

Nonrenewal or Timely Notification Issues

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Academic Privileges of Faculty T27F, B27E, E37N, C39M, Z47P, J49D

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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 SCAPT 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 School of _____, in these cases. We so recommend." President responded that the "...problems will also continue to receive attention."

B30F

Based on SACPT report, President offers Visiting Lecturer position to faculty member " to provide you some accommodation and to permit you more adequate opportunity to secure other employment."

K31J

CPT found that tenure candidate " was not given the departmental hearing before the tenured faculty called for" by the department's rules document. Based on SACPT recommendation that " the tenured members of the Department of _____ be asked to consider another hearing" for the tenure candidate [and] if they agree, our report should be made available to them as well as whatever other materials" the candidate and the department chair care to submit., President directs that tenured members of faculty be asked to provide a hearing opportunity to tenure candidate, " conducted in such a way as to permit Professor _____ and any other appropriate tenured faculty to present their cases orally as well, and that any vote taken should be by secret ballot." SACPT recommends that if the tenured faculty refuse to provide the opportunity for the hearing, then the tenure candidate has standing to take the matter to the Senate Hearing Panel (Privilege and Tenure).

M31G

CPT determined that department faculty and chairperson had unanimously supported award of a two year reappointment contract to politically activist untenured faculty member who had declared his intent to cease publication of " the more traditional, quantitative variety popular in refereed journal" and instead publish in " more policy-oriented, dare I use the term 'relevant,' " outlets. The dean of the college denied the recommendation, instead deciding for nonreappointment. Faculty member appealed that he should

have a right to use the outlets for his research which will achieve the greatest impact and reach the widest audience. SACPT interpreted that " If an appointment is to be terminated before the end of the maximum probationary period, we should expect that the individual's record to that point will be such as to not be indicative of an eventual tenure appointment...we are concerned about possible disruptive effects which may arise when a studied recommendation of a reputable department is reversed." SACPT recommended, and the President agreed, that the CV and supporting material be submitted to an Academic Area Advisory Committee for its judgment on the potential of the untenured faculty member for eventual tenure, and its recommended be directed to the Vice President who will make a recommendation to the President for final decision on whether there will be nonreappointment or a new untenured reappointment. (This case is the root of the procedure, similar to above, now codified as Administrative Regulations II-1.0-1.II.C and AR II-1.0-1.II.D.2).

E31C

Where assistant professor in the Special Title Series also had administrative assignment as "Director" of a university function, and was given notice 9 months into the first year of faculty appointment that his employment would be terminated at the end of that year on account of that funds were not available, he appealed that he had not been given sufficient notice (prior to Dec. 1) as prescribed in his contract. The Vice President withdrew the notice of termination for the end of the first year and instead assigned the termination date to be the end of the second year. The faculty member appealed to the SACPT that he ought to be merit evaluated (which the Vice President had refused) prior to a final decision on his termination, and that 'insufficient funds' as the reason of his termination ought be withdrawn. The SACPT supported his appeal, and recommended that his termination date be extended to the end of the third year. The Vice President by letter that 'lack of funds' was being formally withdrawn as the reason for the termination, and that a faculty performance evaluation would be carried out, which was performed by the tenured faculty members, and the end of the third year was made the date of termination.

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 here 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.

F37A

Where untenured Associate Professor charged he had not received notice of termination until after the Dec.

15 deadline prescribed by the University regulations, and where the department chairman could not prove that such notice had reached the faculty member by that date and both the chairman and dean had spoken with the faculty member on other matters shortly before Dec. 15 but did not reveal that termination notice had been sent, the SACPT committee recommended, and the President, agreed that the individual be awarded a year of terminal reappointment (CPT also recommended that in the future notices of termination be sent by registered letter with return receipt requested).

