

Senate Advisory Committee on Privilege and Tenure (SACPT)
Annual Report: Spring-Summer 2014
September 12, 2014

The Senate Advisory Committee on Privilege and Tenure (SACPT) held one formal meeting during the timeframe covered in this report, on May 16, 2014. The purpose of the meeting was to interpret a specific set of university regulations.

Appeals to the SACPT

There were no formal tenure/promotion appeals submitted to the SACPT during this timeframe.

Interpretation of University Regulations

A formal request was made of the SACPT to interpret (as per Senate Rule 1.4.4.2.B3) the university's 'Delay of Probationary Periods' regulation (GR XB1c) with regard to its effect on the 'Faculty Performance Review' regulation (AR 3:10). The committee recommended that the altered (slower) rate of progress that can be expected to occur when a faculty member takes advantage of the Delay of Probationary Periods policy (for up to two years) be taken into account in faculty's *periodic* performance reviews (non-promotional reviews). Unfortunately, as currently written, the available regulations are silent on how to do this in practice. The committee, therefore, recommended that a university-wide policy be developed and implemented.

Recommendations

As a result of the SACPT's recommendations on these matters, the university President has directed that an Ad hoc committee be formed to study these matters. The formal charge of this Ad hoc committee is attached. In the original SACPT recommendation, dated June 2, 2014 (attached), a variety of theoretical questions were posed to demonstrate the complexities of all the issues involved. It was the expectation of the SACPT that, should the President appoint an Ad hoc committee, this committee would develop policies to address all of these issues. Therefore, we believe it might be helpful to the Ad hoc committee that they be provided with the June 2, 2014 document for their consideration, if not done so already. Should any of the issues raised in the June 2 document be outside the scope of the charge of the Ad hoc committee, we believe those issues could be considered by the Faculty Senate.

Submitted on behalf of the 2013-2014 SACPT members Stephanie Aken, Franca Cambi, Anne Harrison, Jane Hayes, Brian MacPherson, Lee Meyer, Mary Kay Rayens, Vincent Sorrell, Ginny Sprang, and Stephen Testa (Chair).

June 2, 2014

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Dear President Capilouto:

I am writing on behalf of the Senate Advisory Committee on Privilege and Tenure (SACPT). As you know, one of the charges of the SACPT, as described in Senate Rule 1.4.4.2.B3, is to interpret university regulations upon request. A formal request was made to the SACPT on April 25, 2014 by [REDACTED]

[REDACTED] At issue is the interplay between the university regulations dealing with 'Delay of Probationary Periods' (GR XB1c) and 'Faculty Performance Review' (AR 3:10). More specifically, the committee was asked to determine whether a different rate of progress (i.e. a reduced level of productivity) can be expected for faculty with extended probationary periods relative to those without extended probationary periods, at any time during their probationary periods. In addition, we were asked to determine how this difference, if it exists, should be factored into *periodic* faculty performance reviews (encompassing annual, two-year, four-year and any other reviews except for promotion reviews).

The committee met with [REDACTED] on May 16, 2014. Committee members present included Stephanie Aken, Franca Cambi, Anne Harrison, Brian MacPherson, Lee Meyer, Mary Kay Rayens, Ginny Sprang, and me. Jane Hayes and Vincent Sorrell were unable to attend the meeting.

The regulations, as they currently exist, appear to be silent on the issue of how the 'Delay of Probationary Periods' policy impacts *periodic* 'Faculty Performance Reviews'. In addition, it appears that an official university-wide policy for this issue does not exist. In this regard, the committee is tasked with an unachievable goal; interpreting a policy that does not exist. Evidence suggests that some colleges and departments are being proactive in devising solutions to this issue, but even among these units there exists a lack of consistency. This is problematic. It is highly desirable that university-wide policy be created. This will help to ensure consistency and fairness throughout campus. With this in mind, the committee would like to make two recommendations.

We believe that the 'Delay of Probationary Periods' regulation was created precisely because family obligations often negatively influence faculty members' rates of progress.

- **Therefore, we recommend that this altered rate of progress be taken into account when evaluating the *periodic* performance reviews of delayed probationary faculty.**
- **In the absence of current policy that provides direction for how to do this (or that allows the SACPT to make interpretations), we recommend a policy be developed and implemented.**

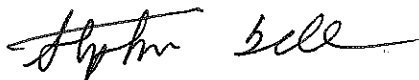
It might be suitable to start the process by creating an Ad hoc committee consisting of faculty and administrators to study the matter.

The reason we suggest that a committee be created is because the issues at hand are complicated and complex. The interplay between the regulations regarding 'Faculty Performance Review' (AR 3:10), 'Delay of Probationary Periods' (GR XB1c), and 'Leaves of Absence' (GR XB2d) – including family medical leave (FML) - warrant careful study. In addition, there is no simple formula that can be applied to all situations. For example, it is unclear how long it might take any given person to catch up to their non-delayed peers (more than a year, exactly one year, less than a year). When exactly does the delayed year start and end (e.g., before or after childbirth/adoption)? How does each faculty member know what the expectations are for their upcoming performance reviews when those reviews encompass periods of delay or leave? How are these expectations communicated to colleagues and administrators who participate in the evaluation process? Importantly, this altered rate of progress issue is important not just for probationary faculty, but all faculty who take paid or unpaid leave. It seems reasonable to assume that their subsequent performance evaluations should reflect the leave period as a period of potentially reduced productivity. It becomes even more complicated when the delayed year (or leave) spans two evaluative periods. It was unclear to the committee whether such a policy should impact a faculty member's division/distribution of effort. One thing that seems clear, however, is that the reduced rate of progress during periods of officially approved delay (or leave) should be reflected in *periodic* faculty performance evaluations. Moreover, each faculty member should fully understand how their particular delay (or leave) will impact the criteria upon which their upcoming performance reviews are based.

The committee would like to stress that we think the 'Delay of Probationary Periods' regulation is important to the health and well-being of the university community. We realize that this policy is relatively new, and that it might take some time to get the bugs worked out and have it fully integrated with other University policies. Developing a policy to bridge these gaps is important to ensure that this well-intended policy is fairly and equitably implemented.

The conclusions contained in this letter were reviewed and affirmed by all SACPT members present. On behalf of the SACPT members, Stephanie Aken, Franca Cambi, Anne Harrison, Brian MacPherson, Lee Meyer, Mary Kay Rayens, Ginny Sprang, and me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Stephen Testa". The signature is fluid and cursive, with a long horizontal stroke at the end.

Stephen Testa, Ph.D.
Chair, SACPT
Department of Chemistry

Cc:

Qingjun Wang

Lee Blonder

Christine Riordan

Gene Lineberry

Richard Greissman

Frederick de Beer

Douglas Andres

Ad hoc committee charge (copy and pasted from an email):

* Within the context of faculty performance evaluation (annual/biennial merit review), consider how the assessment of a faculty person's productivity and accomplishment might differ in light of approved FMLA leave.

* Stemming from the committee's thoughtful discussions and reflection, recommend any policies and guidelines that the Provost might issue to all colleges regarding the impact of approved FMLA leave on the process of faculty performance review.