

1.4.4.2 Senate Advisory Committee on Privilege and Tenure (SACPT)

A. Committee Membership

The committee will be comprised of ten tenured faculty members with expertise encompassing the areas of the committee's charge. The committee membership will be structured in the following way: four Regular Title Series; two Special Title Series (clinical areas); two Special Title Series (nonclinical areas); one Librarian Title Series; one Extension Title Series. For each given case, the committee Chair will identify a minimum of five members to participate in the hearing, deliberation, and disposition of the case, with the goal that in cases involving faculty at least one member will be in the same title series as the heard petitioner, and that cases will be heard during the summer as well as during the academic year. Members of this academic advisory committee are appointed by the President, as Chair of the University Senate, from nominations submitted by the Senate Council of full-time tenured faculty employees who do not occupy a position of administrative academic supervision over faculty personnel.

B. Committee Charge

1. **Scope of Committee Jurisdiction.** Except for cases of dismissal for cause (subsection 2a, below), the SACPT is to consider whether
 - (a) violation of procedures (as established by University-level regulations/policies, or by the college, or by the department faculty; GR VII.A.6.c; GR VII.B.3; GR VII.B.5),
 - (b) violation of privilege and/or
 - (c) violation of academic freedom,

have affected the outcome of decisions made in the processes of faculty reappointment, terminal reappointment, non-renewal of appointment, promotion and/or tenure. Cases of complaint on the substantive merit of administrative decisions in these faculty personnel processes are instead to be submitted through established administrative channels as prescribed by GR I.I.

Similarly, the SACPT does not consider complaints relating to the substantive merit of administrative decisions on salary, faculty performance review, distribution of effort, allocation of resources, etc. (for which the administrative appeal procedure of GR I.I is applicable). However, *if* an issue instead involves violation of established procedure, violation of privilege or violation of academic freedom, *and if* the petitioner *both* (i) exhausts the process of GR I.I through the level of the Provost and the issue remains unresolved and (ii) satisfies the burden of making a *prima facie* case to the SACPT that the particular violation of procedure, privilege or academic freedom is of such a nature as to potentially significantly impinge on the petitioner's reappointment, terminal reappointment, non-renewal of appointment, promotion and/or tenure, *then* the SACPT may elect to consider the case.

For the purposes of this scope of charge to the SACPT, "academic freedom" is as defined in GR X.B.3.b (para. 1). Issues of academic freedom of an "administrator holding academic rank" relate to the individual's exercise of academic freedom in the capacity as a member of the faculty of an educational unit.

2. Specific Areas of Committee Charge. The Committee is charged with giving consideration to the following matters as referred to it by the President, by any University faculty employee, or by certain University staff employees of educational units in particular situations.

(a) Considerations of dismissal from employment (GR X.B.1.e) that involve:

- i. cases of appointment termination for cause of a tenured conduct (KRS 164.230);
- ii. cases of dismissal of a employee for cause during a limited appointment, arising from allegation of incompetency, neglect of or refusal to perform his/her duty, or for immoral conduct (KRS 164.230; GR X.B.1.e);
- iii. cases of termination of a tenure appointment or the dismissal of a person prior to expiration of a non-tenure appointment, because of a financial emergency (GR X.B.1.e);

As prescribed by GR X.B.1.e.ii, the SACPT shall make an informal investigation. The petitioner an opportunity to be heard by the SACPT, for the purpose of attempting to effect a resolution mutually agreeable to the President and the faculty employee. In the case that such a resolution is not obtained, the SACPT shall recommend to the President whether, in its opinion, dismissal proceedings should be undertaken. The subsequent disposition of the matter by the President shall be as prescribed in GR X.B.1.e.

(b) Considerations of certain cases of allegation of violation of academic freedom or insufficient notice of non-renewal that involve:

- i. cases of allegation by a faculty member on a non-tenure appointment that a decision for non-reappointment violates his or her academic freedom as a faculty member (GR X.B.1.f);
- ii. cases of allegation by a University administrator holding academic rank, or by a postdoctoral scholar, postdoctoral fellow, resident, clinical fellow, teaching assistant, or research assistant that a decision to terminate his or her appointment to his or her administrative post, or not to reappoint him or her, violates his or her academic freedom (GR X.B.1.h; GR X.D; AR 5:4; AR 5.5);
- iii. cases of non-renewal of a faculty employee's probationary appointment with less advance notice than specified by the *Governing Regulations* (GR X.B.1.d);

As prescribed by GR X.B.1.e, when the petitioner lodges his/her complaint in writing to the Chair of the SACPT, the SACPT shall make an informal investigation, including affording the petitioner an opportunity to be heard by the SACPT, for the purpose of attempting to effect a resolution mutually agreeable

to the President and the petitioner. In the case that such a resolution is not obtained, the SACPT shall recommend to the President whether, in its opinion, the termination or nonreappointment decision should be sustained. The subsequent disposition of the matter by the President shall be as prescribed in GR X.B.1.e.

