

UNIVERSITY OF KENTUCKY
COLLEGE OF NURSING

July 23, 1993

MEMORANDUM:

TO: Daniel Fulks, Chair
Senate Council

FROM: Gretchen LaGodna, Chair
Senate Advisory Committee on Privilege and Tenure

SUBJECT: 1992-93 Annual Report

Attached is a summary of the work of the Advisory Committee on Privilege and Tenure during the 1992-93 academic year. If the Senate Council has a meeting scheduled early in the fall during a time that I will be here, I'd like to discuss the report and its recommendations.

When the committee assignment list was issued listing me as Chair for 1993-94, I called the President's office and asked that someone else be named Chair, since I will be on sabbatical in the fall. (I hope I was correct in assuming that he appoints the Chair of this committee). So far I have not been notified of my replacement.

I will send a set of meeting minutes and correspondence to be kept in the Senate Council office, since there doesn't seem to be any official repository for these documents. (I am sure some open records search will ask for them).

GEL/cv
#2907

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MEMORANDUM:

TO: President Charles Wethington

FROM: Gretchen LaGodna, Chair
Senate Advisory Committee on Privilege and Tenure

SUBJECT: 1992-93 Annual Report

Attached is a summary of the work of the Advisory Committee on Privilege and Tenure during the 1992-93 academic year. Minutes of meetings will be filed in the Senate Council office.

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University Senate Advisory Committee on Privilege and Tenure
Annual Report, 1992-93

The Senate Advisory Committee on Privilege and Tenure held nine formal meetings during the academic year. The members of the committee included Dennis Clouthier, Marilyn Hamann, William Lyons and Clayton Paul. In addition, as chair of the committee, I consulted with five faculty members whose problems did not result in a formal appeal to the committee. Of the seven cases heard and investigated by the committee as a whole, four involved issues of faculty privilege, two involved denial of tenure and promotion to the rank of Associate Professor, and one involved denial of promotion to the rank of Full Professor.

Summary of Cases Investigated

1. Case of faculty privilege

The committee heard the complaint of a tenured faculty member who had experienced within his department harassment and intimidation which had seriously interfered with his professional work and personal well-being. The perpetrator of these actions was unknown. The committee subsequently met with the chair of the department to discuss the case and possible resolutions.

2. Case of denial of promotion to Full Professor, Regular Title Series

The committee reviewed the letter of appeal from a faculty member whose promotion was unanimously approved by the departmental faculty, department chair, the college's promotion committee and the Dean but subsequently denied by the Area Advisory Committee. The committee found no violation of rights nor procedural errors, thus did not investigate further or make specific recommendations. We felt strongly, however, that substantive questions were raised in the appeal, including the role of extramural funding and the value of multiauthored publications in

promotion deliberations. Due to the importance of questions raised and the unanimous support received up to the level of the Area Advisory Committee, the Privilege and Tenure Committee took the unusual step of supporting this faculty member's direct appeal to the President, should he choose to do so. He later decided not to pursue his appeal.

3. Case of faculty privilege

A group of tenured faculty presented a complaint against another faculty member in the department. The faculty charged incidents of harassment and undermining credibility with students, junior faculty and colleagues in other universities which were interfering with their roles and scholarly work. The chair of the committee met with the faculty group and the committee as a whole met with the Department Chair, who discussed formal and informal attempts at resolution which had been taken. The committee determined that actions on our part would lack authority and effectiveness and concluded that this serious problem was one which must be handled administratively. The committee urged the Department Chair to continue to vigorously seek higher administrative intervention.

4. Case of faculty privilege

A non-tenured assistant professor believed that her academic rights were being violated by the timing of her fourth year review, as well as a perceived pattern of harassment. The committee determined that the timing of the review was congruent with Administrative Regulations. The committee recommended that she wait until the outcome of the review and utilize the available college level appeal procedures before making a formal complaint to the Privilege and Tenure Committee.

Later in the year, the faculty member reinstituted her appeal to the committee after being issued a terminal contract. She alleged retaliation, procedural errors and gender discrimination. After lengthy investigation, the committee found insufficient objective evidence that the terminal contract represented an abuse of privilege and found no substantive violation of policies or procedures on the part of the college. The committee did not recommend further review or reconsideration.

5. Case of faculty privilege

The committee reviewed the complaint of a tenured faculty member who claimed procedural and academic privilege violations stemming from a personnel action. The faculty member claimed that missing documentation in his faculty file affected the outcome of his merit evaluation appeal. The committee concurred with his contention 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. However, the committee believed that its jurisdiction in such matters fell short of recommending that such documentation be created after the fact.

6. Case of denial of tenure and promotion to Associate Professor, Regular Title Series

The committee investigated the appeal of a faculty member, whose promotion had been supported by the tenured faculty, department chair and the college advisory committee but denied by the Dean. The faculty member believed that a number of procedural/process violations had taken place. The committee met with the faculty member and the department chair and reviewed additional materials. The committee did not find evidence of

clear procedural errors in the case. The omission of critical information and the inconsistencies between the denial of tenure and the prior evaluative feedback were of significant concern to the committee, however. The committee recommended to the President that the faculty member's request for a seventh year review be considered.

7. Case of denial of tenure and promotion to Associate Professor, Regular Title Series

The committee reviewed the appeal of a faculty member whose promotion was supported by the tenured faculty, the Dean, and the college promotion committee but denied by the Area Advisory Committee. The faculty member believed that the denial by the Area Committee was based on erroneous assumptions, which could be clarified by a seventh year review. The committee reviewed these areas of concern and agreed that they were substantive and perhaps influential. The committee communicated its support for a seventh year review to the Dean. It is the Dean's intention to resubmit the dossier.

Overall Recommendations

1. Experiences with cases brought before the committee this year reaffirmed the need for revision of the Administrative Regulations extending the right to area advisory committee review of all tenure cases, even when denied at the college dean level. This recommendation has been made by this committee and by the Senate Council several times but rejected by administration.
2. The timing of two and four year reviews presents problems for both faculty members and departments. The two year review tends to be too

early to effectively evaluate progress and the fourth year review is too late to assist the faculty member. (Also, inconsistencies still continue between annual evaluations and second and fourth year reviews.) The committee chair worked with the Dean of Arts and Sciences to propose to the Senate Council a single third year pre-tenure review.

3. The UK Faculty Handbook sections on faculty code, promotion and tenure, and academic freedom are inadequate in scope and depth and need revision.

Respectfully submitted

Gretchen LaGodna, Chair