

T27F

Where a faculty member complained that unit administrator, spawned by personality issues, used merit ratings, course assignments, space assignments and withholding of a paycheck (to cover a bill that the faculty member believes the unit should pay) as instruments of punitive leverage, the SACPT stated “[t]he Committee does not believe that it has an appellate jurisdiction over merit ratings, course assignments, and space arrangements. On the other hand, equitable treatment in all of these areas is a basic “privilege” of a faculty member, without which tenure becomes fairly meaningless. When a member of the faculty complains of a pattern of inequitable treatment amounting to harassment, we believe the Committee has jurisdiction to investigate the charges and to make a recommendation. The second issue in this case that concerns the Committee is the application of the bursar’s self-help remedy of withholding a faculty member’s pay check. We believe there should always be adequate notice (and sometimes opportunity for a hearing).” As the SACPT’s above recommendation was being prepared, it “received word from [the faculty member] that he has resigned ... we still believe that administrative practices in the \_\_\_ Department should be reviewed by those in authority and some guidelines for the proper modes of communication with and treatment of faculty be established.”

E37N

Where a first year assistant professor had intense personality conflict with department chair and several senior faculty members, and appealed publicly to the AAUP and SACPT he appealed with great fanfare his perceptions of violations of academic freedom and privilege, the Dean with concurrence of the department chair notified the individual on April 24 that the prior commitment that the individual would teach the impending summer session would in fact not be honored. The SACPT did not find this to be a violation of academic freedom and privilege. In contrast, the local AAUP chapter admonished the SACPT for making its determination without opportunity for a hearing, and the local AAUP then wrote directly to the University President “One can only conclude that the refusal to employ [the faculty member] for the summer session followed in the aftermath of the events of the past year...He was assured that he would be teaching in the summer session... a commitment of the kind that is recognized in the academic community had already been made, and [he] acted in reliance on that commitment. Canceling his appointment under these circumstances ... is simply not the right thing to do...To us, the conclusion is inescapable that if [he] had been less controversial, the commitment to him to teach in the summer session would have been honored. The result should be no different because he was controversial.” President then directed the SACPT to reassess this aspect, whereupon it concluded that the time period between the notification of nonemployment for the summer and the opening of the summer session constituted inadequate notification, and recommended the faculty member be employed for the summer session. President accepted the recommendation.

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 here 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.” Finally, the SACPT found “The work of [the individual] ... was primarily centered outside of the College... Yet the crucial evaluation of her performance was done by the advisory committee of that college. We believe that there would be value in avoiding such a situation in future cases.” The SACPT recommended to the President the remedies (1) “that you appoint a special ad hoc committee to provide a complete evaluation of her performance; (2) that a dossier be prepared for the committee with the complete information on all aspects of [the individual’s work]; (3) that she be given an opportunity to submit information to the committee that is pertinent to the performance of her duties; and (4) that the committee be instructed to evaluate her performance solely on the basis of the criteria established for the special title series of the medical center.” The President adopted and implemented the recommendations.

L43L

Where an assistant professor in the special title series had been denied promotion and tenure in both 6<sup>th</sup> year and 7<sup>th</sup> year reviews, on the basis of insufficient “professional development and research”, when the faculty member’s D.O.E. averaged 85% teaching and 15% professional development and research,” the SACPT determined that the individual “was primarily a teacher, a fact which the University annually has agreed to in writing. Since such agreements should not work to [the individual’s] detriment, it follows that the promotion criteria must be applied in a manner consistent with the division of effort... The SACPT committee further determined that “section VI.B.2 of the Administrative Regulations ... imply clearly that advancement through the ranks of an individual whose responsibilities do not include research or creative work should be based on criteria carefully crafted to reflect specific duties and expected levels of performance. The Medical Center Special Title Series of 1970 is a two page document which provided criteria for all Medical Center personnel and which, in its implementation from 1970 to 1980, freed the individual units from the tasks of devising appointment and promotion criteria for each new special title series appointment. Predictably, its criteria are brief and general and we are unconvinced that they reasonably substitute for the individual criteria called for in the Administrative Regulations. Indeed, the Medical Center itself has come to this conclusion, at least partially. We are informed that some departments have consistently provided unique descriptions for special title positions and, since 1980, certain other units have been directed to implement each new special title appointment with individual criteria as required in the Administrative Regulations. It is our conclusion that an umbrella title series which attempts to encompass an entire college, where duties may vary widely, is a contradiction; there is nothing special about it, it simply becomes a parallel series. Thus, we find ourselves driven to the conclusion that the Administrative Regulations, notwithstanding long practice to the contrary in the Medical Center and possibly elsewhere, mean what they say: each special title position must be described by a unique document and criteria.” The SACPT committee recommended that the individual was entitled to a new dossier being formed at the department level, with new evaluation/recommendation letters from all internal parties, that the dossier be forwarded through the evaluation process to the Area Committee, which will receive both the old and new dossier, and that all parties will be instructed to conduct their evaluations guided by the D.O.E. assigned to the faculty member. President agreed to the recommendations, and added that the individual will be placed in full time, nonfaculty University employment in a different college until the process completes with the President’s final decision on the promotion/tenure proposal.

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.

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.”