

Dear Colleagues,

Last week, one of our respected faculty members, Dr. Steve O’Kane, took a [brave public stand](#) in the name of protecting the health and safety of our UNI family and the Cedar Valley community by announcing that he was requiring students to wear a mask in his classes, a mandate that our fall faculty survey found that 85% of respondents agreed with, and more importantly that the Centers for Disease Control recommends. Last Monday Dr. O’Kane [asked the Faculty Senate to support a resolution](#) asserting the right of faculty to do the same, counter to the [May BOR statement](#) lifting the state of emergency COVID rules on masking and social distancing. While he had other options to protect his own personal safety, he took this stand on behalf of all of us. In particular, he stands for other faculty he knows who are vulnerable in classrooms filled to capacity with unmasked students and more vulnerable economically and professionally to possible sanctions. You can read more about his thinking and decision making in [his blog post for AAUP/Academe](#).

Although all of Dr. O’Kane’s students chose to mask following his announcement and none of them complained to UNI administration or the BOR, UNI announced it would sanction Dr. O’Kane by removing him from teaching his in-person classes, requiring him to complete a TBA training on obedience, imposing an automatic “needs improvement” rating for his evaluation this year resulting in no merit pay, and threatening him with further discipline up to and including termination if he does not comply with all university and BOR policies in the future.

There are so many things wrong with this decision it is hard to know where to start, but United Faculty will pursue each and every issue and will strenuously defend Dr. O’Kane.

- 1) [Chapter 20 of the Iowa Code](#) protects the rights of employees to organize for mutual aid and protection as long as the action is not prohibited by law. The BOR statement lifting the state of emergency is not a law, and it’s a stretch to even call it a policy. We believe that Dr. O’Kane’s actions are protected by Chapter 20 and that the discipline violates the law. **Therefore, the [United Faculty Executive Board](#) has voted to file a Prohibited Practice Complaint (our third in recent years) against the BOR and UNI.**
- 2) In the discipline imposed, UNI has violated several of its own policies.
 - a) First, all of us have worked tirelessly in the last three years to articulate clear departmental standards and criteria for evaluation of teaching, research, and service and procedures found in the [Faculty Handbook Ch. 3](#). We do not measure teaching excellence through indicators like compliance to policy. Sanctioning O’Kane’s mask requirement with a “needs improvement” rating in teaching is a completely inappropriate use of our evaluation system as a lever of discipline outside of the standards themselves.
 - b) Second, UNI asserts Dr. O’Kane violated [UNI policy 6.10](#). It is unclear how this policy was violated, but one administrator told us it was in regard to inappropriate grading. However, it is this same policy (ironically) that protects faculty’s academic freedom to teach and assess student work. Further, [UNI policy 12.01](#)

states “Recognizing that grade determinations are an integral part of a faculty member’s academic freedom, administrative officers cannot substitute their judgment for that of the faculty concerning the assignment of a grade except as a result of the grievance process outlined in this policy or as defined by circumstances requiring an administrative grade change as documented in University policy regarding administrative grade changes.” None of Dr. O’Kane’s students filed a grievance under policy 12.01 and none of their grades were impacted by his mask policy.

- c) Third, UNI has ignored the *Procedures for Imposing Disciplinary Sanctions, Short of Dismissal* approved by the Board of Regents, State of Iowa, June 1973. These due process rights include an evidentiary review by a faculty panel prior to the imposition of discipline.

United Faculty will assist and support Dr. O’Kane in pursuing all internal appeal processes under the 1973 BOR Procedures, and Chapters 11 and 12 of the Faculty Handbook and continues to explore other legal options.

- 3) The discipline imposed is a disproportionate, unnecessarily disruptive, political show of force that [harms O’Kane’s students](#) and their learning, and communicates to faculty that UNI/BOR will not stand up to external threats to our core values like academic freedom, peer review in evaluation, due process, and the core mission of transformative education.

Dr. O’Kane is an outstanding teacher, scholar, and servant leader. In 2015, he was the recipient of the [BOR Award of Excellence](#), one of the highest faculty honors awarded. His expertise in plant systematics and evolution and his scholarship in rare plants uniquely qualifies him for the courses he is assigned to teach. His students were shocked by his removal from the class. “The class in plant systematics is “highly specialized. Dr. O’Kane — no one has anywhere near his sort of knowledge,” [one student reported](#). Another wrote to United Faculty and said the BOR policy “is failing the students and professors.” The student added “As a biology student I am in full support of Dr. O’Kane and any other faculty who would like to see all students wear masks in the classroom. To punish him for requesting safety and public health practice in his own classroom is denying him the right to a safe and healthy workplace.”

Finally, it is important to note that Dr. O’Kane chose to teach in-person rather than requesting to teach online because he believed it was the best way to teach a lab class and the best way for students to learn his content. His deep commitment to his students, at risk to his own health, makes his removal from the classroom all the more outrageous.

United Faculty will continue to advocate for increased COVID safety measures like masks and social distancing in our follow up to our OSHA complaints. Dr. O’Kane’s situation underscores

the critical importance of having a union. If you are not already a dues-paying member, we strongly encourage you to [join today](#). You can find [more information on UF here](#).

Please reach out to either of us with any questions or concerns about this case or about any issues you are experiencing. United Faculty works for you and we have your back.

In Solidarity,

Becky Hawbaker (President) and Chris Martin (Vice President).