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Original Faculty Titles in State Law

The University of Kentucky as an independent institution of higher education began with a series of laws enacted by the state legislature in 1880, that established the university and that established a Board of Trustees for its governance (this is the Board of Trustees that we have today). Those laws made several references to “faculty” of the university. For example, one of the state laws described the hiring of faculty by the Board of Trustees, another described the removal of faculty by the Board of Trustees, and another specified the role of the faculty in prescribing conditions for, and making recommendations on, the granting of degrees.

For the hiring of faculty, the laws enacted in March of 1880¹ stated:

“The board of trustees may appoint a president, professors, assistants, and tutors and to determine the salaries, duties and official relations of each.”

“In the appointment of presidents, professors or instructors no preference shall be shown to any religious denomination.”

Appointment of the First Faculty with the Title “Professor”

One of the first acts of the new Board of Trustees at its first meeting, in June of 1880, was to exercise the above state laws to perform the ‘search’ for hiring of the initial faculty positions. The Board directed that

“...the Chairman appoint[] a committee... to consider the various recommendations of different applicants for vacant Professorships to be filled in the college...”²

which that committee did later that same day. As a result, six faculty were hired, as the original six individuals comprising the statutory body of “the faculty of the university.” Pursuant to the state law that referred to “professors”, “assistants,” “tutors,” and “instructors”, the Board appointed each of these six faculty with the title “Professor.”



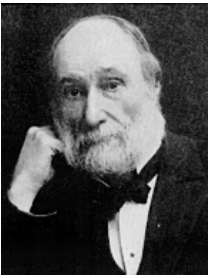
Earliest known photograph of “the faculty of the university.” Arrow points to President Patterson

Subsequent Appointment of Faculty with Other Titles Originating in the 1880 State Law

In addition to referring to the hiring of “professors,” the March 1880 state law also referred to hiring of “assistant,” “tutors,” and “instructors.” The first reference in the minutes of the Board of Trustees to its hiring of an “assistant” is its hiring in 1881 of assistant Professor J. F. Patterson in the “Preparatory Department,”³ while the first reference to the Board hiring of an “instructor” is in 1888.⁴ Finally, the first reference to the hiring of a “tutor” is in the 1888 volume of the “Annual Register” (= today’s “Bulletin”).⁵

Establishment of Faculty Ranks and Titles Not Directly Originating in the 1880 State Law

Although it is not expressly explained as such in the Board minutes, on some occasions that reference is made to hiring of “assistant” what it meant was the hiring of an “assistant professor.” During the University’s first decade, the academic organization actually was similar to a ‘European’ organization, in which the “assistant professors” of a department are literally working for and under the direction of a “professor.” At the University of Kentucky, the head of each academic department in 1880 was a “Professor,” who was also the person responsible for delivering the classroom instruction. President (Professor) **James Patterson** himself was from 1880 until his retirement in 1910 the head of and instructor of the curriculum in “Metaphysics and Civil History”, later renamed “History, Political Economy and Metaphysics.” As the number of students increased during the University’s first decade as an independent institution, each department head (“Professor”) began to need assistance in the delivery of the classroom instruction for their respective department. Hence, the Board minutes record the various Professors requesting



that the Board hire an “assistant” to aid the given Professor. The Board minutes also show the hired assistants being referred to as “first assistant” and “second assistant” as early as 1882.⁶ The first explicit published reference to such hired “assistant” as having a professorial title at the rank of “assistant” was in 1888.⁷ The first “hiring” of an “Associate Professor” was in 1892,⁸ but the individual was only employed for 2 years. The first references to the “promotion” of an individual to the rank of “Associate Professor” was in 1903, where Assistant Professor J. R. Johnson, of the Department of Mathematics, appeared before the Board to request that the Board grant him such a promotion (the Board declined).^{9,10} The first recorded “promotion” to Associate Professor was in 1909, and involved the promotion of an “assistant” to the rank of “Associate Professor,”¹¹ (the present author infers that the “assistant” must have actually been an assistant professor).

An additional faculty title appeared during these years – that of “Lecturer” in 1904.¹² Also, during the late 1890s there was a severe economic decline that caused much budgetary difficulty for the University. The Board resolved to freeze the hiring of additional professors at any rank, even though the University’s enrollment continued to rise, which generated much frustration by the overtaxed faculty. President James Patterson proposed as a short-term remedy that the Board allow the hiring of new graduates of the University as “teaching fellows” to assist the faculty in the instructional demands. The Board approved this proposal, which began a long practice of reference in the Board’s Governing Regulations to the hiring of teaching fellows (or of correspondingly titled employees), a relic reference which only finally in 2004 is being removed from the Governing Regulations¹³ (see also chapter on History of Academic Ranks Below the Professorial Level).

Final Establishment of Professorial Ranks of Faculty

By the third decade of the independent University, the Annual Register (= “Bulletin” beginning in 1904) in listing the “Faculty” of the university, would list the Professors, then the Associate Professors, and finally the Assistant Professors. However, the “Instructors” were still placed in a second, miscellaneous group along with the remaining “assistants.” Beginning with the 1911 Bulletin, the Instructors were placed as a fourth listing under “Faculty.” The first codification of these four ranks as the “ranks”¹⁴ of faculty was in the 1918 revision to the Board’s Governing Regulations, which defined the policy-making faculty of each college as the persons holding those four ranks, and which defined the “staff” of the academic departments as

“such professors, associate professors, assistant professors, instructors and teaching fellows as may be appointed by the Board of Trustees.”¹⁵

Qualifications for the Faculty Professorial Ranks and Tenure Prior to 1963

Qualifications for Assistant Professor or Associate Professor. The 1918 Governing Regulations also contained the first codification of a policy that was initially determined by the Board of Trustees during the 1890’s (when graduate degree instruction began to accelerate at the University). The 1918-codified policy stated

“No appointment or promotion to the rank of assistant professor or higher shall hereafter be made of any one who does not hold an advanced degree from an accredited college, or university.”¹⁶

The above provision was further amended in 1947 to also prescribe

“In general no appointment to the rank of associate professor or higher shall hereafter be made of anyone who does not hold the degree of Doctor of Philosophy or its equivalent.”¹⁷

However, both of these provisions for the minimum qualifications for Assistant Professor or Associate Professor ranks were removed in the 1960 revision of the Governing Regulations.

