

UNIVERSITY OF KENTUCKY

LEXINGTON, KENTUCKY 40506

COLLEGE OF EDUCATION
COMMITTEE ON GRADUATE STUDIES

November 27, 1967

Dr. [REDACTED]
President
University of Kentucky
Lexington, Kentucky

Dear Dr. [REDACTED]

For several months the Committee on Privilege and Tenure has been trying to assist in the solution of some problems which have developed between Professor [REDACTED] and Dr. [REDACTED], [REDACTED] Department Chairman. On June 16, 1967, Professor [REDACTED] addressed a communication to this committee requesting an investigation of his allegations that his "professorial and tenurial privileges" had been violated.

On July 21, 1967, the Committee filed with Mr. [REDACTED] a report, with copies to you and other appropriate officers, stating in effect that we could not establish that the case came "within the purview of this committee." It appeared to us at that time that the difficulties emanated from misunderstandings, lack of agreement on departmental matters, and differing perceptions of what constitutes proper administrative prerogatives. We, therefore, suggested that Mr. [REDACTED] present his case to the Director of the School of [REDACTED] and, if necessary, to the Dean of [REDACTED].

Mr. [REDACTED] spent the summer as a member of the faculty at the [REDACTED] School of [REDACTED]. During this time one of his monthly checks was held to pay for a printing bill which he believes [REDACTED] Department should pay but which the Department Chairman and others maintained was the responsibility of Mr. [REDACTED]. This episode, plus others, caused Mr. [REDACTED] to believe that he could not through conferences reestablish tenable relationships with his chairman. He appealed to this committee for further help.

The Committee then proposed to mediate by sitting together with Mr. [REDACTED] and Dr. [REDACTED] as they reviewed the difficulties. Each man had some reluctance to do this, and Dr. [REDACTED] has indicated that there is little hope for reconciliation through this means.

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The Committee has heard both men ex parte at some length. Professor [REDACTED] complains of the manner in which the department chairman was appointed to his position and raises the question of prerogatives of tenured faculty in such appointments. He complains that, as a result of his opposition, the new chairman has retaliated in various ways:

- (1) In downgrading painting vis-a-vis other studio work
- (2) In the allocation of inadequate studio space to Mr. [REDACTED]
- (3) In imposing on him personal responsibility for paying a departmental printing bill
- (4) In the matter and manner of withholding the check
- (5) In the assignment of Mr. [REDACTED] to undergraduate teaching only
- (6) In vilification of Mr. [REDACTED] by the chairman to students and to others at social affairs
- (7) In giving Mr. [REDACTED] a very low merit rating

Dr. [REDACTED] in turn complains of:

- (1) The domination of department by Mr. [REDACTED] in the past
- (2) The insistence of Mr. [REDACTED] on having his way in all matters
- (3) The failure of Mr. [REDACTED] to attend department meetings and to communicate with the chairman
- (4) Mr. [REDACTED] vilification of the department chairman to students
- (5) Alleged false pretense by Mr. [REDACTED] regarding shows and activities abroad.

The Committee has been hesitant to proceed with a full dress hearing and adjudication before making a recommendation in this dispute. The ex parte accounts differ somewhat in details, and we would have to attempt to elicit the truth by a tedious process of cross-examination and production of other witnesses to some of the transactions at issue. This could be further disruptive of the department and might lead to a further hardening of antagonistic positions, if that is possible. Even worse, at the heart of the dispute are often rather subjective questions of the respective good judgment, good faith, and motives of the two men principally involved. Our initial judgment is that it is not unlikely that both men have behaved at times with a pettiness that ill becomes a tenured university professor and a department head.

It is the opinion of this committee that relationships between Mr. [REDACTED] and Dr. [REDACTED] have deteriorated to a point which blocks all communication and is now becoming a destructive element in departmental affairs. We, therefore, now propose that the administration seek a remedy for the situation through a mediation conference with both men present. Perhaps some administrative officer who has authority over both men could establish some guidelines which would enable the department to function. Unless some reconciliation can be brought about, it is likely that these conditions will continue and the department will suffer.

If reconciliation is impossible, the dispute must be heard by the Committee and a recommendation made. The 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). We are not concerned with minimum legalities; we are concerned with niceties as they affect faculty esprit. Merits of this case aside, the bursar's procedures need to be carefully considered.

If you would like to discuss the matter of next steps in the [REDACTED] case with the Committee, we should be glad to meet with you. In the meantime, we do propose the possibility of administrative mediation and reconciliation as an alternative to a full adversary hearing by the Committee.

Yours sincerely, [REDACTED]

[REDACTED]
Committee on Privilege and Tenure

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F.S. Since this report was framed, we have received word from Mr. [REDACTED] that he has resigned and that he no longer wishes to press this Committee for help. Our

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recommendation that a reconciliation be sought is therefore out of order. However, we still believe that administrative practices in [REDACTED] Department should be reviewed by those in authority and some guidelines for the proper modes of communication with and treatment of faculty be established.

It is our opinion that the activities of [REDACTED] Department chairman contributed to the [REDACTED] case which has resulted in Mr. [REDACTED] resignation. A report on this case is being made to you also.

cc Professor [REDACTED]
Dr. [REDACTED]
Dr. [REDACTED]

DRAFT

Confidential

Dear Professor [REDACTED]

Thank you for your suggestions concerning the instance of Professor [REDACTED] of [REDACTED] Department. As you know, there are many facets in this matter, some most important ones of which you have presented. For this I am grateful and attention has been given to the advisement in your report letter.

My study of this case has led me to conclude that, on balance and viewed over a rather long period, its complex personnel problems would prompt questions from various sources on almost every conceivable approach to solution.

Again, may I express thanks for the advise offered by you and your committee.

Sincerely,

[REDACTED]

cc/ Dean [REDACTED]
Dr. [REDACTED]