

### 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prior to a final decision on his termination, and that 'insufficient funds' as the reason of his termination ought be withdrawn.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 The Vice President by letter that 'lack of funds' was being formally withdrawn as the reason for the termination, and that a faculty performance evaluation would be carried out, which was performed by the tenured faculty members, and the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.

### 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.

### 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 recommendation 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 (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)).