

MINUTES
UNIVERSITY SENATE COUNCIL
October 20, 1981

The University Senate Council met at 8:00 AM in the Board Room, Administration Building, and took the following actions:

1) Minutes:

Approved as circulated the Senate Council minutes of September 22, 1981.

2) Privilege and Tenure Report: Robert Lawson and James Wells:

Chairman Kemp introduced Professor Robert Lawson, immediate past Chairman of the Privilege and Tenure Committee, and Professor James Wells, current Chairman of that Committee. Professor Lawson made the following report:

There were four (4) official appeals last year (1980-81) and several other inquiries.

The first was a case in A&S where the professor had been denied tenure. The case had been stopped at the college level. A Committee of the college had recommended against awarding of tenure. The complaints were: (1) that the Chairman of the department in which the complainant held appointment was on the College Committee, and, (2) that the complainant did not understand the reasons for denial. He filed a written appeal. Lawson spoke with the grievant and other parties extensively. It turns out that the Chairman of the department had disqualified himself from the College Committee deliberations. Eventually the appeal was withdrawn.

The second was in A&S also. This involved mostly conversation with the Dean and the department chairman. These conversations were reported to the complainant and he never filed an official appeal.

The third case involved a professor in the Special Title Series who was turned down at the College level. The complaint was that the College did not evaluate him according to the established criteria. The P&T Committee held a meeting; the Committee agreed with the complainant and recommended to the President that the case be reprocessed. Lawson added that he thought tenure had been awarded after the reprocess but that he had not been informed.

The fourth case was in the Medical Center. The same allegations were made as in the third case--the professor was not evaluated on the basis of established criteria. A hearing was held; the Committee thought she had not been completely evaluated. It recommended to the President that a special committee be put together to reevaluate, indicating where it thought the evaluation had been "short." The President put together a committee. As I understand it, the committee recommended against promotion.

The fifth case was in the College of Home Economics. The faculty member was given a terminal appointment and was seeking employment elsewhere when the complaint was filed. He filed an appeal but without stated grounds. Lawson responded to the letter, however no further steps were requested in the process. Lawson indicated that he assumed the person had gotten another job.

The last two (2) cases were in the mill "when I jumped ship." One was out of A&S. Wells had a conflict, so the President asked me to do this case. This was a situation where an Associate Professor had been turned down two times for promotion to Full Professor. He was turned down by the Academic Area Advisory Committee. It was recommended by both the Dean of Arts and Sciences and the Vice President for Academic Affairs, but the President turned him down. This was mainly a claim that other faculty members in the department were biased against him. Lawson said he spoke with everyone in the department; it was the opinion of the faculty that bias was not a factor. The committee (P&T) did not recommend any action to the President.

The seventh case Lawson reported he did not know much about. The complainant was terminated after six years. The Vice President refused to re-submit to the Academic Area Advisory Committee.

Professor Wells continued from there:

The above case was one where the complaint was not filed within 60 days. The case did not surface until July of 1981 after the person had already been terminated. He claimed to have appealed to the academic dean in April, 1980. The dean had not responded. It was determined that a full hearing was in order. In the meantime, the position was eliminated in the budget crunch.

In May the appeal was sent to the Dean. In June, the appeal was sent to the Academic Vice President with a positive recommendation from all parties below the Academic Vice President. Gallaher turned him down. The individual appealed on the basis of the original appeal which was that he was not "honestly and fairly evaluated" during his last year.

Wells spoke with the Chairman, Dean Sands, and Vice President Gallaher. Privilege and Tenure met; there was a full hearing. We determined that although some procedures were not "wholesome", no recommendation was made to the President.

One further inquiry was made. A letter from the College Advisory Committee to the Dean was requested by the party in question. The request for the letter was turned down by Jack Blanton, Vice President for Business Affairs. This appears to be in conflict with the notice sent out by the College deans stating that such letters are available upon request.

Sears: I've spoken with Mr. Blanton about this situation and he has been referred to John Darsie, Legal Counsel. No action has been taken yet, but the President is aware of the situation and does expect to bring it before the Cabinet.

Questions and General Comments follow:

Lawson: It is a difficult chore to serve on this Committee; the regulations are couched in such general terms that it is difficult for the Chairman to determine exactly what the function/role of the Committee is. A more definitive set of regulations would be helpful. Generally the Committee deals with questions of procedure, but it is often difficult to separate procedural questions from the issues when considering the questions raised.

Sears: Shortly, the President will pass on some changes in the regulations concerning the appeal process.

Wagner: The 6th year review of Assistant Professors should include the right to appeal to the Academic Area Advisory Committee.

Wells: Some letters from deans to faculty being denied re-appointment or tenure are abbreviated. It would be better if longer explanatory letters were written so that faculty members will not think they have had less than adequate evaluation.

Lawson: I don't think you can ever structure procedure to make termination feel good. However, there is a lack of care in evaluation until the faculty reach the critical time. Satisfactory merit evaluations give a false sense of security to the non-tenured faculty person. It should be made clear by the appropriate administrative officer that the criteria for adequate merit evaluations are minimum standards, and do not indicate/guarantee security in the tenure track.

Additionally, the system has practically no confidentiality.

Professor Lawson left and the Council thanked him for his report.

Wells: Most cases brought before the P&T Committee are the result of inadequate handling by administrative officers. Frank discussions with the involved parties are not held; letters are not written or are inadequately stated.

Professor Wells left and the Council thanked him for his report.

Discussion followed.

Rees: When a case comes up, preliminary discussions are carried out by the Chairman of P&T. The first job is a conciliatory one. The die is often cast by the time the full committee hears the case. Perhaps it would be good to have a faculty ombudsman. Having this kind of person doing the conciliatory work may prevent preconceived and thus, possibly, biased attitudes by the Chairman of the Committee.

The Council directed the Chairman to write the President outlining the concerns expressed.

3) LAW 856:

Without discussion motion was made to approve. Motion was seconded and passed without dissent.

4) Senate Re-organization

There was brief discussion on the recent Senate action on the re-organization proposals.

It was reported that the first opportunity for presenting the changes to the Board would be in November for action in December. If action is not taken in December, it may be as late as April, 1982 before the Governing Regulations are acted on.

Chairman Kemp reported that the materials have been forwarded to the President for action.

5) Accouncements:

a) Commencement: Chairman Kemp said that he and James Alcorn, Daniel Reedy and Paul Sears met with the President regarding suggestions for enhancing the Commencement program at UK. The President had some definite ideas. With regard to the undergraduates walking across the stage, the President is not in favor of that. He did say