Employment of Teaching Fellows in Positions of Instruction. In addition, in 1918 a provision was added to the Governing Regulations that appeared aimed at ensuring fresh graduates hired in academic departments as “Teaching Fellows” continued to be only a short-term measure for each, as originally justified by President Patterson in the late 1890’s:

“No alumnus or student of the University shall be employed as a teacher for a period longer than two years, unless he has been at least five years employed elsewhere in a practical work or as a teacher, or in advanced study of the subject for which he was employed at the University.”¹⁸

The above provision was further amended in 1960 to prescribe:

“After receiving a degree (undergraduate or graduate) from the University, a person shall not, thereafter, be employed as a teacher or research worker at the rank of instructor or higher until he has secured another degree at another university, has been engaged elsewhere in full-time graduate student for at least one year, or has been employed at least three years elsewhere as a teacher or in another professional assignment...the intent of this regulation is to avoid excessive inbreeding and to encourage the recruitment of faculty personnel from a variety of backgrounds.”¹⁸

Graduate Faculty Membership. Upon a 1951 report of the Graduate Faculty of the qualifications considered necessary for appointment to the Graduate Faculty, the 1955 revision of the Governing Regulations incorporated the language of that report as follows,¹⁹ which has been retained in the Governing Regulations in essentially this form for the last 50 years:

“Eligibility qualifications are as follows:

1. The doctor’s degree or its equivalent in scholarly reputation.
2. The rank of assistant professor (or equivalent), or higher.
3. Scholarly maturity and professional productivity as demonstrated by publications, editorial services, research surveys, creative work, patents, and research progress at the time of the proposal.
4. Definite interest in graduate work and the willingness to participate in the graduate program.”

Tenure. The 1918 Governing Regulations also contained the first codification “tenure,” where the regulations specified

“... Professors and Associate Professors, are placed on a permanent appointment upon the recommendation of the President, and with the approval of the Board ... Assistant Professors are appointed for a period not to exceed three years upon the recommendation of the President and with the approval of the Board.”²⁰

In 1960, the above Governing Regulation was further amended, to read as follows, where this new language established a means of *de facto* tenure, i.e., that tenure is acquired by even assistant professors whose employment has continued longer than the probationary period:

“Each person in the following categories shall also have continuous tenure at the University, either on appointment or following a probationary period of employment on a year-to-year basis, the total probationary period to be from one to five years, as approved by the President: (1) all persons of the rank of assistant professor or higher, (2) other persons adjudged by the President to hold equivalent ranks, including research or extension personnel and professional librarians.”¹⁸

Subsequent to 1960 over 60 faculty acquired *de facto* tenure as assistant professor. The last tenured assistant professor who acquired tenure by this “de facto” mechanism retired in June 2003 (see chapter on History of University of Kentucky Tenure System).

Qualifications for Dismissal of Faculty

Among the initial state laws passed in March of 1880, was the provision:

They [the trustees] shall also have power... to appoint presidents, **professors**, assistants and tutors ... to remove or suspend from office all incumbents of offices filled by them ... Provided, That no **professor** or president shall be removed, except for just cause” (underlining added here)

However, six weeks later, that state law was amended to instead read as follows:

“The board of trustees shall have the full power to suspend or remove, at will any of the officers, teachers, professors” (underlining added here)

There is clearly a significant difference between a professor being removed “at will” versus removed “for just cause.” Eight years later, the Board minutes record the first exercise by the Board of its statutory authority to remove professors “at will”:

“On motioned ordered that the Secretary notify Professors Potter and Schweinitz that the Board of Trustees do not consider that the best interests of the College will be served by the further continuance of their connection with the institution and that the connection hitherto existing cease and determine from date hereof.”²¹

As summarized above, it was not until 1918 that the Board of Trustees’ Governing Regulations codified “Tenure” as a continuous appointment that could be made to Professors and Associate Professors. However, that codification still did not make clear whether and under what conditions the “continuous” appointment could be made terminated. Finally, the KY state legislature in 1934 adopted the ‘tenure law’ that we have today (as KRS 164.230), prescribing:

“no president, professor or teacher shall be removed except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct.”

Shortly after the state legislature passed the above 1934 “tenure law”, the U.S. Supreme Court in a case from Indiana considered the question of whether a state legislature could subsequently pass a law abolishing tenure, and thereby nullifying tenure contracts held by public school teachers who had become tenured entered under the preexisting tenure law. (The Indiana state legislature in 1927 had passed a tenure law for school teachers similar to those passed in Kentucky in 1934 for professors at KY public universities and teachers in KY public schools). In that Indiana case the U.S. Supreme Court held that because of the “contracts clause” of the U.S. Constitution, the state legislature could not pass a new law that nullified existing tenure contracts created pursuant to a prior law.²²

Establishment of the Regular Title Series and Its Qualifications Under President John Oswald, 1963

Underlying Philosophical Issue. In the summer of 1963, the UK Board of Trustees decided to appoint **John Oswald** as the new University President. The Board appointed him with a primary mandate to lead UK out of its status as a local institution of primary teaching emphasis and into the ranks of national research universities. Also, up to that time, each college administration had the discretion to utilize whatever measures of performance it saw fit, and there was no higher University-level framework providing a structure as to what those measures of performance ought to be.²³ President Oswald thus had to make an important decision on how to organize the efforts of the University faculty in the way most effective to accomplish the mandate of University excellence in research as well as in teaching. For example, would it be most effective to have half of the faculty doing the teaching and the other half doing the research, or would it be most effective to require all, or most, of the faculty to perform excellently in both teaching and research? This was a crucial question in academic philosophy, and whatever answer President Oswald would identify would have a major impact on the University for decades into the future.