M37F

Where University regulations (AR II-1.0-1.III.I) require that " Whenever a recommendation to promote and/or grant tenure is disapproved at any level, this fact shall be reported back to the preceding level(s) with supporting reasons and an opportunity provided for a thorough discussion of the recommendation among the concerned parties," the SACPT committee confirmed that the Vice President " after receiving the recommendation from the Area Committee, did indeed interact with and report back to" the Dean, " before arriving at his final decision," and that the Dean " was asked for any additional supporting input to offset the negative recommendations..."

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.

L38A

C39M

In case where Dean had denied promotion and tenure following negative chairperson's letter and majority negative letters from department faculty, SACPT wrote that because " Personality conflicts within the [unit] have been usually sharp ... it has become difficult to obtain objective promotion and tenure decision ... obtaining evaluations from people removed from these internal pressures would be in the best interest of the University." SACPT recommended that the " promotion files ... be referred to the appropriate Academic Area Advisory Committee for evaluation." President rejected the recommendation.

C39M

CPT 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."

K39F

CPT committee recommended that the faculty member be provided " an opportunity to include in her file a statement concerning possible influences of knowledge of the initial negative evaluation of her file on a subsequent re-evaluation of her file containing a corrected teaching record." President confirmed that the faculty member's " memorandum to Dean ... contains such a statement and that this memorandum was included in her file prior to re-evaluation of her file and credentials by the concerned tenured faculty members."

G39J

Where SACPT committee heard case of female faculty member's appeal of her specific salary level, 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."

R39H

Where Associate Professor had unsuccessfully appealed denial of promotion to Professor, President confirmed " Your appeal to the Committee on Privilege and Tenure and other activities associated with that appeal will in no way prejudice any evaluation of your qualifications for promotion" in the future.

D41K

Where Assistant Professor in Special Title Series who had a portion of his D.O.E. assigned for " research, scholarship, and other creative activities" was denied promotion and tenure on account of performance in " scholarship," the individual appealed that improper criteria had been used. The SACPT unanimously agreed that the (1) " regulations and the statement on criteria for the special title series in English are not vague on the crucial issue, (2) That scholarship is not one of the requirements for promotion of [the individual] to the rank of associate professor with tenure, (3) That the failure to recommend [the individual] for promotion and tenure was indeed based on an evaluation of his scholarship." The SACPT concluded that the " regulations require that [the individual] be evaluated for promotion and tenure on the basis of his performance in teaching and service. It is our recommendation that [the Dean] be asked to reconsider the case with the research and scholarship eliminated as a criterion of performance." President adopted the CPT findings and recommendation.

M41P

Where a Special Title Series assistant professor with DOE assignments in part in one program and in part in a second program, was denied promotion and tenure, she appealed that " she was not evaluated by criteria established for the special title series of the medical center." The SACPT decided that " The criteria for the special title series in which she holds a position clearly contemplates that she must be fairly evaluated on the totality of her effort and not merely on the part of that occurred in [one program]." The SACPT also found that the dossier " was not sufficiently complete to allow for a proper evaluation of her performance under the criteria established for the special title series of the medical center" because it did not contain the " written annual evaluations of her work" and " little effort had been made through the years of her service to gather written information about the quality of her teaching performance [so that] there was inadequate

information on this subject in the file...Without this kind of information the faculty member did not receive the kind of careful evaluation of her performance to which she is entitled." Finally, the SACPT found "The work of [the individual] ... was primarily centered outside of the College...Yet the crucial evaluation of her performance was done by the advisory committee of that college. We believe that there would be value in avoiding such a situation in future cases." The SACPT recommended to the President the remedies (1) "that you appoint a special ad hoc committee to provide a complete evaluation of her performance; (2) that a dossier be prepared for the committee with the complete information on all aspects of [the individual's work]; (3) that she be given an opportunity to submit information to the committee that is pertinent to the performance of her duties; and (4) that the committee be instructed to evaluate her performance solely on the basis of the criteria established for the special title series of the medical center." The President adopted and implemented the recommendations.

