

MEMORANDUM

To: Professor Aaron Cramer
Chair
University Senate Council

From: Michael P. Healy
Chair
Senate Advisory Committee on Privilege and Tenure (SACPT)

Date: September 12, 2021

RE: Report of SACPT Activities for 2020-2021

In accordance with Senate Rule 1.4.4.2.2.6, I am submitting this annual report of the activities of the SACPT for the 2020-2021 academic year.

The Committee considered one case involving the application of subsection 1 of Senate Rule 1.4.4.2.2.2.1 (“Dismissal from employment”). That subsection involves “cases of termination of appointment for cause of a tenured faculty member arising from allegation of incompetency, neglect of or refusal to perform his/her duty, or for immoral conduct (KRS 164.230).” This case concerned ██████████ in the Regular Title Series. The SACPT reviewed documents related to the conduct of ██████████ including the “Provost’s Statement of Charges” of March 29, 2021, the June 23, 2020, Report of the Vice President for Research, and ██████████ responses to the Statement of Charges and the June 23, 2020, Report. On May 19, the SACPT met via Zoom with ██████████ and ██████████, ██████████. The SACPT thereafter met via Zoom on June 10, 2021, with ██████████, ██████████ who served as members of the Research Conflict of Interest Committee (RCOIC), which had investigated ██████████ conduct after concerns about conflicts of interest had been raised in January 2019 by ██████████ NIH Deputy Director for Extramural Research and Director of the NIH Office of Extramural Research. On July 9, 2021, the SACPT concluded in a memorandum to President Capilouto that ██████████ violated the requirements imposed by A.R. 7:2 for the disclosure of information related to conflicts of interest. The SACPT recommended, with one Committee member disagreeing, that the proper sanction for these violations was a five-year suspension from work as a researcher. This had been the sanction proposed by the Vice President for Research in her March 23, 2021, letter. The SACPT accordingly did not recommend the termination of ██████████ appointment as a tenured Professor of Medicine.¹ The Committee has previously provided you with the documents related to its consideration and resolution of this case.

¹ On September 2, 2021, the SACPT received a request from President Capilouto that it reconsider its recommendation in this case. The SACPT is now considering its response to this request.

The SACPT also considered the April 28, 2021, appeal of [REDACTED] from the denial of special title series (STS) tenure in the [REDACTED], [REDACTED] claimed that he had been denied tenure based on the “violation of procedures” and sought SACPT review under Administrative Regulation 2:1-1 and University Senate Rule (S.R.) 1.4.4.2.2.1. Based on its investigation, the Committee unanimously concluded on August 6, 2021, that there were procedural violations in the consideration of [REDACTED] tenure case and recommended in a memorandum to President Capilouto that, because of these procedural violations, the tenure case of [REDACTED] should be reconsidered employing the required procedures. The Committee has previously provided you with the memorandum and documents related to its consideration and resolution of this appeal.

The SACPT also considered [REDACTED] July 10, 2020, Request for an Investigation by the SACPT. According to a University of Kentucky website, [REDACTED] is [REDACTED] [REDACTED] at the University of Kentucky.” [REDACTED] requested that the SACPT pursue “an investigation and [take] appropriate action regarding violations of GR XIV(b)(2) and AR 10:7.” On July 31, 2020, the SACPT concluded that the SACPT had no jurisdiction to pursue an investigation of or to adjudicate any potential claim raised by [REDACTED]. The SACPT explained its decision in a July 31, 2020, Memorandum to President Capilouto that you have received along with the related documents.

The SACPT has also considered and resolved several claims raised by [REDACTED] of the [REDACTED] who asked that the SACPT act pursuant to Senate Rule 1.4.4.2.2.4 (“Issues of Privilege as Scholars”) and find that his academic privilege had been violated on several occasions. The SACPT issued several decisions on these matters, copies of which you have received with related materials. The SACPT reported its decisions in these cases in memoranda to President Capilouto dated July 17, 2020, and February 13, 2021, and an email to [REDACTED] on March 17, 2021. The Committee has previously provided you with the documents related to its consideration and resolution of these claims. The SACPT continues to have pending before it additional complaints raised by [REDACTED]