

FRANKLIN CIRCUIT COURT  
CIVIL BRANCH  
SECOND DIVISION

DR. JOSEPH MURRAY HAYSE

PLAINTIFF

V.

AFFIDAVIT

NO. 79-CI-0437

BOARD OF TRUSTEES OF THE  
UNIVERSITY OF KENTUCKY AND  
DEAN JOHN B. STEPHENSON

DEFENDANTS

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Comes the Affiant, JOSEPH MURRAY HAYSE, under oath,  
and states as follows:

1. That he was first hired as an Instructor with the University of Kentucky Honors Program for the 1971-72 academic year; which contract was renewed for each of the academic years 1972-73, 1973-74 and 1974-75;

2. That he was promoted to Assistant Professor in the Honors Program in 1975, and given a two-year contract for the academic years 1975-76 and 1976-77;

3. That, during the academic year 1976-77, he was to be considered for promotion to Associate Professor with tenure, according to the Governing Rules and Regulations of the University of Kentucky, Article II - 1.0-1, pp 1-29;

4. That, on or about October 29, 1976, Dr. Evans, Director of the Honors Program, requested of Dean John Stephenson, Dean of Undergraduate Studies, that Affiant be granted tenure without promotion, which request was subsequently changed to recommend both tenure and promotion;

5. That the Honors Program faculty voted unanimously to endorse Affiant's application for tenure and promotion;

6. That Affiant learned in the Spring of 1977 that his application for tenure had been rejected by Dean Stephenson, and that the reason for said rejection was based solely upon the lack of published materials;

7. That Dean Stephenson was informed by Affiant that, at that time, Affiant had placed several articles and books in the hands of publishers, and that, upon completion, several other works then in the process of being completed would be submitted for publication;

8. That Affiant was then offered, and did sign, a "notice of terminal appointment" for the academic year 1977-78, but only after being assured by both Dean Stephenson and Dr. Evans that such notice was not binding, in that Affiant's application for tenure and promotion could be reconsidered during the next year;

9. That Dr. Evans wrote a letter to Dean Stephenson, dated February 15, 1977, informing the Dean that Dr. Hayse intended to reapply for tenure the following year, and was signing the "notice of terminal appointment" only because he was being offered no alternative;

10. That Dean Stephenson made it clear to Affiant that he, personally, had made the decision to deny tenure and promotion without having forwarded Affiant's dossier to the appropriate Area Advisory Committee, and further led Affiant to believe that, as Dean, he had such final authority;

11. That Affiant had no reason at that time to question such authority;

12. That, during the 1977-78 academic year, three articles written by Affiant were accepted for publication by refereed scholarly journals;

13. That the University of Kentucky Press held Affiant's book-length manuscript from October, 1976 to December, 1977, before informing Affiant that it would not be accepted for publication;

14. That, during the time that the University of Kentucky Press had Affiant's manuscript it would have been unethical, unprofessional, and inappropriate for Affiant to submit a copy of the same work to another publisher;

15. That, in the Fall of 1977, the Honors Program faculty and Dr. Evans voted unanimously that Affiant's application for promotion and tenure be reconsidered, and that he be granted said tenure and promotion;

16. That a new file, complete with new recommendations and a considerable volume of manuscript books and articles, was prepared and forwarded to Dean Stephenson;

17. That, on April 6, 1978, Dean Stephenson informed Dr. Evans, via confidential letter, that he (Dean Stephenson) would not change this Affiant's terminal appointment, and further added that his decision was made on the advice of an ad hoc committee appointed by him;

18. That this Affiant was told verbally, by Dr. Evans, of the decision, and was told that he would not receive any written notice of the decision;

