

K31J

The SACPT found that tenure candidate “was not given the departmental hearing before the tenured faculty called for” by the department’s rules document. Based on SACPT recommendation that “the tenured members of the Department of _____ be asked to consider another hearing” for the tenure candidate [and] “if they agree, our report should be made available to them as well as whatever other materials” the candidate and the department chair care to submit.” President directs that tenured members of faculty be asked to provide a hearing opportunity to tenure candidate, “conducted in such a way as to permit Professor _____ and any other appropriate tenured faculty to present their cases orally as well, and that any vote taken should be by secret ballot.” SACPT recommends that if the tenured faculty refuse to provide the opportunity for the hearing, then the tenure candidate has standing to take the matter to the Senate Hearing Panel (Privilege and Tenure).

P45M

SACPT found that the individual’s “charge that the invalid criterion of external funding was used in reviewing his promotion is more serious ... The “Guidelines for Promotion” provided by the Department of _____ does indeed specify outside support as a promotion criterion [but] [i]n short, both decisions [at the departmental and college levels to deny tenure/promotion] had been made prior to the issuance of the guidelines. It is clearly evident in some of the letters opposing tenure and promotion that consideration was given to a perceived failure to receive outside funding...The Committee does believe that the criterion set forth in the guidelines is highly questionable...” 2nd year tenure progress review was not performed.

P48K

Where faculty member appealed that unit administrator’s letter egregiously misrepresented the “faculty opinion” contained in the unit peer review letters, and that the Dean’s perfunctory four sentence letter allowed perpetuation of this misrepresentation, the SACPT recommended “that the dossier of [the faculty member] be re-submitted to the proper area committee for its evaluation with regard to promotion to Associate Professor with tenure. This is not a new submission, but as one that is made again with added material. The new material is to include updated letters from the Chairman of the Department and from the Dean ... It may be that the [faculty member] and the chairman will request that letters they have written to the Privilege and Tenure Committee be included in the dossier. If this is the case, I will let you know.” This recommendation was followed, and the Vice Chancellor for Academic Affairs met with the dean and chairman. In addition, an ad hoc committee was appointed to review the merits of the dossier.

J49D

Faculty member denied tenure complained that there were no published departmental rules of procedure for promotion and tenure, leading to a practice in which the tenured faculty members had not, and were unaware that they were entitled to, read the letters submitted by specialists external to the University, which in the faculty member’s case were generally supportive. Faculty member also stated he “had no warning that anything was wrong until he was notified of the denial of tenure.” Faculty member also complained that “when Dean _____ rejected him for promotion, he was required by the ARS to notify him [the faculty member] of this and his dossier should not have forwarded with a negative recommendation to Vice Chancellor _____.” Faculty member also complained that one paragraph in the Area Committee letter stated the vote was 6-0 in the faculty member’s favor, while a second paragraph stated the vote was 5-1. The faculty member “complains explicitly... and implicitly that he was denied tenure not because of any deficiencies his research, teaching or service to the university, but because of problems of interpersonal relationships...”

The SACPT determined that “The departmental rules, as we have seen them, are not very specific (merely saying that the department will follow university procedures, which in turn do not set out departmental consideration in detail)...no tenured members of the faculty saw the letters evaluating his scholarship sent by outside referees...The Committee believes that it lessens the usefulness of soliciting outside evaluations if they are not shared with the tenured faculty ... these evaluations should be shared with all the decision-makers. We... recommend to you that the ARs be changed to insure that such letters are shared with the tenured faculty.” [In separate letters, the SACPT continued “ It would not surprise us if a candidate denied promotion or tenure under the system that exists in some units filed a suit against the university on grounds that the UK was violating the spirit of its own rules and/or that the withholding of the outside letters violated due process of law”]. On that