B41J

Where faculty member submitted to College Dean a "formal appeal" of Dean's decision to deny tenure, SACPT wrote "we agree that .. Dean ____ perhaps should have communicated his response to you directly." Further, where after the denial a "decision to eliminate your position was made at the college level" and "a misinterpretation of events dissuaded [the department chairperson] from properly informing you of a dramatically altered situation. We are perplexed by the Administration's failure to notify you and the tenured faculty in your department of the impossibility of accepting a motion of reconsideration in your behalf. Moreover, we are sensitive to the unfounded expectations you may have experienced and the misplaced effort expended as a result. However, in our judgement the Administration's failure of notification in no way challenges the procedural legitimacy of your terminal appointment..."

C42P

"President _____ has referred your recent letter to him to me for a response. There is a University requirement that an individual in the sixth year be evaluated for promotion. Subsequent to that, it is the department's option to resubmit the individual for promotion in the seventh year. This option should be only exercised if there are funds available to support the individual in the event the promotion is approved. In your case, your dossier was submitted in your sixth year and the option was exercised in the seventh year to resubmit you for promotion. In both cases your promotion was denied. Last year an additional year of service was waived for you by the President at the request of [Vice President]. Both [Vice President] and [President] say that they did not assure you of reconsideration for promotion this year but did state the option existed. Because of the budget reduction by the state, Academic Affairs has been forced to discontinue funding of many positions that have or will become vacant this year. The position that you occupy is one of them. Since funding for this position will not be in the [academic unit] for next year, I concur with [unit administrator] that it is inappropriate to resubmit your dossier for promotion."

G42D

Where the college advisory committee's recommendation to the Dean "did not accurately reflect certain aspects of your promotion file", the SACPT found it sufficient that the Dean "questioned the [college committee] recommendation, afterward sought clarification from the chairman of that committee, and, based on the chairman's response, set it aside as useful input to the decision process."

L43L

Where an assistant professor in the special title series had been denied promotion and tenure in both 6th year and 7th year reviews, on the basis of insufficient "professional development and research", when the faculty member's D.O.E. averaged 85% teaching and 15% professional development and research," the SACPT determined that the individual "was primarily a teacher, a fact which the University annually has agreed to in writing. Since such agreements should not work to [the individual's] detriment, it follows that the promotion criteria must be applied in a manner consistent with the division of effort... The SACPT committee further determined that "section VI.B.2 of the Administrative Regulations ... imply clearly that advancement through the ranks of an individual whose responsibilities do not include research or creative work should be based on criteria carefully crafted to reflect specific duties and expected levels of performance. The Medical Center Special Title Series of 1970 is a two page document which provided criteria for all Medical Center personnel and which, in its implementation from 1970 to 1980, freed the individual units from the tasks of devising appointment and promotion criteria for each new special title series appointment. Predictably, its criteria are brief and general and we are unconvinced that they reasonably substitute for the individual criteria called for in the Administrative Regulations. Indeed, the Medical

Center itself has come to this conclusion, at least partially. We are informed that some departments have consistently provided unique descriptions for special title positions and, since 1980, certain other units have been directed to implement each new special title appointment with individual criteria as required in the Administrative Regulations. It is our conclusion that an umbrella title series which attempts to encompass an entire college, where duties may vary widely, is a contradiction; there is nothing special about it, it simply becomes a parallel series. Thus, we find ourselves driven to the conclusion that the Administrative Regulations, notwithstanding long practice to the contrary in the Medical Center and possibly elsewhere, mean what they say: each special title position must be described by a unique document and criteria.” The SACPT committee recommended that the individual was entitled to a new dossier being formed at the department level, with new evaluation/recommendation letters from all internal parties, that the dossier be forwarded through the evaluation process to the Area Committee, which will receive both the old and new dossier, and that all parties will be instructed to conduct their evaluations guided by the D.O.E. assigned to the faculty member. President agreed to the recommendations, and added that the individual will be placed in full time, nonfaculty University employment in a different college until the process completes with the President’s final decision on the promotion/tenure proposal.

