

M41P

Where a Special Title Series assistant professor with DOE assignments in part in one program and in part in a second program, was denied promotion and tenure, she appealed that “she was not evaluated by criteria established for the special title series of the medical center.” The SACPT decided that “The criteria for the special title series in which she holds a position clearly contemplates that she must be fairly evaluated on the totality of her effort and not merely on the part of that occurred in [one program].” The SACPT also found that the dossier “was not sufficiently complete to allow for a proper evaluation of her performance under the criteria established for the special title series of the medical center” because it did not contain the “written annual evaluations of her work” and “little effort had been made through the years of her service to gather written information about the quality of her teaching performance [so that] there was inadequate information on this subject in the file... Without this kind of information the faculty member did not receive the kind of careful evaluation of her performance to which she is entitled.”

A44F

President accepted SACPT’s recommendation that consideration of promotion to full professor in the special title series be made by a special Ad Hoc Advisory Committee, in which the dossier would include ONLY updated C.V. with supporting materials provided by candidate, department faculty letters, external specialist letters, department chairperson’s letter (“with the stipulation that the memorandum from _____ to _____ dated _____, which is mentioned in the Department Chairperson’s letter, be considered as not pertinent).”

R46P

Where the assistant extension professor appealed that denial of tenure was on account of “that the Academic Area Advisory Committee for the Extension Title Series did not adequately take into account the requirements of her job assignment,” the SACPT confirmed “the members of the Committee on Privilege and Tenure concluded unanimously that there was a significant lack of correspondence between the explicit job responsibilities assigned to Dr. _____ and the position requirements implicit in the evaluation criteria applied by the Area Committee. As a consequence, Dr. _____ was placed in an untenable situation in which the conscientious performance of her assigned duties could jeopardize her chances for promotion. The Committee on Privilege and Tenure[’s] concern was whether conflicting job performance expectations of her administrative superiors and the Area Committee unduly influenced the promotion decision... this may well have been the case. For example, the nature of Dr. _____’s job ... required that she exercise responsibility in a wide variety of areas...[yet] the Area Committee found her to lack a ‘focused area of specialization and achievement.’ Similarly, the Area Committee faulted her for failing to produce publications indicating ‘scholastic achievement,’ but the production of such publications does not appear to have been part of her extension duties.” The SACPT “suggests that [a] re-evaluation be conducted by an ad hoc committee rather than by the Area Advisory Committee for the Extension Title Series, which would necessarily be guided by the criteria it previously employed.” The President “concurred” with the reasoning and implemented the recommendation.

B50B

When faculty member filed complaint with Kentucky Commission on Human Rights, concerning the CC System Chancellor’s denial of promotion and tenure, citing generally favorable annual merit reviews and tenure progress reviews prior to denial of tenure, and sought to obtain the unit-level peer review letters but the University denied access to those letters [before the 1992 change in the state Open Records Law], and also appealed to the CCSACPT, the CCSACPT recommended “that an ad hoc committee be established to review the file again.” The Chancellor appointed an “Ad Hoc Committee” to review the merits of the faculty member’s promotion file. (Newspaper accounts indicated the review was to exclude the unit-level peer review letters). Upon receipt of the ad hoc committee’s recommendation, the Chancellor in November recommended to the President that the faculty member be awarded tenure, retroactive to the previous July, with which the President concurred.

G42D

Where the college advisory committee’s recommendation to the Dean “did not accurately reflect certain aspects of your promotion file”, the SACPT found it sufficient that the Dean “questioned the [college committee] recommendation, afterward sought clarification from the chairman of that committee, and, based on the chairman’s response, set it aside as useful input to the decision process.”

F51R

When an associate professor who was denied promotion to full professor appealed, the SACPT determined that the “most glaring problem was the failure of the area committee to review [his] accomplishments in the context of his DOE and position description as an Extension State Specialist in _____. Dr. _____’s DOE was comprised of 100% Service every year since his initial appointment. Expectations in such an appointment do not include basic research, grants to secure external funding or publication in referred journals. Dr. _____’s position description includes ... no expectation of activities usually associated with promotion of faculty primarily involved in research and teaching Proposals for external funding developed by [the faculty member] were stopped at the Dean’s level ... In conclusion, the Senate Advisory Committee

concurred with [the faculty member] that his promotion materials had been inadequately, and in some aspects, inaccurately reviewed... and suggests that you, as President of the University, order a de novo review by the current extension area advisory committee. Addenda to the letters from [the faculty member's] department chair and College Dean should be forwarded to the area committee which clearly delineate the unique expectations of his position and DOE." President adopted this recommendation, and upon de novo review as per above the individual was promoted to full professor.