The President’s Philosophical Choice. The President chose the philosophy that in order for the University to become propelled higher into the national ranks as a research university, it was necessary that all, or most, faculty perform excellently in both teaching and research. He drafted a statement of University-wide criteria for faculty appointment, promotion and merit salary increase that reflected this philosophy, and provided the draft to the Faculty Council for its advance discussion, prior to the Oct. 18, 1963 Board of Trustees Executive Committee meeting. That draft stated, in part:

“Four areas of activity are important in the evaluation of faculty for appointment, promotion and merit increase:

1. teaching
2. research and other creative activity
3. professional status and activity
4. University and public service

..... 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.”

The Faculty Council discussed this draft, and felt that the

“[b]asis for promotion seems to be based too heavily on research with not enough emphasis on service, making or inconsistency; example, the non-research professor of the type found in medicine. Suggested: that the ... Balance and Intellectual Attainment be rewritten for more flexibility but without weakening emphasis on quality.”²⁴

The President met several days later with the Faculty Council, discussed the draft, and

“In summing up, the President stated he would digest for the Trustees at their meeting Friday the sum result of this meeting with the Council as it pertains to common criteria...”²⁵

At the subsequent October 1963 meeting of the Board's Executive Committee (which was acting for the Board), the President requested, and the Board's Executive Committee approved,²⁶ President Oswald's proposal for

“the establishment and application of uniform evaluation criteria for appointments and promotions in the academic ranks ...for judging faculty achievement... [by way of a]... statement of uniform criteria to serve as a basis for the appointment and promotion of faculty members of all colleges.²⁶ ... In other words, I am in the process of developing some uniform criteria for evaluating teaching, evaluating research productivity and public service ... I think its very important that for example, if we are going to use the term “associate professor” that associate professor in the University means that this man is involved in creative work and research as well as teaching, regardless of which college he is in.^{26a,}”

By cover memorandum of Oct. 28, 1963 to the entire University faculty, President Oswald then described the promulgation of these “criteria for evaluation of faculty appointments, promotions and merit increases,” and described that he had “discussed this with the Trustees and have received authority to proceed.”²⁷ The new criteria attached to that cover memo, to take effect Dec. 1, 1963, expressly placed much emphasis on Research activity, in addition to Teaching and University/Public Service activity. Although the style and language of the new policy was drawn heavily from the policies of the University of California,²⁸ the role of “publication” as the primary evidence of research activity also dovetailed the framework of the Board's Governing Regulations on the qualifications in “research” necessary for persons of assistant professor of higher rank to be appointed to the Graduate Faculty¹⁹.

The new criterial policy as officially promulgated was well-organized in that it carefully used specific terms (“**areas**,” “**evidences**,” “**criteria**”) to each have distinguished meanings that relate to each other in a logical way. First, the policy identified the above-listed four “**Areas of Activity**” expected of faculty (i.e., teaching; research/creative activity; professional status/activity; university/public service). For each area of activity, the policy then identified those “**evidences**” of activity which are to be evaluated. Finally, the policy stated the “**General Criteria for Ranks**”, where the **evidences** of activity in each of the four **areas of activity** would be assessed for whether the **criteria** for the particular professorial rank had been met by the candidate. This clarity and consistency is necessary not only for effective guidance to the candidate, and for effective evaluation by the reviewers, but also as a legal safeguard because the policy is a part of the contract of each Regular Title Series faculty member. Unfortunately, use of these terms in ways not consistent with their meaning as written in the policy led to much frustration and anguish over the next several decades, including what the present author believes is a unnecessary loss of clarity in a part of the regulation as it exists today (see below).

Upon his issuing the new criterial policy for faculty appointment, promotion and merit salary increase, President Oswald received much resistance from those administrators of academic units containing faculty whose assignments did not include significant research activity. For example, at a February 1964 meeting of the Faculty Council, there was

“substantial discussion of the matter of needs for special ranks to meet the needs of particular colleges. Dr. **Ed Pelligrino** [Faculty Council Vice Chair and the Chairman of the Department of Medicine, College of Medicine] presented problems that would be created ... for people in the clinical area whose responsibilities did not fit the teaching research concept of the professorial series.... this led to the point that there were other areas such as Agriculture where the problems of specialized activities suggested that perhaps other series of ranks might be needed that would more appropriately define the functions of individuals It was felt that there was need to explore further the possibility that still other needs of this type existed in other colleges in the University and that prior to making a position the Faculty Council might well consult with appropriate faculty members to define these needs more completely ...”²⁹



The response by President Oswald and the Faculty Council to these situations concerning clinical faculty, extension faculty, librarians, community college faculty, etc., was to establish several alternative series of specialized titles and corresponding ranks that would serve those specific, focussed academic niches (some of these title series were more painful to get launched than others: see the chapters on the histories of these respective title series). However, President Oswald held firm that these additional niches were to be viewed as limited exceptions to his foundation philosophy that attainment of a national research status could only be achieved if the majority of faculty had the responsibilities of the Regular Title Series. As President Oswald articulated this philosophy to the University faculty in October 1965

“The heart of the University faculty is made up of those who hold titles in the regular professorial series. Therefore, the criteria for this group are especially significant....