L44L

Where faculty member in case L43L was no longer a special title series faculty member during final tenure evaluation process, and had been (mis)advised by past SACPT chairperson that as such the faculty member did not have standing to appeal the procedures of the process, and thus had missed the 60-day deadline before becoming accurately informed that appeal process was actually available, President waived technical 60-day deadline to enable the individual to file new appeal with SACPT. The SACPT further interpreted that the “DOEs do not even approximately represent numerically the apparent expectation of her performance in the area of personal professional development. The percent time allotted in this category varied from 0 to a maximum of 8%...It is hard to reconcile that a faculty member’s promotion should depend on the performance of that low a temporal assignment...the Committee questions the fairness of the decision to deny promotion based on performance in a category assigned a minimal percent effort.”

A44F

President accepted SACPT’s recommendation that consideration of promotion to full professor in the special title series be made by a special Ad Hoc Advisory Committee, in which the dossier would include ONLY updated C.V. with supporting materials provided by candidate, department faculty letters, external specialist letters, department chairperson’s letter (“with the stipulation that the memorandum from _____ to _____ dated _____, which is mentioned in the Department Chairperson’s letter, be considered as not pertinent).”

S45M

President interprets “The University of Kentucky policies and procedures for promotion and tenure do not provide a mechanism for direct appeal to the President when a promotion and tenure proposal has not been acted upon favorably by the Dean and Chancellor.”

P45M

SACPT found that the individual’s “charge that the invalid criterion of external funding was used in reviewing his promotion is more serious ... The “Guidelines for Promotion” provided by the Department of _____ does indeed specify outside support as a promotion criterion [but] [i]n short, both decisions [at the departmental and college levels to deny tenure/promotion] had been made prior to the issuance of the guidelines. It is clearly evident in some of the letters opposing tenure and promotion that consideration was given to a perceived failure to receive outside funding...The Committee does believe that the criterion set forth in the guidelines is highly questionable...” 2nd year tenure progress review was not performed.

R46P

Where the assistant extension professor appealed that denial of tenure was on account of “that the Academic Area Advisory Committee for the Extension Title Series did not adequately take into account the requirements of her job assignment,” the SACPT confirmed “the members of the Committee on Privilege and Tenure concluded unanimously that there was a significant lack of correspondence between the explicit job responsibilities assigned to Dr. ____ and the position requirements implicit in the evaluation criteria applied by the Area Committee. As a consequence, Dr. ____ was placed in an untenable situation in which the conscientious performance of her assigned duties could jeopardize her chances for promotion. The Committee on Privilege and Tenure[’s] concern was whether conflicting job performance expectations of her administrative superiors and the Area Committee unduly influenced the promotion decision... this may well have been the case. For example, the nature of Dr. ____’s job ... required that she exercise responsibility in a wide variety of areas...[yet] the Area Committee found her to lack a ‘focussed area of specialization and achievement.’ Similarly, the Area Committee faulted her for failing to produce publications indicating ‘scholastic achievement,’ but the production of such publications does not appear to have been part of her extension duties.” The SACPT “suggests that [a] re-evaluation be conducted by an ad hoc committee rather than by the Area Advisory Committee for the Extension Title Series, which would necessarily be guided by the criteria it previously employed.” The President “concurred” with the reasoning and implemented the recommendation.

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.”

P48K

Where faculty member appealed that unit administrator’s letter egregiously misrepresented the “faculty opinion” contained in the unit peer review letters, and that the Dean’s perfunctory four sentence letter allowed perpetuation of this misrepresentation, the SACPT recommended “that the dossier of [the faculty member] be re-submitted to the proper area committee for its evaluation with regard to promotion to Associate Professor with tenure. This is not a new submission, but as one that is made again with added material. The new material is to include updated letters from the Chairman of the Department and from the Dean ... It may be that the [faculty member] and the chairman will request that letters they have written to the Privilege and Tenure Committee be included in the dossier. If this is the case, I will let you know.” This recommendation was followed, and the Vice Chancellor for Academic Affairs met with the dean and chairman. In addition, an ad hoc committee was appointed to review the merits of the dossier.

