decision. The burden of proof is on the faculty member to demonstrate that the decision to dismiss was arbitrary, capricious, or deviant from standard policies and procedures. The provost then forwards the appeal to the Faculty Grievance Committee, which makes a recommendation. Both the Provost and the Committee forwards recommendations to the President. If the President then makes a negative recommendation to the Board of Visitors, the faculty member may then appeal directly to the Board of Visitors, whose decision is final.

A separate section on post-tenure review, to be added to the *Faculty Handbook*, has been recommended by the Faculty Senate and approved by the Board of Visitors. It is the role of the departmental chair and college dean to conduct annual evaluations of tenured faculty members, to identify areas in which expectations are not being met, and to facilitate faculty development to improve performance in those areas. Post-tenure review

is intended to be developmental and not punitive. A faculty member who disagrees with the administrative decision to initiate a post-tenure review and develop a strategic plan for improvement may file a grievance. Under the policy approved in 2000, the Provost will present an annual report to the deans and to the Faculty Senate on the number of new and continuing post-tenure review cases and their general outcomes. There has been only one disputed post-tenure review case brought before the Grievance Committee in the past three years.

Section V of the Faculty Grievance Policy stipulates that the President and the Faculty Senate shall jointly review and evaluate the grievance policy on a biennial basis. Recommendations for changes can be submitted to the Board of Visitors by both the president and the Faculty Senate.

Seventy-nine tenure-track faculty members have left the University since 1995 for reasons other than denial of tenure or retirement (less than 3% per year). They left for the following reasons:

Five left to become the chair or director of a program or dean of a college at another institution.

Twenty-seven left for a better position (higher rank and/or salary at another college or university). Twelve refusals of counter offers are noted.

Fourteen left to enter private practice or take a position in industry or business; this was the reason listed for 5 out of 7 departures in the College of Engineering.

Sixteen left for personal or family reasons, eleven of which followed a spouse who relocated.

Three left to further their education.

Three left for medical reasons.

Two had no reason listed.

Two left for expressed program dissatisfaction.

Six left after a poor pre-tenure review.

One was not reappointed due to program restructuring.

Improper or capricious actions could well generate many grievances, even lawsuits. During the past five years there have been very few. The data above indicate that Old Dominion University has a very low faculty turnover and that very few faculty leave due to dissatisfaction or poor performance. The record suggests that appropriate policies are in place and are being followed.

### **Conclusion**

The University is in compliance with the SACS/COC *Criteria*.

### **Recommendations**

None

### **Suggestions**

***4.8.6/6 of 7. If the institution uses faculty ranks and tenure, the policies and procedures for promotion, for awarding tenure, for providing adequate notice on non-renewal of a probationary appointment, and for termination of appointments,***

***including those for cause, must be clearly set forth in the faculty handbook or other official publication.***

The yearly Faculty Evaluation Schedule appears as an appendix in the on-line *Faculty Handbook* and is indexed. It would be helpful to also cross-link the schedule to the main text in the *Faculty Handbook* concerning reappointment, promotion, and tenure.

***4.8.6/7 of 7. Termination and non-renewal procedures must contain adequate safeguards for protection of academic freedom.***

Any review and recommendations made by the President or the Faculty Senate regarding grievance procedures should become part of the public record, and the President's biennial assessment of grievance procedures should be published.

**Must Statement Compliance Table  
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<b>Must Statement</b>	<b>Compliance Statement</b>	<b>Supporting Documentation</b> <u>Exhibit Numbering Key:</u> <b>Criteria#/MustStatement#:Exhibit</b>
<b>4.8.6/1 of 7.</b> Faculty and students <b>must</b> be free to examine all pertinent data, question assumptions, be guided by the evidence of scholarly research, and teach and study the substance of a given discipline.	Compliance	<b>4.8.6/1:01</b> Faculty Handbook: Academic Freedom, 85 Freedom of expression, 86
<b>4.8.6/2 of 7.</b> An institution <b>must</b> adopt and distribute to all faculty members a statement of the principles of academic freedom as established by the governing board, ensuring freedom in teaching, research, and publication.	Compliance	<b>4.8.6/2:01</b> Faculty Handbook: Academic Freedom, 85 Freedom of expression, 86
<b>4.8.6/3 of 7.</b> Institution policies <b>must</b> set forth the requirement for faculty members to carry out their duties in a professional, ethical, and collegial manner that enhances the purpose of the institution.	Compliance	<b>4.8.6/3:01</b> Faculty Handbook: Professional ethics, faculty, 85 Professional service, 57 Faculty rights, ethics and responsibilities, 85
<b>4.8.6/4 of 7.</b> Although tenure policy is not mandated, each institution <b>must</b> provide contracts, letters of appointment, or similar documents to faculty members clearly describing the terms and conditions of their employment.	Compliance	<b>4.8.6/4:01</b> Faculty Handbook: Contract, faculty, 13, 84, 251 Release from contract, 84
<b>4.8.6/5 of 7.</b> All policies regarding employment, as established by the governing board, <b>must</b> be published and distributed to the faculty.	Compliance	<b>4.8.6/5:01</b> Faculty Handbook: Academic rank, 21, 35 Appointment of new faculty, 13 Class attendance-faculty, 90 Dismissal, faculty, 76 Faculty leave, 234-237 Faculty performance period, 87 Faculty research time, 207 Faculty sanctions, 80

		<p>Faculty teaching load, 88                  Faculty tenure, 45                  Part-time faculty, 17, 34                  Payment, manner and schedule, 251                  Peer review, 65                  Probationary faculty, 22                  Reappointment/nonreappointment of faculty, 18                  Remunerative outside employment, 92                  Termination of faculty, 75, 76, 80</p>
<p><b>4.8.6/6 of 7.</b> If the institution uses faculty ranks and tenure, the policies and procedures for promotion, for awarding tenure, for providing adequate notice on non-renewal of a probationary appointment, and for termination of appointments, including those for cause, <b>must</b> be clearly set forth in the faculty handbook or other official publication.</p>	<p>Compliance</p>	<p><b>4.8.6/6:01</b> Faculty Handbook:                  Academic rank, 21, 35                  Evaluation of faculty, 54                  Evaluation of teaching, 63                  Evaluation schedules, faculty, 314                  External evaluation of faculty, 31, 48                  Faculty nonreappointment, 18                  Faculty performance period, 87                  Faculty promotion, 29, 36                  Faculty rank, 21, 35                  Faculty reappointment, 18                  Faculty tenure, 45                  Grievance procedure, faculty, 97, 101                  Peer review, 65                  Performance period, faculty, 87                  Probationary faculty, 22                  Promotion in rank, 29, 36                  Severance policies and procedures, 75                  Termination of faculty, 75, 76, 80</p>
<p><b>4.8.6/7 of 7.</b> Termination and non-renewal procedures <b>must</b> contain adequate safeguards for protection of academic freedom.</p>	<p>Compliance</p>	<p><b>4.8.6/7:01</b> Faculty Handbook:                  Grievance procedure, faculty, 97, 101</p>