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February 14, 2010

Dr. Roderick J. McDavis  
President of Ohio University  
Office of the President  
Cutler Hall 108  
Athens, Ohio 45701

Dear President McDavis:

On Friday, January 29, 2010 an *ad hoc* committee, appointed specifically for this purpose, formally heard the tenure and promotion appeal of William Reader of the E. W. Scripps School of Journalism. Professor Reader claimed that his tenure and promotion application was improperly denied at the college level as the result of irregularities that included denial of due process, inadequate consideration, and violation of academic freedom.

This hearing represented the beginning of Professor Reader's final stage of appeal to the University. As required by the Faculty Handbook, the Chair of the Faculty Senate appointed an *ad hoc* committee. This committee consisted of five tenured faculty members from colleges other than Scripps: Valerie Martin Conley (Counseling and Higher Education), Daniel Phillips (Physics and Astronomy), Charles Smith (Theater), Patricia Weitsman (Political Science), and the chair of the committee, Greg Van Patten (Chemistry and Biochemistry).

According to the Faculty Handbook, this appeal committee is charged with presenting you with our findings and recommendations related to the appeal. The handbook specifies that our concerns include the issues of due process, adequate consideration, and academic freedom during the tenure and promotion process. In considering Professor Reader's appeal, we have attempted to adhere to this charge, in spite of the temptation to consider additional issues that we believe should be kept separate from the tenure and promotion process.

After carefully reading through all the documents provided by both sides, and listening to arguments presented by them at the hearing, the committee unanimously finds that Professor Reader's tenure and promotion denial was tainted by procedural problems that both deprived him of due process and

significantly compromised the ability of the administration to provide adequate consideration. Furthermore, the committee found convincing evidence that Professor Reader satisfied the requirements for tenure and promotion in his school and college. We unanimously recommend that he be granted tenure and promotion.

The remainder of this letter explains the basis for this, our main recommendation. It also presents our key findings and makes additional suggestions.

We understand that Professor Reader has been accused of misconduct over the past year and that the allegations have led to a series of investigations, one or more of which may be ongoing. Our findings are not based on any assessment of either the severity or the veracity of those allegations, nor should our findings be considered to derive from any serious investigation of those allegations.

The Faculty Handbook and the Ohio University Policy and Procedure Manual provide explicit guidance on handling allegations of misconduct. These documents outline procedures for investigating such allegations, and for sanctioning faculty members who are found guilty of harassment, workplace violence, or professional ethics violations. The procedures for handling these allegations and violations are entirely separate from the promotion and tenure process. Conflation of these independent processes jeopardizes the integrity of them both.

According to the Faculty Handbook, faculty members who are found guilty of misconduct are subject to several types of sanctions, including reprimand, censure, and even loss of tenure. If there is a question about Professor Reader's conduct over the past year with regard to harassment, workplace violence, or professional ethics, the committee recommends that these allegations be vigorously investigated and any resulting findings acted upon according to the procedures outlined in the Faculty Handbook and the Policy and Procedure Manual. Only by following the procedures that have been established for the separate processes of tenure and promotion consideration and misconduct investigation can the university community be assured that the proper balance is achieved in protecting the rights of everyone involved throughout both processes.

Our committee has conducted its analysis of the Reader case with the understanding that tenure and promotion decisions must be kept separate from consideration of disciplinary actions. In reaching its findings and recommendations, the committee considered each stage of the Reader tenure and promotion case leading to the denial at the college level.

In January of 2009, the Promotion and Tenure (P&T) committee of the Scripps School of Journalism voted 7-5 in favor of granting tenure to Reader and 6-5-1 in favor of granting promotion (one voting faculty member is a tenured assistant professor and could not therefore vote on promotion). This committee was a duly constituted committee made up of Reader's colleagues. The affirmative vote indicates that a majority of Reader's tenured colleagues deemed his

achievements in teaching, research, and service as satisfactory for achieving tenure and promotion. The affirmative vote was in accord with the uninterrupted sequence of uniformly positive annual performance evaluations that Reader received from his school's P&T committee. More specifically, each annual evaluation stipulated that Reader "exceeded expectations" in all areas of review relevant to promotion and tenure, i.e., research, teaching, and service. Additional evidence for Reader's high level of achievement was found in the very strong external letters of recommendation Reader received from journalism professors at other, high profile universities. In fact, at no point during this process did those who opposed Reader's tenure and promotion question Reader's qualifications in the areas of teaching or research.