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 in 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..."

B50B

When faculty member filed complaint with Kentucky Commission on Human Rights, concerning the CC System Chancellor's denial of promotion and tenure, citing generally favorable annual merit reviews and tenure progress reviews prior to denial of tenure, and sought to obtain the unit-level peer review letters but the University denied access to those letters [before the 1992 change in the state Open Records Law], and also appealed to the CCSCPT, the CCSCPT recommended "that an ad hoc committee be established to review the file again." The Chancellor appointed an "Ad Hoc Committee" to review the merits of the faculty member's promotion file. (Newspaper accounts indicated the review was to exclude the unit-level peer review letters). Upon receipt of the ad hoc committee's recommendation, the Chancellor in November recommended to the President that the faculty member be awarded tenure, retroactive to the previous July, with which the President concurred.

F51R

When an associate Professor who was denied promotion to full professor appealed, the SACPT determined that the "most glaring problem was the failure of the area committee to review [his] accomplishments in the context of his DOE and position description as an Extension State Specialist in _____. Dr. ____'s DOE was comprised of 100% Service every year since his initial appointment. Expectations in such an appointment do not include basic research, grants to secure external funding or publication in referred journals. Dr. ____'s position description includes ... no expectation of activities usually associated with promotion of faculty primarily involved in research and teaching.... Proposals for external funding developed by [the faculty member] were stopped at the Dean's level... In conclusion, the Senate Advisory Committee concurred with [the faculty member] that his promotion materials had been inadequately, and in some aspects, inaccurately reviewed... and suggests that you, as President of the University, order a de novo review by the current extension area advisory committee. Addenda to the letters from [the faculty member's] department chair and College Dean should be forwarded to the area committee which clearly delineate the unique expectations of his position and DOE." President adopted this recommendation, and upon de novo review as per above the individual was promoted to full professor.

C52T

Upon appeal by assistant professor denied promotion and tenure, SACPT determined there existed "1. Lack of written criteria or procedures for evaluation and promotion at either departmental or college level. 2. Lack of information about the existence and location of Governing Regulations, Administrative Regulations, and Senate Rules at any time during six years of employment. 3. No written evidence of consultation with tenured faculty regarding two and four year reviews. ([department chair] stated, however, that he met with a three-person committee of full professor for this purpose). 4. 19__ Annual Performance Review completed after notification of tenure decision, was signed by [faculty member] prior to the addition of written comments by Dean _____. Dean ____'s comments are undated. ([department chair] stated that it is usual College procedure for chair and faculty member to review and sign, then forward to the Dean for other comments). 5. Tenured faculty were asked to write evaluative letters regarding promotion prior to receipt of outside review letters, thus had no access to this essential data." SACPT concluded "Considering the cumulative effects of these irregularities, the committee requests that you carefully examine his appeal materials and take actions necessary to rectify the effect of these errors. Since the review of his promotion was stopped at the Dean's level, it might be appropriate to forward his materials to the area advisory committee for review."

P52D

When associate professor was denied promotion by Dean, he appealed to SACPT, with the outcome that the dossier was administratively directed to be forwarded to the Area Committee. It turned out that the dossier could not be forwarded, because the Dean had improperly shredded the only existent copy of the dossier.

B53B

When faculty member denied tenured at the level of the Dean appealed, the SACPT recommended a seventh year new review. The President concurred, adding "Two aspects of the case trouble me from the standpoint of basic fairness: 1) misrepresentation as to why ____ did not comment went all the way to the College Advisory Committee; and 2) lack of

negative feedback prior to the no tenure decision. Therefore, in an effort to assure that you receive every consideration, I am agreeable to a 7th year review provided you waive notice requirements in writing and agree not to raise inadequate notice in this, or any other proceeding.” Faculty member agreed, was considered in a 7th year review, and was awarded tenure.

