

University of Kentucky

**Aligning Faculty Classification and Tenure Policies with Top 20 Goals:
A Framework for Discussion**

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Framework and Rationale for Change

The University of Kentucky is among a handful of land-grant universities nationwide which also have a full-fledged academic medical center on the same campus and within a single administrative structure. While there were isolated, strong research programs here and there throughout its history, UK began to join the ranks of research universities in earnest starting in the 1960s. In this regard, the following paragraph from a memo concerning tenure criteria dated October 28, 1963 by then President Oswald is illuminating:

Balance and Intellectual Attainment

Each of the areas discussed above is important, but the evaluation of an individual should involve reasonable flexibility. Consideration should be given to a heavier work load in one area of activity against a lighter in another. The individual's unique balance, abilities, and emphasis on one area and the characteristics of various fields which put demands of a special kind on an individual should be a factor in evaluation. Nevertheless, a major consideration in any appointment or promotion which carries tenure must be superior intellectual attainment as evidenced both in teaching, and in research or other creative activity.

As we begin a reconsideration of our faculty “tracks” and tenure procedures, it is also useful for us to recall national norms as expressed in the AAUP “1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments” (http://www.higher-ed.org/resources/AAUP_1940stat.htm). I draw attention, in particular, to the following paragraph:

ACADEMIC TENURE

After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

1. The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.
2. Beginning with appointment to the rank of full-time instructor or a higher rank, [5] the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education;

The 1970 Interpretive Comments (found in the same document referenced above) also note that the “**1940 Statement is not a static code but a fundamental document designed to set a framework of norms to guide adaptations to changing times and circumstances.**” Perhaps, nowhere else have the circumstances changed more than for academic medical centers. With the increasing reliance on clinical revenue to pay clinician-faculty fair compensation, clinician educators have less and less time for research. Accordingly, tenure rules have been adapted to changing circumstances. For instance, a 1997 survey of academic medical centers showed that more than 40% of institutions used a probationary period of eight years or more for their clinical science faculty (see Jones, Robert F. and Jennifer S. Gold. *Faculty Appointment and Tenure Policies in Medical Schools: A 1997 Status Report. Academic Medicine*, 73, No. 2 (1998), 212-219).

I believe it is time to review the particular ways in which UK currently defines and functionalizes faculty appointments and tenure via myriad title series and multiple (and arguably duplicative) advisory bodies. We must ensure that they are consistent with our goal of becoming a Top 20 public research university by 2020. Indeed, the Business Plan calls for the growth of student enrollment, and a concomitant increase in tenure-eligible faculty of more than 600. Our current Administrative Regulations pertaining to faculty appointments have evolved under different assumptions and in a context different from the Top 20 plan. Accordingly, it is critical that we perform benchmark comparisons, evaluate our own particular circumstances, and arrive at a set of policies and procedures that are aligned with UK’s ambitious goals.

In coming forward with this discussion paper, I am guided by the following principles:

1. Any changes to current policies will require an extensive study and discussion among faculty and faculty governance bodies across the university (college councils and University Senate). Indeed, I propose that such a study be undertaken by a Task Force jointly appointed by the Senate Council and the Provost.
2. **Any policy changes will have no impact on those who are already on the faculty at the time the changes are adopted. All those already in the ranks will continue to be subject to the rules and regulations under which they**

were hired. Changes, when and if adopted, would be prospective for those hired subsequent to the date of adoption.

3. UK has multiple missions and multiple professional colleges with their own idiosyncrasies, and a “one size fits all” approach is neither feasible nor in the faculty’s nor the university’s best interest. There needs to be a fair degree of autonomy within Colleges, as determined by College governance and approved at the university level.
4. Expectations for tenure and promotion should be consistent with UK’s strategic goals, and faculty workloads and support should be commensurate with meeting those clearly articulated and codified expectations. Policy changes which require additional financial resources should only be adopted if such resources are made available.