19. That this Affiant immediately requested, and was granted, an interview with Dean Stephenson;

20. That, during the interview, which took place on or about April 8, 1978, the following events transpired:

a. Affiant requested, and was refused, formal notice in writing of the reasons Dean Stephenson had rejected his application for tenure and promotion;

b. Affiant was told that the reason for rejection was weakness in the area of research, based upon the advice of "experts" who had been on the ad hoc committee;

c. Affiant then requested that his application be sent on appeal to the appropriate Area Advisory Committee, but was told by Dean Stephenson that no appeal was possible since his decision was final;

d. When Affiant insisted that there ought to be some avenue of appeal open to him, Dean Stephenson reiterated that his power in such matters was absolute;

e. When Affiant requested that he be shown the source of such absolute authority in the University of Kentucky Governing Regulations and Administrative Regulations, Dean Stephenson was unable to find such a passage;

f. Affiant then called Dean Stephenson's attention to the PROCEDURAL FLOW CHART found therein;

g. Dean Stephenson became visibly upset, and tried to telephone someone for advice, but was unable to reach the party called;

h. Dean Stephenson then terminated the interview;

21. That, several days after the interview, Dean Stephenson called this Affiant to inform him that his application for tenure and promotion would be reconsidered, and that the supporting dossier would be forwarded to the Area Advisory Committee;

22. That, on or about May 5, 1978, Affiant received a letter from Dean Stephenson informing him that the Area Advisory Committee and the Dean of the Graduate School had reviewed his application for tenure and promotion, and had concurred with Dean Stephenson earlier judgment not to grant tenure and promotion;

23. That this Affiant then inquired of Dr. Evans the identity of the Dean of the Graduate School, and what his role on the Area Advisory Committee might be;

24. That Dr. Evans told Affiant that the Dean of the Graduate School was Dr. Wimberly C. Royster, and that there was no apparent reason for his being concerned with the matter;

25. That this Affiant's immediate reaction was that the Dean of the Graduate School had been brought into the proceedings by Dean Stephenson merely for the purpose of lending support to the authority of deans to make tenure decisions without reference to prescribed rules;

26. That, during the period Dean Stephenson was considering Affiant's tenure application, a review of the operation of the Honors Program and its director, Dr. Evans, was in progress;

27. That the committee reviewing the Honors Program was appointed by, and reported to, Dean Stephenson;

28. That Dr. Evans repeatedly told Affiant and other Honors Program faculty that the purpose of Dean Stephenson's committee was to get rid of Dr. Evans;

29. That it was common knowledge throughout much of the University of Kentucky community that considerable animosity existed between Dr. Evans and Dean Stephenson;

30. That, when Dr. Evans later resigned and was preparing to leave office, he invited Affiant to look through his personal file;

31. That, in that file was a letter dated June 7, 1971 from the former Chairman of the English Department to then-Dean of Arts and Sciences, Wimberly C. Royster, expressing in the strongest terms the desire that Affiant's appointment be limited to one year, based upon his candidacy for Ph.D. degree at the University of Wisconsin;

32. That the file also contained Dean Royster's reply in which he agreed "100%" with Dr. Manning that, "under no circumstances" should Affiant's appointment be approved for more than one year;

33. That Affiant was told by Dr. Evans that this was typical of the attitude which much of the University faculty, and particularly some of the administrators, had toward both the discipline of Comparative Literature, and University of Wisconsin graduates;

34. That, during the time Affiant's tenure application was being considered, Affiant was advised by several faculty members to speak with Dean Stephenson privately, in order to point out that Affiant was "on his side", rather than "on the side of Dr. Evans", in their disputes;

35. That Affiant refused to play politics, and made no special effort to speak with Dean Stephenson other than in the regular course of conduct at the University;

36. That relations between Affiant and Dean Stephenson were always cordial and proper.

37. That the consensus among Honors Program faculty was that, should the Honors Program Director be removed upon the advice of the review committee, then the chances of faculty being retained, and being given tenure, would be greatly diminished merely because Dean Stephenson had implied that he would like to run the program his way, staffed with faculty who had not been influenced by Dr. Evans;

38. That the review committee appointed by Dean Stephenson reported favorably on the Honors Program, but recommended that Dr. Evans be replaced, and that all Honors Program faculty be given joint appointments, with 25% of teaching time spent in the Honors Program, and 75% of teaching time spent in other departments;

39. That such a structural change was considered by Honors Program faculty to be a step backward for the program;

40. That, in the event such changes were made, the existing honors faculty would either have to find a position with one of the academic departments, or go elsewhere;

41. That, if a faculty member were to receive tenure in the Honors Program alone, it would be more difficult to effect the proposed structural change in the program;

