

Proper Promotion/Tenure Criteria

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 CCACPT, the CCACPT 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.”

S35I

The SACPT found that where the untenured faculty member with three years prior experience had reached an the end of an additional 3 years of probationary period in service at UK, 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 CPT’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.

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.”

B27E

Where a faculty member upon hiring to direct a gallery was informed in writing that the gallery was “divorced from administrative control of the Department of _____,” the SACPT determined that chairperson of that department “spoke in derogatory terms about [the faculty member] in social gatherings, as well as to colleagues, when his criticisms might more ethically have been addressed to [the faculty member] or his superior. Although listed as a lecturer in the Department of _____ and even though he has taught courses for the Department, he has been made to feel unwelcome at departmental faculty meetings.” The SACPT concluded “[w]e are concerned, however, that two persons in this school have recently resigned their positions both claiming harassment, malignment, and lack of communication... We do not believe the best interests of the University can ever be served by a policy of systematic administrative harassment of faculty members, tenured or untenured, to obtain “resignations.” This Committee believes that there is enough in the allegations of these two men to justify an independent administrative review of the performance of the _____ Department Chairman and possible the Director of the _____, in these cases. We so recommend.” President responded that the “...problems will also continue to receive attention.”

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.

C39M

The SACPT confirms that "work in progress" is to be considered in promotion/tenure cases, and that there is not to be included either "personality considerations" or choosing to "exercise your right to speak out against [unit] policies."

G39J

Where the SACPT heard a case of female faculty member's appeal of her specific salary level, the President decided "I do not consider the Advisory Committee on Privilege and Tenure an appropriate body to consider or make recommendations on specific salary matters...I consider these matters of salary review to be within the scope of [the] Vice President ... responsibilities."

Z47P

Where the SACPT "did find evidence that [department chair] has said and done things that are prejudicial" to a third year associate professor, and "that several full professors submitted his name to [department chairperson] to be included on the list of Associate Professors to be considered for promotion to Professor," but the department chair refused, "we feel it is the main evidence of privilege violation...We note, however, that [the faculty member] has been an associate professor since [three years ago] and this does not appear to be a case of undue delay."

S57A

Upon complaint by faculty member denied tenure that evaluations by certain departmental faculty were prejudiced by a disciplinary bias, the Chancellor ordered that additional external reviewer letters, as identified by Chancellor through the faculty member's professional society, be solicited for additional letters to be added to the dossier, and that a full new review be performed commencing at the level of the department faculty evaluation. Upon receipt of the dossier that was processed by the de novo review, the Chancellor reversed the tenure denial and awarded promotion with tenure.

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."

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, as discussed above, [the faculty member] consistently received the highest possible merit ratings each year on his 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 is 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..."