

January 21, 2002

Executive Vice President and Provost Ed Ray
203 Bricker Hall
190 North Oval Mall
Campus

Dear Ed:

It is with sincere regret that I write to inform you of the outcome of the Faculty Council meeting on January 17 in which the Council discussed the decision-making process in the matter of the College of Medicine and Public Health's proposal to extend the probationary period and decouple tenure from promotion. To recap—against the advice of the University Senate Rules Committee (which was unanimous on this point), the Secretary of the University Senate, the Chair and Vice Chair of Faculty Council, and the framers of the pertinent legislation, you announced your decision to approve the COMPH proposal to extend the probationary period from six to eleven years without consulting with the totality of the Senate or relevant Senate bodies such as the Committee on Academic Freedom and Responsibility and thereby abrogated the right of the University's duly-elected governance structure to vote on legislation defining the concept of tenure at our institution. It is true, of course, that you had the support of the University's legal counsel, John Biancamano, in your decision, but given the fact that, like all lawyers, he works for his client, in this case central administration, Faculty Council is not persuaded by his support. I'd like first to tell you what actions the Council took and then to offer what I hope will be some helpful explanatory commentary. The Council approved the following:

“The Ohio State University Faculty Council recommends that the Senate Rules Committee move expeditiously to restrict the exceptions clause in 3335-47-02 (E) to changes made in Appointment, Promotion, and Tenure documents.” (35 in favor, 8 opposed, no abstentions) and

“With respect to the Provost's recent interpretation of Faculty Rules, The Ohio State University Faculty Council wishes to express its deep disappointment in (at?) this regrettable and inappropriate departure from the covenant of shared governance that is the mark of a great university.” (32 in favor, 9 opposed, no abstentions)

Given the fact that all COMPH senators and a large (and very vocal) contingent of both administration and faculty from that college were present, and that COMPH has seven Senators, I think we can safely conclude that only one non-COMPH senator voted against the first motion and only two against the second. Such numbers are, I think, striking. I might add that I have not included a number of late votes that I have received (from people who couldn't make the meeting or are abroad doing research) all of which are in favor of both motions.

Let me begin my commentary by saying that the Council took no pleasure whatsoever in taking this action, that any number of senators pointed out, as would I, that we have greatly esteemed both you and your work and supported your leadership in the strongest possible terms ever since you took office. You know well how hard I and many other faculty worked to assure your appointment to the position of Provost. And we have

throughout your tenure deeply appreciated the extremely consultative fashion in which you have striven to fulfill the academic mission of the university. That such a long and singularly collegial working relationship should come to this is extremely distressing to us. And thus it is with real sadness that Faculty Council comes to this decision.

As the two motions above indicate, our concern is solely with the principle of shared governance. **Larger** issues of tenure, such as the length of probationary periods, absolutely must, in our opinion and in keeping with the totality of the University Rules, be the purview of the University Senate, representing as it does all the academic constituencies in the university—students, faculty, and administration. Such issues are of too great a magnitude to be decided by a college and one administrator, however well-respected or beyond reproach.

I would add that there seems to be substantial misunderstanding on the part of the leadership of the College of Medicine and Public Health and some of its faculty regarding what Faculty Council is and is not doing. The less-than-accurate press coverage of these events may well have contributed to this misunderstanding (I know, for instance, that I have been misquoted three times). We are concerned that Associate Dean Robert Bornstein's emotional speech at Faculty Council and Dean Sanfilippo's remarks before the Council of Deans suggest that this college does not have an accurate impression of precisely what Faculty Council's position is. Therefore, I would like you, Dean Sanfilippo, and the COMPH faculty to know that Faculty Council was virtually unanimous in not taking a position on the merits of the COMPH proposal; it is the view of Faculty Council that we cannot take such a position because the revised proposal that you accepted was not made available by COMPH to either Faculty Council or the Senate Rules Committee until just several days before you announced approval of it. We regret greatly that no time was allowed for a university-wide conversation on this issue. This is especially unfortunate since those of us who have been affiliated with the Senate for many years consider it quite likely that, had the proposal gone to the Senate, it would have been approved. After all, there is no history at all of hostility between the Senate and COMPH; indeed, as you'll recall, only a few years ago the Senate voted to support COMPH by raising to 40% its cap on clinical faculty. Furthermore, many if not most Senators have friends and physicians "south of Twelfth" and are thoroughly familiar with the special demands placed on clinical faculty there. I know for a certainty that many of the Senators who voted for these motions actually do support an extended probationary period for clinical faculty. Thus (and I want to emphasize this quite strongly) the COMPH leadership and faculty have no reason to be concerned about Faculty Council's actions; there is to my knowledge (and I think I would know) no plan afoot either to request that you rescind your decision in this matter or to take legislative action in the Senate to accomplish the same goal.

Let me conclude by saying again how deeply sorry the Council and I are that this rift in opinion has developed. You have always enjoyed extremely high regard from the faculty, and we look forward to re-establishing that productive relationship and to continuing to work with you towards the betterment of our institution.

Regretfully,

Marilyn Blackwell
Chair, Faculty Council
Vorman-Anderson Professor of Scandinavian

cc: President Brit Kirwan
All Senators