42. That Honors Program faculty contracts which have since then come up for renewal have not been renewed, and Affiant's tenure application, as well as later tenure applications for members of the Honors Program faculty, have been rejected, and new faculty have been hired only where joint appointments with other academic units were possible;

43. That during the entire time the committee was studying the Honors Program, Affiant remained neutral in all disputes between

Dean Stephenson and Dr. Evans, and went solely about the business of teaching and research and service to the University;

44. That, subsequent to his employment at the University of Kentucky being terminated, Affiant went to the President of the American Association of University Professors chapter at the University of Kentucky, to request that the A.A.U.P. file a complaint with the University on the grounds that his application for tenure and promotion had been improperly and prejudicially handled.

45. That the A.A.U.P. representatives, after some discussion and argument, decided that there was not a case to be made that his academic freedom had been violated and that they had no grounds for pursuing the matter.

46. That Affiant discussed the possibility of appealing the decision against granting him tenure and promotion to the Committee on Academic Freedom of the University Senate with a member of that committee, whose advice was that since Affiant was neither black nor female, the committee would not be interested in the matter.

JOSEPH MURRAY HAYSE

STATE OF KENTUCKY)

SS:

COUNTY OF FAYETTE)

Subscribed and sworn to before me by Joseph Murray Hayse,  
this the 1<sup>st</sup> day of November, 1981.

My Commission Expires                     

                      
NOTARY PUBLIC, STATE AT LARGE, KENTUCKY

FRANKLIN CIRCUIT COURT  
CIVIL BRANCH  
SECOND DIVISION

DR. JOSEPH MURRAY HAYSE

PLAINTIFF

V. PLAINTIFF'S SUPPLEMENTAL AFFIDAVIT

NO. 79-CI-0437

BOARD OF TRUSTERS OF THE  
UNIVERSITY OF KENTUCKY AND  
DEAN JOHN B. STEPHENSON

DEFENDANTS

\* \* \* \* \*

Comes the Affiant, DR. JOSEPH MURRAY HAYSE, under oath, and states as follows:

1. That Affiant is married, and is the father of four (4) children.

2. That, as a result of his failure to be granted tenure, Affiant was unemployed from May, 1978 until September 1, 1978;

3. That, from September 1, 1978 to January 31, 1981, Affiant was employed by the Kentucky Department of Transportation, and was required to drive daily to Frankfort, Kentucky;

4. That Affiant is at present employed by Wallace's College Book Company as a buyer, and is required to travel extensively;

5. That, as a result of working at the employment above to support his family, Affiant does not have time to do the research and writing necessary to publish additional works in the discipline of Comparative Literature;

6. That, because he is no longer affiliated with the University of Kentucky, Affiant does not have ready access to the research materials, typewriters or typists necessary to publish additional works;

7. That, while Affiant was teaching, the Foreign Language Quarterly, which is based at the University of Kentucky, accepted one of Affiant's journal articles for publication;

3. That, after Affiant's tenure application was rejected, the Foreign Language Quarterly no longer felt compelled to publish Affiant's article, and to date said article has not been published;

9. That, once an article has been accepted for publication, Affiant cannot then have the same article published elsewhere;

10. That, had Affiant been granted tenure by the University, he would have had time to devote to research and writing books and journal articles, as well as the ready access to research materials and a typewriter and, as a result, could have had additional works published.

FURTHER AFFIANT SAYS NAUGHT.

JOSEPH MURRAY HAYSE

STATE OF KENTUCKY)  
COUNTY OF BAYLENDE)

Subscribed and sworn to before me this 14 day of March, 1981,  
by Joseph Murray Hayse.

My Commission Expires \_\_\_\_\_

Ann P. Galt  
NOTARY PUBLIC, STATE AT LARGE,  
KENTUCKY

CERTIFICATION

This is to certify that a copy of the foregoing Plaintiff's Supplemental Affidavit was served upon Defendants by mailing same to Hon. John Darsie, Room 2, Administration Building, University of Kentucky, Lexington, Kentucky 40506, this 24 day of March, 1981.



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WILLIAM C. JACOBS