Court says professor should be reinstated

By Jamie Lucke
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The state Court of Appeals ruled yesterday that a University of Kentucky professor who lost his job in 1978 should be reinstated.

But it said that Joseph Murray Hayse, a former assistant professor in the UK honors program, was not entitled to $61,760 in damages that a jury awarded last year.

The three-judge panel said that sovereign immunity protected trustees and regents of the state's public universities from paying damages in civil rights lawsuits.

Hayse's attorney, William C. Jacobs, said yesterday that he might file an appeal to try to win the damages. Jacobs said he was "ecstatic" about the reinstatement order.

UK lawyer John Darsie Jr. could not be reached for comment. The university is expected to appeal.

Hayse had contended that his tenure fell victim to a feud between John B. Stephenson, then dean of undergraduate studies, and Robert O. Evans, then director of the honors program and Hayse's supervisor.

Stephenson, now Berea College president, twice denied Hayse's application for tenure. The official explanation was insufficient research and lack of scholarly writing.

Hayse argued before a Franklin Circuit Court jury in January 1986 that the real reason for the dismissal was his friendship with Evans.

The jury had awarded Hayse $61,760 to cover lost pay and other damages. It ordered him reinstated as an associate professor.

But the circuit court judge had overturned the verdict.

Hayse had also sued Stephenson. The appeals court said Hayse was not entitled to collect damages from Stephenson.

The Kentucky Constitution does not distinguish between suits for monetary damages and injunctive relief, but many states have made such distinctions, the judges said.

"The reason cited for this distinction is the belief that immunity statutes have been enacted as protection for the state treasury. . . . No such shield exists, however, for the injunctive relief of reinstatement," they said.

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The Associated Press contributed to this article.