UK is a multifaceted institution, and all faculty and staff contribute in different but important ways to advance its missions. All are highly valued, and none of the issues raised here should be construed as undermining any group of faculty. I am merely suggesting that in light of the changes in the academy (and academic medical centers in particular), and in recognition of the current state of maturity of UK, it is time to reexamine our current faculty policies. In doing so, we must take into account the following circumstances:

(1) The lexicon of tenurable title series designations (Regular, Special, Librarian and Extension Title Series) is unique among our peer institutions. No other institution to which we compare ourselves (including those with land grant missions and academic medical centers) has such a variegated set of categories. With some exception, our peer institutions have a single category of tenurable faculty. Known by many names (tenurable, regular, tenure-track or instructional faculty), the designated category for tenurable faculty is singular at most institutions.

(2) UK has a threefold mission: teaching, research, and engagement (which includes healthcare and agricultural extension as major components). In simple terms, then, we call upon our faculty to perform duties which cover some or all of these essential missions. Moreover, faculty members might, over their career span, choose to emphasize one aspect of the university’s mission more than other missions. Under these circumstances we should certainly ask why we need a separate category called “Special Title Series.”

(3) Special Title Series (STS) at UK has a checkered history. In some colleges, faculty members appointed to the Special Title Series have often been relegated to second-class citizenship. There is often a considerable gap between distribution of effort assigned to STS faculty and the research output expected for tenure and promotion by college and campus area committees. Within the medical center, the practice of hiring physicians or surgeons into Special Title Series has often led to the unwelcome and involuntary departure of many an outstanding clinician-educator. There is considerable confusion at levels concerning the expectations from STS faculty.

What follows are a set of discussion points for vigorous campus-wide conversation to be overseen by a Task Force jointly appointed by the University Senate Council and the Provost. Given the considerable differences in faculty roles, College Faculty Councils will play a critical role in this discussion. The conversation takes the form of two distinct but related set of topics: (1) a recasting of the tenurable title series, and (2) a careful examination of the policies and practices pertaining to tenure review.

Tenable Title Series: Do we need multiple series?

1. Suppose UK had a single title series associated with tenure, the Tenurable Title Series. Let us explore how we might structure it in light of UK's needs and goals.
2. For those academic units which do not have a mandated extension or clinical service role, it is expected that all faculty will normally have a considerable part (40-60%) of their distribution of effort devoted to research. Tenure and promotion criteria in such units should reflect such a profile.
3. For those academic units which have mandated roles in extension or clinical service, or a significant component of professional practice-based degree programs, it is expected that there will be multiple faculty profiles. The credentials, certifications, and any fiscal contingencies for faculty hired with different work profiles should be very clearly specified in writing. Criteria for tenure and promotion for all positions should be carefully developed by the department faculty in consultation with the dean and the provost. These criteria should be periodically reviewed and updated. It is expected that for faculty positions with clinical or extension service role, the concept of "superior intellectual attainment" will be defined appropriately, and work loads adjusted accordingly.
4. It should be expected that the Distribution of Effort for any faculty member remains largely unchanged during the probationary period. Absent such stability, a faculty candidate would be hard pressed to meet the criteria for tenure in various categories.
5. A seven-year probationary period should remain the default period for the University. However, colleges should be allowed, by a majority vote of the tenured faculty, to adopt a probationary period which is not less than five years and not more than eight years (with up to two additional years due to tenure clock delays related to Family Medical Leave events). For instance, clinical departments in the College of Medicine might opt for an eight-year probationary period, and the College of Law might adopt a five-year probationary period (as is the practice elsewhere).

Non-tenurable Series: Lecturers, Practitioner Faculty, and Research Faculty

Research grants, large undergraduate enrollment, and professional school accreditation place additional demands on instructional roles at a complex university like UK. All our benchmarks rely to some extent on the existence of certain specialized, non-tenure eligible faculty series.

