

Senate Advisory Committee on Privilege and Tenure

Annual Report, 2009-2010

The Senate Advisory Committee on Privilege and Tenure (SACPT) held five formal meetings during the previous year, on September 9,16,22,29, and October 8. The members of the committee were Susan Straley (Chair), James Geddes, Scott Prince, David Royce, Boutros Sawaya, Jeffrey Suchanek, Bruce Swetnam, Grzegorz Wasilkowski, and Craig Wood. A single case was evaluated by the committee.

Summary of the case

This case involved denial of tenure and promotion to Associate Professor, Regular Title Series.

Two issues raised by the petitioner were deemed meritorious by the SACPT. In the first, a faculty member who wrote a negative letter misinterpreted a statement made in an outside letter (which actually "highly" recommended promotion), resulting in a serious and incorrect allegation about a key research achievement of the candidate. This error was subsequently magnified by the Area Committee and by Associate Provost Blackwell into a significant flaw in the candidate's work. The second issue arose from the perpetuation by the Department Chair of the original job description document in evaluation packages for the 4th year review as well as for the tenure dossier, even though the actual DOE had a different balance of effort. The candidate's failure to fulfill the expectations set forth in the original position description appeared in three of the four negative letters from the departmental faculty. The letters by the Chair and College Dean mentioned the faculty concerns based on the original position description but failed to clearly dismiss those concerns as having been based on a document that no longer was in effect. The Area Committee then picked up on the faculty criticisms as a concern "regarding [the candidate's] effort and lack of leadership with regard to undergraduate instruction".

The SACPT felt that the Institutional responsibility for integrity and fairness of the review process had failed in these instances and recommended that the President reverse the negative decision. The Provost and the President declined. The Provost's letter charged that the SACPT's recommendation on the first issue was "not based on procedural grounds", that on the second issue "in a similar manner, the SACPT has chosen to selectively focus on certain comments in the Area Committee report... and underplay others", and that the SACPT was

"asking [the President] to substitute its own judgment and opinions as to the merits of the case... and attributing reasons for the Area Committee's unanimous negative decision that are not supported by the dossier".

Then, according a subsequent letter from the candidate to President Todd, "I then met with the Provost and provided evidence that the area committee letter contained factual errors (due to errors made by the minority of faculty letters)." Several days later, the Provost offered to allow the dossier to be resubmitted for review starting at the Chair level (i.e., as a reactivation of the 6th year review). This proposal was accepted by the candidate and the college Dean. The process could be completed prior to the termination of the candidate's contract on June 30, 2011.

However, the candidate had been negotiating an industrial career option in the event things didn't work out here, but the appeals process had taken so long that a deadline was approaching to give a decision to the company. So the candidate requested (through the college Dean) a 12-week leave of absence without pay (which would fall within the contract period) to allow a future income to be secured during the time required for the re-review. The Provost declined this request, after which the candidate appealed to the President, who did not reply. At the deadline, the candidate resigned from the University of Kentucky.

Recommendations

1. The SACPT is concerned by the lack of timeliness in handling this case, particularly on the parts of the Provost and President. The petition to SACPT was received by the Chair of SACPT on August 10, 2009. It was not possible to assemble a quorum to receive the official charge for the Committee and begin review of the case until September 9, 2009. Our advisory letter to the President and copy to the Provost were hand-delivered to the offices of the President and the Provost on October 8, 2009. The Provost provided his recommendation to the President in a letter dated November 5. The President provided his decision to the SACPT and forwarded a copy of the Provost's recommendation in a letter dated November 30 but received on December 14, 2009. The final discussions about the request for a 12-week leave took place during the first two weeks of January, 2010. The month-long delays between actions need to be eliminated. Given that the Provost and President would already be familiar with the dossier, they should be able to render their responses to SACPT within 2 weeks at the most. All official letters (including the initial notification letter to the candidate after the relevant Board of Trustees meeting) should be hand-delivered.

2. In this case, a faculty member's review was influenced by the continued circulation of an inaccurate position description. SACPT recommends that for review purposes the Chair should, in such a situation, describe the position reflected in the DOE in the cover letter and not use the formal position description. Alternatively, when position descriptions drift significantly from the original one used to advertise the position, the Chair should officially create a new description that matches the DOE negotiated with the faculty candidate.

3. SACPT has noted with concern that there is no sub-discipline-specific document provided during the review process to guide colleagues outside of the candidate's sub-discipline on expectations for excellence within the sub-discipline or on typical strategies for structuring a research program in the sub-discipline. The case that SACPT considered this past year was a good example of one where such a document would have been of benefit. The candidate's department contained sub-disciplines that vastly differed in pace of data gathering and in strategy for structuring an individual program. The outside letters did not comment negatively on the structure of the candidate's research program. However, it was striking how wide the range of opinions was within the University on whether the candidate had a focused program and whether the program structure was a positive or a negative factor.