Four areas of activity are important in the evaluation of faculty for appointment, promotion and merit increase....Consideration of the universal argument concerning the relative importance of these areas of activity resulted in the statement that:

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 light 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.”³⁰

Origin of the Descriptor “Regular” Title Series

Prior to 1963, there were not multiple professorial titles, each with their corresponding ranks, rather, there simply existed the four ranks of Instructor, Assistant Professor, Associate Professor and Professor. Thus, there was no reason to designate it as the “Regular” title series in distinction from some other title series (perhaps an emerging exception was the voluntary faculty employed in the Medical Center academic departments in connection with the UK Hospital that activated in 1962; see History of Clinical Faculty Titles and Ranks in the UK Medical Center – Part I – the First Decade). It was surprisingly difficult to locate the origin, per se, of the reference to the set of long-established ranks as the “Regular Title Series.”

In February 1964, the Faculty Council recorded the following discussion in its minutes:

“Dr. **[Ralph] Weaver** [Faculty Council Chair] was requested, through personal interview, to ask each of the deans to submit recommendations for faculty titles in those areas where the criteria for regular professorial ranks would not be appropriate for retention and promotion, emphasizing that the Council would insist on these [Oswald 1963] criteria for the regular professorial ranks.”³¹ (underlining in original)

That phrasing (“regular title”, “regular ranks”) was used during the remainder of 1964 in drafts and correspondence written by Special Assistant to the President Tom Lewis and Medical Center VP William Willard.^{32,33} However, by the turn of the year to 1965, the Faculty Council appeared to be moving in a different direction. In its discussion of the proposal it developed for a “Special Title Series,” the Faculty Council thought it particularly important to designate it as being in contrast to the

“standard (departmental) professorial ranks...”³⁴

This is the ‘name’ of the ‘regular’ series that was in the draft policy for Special Title Series that the Faculty Council approved and submitted to the President. However, elsewhere in that same document, it was referred to as “the regular professorial series.” Although President Oswald then promulgated in April 1965 the Special Title Series policy document as drafted, approved, and submitted by the Faculty Council, retaining the reference to “standard (departmental) professorial ranks...”, in his cover memo announcing that STS policy, President Oswald referred to “the regular titles.”³⁵ VP Willard in correspondence to President Oswald in the summer of 1965 was referring to “regular faculty title series,” which appears to be the first reference per se to the “regular” faculty title as a “series” of ranks in the same way that the Special Title was a “series” of ranks.³⁶

The first widely distributed reference by President Oswald to the “regular” professorial series was his October 1965 dissemination to the University faculty concerning the academic plan for the Second Century of the University that had been approved by the Board of Trustees, wherein he wrote

“The heart of the University faculty is made up of those who hold titles in the regular professorial series.”³⁰

After this occasion, no reference was ever made again, by the President or the Faculty Council, to a “standard (departmental) professorial series,” rather, the “Regular Title Series” name was used. The descriptor “Regular” became first codified in the 1972 Administrative Regulations promulgated by President **Otis Singletary**. In the respective section on appointment and promotion criteria (AR II-1.0-1.V.A) the introductory narrative states “These criteria apply to persons appointed in the **regular title series**.”³⁷



Subsequent Issues Arising in the Exercise of the Regular Title Series

The Regular Title Series, was thus formally named, and codified, with the issuance of the 1972 Administrative Regulation AR II-1.0-1. Over the next three decades, the most series issues that have arisen on its exercise have involved (1) the identification and elaboration of the different evidences of activity that are respectively appropriate to the different academic disciplines, (2) the role of extramural funding, (3) the assignment of Distribution of Effort (D.O.E.) consistent with the expectations of the title series, (4) and the scope and meaning of “scholarship.”

(1) Application of the ‘General’ University Regulation on Regular Title Series to the ‘Specific’ and Varied Academic Disciplines.

University-level Regulation Does Not Identify Discipline-Specific Evidences. While the uniform, University-wide, 1963 policy²⁷ (and its subsequent first codification as an Administrative Regulation in 1972,³⁷ and its most current form, AR II-1.0-1.V (A)³⁸), established a common framework for the evaluation of candidates for appointment or promotion in the Regular Title Series, the University-level policy being general could not, and did not, attempt to identify for each and every academic discipline what **evidences** of activity are appropriate to each discipline. Rather, for each of the four Areas of Activity, the University-wide general policy leaves the determination of the discipline-specific evidences up to the discipline-specific academic units. Shown below are the **passages of delegation** (in **brown** font), with respect to the given **evidence** (in **orange** font), that are in the current AR II-1.0-1.V (A), along with the original rooting language from the 1972 codification, and from the spawning 1963 policy document.

Research and Other Creative Activity (current). “The individual under consideration must show **evidence of continuing** research or creative activity in the particular field of assignment. Normally, **publication** in the **form** considered **appropriate for the field** will constitute this **evidence**... It should be understood that in certain activities, “**publication**” as used in this document may be achieved in **modes** different from those of the sciences and the book-based disciplines.”³⁸

Research and Other Creative Activity (1972). “The individual under consideration must show **evidence of continuing** research or creative activity his particular field. Normally, **publication** in whatever **form** considered **appropriate for the field** will constitute this **evidence**...It should be understood that in activities such as the fine arts,³⁹ “**publication** ” as used in this document may be achieved in **modes** different from those of the sciences and the book-based disciplines.”³⁷

Research and Other Creative Activity (1963). “...the comments in this section will be directed more to techniques of evaluating research or other creative work. The individual must show **evidence of continuous** research or creative activity in his particular field...**synthetic publications** if they develop new ideas or constitute scholarly research should be viewed as **evidence** of research ... consideration should be given to the **type of creative activity** normally expected **in the candidate’s field** ... ”²⁷

.....

Professional Status and Activity (current). “There are many ways in which **extramural recognition** may be **evidenced**, and those entrusted with evaluation will use the kind of **evidence appropriate to their fields**. Qualitative rather than quantitative judgments should be made.”³⁸

Professional Status and Activity (1963). “**Invitations to review the work of other scholars, teach at other institutions, give lectures or read papers before professional or public groups, serve as a consultant or on committees, or as an officer of a recognized professional society, and service as an editor for a scholarly publication**, all suggest **professional status, competence, and activity** that are a reflection of ability...There must be proof that genuine leadership has been exerted. Recognition must also be made of **special kinds of activity dictated by individual fields**, especially in professional schools and colleges.”^{27,40}

.....