B60M

Faculty member in regular title series was provided continuous DOE of 45% teaching, 25% research, 30% administration. In consideration for promotion and tenure, Area Committee recommended negatively to Chancellor, on account of 'thin research record.' However, Area Committee also wrote it had been "grossly unfair" to fail to put the individual originally in Special Title Series position, in view of heavy administrative assignment, and that "[w]e earnestly hope that some arrangement can be made to assure that justice is done in this case." Chancellor in response met with Area Committee and "asked it to write [the Chancellor] another letter," on account of the Chancellor's characterization that the Area Committee's first letter contained "dangerous" language. Chancellor asserted that Area Committee "went beyond its function" in making the additional comments quoted above. Area Committee complied to write a second, more strongly negative letter, and characterizing the teaching load as only "moderate." SACPT agreed that it was inaccurate to characterize the teaching load as moderate "in comparison to other faculty in his College." SACPT interpreted "There did not appear to be any procedural reasons for the Chancellor to ask for a new letter. Rather [the Chancellor] found the substance of the letter itself disturbing. So far as we know, no rules prohibit the Chancellor from strongly suggesting to an area committee that it write a new letter along certain lines. But we think that doing this defeats the purpose of having area committees give independent advice to the chancellors. Their advice is not independent or of much utility if its essential nature is preordained by the Chancellor. There are no regulations that constrain an Area Committee from communicating its belief that the university would be best served by retaining a candidate even though a strict reading of the record does not merit a positive recommendation. Indeed, area committees do this on occasion." On the aspect of Regular Title vs. Special Title, "[t]his Committee believes that [the individual] has been 'screwed' by missteps and lapses in the system over which he had virtually no control. If there is a culprit, it is [the former dean] who apparently insisted that new members of the College ... be appointed into the regular title series regardless of their duties... it is unfair for the university to hire a person... charge him primarily with the task of building an important undergraduate program at one third or more of his time and yet put him in the Regular Title Series....Nothing would be gained by having this case reconsidered...it would be pointless to recommend that [the Chancellor] reconsider his file based on the first letter...Thus we recommend that you act directly... The Privilege and Tenure Advisory Committee recommends that you grant promotion and tenure to [the individual] in a Special Title Series line that accurately reflects his duties and skills." The President approved the SACPT recommendation.

There are no regulations that constrain an Area Committee from communicating its belief that the university would be best served by retaining a candidate even though a strict reading of the record does not merit a positive recommendation. Indeed, area committees do this on occasion.” On the aspect of Regular Title vs. Special Title, “[t]his Committee believes that [the individual] has been ‘screwed’ by missteps and lapses in the system over which he had virtually no control. If there is a culprit, it is [the former dean] who apparently insisted that new members of the College ... be appointed into the regular title series regardless of their duties... it is unfair for the university to hire a person... charge him primarily with the task of building an important undergraduate program at one third or more of his time and yet put him in the Regular Title Series....Nothing would be gained by having this case reconsidered...it would be pointless to recommend that [the Chancellor] reconsider his file based on the first letter...Thus we recommend that you act directly... The Privilege and Tenure Advisory Committee recommends that you grant promotion and tenure to [the individual] in a Special Title Series line that accurately reflects his duties and skills.”

P53M

Where CC System Chancellor denied promotion to full professor, in part because “the vote of the local promotion and tenure committee was not unanimous,” and the faculty member appealed to the CCSCAPT, the CCSCAPT determined “the vote of the local promotion committee need not be unanimous” and “there is evidence to suggest that at least one member of the local promotion and tenure committee was biased against [the faculty member] and this was the reason for the vote not being unanimous (one no, three yes, one abstention).” President responded to “I have accepted the substance of your recommendations and have asked [the Chancellor] to put [the faculty member’s] file into the tenure/promotion process for reconsideration this year... You will note that I acted out of concern for the perception of bias, a concern that seems to have played a key role in the Committee’s view of the case.”