

These are the suggestions put forth by Provost Subbaswamy for Top 20 Faculty Policies, along with the formal comments by the Senate Council.

The Provost's comments are in regular text in the document.

*The input from the Senate Council includes the date of the meeting during which the vote was taken and is italicized and indented, with **parliamentary actions** in bold.*

Top 20 Faculty Policies Suggested Changes to Procedural/Process Issues (for Discussion Purposes)

1. Current regulations, under which a faculty member's tenure review ends without provost level review if the dean denies tenure, should be changed. Every tenure-track faculty member should be entitled to one full and comprehensive review at all levels for consideration for appointment with tenure. Current policy stops a tenure case at the college level, save for appeal on the grounds of an alleged procedural irregularity, when a dean renders a negative decision. Why should a negative decision by the dean receive more deference than a positive decision? We should change this such that all tenure cases, irrespective of the judgments at the college level, would be sent forward to the Provost's Office for further consideration and final action. Considerable deference would be shown by the Provost to the judgments emanating from the college, especially in cases where those college-level judgments (departmental faculty, chair, college advisory committee and dean) are near unanimous, either for or against the granting of tenure. A comprehensive tenure review would not abridge a faculty person's right to appeal a tenure decision on procedural grounds as codified in the *Governing and Administrative Regulations*.

1 (March 31, 2008)

*The revised **motion** "That the Provost be informed that Senate Council is generally receptive to Item 1, but that Senate Council would like some provision inserted that would allow a second comprehensive review at all levels, without prejudice, if an early decision were negative" was called to a **vote**, and **passed** (5-0-1).*

2. Reconsideration of a negative decision on tenure should be permitted only as the remedy in a successful appeal (i.e., recommended by the Senate Advisory Committee on Privilege and Tenure and approved by the President as the remedy after a successful appeal on procedural grounds) of the initial tenure review process. In instances where no procedural errors exist, reconsideration might only occur at the discretion of the Provost, upon recommendation by the dean. The *Governing and Administrative Regulations* are agnostic on the matter of reconsideration of a negative tenure decision in the terminal year of reappointment, and we should codify the university's position. I suggest that each college adopt, with the approval of the Provost, criteria under which a terminal year reconsideration might be appropriate.

#2 (April 7, 2008)

*It was **moved** (RF) and **seconded** (PP) and **carried** (6/0/0) to "Report to the Provost that SC generally favors Policy 2, but that such policy*

requires very careful wording to clarify all issues, especially including the role of the dean."

3. The *Governing and Administrative Regulations* establishes the criterion for the granting of tenure as excellence in all areas of activity. Departments should be required to establish written statements on disciplinary-based evidences that constitute excellence in areas of activity assigned to department faculty, in consultation with the dean, and then submitted for approval by the provost. In other words, these statements of what constitutes disciplinary-based evidences should be agreed upon at all levels of review at the time of hiring of the faculty member. Where the scholarly activity of a newly hired faculty person is deemed to be highly interdisciplinary, the chair, in consultation with the unit faculty, should prepare a statement on procedures for soliciting the opinions of scholars external to the department and beyond the disciplinary boundaries typically applied by the department. This process should be articulated in the candidate's appointment letter, with approval at the Provost's level.

#3 (April 7, 2008)

*It was **moved** (DA) and **seconded** (CW) that SC "Inform the Provost that we are generally in agreement with Policy 3. We suggest, however, that the next-to-last sentence be changed to read as follows [revised wording is underlined]: "Where the scholarly activity of a newly hired faculty person is deemed to be highly interdisciplinary, the chair, in consultation with the unit faculty, should prepare a statement of expectations and procedures for soliciting the opinions of scholars external to the department and beyond the disciplinary boundaries typically applied by the department." The motion **carried** (6/0/0).*

*In addition, with respect to the second sentence of Policy 3 as formulated by the Provost it was **moved** (CW) and **seconded** (HS) and **carried** (6/0/0) that the SC "would like clarification of the phrase 'in consultation with the dean' to clarify whether the opinion of the faculty of the respective college or of the dean holds final approval."*

4. Current regulations require review of dossier and recommendation on tenure for all cases by the Dean of the Graduate School. I suggest we eliminate this requirement. The provost will be free to seek the advice of the Dean of the Graduate School as deemed necessary and appropriate.

#4 (March 31/08)

*It was **moved** (RF) and **seconded** (SA) "That Senate Council report to the Provost that we are in general agreement with Item 4." Motion **carried** (5-1-0).*

5. Tenure and promotion cases where all lower level reviewers (external, department faculty, college committee, dean) agree on a positive outcome should go directly to the provost for final review, circumventing area committees. The overwhelming majority of tenure and promotion are sent forward unchallenged by all levels of review within a college. Area Committees should review all cases with a negative recommendation, and those positive cases where there is disagreement among the summary judgments of lower-level reviewers.

