

## Meeting of Provost Michael Nietzel with Area Committee members

August 6, 2003

My Notes Taken:

**Expression of the Committee's Opinion.** The Provost spent some time discussing that he wants the committees to provide "judgments" that state the "committee's opinion" about the impact and quality of the work of the candidate. The Provost described that the committees ought to design their letters in terms of "in the committee's opinion" or "the committee felt" to distinguish the committee's opinion from assertions of fact. The General Counsel Paul VanBooven described that the court system gives great deference to the activity of University faculty committees to make judgments about the qualifications of candidates for appointment, promotion or tenure. The General Counsel described that the UK tenure cases that have wound up on court did not wind up in court on account of the frank opinion that an Area Committee expressed, so the Area Committees ought not feel inhibited in any way from expressing their opinions and judgments on the merits of the cases that they will consider.

**Numerical Vote; Pros and Cons.** The Provost requested the committees to not only show the numerical vote, but to lay out the "pros and cons" of the merits of the case, especially when the vote is not unanimous – even when there is only one dissenting committee vote.

**Prospects of Future Contribution by the Candidate.** Associate Provost David Watt added that it would be helpful if the committee would not only assess the performance to date of the candidate (e.g., the creative productivity, the quality of instruction, etc.), but also make a judgment about the prospects for the future contribution of the candidate to the University.

**Special Title Series Cases.** The Provost reviewed the Special Title Series policies. He described that under the regulations there is no "generic" Special Title Series criteria. Rather, each position has a unique position description with criteria for appointment and promotion. These criteria are to be approved in advance by the Area Committee before a person is hired into the position. A copy of these criteria are to be in the dossier and serve as the basis for the assessment of the merits of the case for appointment or promotion.

**Incomplete Dossier.** The General Counsel addressed the situation in which the Area Committee ascertains that the dossier is incomplete in that it is missing a required component that is preventing the committee from making a fair and full assessment of the merits of the case. If the Area Committee ascertains that the dossier is incomplete, the committee is to notify David Watt of the situation, and David Watt will see to it that the missing material comes to be added to the dossier, and he will return the now complete dossier to the Area Committee.

**DOE Assignment of Candidate Does Not Match Title Series.** The General Counsel also raised the circumstance in which the Area Committee ascertains that the D.O.E. assignments made to the faculty member are a significant mismatch to what the title series of the candidate requires of the areas of activity of the candidate. Later in the meeting, this circumstance was revisited at least by committee discussion with the Provost on the subject of insufficient mentoring, or even misdirection, of the candidate by the department during the probationary period. The question was raised as to what the Area Committee ought or ought not say in its letter to the Provost about such a situation. The Provost counseled against the committee making an inference that might not be correct, e.g. "The department chairperson did not sufficiently mentor the untenured faculty member against too much service work," because it may be the chairperson did making such warning but the untenured faculty member did not heed the warning. So, the Provost suggested that the Area Committee letter might note that there

appeared to be an incongruity between the amount of time in teaching, research or service that the faculty member ought to have been assigned in their title series vs. how much time the D.O.E. actually assigned to the various activities. This would then alert the Provost to look further as to the basis for the apparent incongruity and to consider what influence that basis ought have on the final decision.

**Cases of Involving Midstream Change in Title Series.** A question was raised of the circumstance in which a candidate spent, say, the first four years in a Special Title Series position, in which research is not a criterion, but then changed to a Regular Title Series position, in which research is a criterion. It may be that the research productivity for the last two years was an appropriate amount and quality for that two years, but that the research performance for the 6 years does not measure up to what would be expected for 6 years in the Regular Title Series. The Provost agreed that such cases are difficult cases, and that it becomes more difficult to assess, and perhaps more difficult to justify, such a change in title series the longer the untenured faculty member goes in the initially appointed title series. However, the Provost noted that deference must be given to the requirements for the title series for which the promotion or tenure is proposed.