The affirmative vote of the school P&T committee also addressed a key point in the Scripps College of Communication's promotion and tenure guidelines, which says that candidates for tenure "must be judged by their peers as persons with whom their colleagues will want to have an association, perhaps for the rest of their professional lives." This passage was cited as one of the reasons for denial, so it is important to understand whether Reader has met this criterion. Furthermore, the School of Journalism's P&T Guidelines quote Section I A 2 (c) of the Faculty Handbook, which describes the obligations of faculty members to treat each other with respect. Our committee finds on the basis of the vote at the school level, as well as the several letters of support submitted by current and past colleagues from his school, that Reader has indeed met these criteria.

In addition to considering evidence in favor of Reader, our committee also examined several emails that were provided by Shepherd and Hodson at the hearing to demonstrate Reader's problems interacting with colleagues. In some of these email exchanges Reader was undeniably sarcastic, rude, and/or argumentative. We assume that these emails represented the extreme of Reader's deportment; however, even in these we did not find anything exceptionally offensive that would likely warrant loss of tenure or denial of tenure or promotion.

The collegiality clauses referenced above, which appear in the P&T documents of both the College of Communication and the School of Journalism, are important because they imply that faculty members in those units can be rightfully denied tenure on the basis of collegiality. While the AAUP recommends against the use of collegiality as a separate criterion in the P&T process, we acknowledge the power of units to design their requirements to best fit their own needs and culture. We would recommend, though, that if collegiality is to be used as a separate criterion in P&T decisions within the School of Journalism, then annual evaluations should address the candidate's performance and progress toward tenure in this area, too. Although the Faculty Handbook explicitly says "favorable annual reports do not guarantee positive tenure or promotion decisions," department or school P&T committees have a responsibility to alert probationary faculty to problem areas that they should address before their tenure decision. Otherwise they run the risk of not according probationary faculty due process. A probationary faculty member whose annual evaluations all indicate he is near or at the top of his department in terms of performance, and who has only positive remarks such as "I'm proud to be your colleague,"

“ultimate team player,” or “the committee particularly thanks you for your service related to...” on his annual evaluations should be able to expect a favorable tenure and promotion decision.

A short time after the school’s P&T committee voted affirmatively for Reader, three faculty members from that committee who voted against Reader went to the school’s director, Thomas Hodson, and filed formal complaints against Reader. Director Hodson filled out the required forms and forwarded the claims to University Human Resources (UHR), who began an investigation. These allegations put Director Hodson in a delicate position because he had to act to protect both the rights of the alleged victims and those of the accused.

According to the Faculty Handbook, a school director is required to submit his/her own recommendation with respect to tenure and promotion along with the results of the vote from the school P&T committee. Hodson did this. In spite of the affirmative vote of the school’s P&T committee, Director Hodson recommended in his letter against granting tenure or promotion. His letter cited Reader’s harassment and bullying of colleagues as the primary reason for his recommendation, but there was no reference to specific events, no elaboration, and no evidence provided to support the recommendation.

It is not clear how strongly Hodson’s negative recommendation letter was influenced by the recent and then–still–pending allegations against Reader. One faculty member from the school indicated that Hodson told her before the allegations materialized that he would write a positive recommendation in accordance with the outcome of the vote. During the hearing, however, Hodson cited other, earlier events that were important in formulating his recommendation. As mentioned previously, our opinion is that none of the earlier events that he cited (i.e. the email exchanges presented at the hearing) seemed sufficient to warrant such a letter. Neither were any of these events serious enough for Director Hodson to mention them in any annual review of Readers’ performance. Regardless of when Director Hodson decided to recommend against tenure and promotion, it is certain that the pending allegations must have been in the forefront of his thoughts when he composed the letter. Not reviewing the merits of Reader’s case and focusing exclusively on accusations beyond the usual purview of the promotion and tenure process suggests a problem in regard to adequate consideration and interferes with due process.

The next step in the tenure and promotion decision process was the meeting of the Scripps College of Communication’s P&T Committee. The circumstances surrounding this meeting were highly irregular and are the greatest point of concern for our committee. The College P&T committee included two members from the School of Journalism’s P&T committee, one of whom was a complainant whose allegations against Reader were still pending. Although these two committee members were not allowed to vote, they were allowed to participate in the discussion, which did not include an advocate for Professor Reader. Such a situation enhances the likelihood of improper influence by a hostile committee member from the home school of the candidate, and is thus problematic in regard to due process and adequate consideration.