C54P

When assistant professor who was denied tenure and promotion appealed, the SACPT found “no evidence of procedural error” but did recommend a 7th year review because of “areas of concern.” The 7th year de novo review was granted.

J53D

Faculty member appealed that in merit evaluation process, no record had been made of either the department-level procedures used nor the department’s advisory committee’s recommendation documented. “The committee concurs with your conclusion that if the department chair conferred with his advisory committee, a record of the advisory committee’s recommendation should have been documented in accordance with UK Governing and Administrative Regulations. Since your open records requests revealed that such documentation doesn’t exist, this apparently was not done. We do believe...that those with administrative responsibility should ensure in the future that documentation of such input and the procedure process by which it was obtained be included in the record of such decisions.”

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 CCSCAPT, the CCSCAPT 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.”

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.”

T54K

In the case of assistant professor denied promotion and tenure, SACPT determined “that you did not receive a formal letter reflecting a second-year review of your progress toward tenure...It would be appropriate for your tenured colleagues to consider the problems involved in the administration of your second-year review.”

P54M

When assistant professor who was denied promotion and tenure appealed that “work in progress” had not been considered, the SACPT agreed that the works in progress should have been considered. Chancellor agreed with that conclusion.

B56D

Faculty member, denied promotion and tenure at the level of the Chancellor, appealed that an Open Records Request had shown that neither the Dean of the Graduate School nor the Assistant Vice Chancellor for Academic Affairs had been solicited to provide a recommendation on the merits of the case prior to the Chancellor rendering final decision. The SACPT wrote “it is the opinion of the Privilege and Tenure Committee that [his] dossier should have been sent to the Graduate Dean for review. The committee views this oversight as a significant procedural error and recommends that [his] dossier be reactivated at the Chancellor’s office level, and that the procedures from that point be reinitiated. In some sectors, the area committee review a promotional dossier after the Graduate Dean which allows the committee to consider the Dean’s opinion in their deliberations. The Vice Chancellor should also provide an opinion in writing to accompany the dossier.” The President concurred, and directed that the SACPT’s recommendations be followed. The dossier was then sent to the Dean of the Graduate School, who submitted a letter, and a letter obtained from the Vice Chancellor for Academic Affairs (it was not sent to the Area Committee again subsequent to obtaining the Graduate School Dean’s recommendation).

S57A

Upon complaint by faculty member denied tenure that evaluations by certain departmental faculty were prejudiced by a disciplinary bias, 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.

U58M

Where Special Title Series faculty member was denied promotion and tenure, the SACPT decided "that very clear cut violations have occurred in this case...First, no official job description had been provided to [the faculty member] upon her hire at this University, and second, no Special Title Series criteria for the evaluation for promotion and tenure was ever approved by the Academic Area Committee nor presented to [the faculty member], (AR II-1.0-1 9/20/89, pp VII-1). The lack of clear guidelines for promotion and tenure in the Special Title Series alone demonstrates a violation of procedure, and thus serves as grounds for appeal. In consideration of both issues, the committee feels that [the faculty member] was not afforded the appropriate information which would have led her to a successful bid for promotion with tenure. It is reasonable to expect new faculty in either Special Title or Regular Title Series appointments be fully informed of the guidelines and criteria for evaluation as well as for promotion with tenure. It is the committee's recommendation that the case be reopened at the Chancellor's level for reconsideration." The President then directed the Chancellor to "reconsider" the case. The Chancellor, writing in March, then recommended the individual be granted promotion and tenure retroactive to the previous July 1, citing the findings of the SACPT. President concurred and tenure with promotion was conferred.