(c) Consideration of allegations of violation of established procedure, academic privilege and/or academic freedom that involve:

- i. a faculty employee's terminal reappointment, promotion and/or tenure (AR 2:1)
- ii. cases of allegation by a faculty member on a non-tenured appointment that a decision for non-reappointment violates either GR I.D.2.a or GR X.A.1 dealing with certain discriminatory practices.

The petitioner must submit to the Chair of the SACPT a letter initiating the appeal within 60 days, and the appeal and supporting documentation within 75 days, after written notification by the dean of a final decision of nonrenewal, terminal reappointment or disapproval of promotion and/or tenure.

The SACPT may extend the 75-day deadline by majority vote.

The function of the committee in all such cases is to first exercise informal vetting processes to attempt to effect a resolution that makes a formal recommendation to the President for action unnecessary. In cases where such an informal resolution is not obtained, the committee will exercise formal processes of investigation, including affording to the petitioner an opportunity to appear before the SACPT. With copy to the petitioner, the SACPT will submit to the President its analysis of the alleged violations and will recommend to the President what commensurate remedial action, if any, ought to be taken. The President, or upon the President's delegation the Provost, shall notify the petitioning faculty employee and the SACPT in writing of the decision.

3. Interpretation of Policies. The SACPT may, upon request, advise individual faculty members, the President, the Provost or educational unit chief administrative officers on the interpretation of University regulations on faculty appointment, reappointment, promotion, tenure, privilege and academic freedom, with copies of the interpretation being sent to the University Senate Council, the President, the Provost and as applicable, the chair of the department, and the dean.

4. Issues of Privilege as Scholars. The SACPT also may consider allegations by faculty members who believe that their privilege as scholars has been abridged or abused. Faculty members should address statements to the chair of the SACPT setting forth in detail the reasons why they believe their privilege has been abridged or abused. The SACPT will review the statement and determine whether conditions warrant further investigation. Upon investigation the SACPT will make recommendations to the faculty member and

file a copy with the President and the Provost. Recommendations may be made also to the President with a copy sent to the faculty member and Provost.

5. Recommendations on Policies. The SACPT is also charged with making a continuing study of regulations on faculty appointment, reappointment, promotion, tenure, privilege and academic freedom, making recommendations to the University Senate.

6. Reports and Records. At the end of each academic year the SACPT will provide to the Senate Council a generalized report of the issues and resolutions of the cases filed with it that year, including any consequent recommendations of the SACPT for action by the Senate or Senate Council. At the conclusion of the committee's disposition of each case, or collectively at the end of the academic year, for purposes of records retention, the Chair of the committee shall forward to the University President's Office the case documents filed to the committee, any other official evidentiary documents generated by the committee, and the record of the committee's disposition of the case if the latter has not already been submitted to the President.

The right of a faculty employee to file with the SACPT Chair a request for a hearing pursuant to SR 1.4.4.2.B.2.(a), 1.4.4.2.B.2.(b), 1.4.4.2.B.2.(c) and 1.4.4.2.B.4 shall not be impeded. The investigatory hearing process exercised by the SACPT shall include the rights prescribed in SR 1.4.4.3.B. [US: DATE]

- * The Senate Rules reserve to the course instructor the authority to make those course educational policies not prescribed by the unit Faculty or (higher college/Senate) bodies. If a faculty employee believes that a unit Faculty or higher faculty body, or an administrator, has made a policy that abridges that course instructor's prerogatives (academic freedom) to make course educational policy, the individual may bring that complaint to the Senate Advisory Committee on Privilege and Tenure. [SREC: 9/2009]
- * If a grade originally submitted to the Registrar by the Instructor of Record becomes improperly changed in a context that the Instructor of Record believes is a violation of his or her academic privilege, the Instructor of Record has the right to lodge a complaint with the Senate Advisory Committee on Privilege and Tenure ("SACPT"; SR 1.4.4.2). If the committee finds in favor of the Instructor of Record, the committee is authorized to recommend to the President that the President direct the Registrar to change the grade back to the grade originally submitted by the Instructor of Record. [SREC: 9/12/11]
- * The "written comments" on course evaluations are not to be made available by the University to third parties. In addition, the University Senate's policy for release of numerical course ratings only applies to undergraduate courses. [SREC: 11/10/11]