aspect that the faculty member had not been warned during prior evaluations that performance was wanting, the SACPT concluded “Certainly the paper record supports this charge. He received a rating of 4.0 (the College’s highest) on all annual merit evaluations preceding the tenure decision. We believe this constitutes irresponsible behavior on the part of his chair and dean.” In addition “We find [the Vice Chancellor’s] acceptance of the file to be a violation of the university’s procedures ... the failure to notify [the faculty member] of the negative decision earlier may have led him to believe a positive recommendation had been forwarded and thus he did not look for another position. In this sense, the violation of standard procedure may have had a negative impact on [the faculty member’s] career.” In addition, when the Area Committee chairperson “was writing the letters for all persons considered by the committee that day [he]inadvertently left a paragraph from a letter concerning another candidate in the letter...This could have weakened the impression about how strongly the Committee supported granting ... promotion and tenure.” On the complaint that personality issues were the real motivation of denial of tenure, the majority of the SACPT members “find this last complaint accurate ... At any rate [the faculty member’s] division of effort has been roughly 85% research and 15% teaching over his probationary period, so the majority believes it is difficult to sustain a case that service deficiencies should bear heavily in the tenure decision ... Some of the letter writes are incensed by his criticisms of the University and the Department (although most of their knowledge on this is hearsay). While not particularly admirable, if true, [the faculty member] certainly has a right to express his opinions about UK and the ____ Department. To the extent that this is a factor in the decision, it is cognizable by the Privilege and Tenure Committee. The justification of their votes [on] personality-type criteria does not, in the Committee’s majority judgment, warrant denial of tenure...Thus, the Committee majority believes that [the faculty member] has been denied promotion and tenure based upon inappropriate criteria. Nor does the “Balance and Intellectual Attainment” paragraph in the discussion of promotion and tenure criteria in AR II 1.0.1, p. V-2, make this a criterion. The majority further notes that, performance from the department chair and college dean. UK’s rating system is intended to serve as a diagnostic instrument, especially for untenured faculty. The majority believes that if it was used as such, this is clear evidence that the negative decision in [this] case has little relationship to the performance of his duties. If it was not used as such in this case, it is evidence that [the faculty member] is a victim of irresponsible behavior on the part of his chair and dean. What is the appropriate remedy? The Committee majority feels there is little point in sending’s dossier through a reconsideration process. No information of significance is missing from the present one. If anything, this course of action would simply invite those colleagues opposed to [him] to expand on their negative perceptions of his personality, to argue at greater length that his presence is more dysfunctional to the department than they did in their original letters. Thus, we feel that the most appropriate action is to request that you reconsider your decision in this case, taking into consideration our findings and conclusions, and, if you agree with us, act to promote [the candidate] to the rank of associate professor with tenure...”

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 CCSCPT, the CCSCPT 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.

C52T

Upon appeal by assistant professor denied promotion and tenure, SACPT determined there existed “1. Lack of written criteria or procedures for evaluation and promotion at either departmental or college level. 2. Lack of information about the existence and location of Governing Regulations, Administrative Regulations, and Senate Rules at any time during six years of employment. 3. No written evidence of consultation with tenured faculty regarding two and four year reviews. ([department chair] stated, however, that he met with a three-person committee of full professor for this purpose). 4. 19__ Annual Performance Review completed after notification of tenure decision, was signed by [faculty member] prior to the addition of written comments by Dean _____. Dean _____’s comments are undated. ([department chair] stated that it is usual College procedure for chair and

faculty member to review and sign, then forward to the Dean for other comments). 5. Tenured faculty were asked to write evaluative letters regarding promotion prior to receipt of outside review letters, thus had no access to this essential data.” SACPT concluded “Considering the cumulative effects of these irregularities, the committee requests that you carefully examine his appeal materials and take actions necessary to rectify the effect of these errors. Since the review of his promotion was stopped at the Dean’s level, it might be appropriate to forward his materials to the area advisory committee for review.”

P52D

When associate professor was denied promotion by Dean, he appealed to SACPT, with the outcome that the dossier was administratively directed to be forwarded to the Area Committee. It turned out that the dossier could not be forwarded, because the Dean had improperly shredded the only existent copy of the dossier.

J53D

Faculty member appealed that in merit evaluation process, no record had been made of either the department-level procedures used nor the department’s advisory committee’s recommendation documented. “The committee concurs with your conclusion that if the department chair conferred with his advisory committee, a record of the advisory committee’s recommendation should have been documented in accordance with UK Governing and Administrative Regulations. Since your open records requests revealed that such documentation doesn’t exist, this apparently was not done. We do believe...that those with administrative responsibility should ensure in the future that documentation of such input and the procedure process by which it was obtained be included in the record of such decisions.”

K54K

Where an Instructor was denied promotion to Assistant Professor, and several “irregularities” were determined by the CCACPT, including unsupported allegations of student complaint or dissatisfaction; that the individual was incorrectly told that UK regulations require that promotion consideration occur during the second year; that materials had been placed in the dossier of which the individual was unaware and did not have a chance to respond to, the committee recommended that “an attempt be made to affect an adjustment or the Hearing Panel (Privilege and Tenure) be activated to further investigate the events surrounding this appeal.”