University and Public Service (current). “Effective participation in **activities appropriate to the formation of educational policy and faculty governance** and effective performance of **administrative duties** shall be taken into consideration in the evaluative process...**Service to the community, state, and nation** also must be recognized as positive **evidence** for promotion...In the colleges of the Medical Center, **patient care** is recognized as a special competence **in an assigned field** and is an integral part of the service component.”³⁸

University and Public Service (1972). “Effective participation in **activities appropriate to the formation of educational policy and faculty government** and effective performance of **administrative duties** are to be taken into consideration in the evaluative process ... **Service to the community, state, and nation** also must be recognized as positive **evidence** for promotion...”³⁷

University and Public Service (1963). “In a University where academic objectives are to be the guiding principle of development, the faculty must play an important role in the **formulation of policy and administrative action**. Therefore, in evaluating an individual for promotion, recognition must be given to scholars who **participate effectively and imaginatively in faculty government, the formation of departmental, college and University policy** and who prove themselves **able administrators**.”²⁷

Overt Delegation of Responsibility to Academic Units to Identify the Evidences Appropriate to Their Disciplines. The Board’s Governing Regulations and President’s Administrative Regulations, as presently codified and in their legislative history, show that the specific criterial evidences ‘appropriate to the academic discipline’ for evaluating faculty performance in the four areas of activity are not themselves prescribed in the University-level regulations. However, from the very beginning the University administration has been adamant that the consequent elaborations by academic units of their respective discipline-specific criterial evidences are not allowed to contradict or displace the general University-level framework. As will be seen below, over the next several decades an iterative cycle of increasing amplitude of nonacknowledgment by academic units of the controlling University-level framework, followed by reaction of the central administration, led to squandered energies of both the faculties and the central administration, as well as

unnecessary anxiety in candidates as to what was expected in their performance, and confusion by reviewers as to the proper measures of evaluation.

This tension created the necessarily generalized but yet controlling framework of the University-level regulation was first seen shortly after President Oswald's promulgation of the Oct. 1963 policies excerpted above. Questions quickly arose on how those University-wide criterial policies for research would be applied to the Regular Title Series faculty in the clinical disciplines who were heavily assigned with patient care and who were not performing "research" as that term was understood in the basic sciences nor "creative activity" as that term was understood in the arts. Thus, in 1967 President delegated for the new Area Committee for the Clinical Sciences of Medicine and Dentistry the charge that

"One of the first tasks I believe the area committee should undertake is the establishment of criteria for these clinical area personnel ... [to] recommend criteria covering appointments and promotions within the University-wide criteria" ... "The Vice President of the Medical Center will transmit the proposed statement of criteria with his comments to the President, who in turn will refer the statement of criteria to the Senate Council for concurrence or suggestions for modifications."^{38,39}

Clearly, President Oswald did not intend that the criterial elaboration would displace or contradict the general requirements of the University-wide criteria, but rather would elaborate within that framework. It is also clear from the approval requirements that prescribed that President Oswald was on 'high alert' to ensure that the criterial elaboration in fact did stay within the University-level policy. In a similar vein, the policy for the Special Title Series promulgated in 1965 delegated criteria-proposing responsibility to each unit (a delegation that continues in the current regulation) where in a proposal to establish a new Special Title Series position:

"the initiating department would prepare a document:

c) Proposing criteria for appointment and promotion to each of the three ranks within the title series

These criteria would be approved by the dean of the college concerned and by the President of the University, who as a part of the approval procedure would submit the proposed criteria to the appropriate Area Committee..."³⁵

In the case of the Special Title Series position, the actual criteria themselves were necessary to be wholly 'invented' for each position, rather than being elaborations under some University-level criteria. This is because the Special Title Series, as intended when established under President Oswald, was only for those very "limited"³³ situations in which teaching or service activities were so specialized in nature that evaluation criteria relating to teaching or service in the Regular Title Series policy were inappropriate to apply to those special situations.⁴³ Nevertheless, we can see, again in the Special Title Series situation, that the proposal by a discipline-specific faculty is followed by central administrative final approval.

The Board's Governing Regulations were heavily revised by the Board in May of 1970,⁴⁴ to codify the framework for evaluation of faculty that was initiated by the policies promulgated between 1963 and 1968 during President Oswald's term. Those 1970 revisions to the Board Governing Regulations have been maintained as the in-force regulatory language from 1970 to the present. Those Governing Regulations state in part:

"Ranks and special titles and a description of the qualifications for each shall be established by the President after consultation with the appropriate administrative and faculty groups..."⁴⁵

"The President may delegate any of the President's assigned authorities or responsibilities to ... faculty of the University."⁴⁶

"The department chairperson is responsible for the periodic evaluation of department members by procedures and criteria established by the University, the college and the department faculty."⁴⁷



Within this framework, the President has the authority to delegate and the department faculty have the authority to exercise a function to determine, for the four areas of activity, the criterial evidences of activity that are the evidences appropriate to their respective discipline. For example, upon the Board’s adoption of the above May 1970 Governing Regulations, the University President Singletary, following advice from Special Assistant to the President for Academic Affairs **Paul Sears**,⁴⁸ sent in 1971 a policy memo to the colleges, schools and departments, stating that pursuant to those Governing Regulations

“Faculties of colleges, schools, departments, and community colleges are charged in the Governing Regulations with ... the development of policies, guidelines, or criteria on such matters as ... the evaluation of courses and teaching.”⁴⁹

University Senate Recommends Additional Delegation to Academic Units to Elaborate Expectations.

