FUNCTION: To serve as guardian of the academic freedom and rights of all members of the academic community; to receive inquiries and complaints concerning academic freedom and rights and to consider formal charges of violations of academic freedom and rights from any faculty member, student, administrator, trustee or from CAPT; to advise and make appropriate recommendations to the President. The Operating Procedures of CAFR are available from any member of the Committee. CAFR meets annually, and whenever necessary in the pursuit of its functions, with the appropriate committee of the Board of Trustees. Revisions to Part One of the Faculty Handbook, Articles I–XI, XIV-XVI, and XVIII are reviewed by CAFR for its recommendations prior to a faculty vote.

MEMBERSHIP: Five members of the Faculty, none of whom is on CAPT, the Tenure Review Board, CAS, or FAB, at least two of whom are untenured at the time of their election and two tenured, each to serve a three-year term and each from a different department; and no more than six students, selected by SGA. A member who has served a full three-year term is eligible for re-election after being out of office for two years; members who complete an unexpired term or serve an interim term in place of a regularly elected member on leave are immediately eligible for re-election provided their service did not exceed one calendar year.

OPERATING PROCEDURES: The committee’s definition of academic freedom and rights includes, but is not limited to, the 1940 Statement of Principles by the American Association of University Professors, the Faculty Handbook, the Student Handbook, and the College Catalog. In the pursuit of its duties the committee may seek information and expect the cooperation of students, faculty, and administration, and may have access to legal advice. A member shall recuse himself or herself if s/he is involved in the matter about which the complainant is bringing the case. Student members shall meet when questions, complaints, or charges are initiated by students and when a student is involved in the complaint; otherwise the committee will function with only the faculty members.

CAFR does not have the authority to change a grade, but in cases of violation of academic freedom and rights with respect to grades, can make a recommendation that the grade be changed. CAFR does not hear grade dispute cases from students that should be resolved within the department. If, after consultation with the instructor and the department chairperson, the student has evidence that the grade reflects a bias on the part of the instructor, the student may present that evidence to CAFR regarding potential violations of academic freedom and rights related to grades.

The committee shall take care to keep accurate records of all formal proceedings, and the doctrine of confidentiality shall apply to all inquiries and charges which come before it. In the
event that a faculty member brings a complaint to CAFR and the Tenure Review Board (TRB) simultaneously, the complainant may waive his/her right to confidentiality to allow CAFR to communicate directly with the TRB to best serve the complainant’s interests. If it is the wish of the complainant to waive confidentiality, s/he will directly notify the chairs of both CAFR and TRB of his/her intention to waive confidentiality. In the event that deliberations on a case continue past one academic year, the committee (as constituted for each academic year) will continue hearing the case. Newly elected members will be informed about the case by the continuing members of the committee.

I. Informal Inquiries and Formal Charges

A. Informal Inquiries (This stage must precede any formal action.)

Any student, faculty member, or administrator may seek out and speak with any member of the committee to gather information, discuss a complaint, or seek assistance and clarification. The committee member shall explain CAFR’s function and procedures. If the petitioner so requests, the member may attempt to approach other parties, collect information, and mediate any dispute. The member shall offer no official opinions or judgments on the substance of the inquiry. The inquiry shall be reported only to CAFR. To avoid misunderstanding, it is advisable that at least two members of the committee be involved in all discussions. However, there is nothing to preclude the presence of all members at discussions if the petitioner so desires. Each petitioner may request, or the Chair may offer, a contact person on the committee to whom the petitioner may coordinate his or her inquiries. During discussions, the complaint shall be heard, but no judgment shall be given. With the permission of the petitioner, every effort shall be made to resolve the issue amicably in order to avoid formal charges. The doctrine of confidentiality shall be observed throughout this stage.

B. Formal Charges

1. For student complainants, a quorum for formal proceedings shall be 3 faculty and at least one student. A quorum for formal proceedings for all other cases shall be 4 faculty members or 3 faculty members during terms when a committee member on leave is not replaced or a committee member is recused. A quorum is necessary to formally discuss a case.