1. Research faculty are entirely grant supported (often as PIs or co-PIs), and other than clearly specified bridge-funding safety-net arrangements, there is no expectation that these positions will continue indefinitely. UK should make sure that its criteria for promotion within Research Title Series, and its bridge-funding policies are on par with benchmark institutions.
2. As more and more university-wide interdisciplinary research centers are formed, UK should examine whether Research Title Series faculty should be appointed directly into such centers rather than requiring they be formally appointed in an academic home department. Often, the research at such centers is of an applied nature, and the faculty member might have little overlap with the academic home. The appointment becomes a pure formality.
3. Lecturer positions are generally reserved for specialized instructors who teach exclusively in the lower division (first two years) undergraduate curriculum. These might be developmental courses or basic skills courses. Used appropriately in combination with graduate Teaching Assistants, Lecturers provide both stability and quality in these courses which are taught in small sections. They must be thought of as career tracks with rolling, multi-year contracts, with reasonable compensation and teaching loads which allow time for professional development. Universities often use two ranks: Lecturer (3-year rolling contract) and Senior Lecturer (5-year rolling contract) for someone with a long and distinguished career.
4. Practitioner Faculty (including Clinicians) do not engage in research, but have “industry” experience, and are an important part of practice-based education. They generally teach professional practicum. Once again, hiring the best faculty in this category requires us to ensure we offer them appropriate compensation, reasonable job security (e.g., rolling multi-year contract), and opportunity for professional development. Our newly modified Administrative Regulation pertaining to Clinical Title Series already covers a lot of this ground.

Review of Policies, Practices, and Processes Related to Faculty Appointments

Any changes to our faculty title series will require appropriate changes to our Governing and Administrative Regulations pertaining to faculty appointments, evaluation, tenure, promotion, and termination. Even if we were not to make any changes to the faculty title series, I still believe some of our tenure and promotion review procedures and criteria need to be changed. In offering critiques and suggestions below, I have been guided in part by what many of our peers and benchmarks do in this regard. Here are my process related suggestions for extensive discussion.

1. Current regulations, under which a faculty member’s tenure review ends without provost level review if the dean denies tenure, should be changed. Every tenure-track faculty member should be entitled to one full and comprehensive review at all levels for consideration for appointment with tenure. [Why should a negative decision by the dean receive more deference than a positive decision?]
2. Reconsideration of negative decision on tenure should be permitted only as the remedy in a successful appeal (i.e., recommended by the Senate Advisory Committee on Privilege and Tenure and approved by the President as the remedy

- after a successful appeal on procedural grounds) of the initial tenure review process. In instances where no procedural errors exist, reconsideration might only occur at the discretion of the dean.
3. University sets criteria of excellence for tenure in all areas of activity. Departments should be required to establish written statements on disciplinary-based evidences that constitute excellence in areas of activity assigned to department faculty, in consultation with the dean, and then submitted for approval by the provost. In other words, these criteria should be agreed upon at all levels of review at the time of hiring of the faculty member.
 4. Current regulations require review of dossier and recommendation on tenure for all cases by the Dean of the Graduate School. I suggest we eliminate this requirement.
 5. Tenure and promotion cases where all lower level reviewers (external, department faculty, college committee, dean) agree on a positive outcome should go directly to the provost for final review, circumventing area committees.
 6. Area Committees should review all cases with a negative recommendation, and those positive cases where there is any disagreement among lower level reviewers.
 7. I am deeply concerned that our existing criteria for promotion to full rank of already tenured associate professors may be leaving large numbers of associate professors discouraged and possibly headed to terminal status. In the long run, associate professors whose careers might get a bit off track are likely to be more productive and offer greater contributions to the institution if they had realistic expectations of attaining full rank. I suggest that in evaluating associate professors for promotion to full rank, the net impact of the individual's contributions to the institution be the primary factor, particularly after (say) 12 years in rank. For instance, someone who has a research DOE, is steadily active in research but not headed toward stardom, but is making critical contributions in teaching and service, should have realistic expectations of being promoted in due course. Let us acknowledge that even the best research university cannot effectively fulfill all its missions solely on the shoulders of its "star" faculty.
 8. Our current practice of guaranteeing 12-month salary for basic science faculty in some of the colleges should be reexamined with an eye toward our benchmark institutions. In a similar vein, most benchmarks use academic year salary buy-out savings for reinvestment in research rather than as bonus pay. Should we aim to ensure our faculty salaries are at market levels rather than rely on a bonus system?

All told, this is a call to reexamine our faculty appointment and promotion policies and practices in light of UK's Top 20 goals and national best practices. There should be careful and inclusive deliberation before adopting changes. Given that any changes won't affect currently employed faculty, the deliberations should not be unduly tainted by personal considerations.