**Provost Decision Contrary to Committee Recommendation.** The Provost reviewed some statistics, to the effect that in the most recent academic year, on the occasions that the Area Committee recommended against promotion or tenure, the Provost concurred about half the time, and the other half the time the Provost recommended for promotion or tenure. By comparison, in the prior year (2001-2002 academic year), the Provost had supported the negative recommendations in about 75% of the cases. The Provost stressed that he is very averse to taking a position in favor of promotion or tenure when the Area Committee has recommended against it, but that the committees must understand that there are circumstances and contexts that he as Provost is in a position to assess that the committee may not be in a position to assess. As an example, he noted that as the particular faculty composition of committees flux from year to year, or from committee to committee, it may be that in one year (or on one Area Committee) there is a preponderance of committee members who have the view to place great significance on the candidate's acquisition of individual PI grants, while in another year (or on a second Area Committee) there is a preponderance of members who place as much significance on the candidate's substantive participation as a member of a successful multidisciplinary team where thereby the candidate does not have an individual PI grant. (The Provost noted that neither individual PI grants nor participation on multidisciplinary teams are in themselves criteria for promotion or tenure). He, as Provost, has to be in a position, in the above example, to weigh whether the nuance of a particular committee composition has unduly affected it to make a negative recommendation.

**Avoid Personality/Policy Issues.** The Provost noted that it sometimes happens that letters written by faculty at the department level contain personality issues, which is inappropriate, or contain attempts by the faculty member protest to the effect "our department should not have made a hire in this research area." The Provost said that he does not pay any heed to those kinds of comments, and that the Area Committee need not spend time in its letter to address such departmental letters that may be in the dossier. The General Counsel noted that "collegiality" is not a criterion for promotion or tenure. He did state that the ability of a faculty member to successfully mentor students, for example, may relate to the faculty member's interpersonal interaction ability, but that "collegiality" in the classical sense of style of interpersonal interaction is not a criterion if it does not relate to the ability of the person to perform satisfactorily in research, teaching and service.

**Direct Experience of Area Committee Member With Candidate.** A question was raised as to whether an Area Committee member who has direct knowledge of the performance of the candidate (e.g., has observed the individual's presentation at a national conference) should bring that knowledge to the committees "informational base" vs. should that Area Committee member restrict his/her information base to the content of the dossier. The Provost stated that the content of the dossier should

be the only informational base for the Area Committee's judgment. However, it is very appropriate for faculty in the department of the candidate to put into their faculty letters such information about their direct experience about the candidate's qualifications.

**Case Involves Appointment of High Administrator.** A question was raised about whether the Area Committee's role is substantive or perfunctory in cases in which the candidate is an applicant for a high administrative position, for which the University administration seeks to offer also a tenured academic appointment. It was described that the situation is exacerbated with the individual is coming from a nonacademic position (e.g., government, industry), with no or little experience in academic research and teaching. An impression was voiced that the Area Committee is expected to rush through a rubber stamp that is really not in accord with maintaining a high quality of standard for academic ranks. This question raised as much or more discussion than any other question raised. Various alternatives were discussed that would enable the Area Committee to perform an substantive evaluation of the academic merits of the academic appointment in a way that would enable the Provost to meet the time pressures of making an attractive offer to the candidate for the administrative position. No specific procedure was identified that would achieve both of those objectives. However, the Provost did support the posture that the Area Committee, being only advisory, does not by a negative recommendation block the administration from nevertheless offering the tenured academic position (with Board approval) to the candidate. In this way, the Area Committee can make it a matter of record of the case that it complied with its duty to render a negative recommendation if that is what it really felt were the academic merits of the individual for the academic tenured position. The Provost endorsed that the Area Committee should feel free to make a negative recommendation in such a case, since that freely made negative recommendation does not tie the hands of the Provost or President from nevertheless still offering the tenured academic appointment.

Davy Jones  
August 6, 2003