Within the above inviting environment, the University Senate in 1974 took action to further promote that the faculty of each academic unit would elaborate how the University-wide criteria apply to their respective disciplines. A series of recommendations in the 1965 “University of Kentucky Academic Program”⁵⁰ (arising from the 1964 “Second Century” report presented by President Oswald to the Board of Trustees in June 1964) led in the late 1960’s and early 1970’s to the formation of a series of University Senate committees to assess the implications or implementation of the recommendations. One University Senate committee spawned as a result examined faculty appointment, promotion and tenure processes (Ad Hoc Committee to Re-Evaluate Tenure and Promotion,⁵¹ chaired by **Joseph Krislov**). The committee’s final report to the University Senate, the “Krislov Report,”⁵² contained 10 recommendations which were approved by the University Senate Council, and finally by the University Senate, for transmittal to the University administration, all but one of which were then promulgated by President Singletary. Included was Recommendation 4, in four parts, two of which were incorporated with some modification into the AR II-1.0-5.B we have today⁵³, that states:



“The annual performance review of each non-tenured faculty member shall include some discussion with the unit administrator of the individual's progress toward consideration for tenure in terms of the **unit's expectations**.⁵⁴ [Recommendation 4, part 3]

“4. The unit administrator shall consult with the tenured members of the faculty regarding the progress of each non-tenured faculty member toward consideration for tenure in terms of the **unit's expectations**.⁵⁷ [Recommendation 4, part 4 in part]”

The “Krislov” committee also identified that the University-level regulation for the Regular Title Series did not prescribe for each academic unit the criterial evidences to be used in assessing the quality of academic advising. Therefore, the committee also in its Recommendation 9 offered a remedy, which was approved by the University Senate Council, and finally the University Senate, and promulgated by President Singletary in AR II-1.0-5.B.2 and in the Regular Title Series Administrative Regulation AR II-1.0-1.V.A.1, below, respectively.

“**Colleges**, working through appropriate University bodies, **shall develop some means to evaluate** the quality as well as the quantity of academic advising done by each faculty member. As this procedure is developed and implemented, the results of this evaluation shall be considered in the annual performance review.”⁵⁶

“Colleges shall evaluate the quality as well as the quantity of academic advising done by each faculty member. The results of this evaluation shall be considered in the annual performance review and in the decisions concerning retention and/or promotion of each faculty member.”⁵⁷

The above provisions having prescribed that each academic unit will articulate its disciplinary expectations, and that each college develop a means to evaluate performance towards those expectations in the teaching area of

student advising, the “Krislov report” also recommended, the University Senate adopted, and the President promulgated, a July 1974 policy⁵⁸ memo aimed at developing discipline-specific measures of research quality:

“Each ... educational unit, in consultation with its dean, shall propose ... consistent not only with the University’s regulations but also with the goals of the University and the college ... (4) the means for determining the quality of scholarship and creative productivity **in the discipline**; and (5) the kinds of scholarship and creativity most acceptable **to the discipline** ... [which] ... shall be an internal guide to the department or educational unit in evaluating and advising its own personnel, provide the basis upon which the Area Academic Advisory Committee shall recommend whether the documentation supports the proposed change in rank or tenure status, and provide guidance for the appropriate administrative officers in the advising, evaluating and status change processes [and which] shall be submitted through normal channels to the dean, the vice president, and the Area Academic Advisory Committee for evaluation and recommendations, and finally to the President for his consideration and approval.”

A number of educational units contemplated, adopted and forwarded for approval the above discipline-specific elaborations, but for reasons not related to the above items 4 and 5, the President several months later rescinded the policy memo,⁵⁹ which unfortunately also took the momentum out of the activities related to items 4 and 5.

Discipline-Specific Elaborations by Academic Units Must Stay Within the University-level Framework.

During the early 1990’s, the University administration became aware that the “Rules” documents of many academic units⁶⁰ had not been updated for some time. Therefore a directive was sent out from the President for such updates to be made and forwarded for approval. On Medical Center side Chancellor for Academic Affairs Phyllis Nash coordinated the effort, and on the Lexington Campus side the activity was coordinated by Asst. Chancellor **James Chapman**. In his memo Campus deans, Dr. Chapman explained that discipline-specific criterial elaborations developed by academic units could not contradict the general University-level criterial statement:



“AR II-1.0-1 specifies the general criteria for appointment, promotion, and tenure. The department and the college cannot deviate from these criteria. The units are required to develop specific criteria [but] cannot be in contradiction to those in the AR’s. Alteration in the general criteria is not an option of the department or the college.”⁶¹

However, despite the guidance provided to the academic units by such statements as that from James Chapman, above, the University central administration became concerned that some academic units perceived that each academic unit was authorized to establish independent “criteria” for promotion and tenure in the Regular Title Series, that could even contradict the higher University Administrative Regulation. It is the assessment of this writer that part of this problem was inattention by those academic units to that the University level regulation for Regular Title Series expresses unit-level latitude to elaborate what modes of “publication” are appropriate to the field, and what evidences of “professional status and activity” are appropriate to their discipline – however, that regulation does not express any unit-level latitude to independently establish their own “criteria” that might contradict those prescribed in AR II-1.0-1.V.C. The University administration reacted swiftly and firmly. For example, in 1995 the Special Assistant to the President for Academic Affairs, Juanita Fleming, explained

“departments and colleges...are not authorized to set the criteria for appointment, promotion and tenure. The criteria are set out by the University exclusively in the Administrative Regulations.”⁶²

That any proposed elaborations on the discipline-specific criterial evidences that are proposed by a college or a department faculty must be forwarded up the chain-of-command for approval for consistency with the University-level framework was further articulated by UK Chancellor **Robert Hemenway** during a 1995 court deposition.⁶³

“Q. But that’s true about any of these college and department procedures and criteria that are mentioned in this Governing Regulation I’m talking about. All these have to be approved up the chain don’t they?”

