

### M31G

CPT determined that department faculty and chairperson had unanimously supported award of a two year reappointment contract to politically activist untenured faculty member who had declared his intent to cease publication of “the more traditional, quantitative variety popular in refereed journal” and instead publish in “more policy-oriented, dare I use the term ‘relevant,’ ” outlets. The dean of the college denied the recommendation, instead deciding for nonreappointment. Faculty member appealed that he should have a right to use the outlets for his research which will achieve the greatest impact and reach the widest audience. SACPT interpreted that “If an appointment is to be terminated before the end of the maximum probationary period, we should expect that the individual’s record to that point will be such as to not be indicative of an eventual tenure appointment...we are concerned about possible disruptive effects which may arise when a studied recommendation of a reputable department is reversed.” SACPT recommended, and the President agreed, that the CV and supporting material be submitted to an Academic Area Advisory Committee for its judgment on the potential of the untenured faculty member for eventual tenure, and its recommended be directed to the Vice President who will make a recommendation to the President for final decision on whether there will be nonreappointment or a new untenured reappointment. (This case is the root of the procedure, similar to above, that became codified as Administrative Regulations II-1.0-1.II.C and AR II-1.0-1.II.D.2).

### E31C

Where the assistant professor in the Special Title Series also had administrative assignment as “Director” of a university function, and was given notice 9 months into the first year of faculty appointment that his employment would be terminated at the end of that year on account of that funds were not available, he appealed that he had not been given sufficient notice (prior to Dec. 1) as prescribed in his contract. The Vice President withdrew the notice of termination for the end of the first year and instead assigned the termination date to be the end of the second year. The faculty member appealed to the SACPT that he ought to be merit evaluated (which the Vice President had refused) prior to a final decision on his termination, and that ‘insufficient funds’ as the reason of his termination ought be withdrawn. The SACPT supported his appeal, and recommended that his termination date be extended to the end of the third year. The Vice President by letter that ‘lack of funds’ was being formally withdrawn as the reason for the termination, and that a faculty performance evaluation would be carried out, which was performed by the tenured faculty members, and the end of the third year was made the date of termination.

### S35I

Where the untenured faculty member with three years prior experience had reached at the end of an additional 3 years of probationary period in service at UK, the SACPT found that the faculty member was entitled to a consideration of overall qualifications for promotion and tenure, rather than a consideration to either renew or terminate her contract. The SACPT also found that most unit tenured faculty were not familiar with the faculty member’s overall accomplishments, and neither her personnel file nor her publications were reviewed by most of the tenured faculty; that different tenured faculty were consulted in different ways by the chairperson (e.g., some at a meeting, others by mail), yielding “discrepancies in ... the interpretations of ‘what was being voted on’ and in the basis for the judgment made”; that the tenured faculty “seemed more preoccupied with [her] personality and behavior than with her merit as a teacher and scholar,” because as the Chairman wrote “she is not the kind of person we want to have in this Department, we can’t live with her. She keeps the Department in turmoil.” President accepted SACPT’s recommendation that the Department be charged to assemble an up to date file of “evidences” on her teaching, scholarly productivity and University-public service for a promotion/tenure review, that each tenured faculty member would “examine these evidences in terms of the University’s criteria for promotion and tenure,” and that the chairman would review the faculty members’ recommendations and forward them and his own to the Dean.

### F37A

Where an untenured Associate Professor charged he had not received notice of termination until after the Dec.15 deadline prescribed by the University regulations, and where the department chairman could not prove that such notice had reached the faculty member by that date and both the chairman and dean had spoken with the faculty member on other matters shortly before Dec. 15 but did not reveal that termination notice had been sent, the SACPT committee recommended, and the President, agreed that the individual be awarded a year of terminal reappointment (SACPT also recommended that in the future notices of termination be sent by registered letter with return receipt requested).

### M37F

Where University regulations (AR II-1.0-1.III.I) require that “Whenever a recommendation to promote and/or grant tenure is disapproved at any level, this fact shall be reported back to the preceding level(s) with supporting reasons and an opportunity provided for a thorough discussion of the recommendation among the concerned parties,” the SACPT committee confirmed that the Vice President “after receiving the recommendation from the Area Committee, did indeed interact with and report back to” the Dean, “before arriving at his final decision,” and that the Dean “was asked for any additional supporting input to offset the negative recommendations...”

### 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, and 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.