2. A complainant may bring formal charges if she/he has pursued an informal inquiry through the committee stage and is not satisfied with the results.

3. The petitioner must submit her/his grievances in writing, indicating clearly and precisely which academic freedoms and rights have been violated, and who the charges are directed against, together with supporting materials.
4. The committee must send copies of the charges to any person (or persons) against whom the formal charges have been lodged, and notify them that they have a right to appear before the committee to present their views.

5. The committee shall send to the President copies of the charges.

6. All parties may come before the committee with a colleague, friend or other advisor who is not an attorney, but the committee shall conduct the proceedings.

7. After completing its investigation, the CAFR chair, with or without other CAFR members, shall meet with the President. At the request of the President and with the consent of the membership, the committee may invite the Dean of Faculty/VPAA to attend. The CAFR chair shall discuss its findings with the President, who shall supply the committee with any additional information s/he may possess relevant to the case.

8. The committee shall submit its findings and recommendations to the President with copies sent only to the parties immediately involved.

9. The President shall communicate to the committee the actions taken or in progress, reflecting her/his response to the committee’s findings and recommendations.

10. In any cases involving the President, the committee shall report directly to the Chair of the Academic Affairs Committee. Testimony heard during the informal stage may be used as testimony during the formal stage with the approval of the members of the committee. People who testified during the informal stage will be requested to indicate, in writing, whether they wish to testify anew or let their earlier testimony stand.

II. Appeals of Formal Disciplinary Sanctions

Imposition of formal sanctions including dismissal shall not be used to restrain faculty members in their exercise of academic freedom. A faculty member may appeal formal disciplinary sanctions to CAFR if that faculty member believes that his or her academic freedom and rights have been violated. CAFR shall adhere to the following procedures in its consideration of such appeals:

1. A faculty member who has been formally sanctioned for disciplinary reasons including, but not limited to, alleged professional incompetence, neglect of duties, or professional or personal misconduct may seek out and speak with any member of the committee to gather information, discuss a complaint, or seek assistance and clarification about the appeal process and procedures. The committee member shall explain CAFR’s function
and procedures. Any such inquiry shall be reported to the chair of CAFR. To avoid misunderstanding, it is advisable that at least two members of the committee be involved in all discussions. However, there is nothing to preclude the presence of all members at discussions if the petitioner so desires. During discussions, the complaint shall be heard, but no judgment shall be rendered.

2. A faculty member who wishes to initiate a formal appeal must do so by informing the Chair of CAFR in writing within 20 working days of receipt of the official letter regarding sanctions.

3. A quorum for formal proceedings shall be 4 faculty members or 3 faculty members in terms when a committee member on leave is not replaced or a committee member is recused.

4. All appeals must state clearly and precisely which academic freedoms and rights have been violated. Faculty members wishing to appeal should also include any substantiating materials they wish to submit in support of their petition.

5. CAFR shall inform the President that a faculty member has lodged an appeal and shall forward to the President a copy of specific charges.

6. The committee shall send copies of the charges to any specific person or persons against whom the formal charges have been lodged, and notify them that they have a right to appear before the committee to present their views.

7. If in the course of its investigation CAFR deems that a person or persons not named in the original appeal may have violated the appellant’s academic freedom and rights, CAFR shall immediately inform said person or persons in writing of the specific nature of CAFR’s concern and notify said person or persons that they have a right to appear before the committee to present their views.

8. All parties may come before the committee with a colleague, friend, or other advisor who is not an attorney, but the committee shall conduct the proceedings.

9. After completing its investigation, the committee shall meet with the President. The committee shall discuss its findings with the President, and s/he shall supply the committee with any additional information he or she may possess that is relevant to the case.

10. The committee shall submit its findings and recommendations to the President with copies sent only to the parties immediately involved.