A. That’s correct. (Hemenway)

Q. So there’s nothing new about that. Do you see a contradiction in that?”

A. No, I don’t see a contradiction...” (Hemenway)



An example of the application of this principle of “cannot displace the University-level criterial framework” was articulated by Chancellor Hemenway in 1994, again during a court deposition, using as an example that an academic unit cannot set aside the University-level requirement that “publication” is the normal evidence of research activity and in the place of “publications” instead substitute “acquisition of extramural funding” as the evidence of measure:

“The point that I made is that the criteria is continuing research. I think that we say evidence of continuing research if I remember the exact language. And in order to demonstrate evidence of continuing research in some fields, particularly scientific fields, if you’re unable to secure extramural funding, you’re not able to do the research. The evidence of the research, however, is not in the grant itself. The evidence of the research is in the publication that results from the research...”⁶⁴



This exact point was rearticulated yet again, 10 years later, by the University Provost **Mike Nietzel**. As has been recorded in the University Senate Council minutes, there was to the Senate Council

“recounted the direction given by the Provost to the Area Committees at a meeting ... the Provost made it clear success in obtaining grants is not a criterion for “Research,” in evaluations for promotion and tenure, though grant getting could be considered in an overall evaluation. The [Senate Council] Chair stated that he had discussed this issue with the Provost at a recent informal meeting, and reported the Provost affirmed to him personally what he stated explicitly at the Area Committee meeting that Bailey attended. The Provost pointed out that obtaining a grant could be offered by the candidate and considered by evaluators as one kind of evidence of “peer recognition.” Elaborating, the Provost indicated, according to the Chair, that in some disciplines it might be necessary to acquire extramural funding to the extent that it is necessary to support the generation of publications, but it is the publications, not the grants, that constitute the evidence of research activity. Bailey also recalled the Provost stating that if an area committee letter stated that promotion was not recommended because the individual had not obtained grants, then this letter could become legal evidence that the university was not following it’s own criteria.”⁶⁵

An example of how sensitive of a legal issue it can become if the central administration were to unenforce this point was shown by the experience of the College of Medicine. An intensive joint and good-faith effort by both the faculty and administration of the College of Medicine in 1997-1998, supported by Dean **Emery Wilson**, resulted in a policy document⁶⁶ for the college that described evidences and measures of activity in the areas of teaching, research and service. Unfortunately, the document contained such expressions as



“This document ... provides **criteria** for promotion” and “The following **criteria** for promotion are formulated to...” and “The performance of the faculty member as judged by the **criteria** in the appointment letter should form the basis for reappointment and promotion decisions.”

The above phrasing in the document generated a reaction from the central administration in which the College of Medicine, after having promulgated and printed copies of the glossy-covered, 24-page document, had to revise the document to reformulate the text so that it would not be read as an assertion by the college to establish its own “criteria,” as opposed instead ‘elaborating on how the University-level criteria apply to the disciplines of the college.’ The reissued College of Medicine policy document contains the following example provision:

“Documentation of **research** activity is **evidenced** by **publications in scientific journals**”⁶⁷
... this productivity will be accompanied by external funding to support their research programs.”⁶⁸

Note how this elaboration makes deference to the University-level policy which establishes that the evidence for activity is **research** is “publication.” It also elaborates that what the University-level regulation describes as the ‘mode of publication appropriate for the discipline(s)’ is, for the College of Medicine, the mode of publication in **scientific journals**, and it elaborates that while external funding is not per se a “criterion,” it can be considered a necessary “support” activity simply by the nature of the discipline.

The present writer anticipates that as the academic units become better oriented on the nomenclature of posturing their unit-level elaborations within university-level framework of areas of activity, evidences under those areas, and criteria for ranks, the academic units will then find more success in developing, getting approved, and applying these elaborations to their individual cases.

(2) Role of “Scholarship” in the Evaluation of Performance in the Regular Title Series

From the outset of the Regular Title Series in 1963, “scholarship” has been expected in the performance of each Regular Title Series faculty member. The episodic problem has been “what does scholarship mean?” within the context of the regulations and whether a given academic unit used the reference to scholarship as a cover to implicitly establish new criterial requirements that the academic unit would not otherwise have the authority to explicitly establish. The Board’s Governing Regulations adopted in May 1970,⁴⁴ that we have today, prohibit a substantive change in the criteria for faculty academic ranks without approval action by the Board of Trustees:

“The establishment of new ranks and major changes in criteria for ranks shall have the approval of the Board of Trustees.”⁶⁹

An expectation that scholarship was intended to involve all aspects of Regular Title Series faculty activity at the University of Kentucky can be seen in excerpts below from the 1963 Regular Title Series policy statement promulgated by President Oswald.²⁷

“Teaching. ... Conscientious but routine teaching and advising is no argument for promotion, but distinguished teaching and work with students is... Also fundamental is the ability to arouse curiosity and stimulate students to independent, **creative** work. The teacher should have the capacity to **awaken** in students an awareness of the relationship of his subject to other fields of knowledge.” (1963)

“Research and Other Creative Activity. textbooks or similar general synthetic publications if they **develop new ideas** or constitute **scholarly** research should be viewed as evidence of research...” (1963)

“Professional Status and Activity. ... Invitations to review the work of other **scholars** ... and service as an editor for a **scholarly** publication...” (1963)

“University and Public Service. ... recognition must be given to **scholars** who participate effectively and **imaginatively** in faculty government, in the formation of departmental, college and University policy ... “Care must be taken to separate activity on the community level which is personally motivated as opposed to that which emanates from the role of the individual as a **scholar**.” (1963)

Three decades later, Boyer's (1990) treatise⁷⁰ advocated that "scholarship" ought be academically defined not narrowly as just an activity in research ("discovery" in his terminology), but more broadly as creative and imaginative ("scholarship") activity also in teaching ("teaching"), service ("application"), and synthesis of facts across disciplines ("integration"). While Boyer's treatise generated much discussion in the 1990's in academia, including inside the University of Kentucky, the case can be made that the policy for Regular Title Series promulgated under President Oswald in 1963 was already several decades ahead of Boyer's treatise.