Q59D

Faculty member in Special Title Series denied promotion to full professor complained that no document describing job or promotion criteria had been promulgated as required by Administrative Regulations. SACPT committee determined the faculty member "had no current or accurate job description or criteria for promotion on file when her dossier was sent forward last year. Somehow an inaccurate and absolutely unrelated job description and criteria had been inserted into her dossier. Outside evaluators as well as the area committee made recommendations based on this erroneous information. When a recommendation came from the Chancellor's office to redo the process, a job description that did not reflect Dr. Quick's current duties ... was added to her file. Moreover, the external evaluations from the previous submissions were included in the new dossier and no new external letters were sought....After careful deliberation, it is the committee's decision that procedural violations have occurred in this case....an inaccurate job description and Special Title Series criteria for promotion was used in the initial dossier; and an out of date description and criteria was included in the second dossier...an inaccurate and nonreflective job description had been sent to external evaluators and that this potentially negatively impacted [the faculty member's] application for promotion to full professor. The lack of clear guidelines for promotion and tenure in the Special Title Series alone demonstrates a violation of procedure...It is reasonable to expect every faculty member in either Special Title or Regular Title Series appointments be fully informed of the guidelines and criteria for evaluation as well as promotion. Any new or changing assignments must be accurately upgraded in an amended job description to reflect the faculty's current responsibilities ... the Department of ____ should develop an accurate and current Special Title Series position description for [the faculty member] and have it approved by the College of ____, and relevant academic area committee. Once this has been accomplished, it is the committee's opinion that a fresh dossier be developed with new letters solicited from the faculty, administrators and external evaluators, based on the accurate information. It is expected that Dr. Quick be afforded a reasonable timetable in which to prepare her documentation. Letters of evaluation in the two preceding dossiers should not be included in the new dossier. Finally, the committee feels that if Dr. ____ is awarded promotion to Full Professor, she should be retroactively compensated for the past two years of her ordeal." The President directed that the new job description and promotion criteria document be promulgated and approved, and that the case be reperfomed.

B60M

Faculty member in regular title series was provided continuous DOE of 45% teaching, 25% research, 30% administration. In consideration for promotion and tenure, Area Committee recommended negatively to Chancellor, on account of 'thin research record.' However, Area Committee also wrote it had been "grossly unfair" to fail to put the individual originally in Special Title Series position, in view of heavy administrative assignment, and that "[w]e earnestly hope that some arrangement can be made to assure that justice is done in this case." Chancellor in response met with Area Committee and "asked it to write [the Chancellor] another letter," on account of the Chancellor's characterization that the Area Committee's first letter contained "dangerous" language. Chancellor asserted that Area Committee "went beyond its function" in making the additional comments quoted above. Area Committee complied to write a second, more strongly negative letter, and characterizing the teaching load as only "moderate." SACPT agreed that it was inaccurate to characterize the teaching load as moderate "in comparison to other faculty in his College." SACPT interpreted "There did not appear to be any procedural reasons for the Chancellor to ask for a new letter. Rather [the Chancellor] found the substance of the letter itself disturbing. So far as we know, no rules prohibit the Chancellor from strongly suggesting to an area committee that it write a new letter along certain lines. But we think that doing this defeats the purpose of having area committees give independent advice to the chancellors. Their advice is not independent or of much utility if its essential nature is preordained by the Chancellor.

There are no regulations that constrain an Area Committee from communicating its belief that the university would be best served by retaining a candidate even though a strict reading of the record does not merit a positive recommendation. Indeed, area committees do this on occasion.” On the aspect of Regular Title vs. Special Title, “[t]his Committee believes that [the individual] has been ‘screwed’ by missteps and lapses in the system over which he had virtually no control. If there is a culprit, it is [the former dean] who apparently insisted that new members of the College ... be appointed into the regular title series regardless of their duties... it is unfair for the university to hire a person... charge him primarily with the task of building an important undergraduate program at one third or more of his time and yet put him in the Regular Title Series....Nothing would be gained by having this case reconsidered...it would be pointless to recommend that [the Chancellor] reconsider his file based on the first letter...Thus we recommend that you act directly... The Privilege and Tenure Advisory Committee recommends that you grant promotion and tenure to [the individual] in a Special Title Series line that accurately reflects his duties and skills.”