The situation was further complicated by the fact that a police guard was requested for the meeting. The request originated with the committee member/complainant, and Dean Shepherd agreed to arrange for an OU police officer to be in the building. The College P&T committee was informed that this had happened, and was told the reasons for the officer's presence. The committee finds that this, too, tainted the deliberative process, and interfered with due process and adequate consideration of Professor Reader's qualifications for promotion and tenure. It represents a further, in our opinion inappropriate, intermingling of the UHR allegations with the Reader tenure and promotion decision.

The information available to the college P&T committee thus included Reader's dossier, the [affirmative] vote of the school P&T committee, Director Hodson's negative recommendation letter, the apparent need for a police guard, and the testimony of a complainant against Reader. This testimony evidently included description of the then-still-pending accusations against Reader. Indeed, Shepherd anticipated that this subject would arise, so he consulted John Biancamano ahead of time to inquire about legal issues governing the discussion of information related to the pending investigations. During that meeting, the College P&T committee voted 5-0 with one abstention against tenure and promotion for Reader.

In their memo to the dean, the College P&T Committee cited the "seriously divided vote in the school committee" as one basis for their negative recommendation. However, the school committee's vote was affirmative, so the negative vote in the college committee represents a reversal of the school vote, not an affirmation of that vote. According to the memo, the college committee was inclined to overturn the school's majority only because it was a slight majority. This is a problematic basis for overturning a vote. If a simple majority constitutes an affirmative vote at the school level, then this is all that is required in order for a candidate to achieve tenure. The college P&T committee does not have the authority to alter a school's P&T requirements or to require a stronger majority than is required in the school's P&T document. Indeed, the College of Communication's own P&T document says that the "primary responsibility for establishing specific criteria for promotion and tenure belongs to the schools." For this reason, it is necessary to provide a justification other than the split of the school's vote in order to reasonably overturn that vote.

Given Reader's strong dossier and that Director Hodson's letter contained no specifics about Reader's "harassment" and "bullying," it is not credible that the college committee could overturn the decision of the school committee so decisively without additional information provided by the Journalism committee members. That information was uncorroborated hearsay and its inclusion in that discussion was inappropriate. As has been explained above, there are designated forums for faculty members to air their grievances and complaints against colleagues. A college P&T committee meeting is not one of them.

Much has been made of the divided vote of the school's P&T committee. It can be difficult for an outsider to interpret such an outcome with any confidence. It

might mean that Reader was not uniformly liked within his school. It might instead mean that the members of the school's P&T committee simply differ in their understanding of their own school's tenure requirements. Several letters of support suggested a third possibility. These letters indicated that the divided outcome was linked to a strong political division within the school. Regardless of the interpretation, the vote was affirmative and met all necessary requirements for forwarding the application to the college level.

The college P&T committee's recommendation was submitted to Dean Shepherd, who then had the task of deciding on Reader's tenure and promotion. Based on the evidence seen by our committee, we believe that the information Shepherd used in his evaluation of Reader's fitness for tenure and promotion compromised his ability to give adequate consideration to the case. The Faculty Handbook explicitly grants the dean of a college at Ohio University the authority to deny tenure to a faculty member, even when the vote is affirmative at the department level. However, denial at the college level cannot be arbitrary or baseless; it should be solidly based on the applicant's dossier and qualifications for tenure. The denial of tenure and promotion to Professor Reader does not appear to be based in any way on his dossier, on his accomplishments, or on his ability to work effectively with a significant number of his colleagues. Rather, it appears to have resulted from an improper conflation of the tenure and promotion process with processes for dealing with allegations of misconduct.

The committee appreciates your careful consideration of our findings and recommendations. We have striven to provide a fair and faithful assessment of the case as we see it. Please do not hesitate to contact us if you require further information.

Respectfully,

P. Gregory Van Patten, chair,  
*ad hoc* Faculty Senate Committee,  
signing on behalf of the committee:

Patricia Weitsman  
Charles Smith  
Daniel Phillips  
Valerie Martin Conley

CC: William Reader  
CC: Greg Shepherd  
CC: Patricia Weitsman  
CC: Charles Smith  
CC: Daniel Phillips  
CC: Valerie Conley  
CC: Joe McLaughlin