#5 (April 28, 2008)

*Finkel **moved** that the SC report to Provost Subbaswamy that the SC suggests a revision to Point Five specifying that the Provost must send all tenure and promotion cases to the appropriate area committee, but that the Provost may indicate on some of those cases that the area committee need not pursue a full review. In those cases so marked, the area committee may either concur with the Provost or may nonetheless provide a full review. In those other cases where the Provost requests a full review, the area committee must provide a full review. Swanson **seconded**. There being no additional discussion, a **vote** was taken and the motion **passed** unanimously with seven in favor.*

6. UK is the only institution among our benchmarks that continues the practice of requiring individual unit faculty to submit letters of evaluation in tenure and promotion cases. Unit faculty opinion is an irreducible element of any promotion or tenure review. The faculty must engage in a formal deliberative process that results in an unambiguous statement of their opinions and be unconditionally reassured that those opinions, duly recorded, shall guide the judgments of all line evaluators in the review process. Too often, however, individual letters do not convey unambiguous statements for or against the granting of tenure or promotion; present cryptic or biased assessments of strengths and weaknesses; and not infrequently contain language (or prejudicial information) that borders on (or falls into) the category of actionable statement. Those letters neither offer assistance to line evaluators nor solace to a candidate who expects from his or her colleagues consummate and proper deliberative conduct. There is “wisdom in the crowd,” and a collective process of unit faculty deliberation has been enshrined among our benchmarks as the fairest means to ascertain the will of a unit faculty.

Our peer and benchmark institutions have moved successfully to a collective review by the unit faculty, one that foregoes the writing of individual faculty letters and instead is characterized by the following procedural steps and practices:

- The appropriate unit faculty persons are required to engage in substantive discussion of each tenure and promotion case at a meeting (or series of meetings). Typically, a faculty person closest to the scholarly area of the candidate, but not the department chair, facilitates the discussion.
- After each case has been discussed to the satisfaction of the appropriate unit faculty, a detailed assessment is prepared of the candidate's accomplishments in

teaching, scholarship, and service, regarding both strengths and weaknesses. The summary in draft form is circulated among the faculty who participated in the discussion for their review and approval.

- A formal numeric vote of the appropriate faculty is taken and reported (in the aggregate) in the assessment document (see bullet above).
- The unit faculty assessment should be included in the review dossier. The chair makes an independent recommendation, with justification, in a letter which will be a part of the dossier. The chair must report to the appropriate unit faculty her/his judgment in each case under consideration and should be required to provide an explanation at formal meeting of the appropriate faculty if her/his recommendation is counter to the majority vote.

There is “wisdom in the crowd,” and a collective process of unit faculty deliberation has been enshrined among our benchmarks as the fairest means to ascertain the will of a unit faculty.

#6 (April 28, 2008)

*Randall **moved** that the SC inform Provost Subbaswamy that the SC was somewhat uncomfortable with the proposal to eliminate the individual faculty letter from consideration in the promotion and tenure process. Aken **seconded**. A **vote** was taken and the motion **passed** unanimously with six in favor.*

7. The *Governing and Administrative Regulations* currently require a chair to obtain at least three (3) outside letters for each tenure or promotion case. I am proposing that we increase that minimum number and the preponderance of outside letters that come from reviewers selected by the chair, in consultation with the faculty but independent of the candidate for promotion or tenure. My revised language reads as follows:

A promotion or tenure dossier shall include a minimum of six (6) letters of evaluation from qualified persons outside the University. At least four (4) of the outside letters shall come from reviewers selected by the chair independent of the candidate for promotion or tenure.

Three outside letters offer no margin in those instances where one of the three letters is judged to be unhelpful, or misleading, for whatever reason; limit to a maximum of two reviewers the opinions of letter writers selected by the chair independent of the candidate for promotion or tenure; and by their numbers cannot ensure that the complexities and nuances of a case have been identified and thoughtfully discussed. Some might argue that even six is too few.

#7 (April 28, 2008)

*Swanson **move** and Aken **seconded** a motion, for which Finkel offered a **friendly amendment**. Swanson and Aken **accepted**. There being no further discussion, a **vote** was taken on the motion that the SC was generally in favor of the stipulations in Point Seven, with the recommendation that*

*there be language clarifying the permitted degree of relationship between the candidate and the outside reviewers chosen by the chair; and that in those cases where a candidate for promotion or tenure is in a field where it is difficult to identify six appropriate external reviewers, the Provost should give permission for fewer letters to be presented. The motion **passed** unanimously with six in favor.*

8. Meaningful mentoring of untenured faculty is one of the most important investments a department can make. Mentoring done well helps ensure that the considerable funds we invest in new faculty will result in the launch of a successful career, punctuated by a celebratory tenure review. Thoughtful, constructive feedback should be given annually to all untenured faculty members. Moreover, UK's *Administrative Regulations* stipulate that untenured faculty persons undergo formal progress reviews in their second and fourth years of their probationary period. However, a second-year progress review comes too early in the probationary period to provide meaningful feedback. Instead, UK should replace the second-year progress review with a substantive third-year review. This review would constitute a major assessment of the faculty member's record of achievement. It will provide for a mid-cycle evaluation that gives chairs a greater period of faculty performance on which to judge achievement and untenured faculty enough time before the sixth-year review to address areas of deficiency.

The third year is also an appropriate time for a departmental faculty and chair, faced with the record of a seriously underperforming faculty person, to convey an unambiguous statement about their expectations for progress over the subsequent year. In this context, the fourth-year progress review can then be used to identify and acknowledge progress in addressing areas of deficiency or, in the absence of significant progress, solidify opinions on a decision to extend a terminal reappointment for a final year.

#8 (April 28, 2008)

*Randall **moved** and Swanson **seconded** a motion, which Finkel **moved to amend** and Anderson **seconded** the amendment. The amendment **passed** unanimously with six in favor. There being no further discussion, a **vote** was taken on the motion that the SC inform the Provost that the SC is comfortable with the current process of substantive second and fourth year reviews and recommends against the proposed elimination of the second year review, which would be replaced by a third year review; however, so long as two full reviews are accomplished during the probationary period, perhaps it could be left up to each college to decide the timing of those reviews. The motion **passed** unanimously with six in favor.*