Unfortunately, after President Oswald's departure in 1968, that clarity of expectation of creativity and imagination in all four of the Areas of Activity became less clear. The Senate Advisory Committee on Appointment, Promotion and Tenure⁷¹ (comprised of the Chairs of each of the Academic Area Advisory Committees of the University Senate, and itself chaired by **William Garrigus**⁷²) was in 1971 asked by President Singletary (as Chair of the Senate) to codify the 1963 Regular Title Series policy into one of the new Administrative Regulations⁷³ that President Singletary was preparing as the University's first administrative manual. The resulting committee product in the spring of 1971⁷⁴ was adopted essentially verbatim as the new Administrative Regulation, promulgated by President Singletary in 1972.³⁷ The language of that 1972 Administrative Regulation deleted all but one of the above 1963 policy references to scholarship in each of the four Areas of Activity, and changed the final reference to one that appears to distinguish "scholar" as being different than "teacher":



"University and Public Service. Service ... provided that this service emanates from the special competence of the individual in an assigned field and is an extension of the individual's role as a **scholar-teacher**."

This apparent distinction was also codified in university policy by the Board of Trustees in its new Governing Regulations of May 1970:⁴⁴

"Faculty as Scholars and Citizens Like other citizens, faculty members are free to engage in political activities so far as they are able to do so within the law consistent with their obligations as **teachers** and **scholars**." [1970]

This language codified in the University's regulations in the early 1970's thus incubated for the next two decades as the University's evaluation template for Regular Title Series faculty (as well as for Special Title Series and Extension Title Series faculty). Within that context, Boyer's (1990) treatise⁷⁰ landed into the UK environment and created much discussion (or, actually, rediscovery of Oswald's expanded 1963 definition of scholarship). This strong current of Boyerspeake' intersected with another strong current within the University of increasingly encumbering faculty time for the activity of acquiring more external funds to the University. Within this cross-current context, the University Senate in 1996 appointed a task force to examine the University's promotion and tenure expectations for faculty in the Regular Title Series and Special Title Series.⁷¹ Subsequent to the work over the next year by several subcommittees, that Task Force submitted a recommendation to the University Senate that the Regular Title Series be cast in terms of the Boyer-paradigm of scholarship.⁷⁶ The University Senate adopted the recommendation in fall of 1998,⁷⁷ and after some wordsmithing, the University administration⁷⁸ issued in fall of 1999 a revised Regular Title Series policy statement in 1999 (version "(B)"), including the new criterial statement for the rank of Associate Professor:

"Appointment or promotion to associate professor shall be made only after a candidate has met the criteria for assistant professor and has demonstrated **high scholarly achievements** commensurate with his/her assignment in areas of (1) research and other creative activity; (2) teaching, advising and other instructional activities; (3) professional, university and public service. Particularly, an indication of continuous improvement and **scholastic** contributions should be evident as documented by the candidate."

As well intended as the Senate Task Force's efforts were, as the Task Force rephrased and reorganized the 1972 Administrative Regulation on Regular Title Series, in the opinion of this writer the Task Force on several important aspects made the new regulation less clear and less effective in guidance than had been the 1972 regulation in the areas of research, professional status and activity, and public service. Examples of this loss of clarity are:

1. The 1972 regulation (and 1963 policy), made "Professional Status and Activity" as discrete area of evaluation. However, the 1999 revision completely eliminated that section, and instead combined it into the what had been the fourth Area of Activity called "University and Public Service" (now "Professional, University and Public Service" in the 1999 version).
2. The 1972 version had explicitly emphasized not just the professional "activity" of the individual, but also the professional "status," and highlighted that latter is the more important, being an assessment of the peer esteem for the quality of the individual's scholarly contributions in teaching, research and service

"demonstration that the abilities of the individual under consideration are recognized outside the University ...extramural recognition ... Qualitative rather than quantitative judgments should be made."^{37,38}

However, the new 1999 version (B) eliminated such explicit reference to the qualitative "status" of the individual in his/her profession. Rather, the new 1999 language is primarily in the direction of an enumerative listing the scholarly "activities" that the individual, as a professional, has chosen to contribute in a scholarly way to public and university service:

"Faculty members are expected to engage in service related to their professional role as scholars for the benefit and development of local, state, national, international, and the University communities. Documented scholarship related to service that is directly associated with one's special field of knowledge, expertise, and professional role within the University will be evaluated"⁷⁸

Other than the inclusion of the word "Professional" in the 1999 heading to section V.A.3, there is no reference in that section to the esteem with which the professional community holds the individual. (The 1999 version (B) regulation makes a reference in the section on "Research" to communication of the research to the scholarly community and to the public at large, but again that is not the same information as the esteem with which one's peers in the professional community hold one's scholarly contributions).

3. Starting in 1964, the clinical Regular Title Series faculty in the UK Medical Center for twenty years labored to have the Regular Title Series regulation expressly recognize that their work in clinical patient care is valued as a contribution in public service that is made in their scholarly capacity for that discipline (see Chapters on Clinical Faculty Titles and Ranks in the UK Medical Center – Parts I and II). Finally, in 1984 the section of the Regular Title Series regulation on University and Public Service was amended to newly insert the following sentence after the first sentence of paragraph 2 of AR II-1.0-1.V.A.4:

"In the colleges of the Medical Center, patient care is recognized as a special competence in an assigned field and is an integral part of the service component."³⁸

However, that provision was completely excised from the new 1999 Regular Title Series regulation version (B).

4. While for the 1999 version (B) the section on the criteria for the Associate Professor rank specifies that scholarship is expected for all of the areas of activity (teaching, research, service), in contrast the opening section of that same 1999 Regular Title Series version (B) regulation includes new language that perpetuates the notion that scholarship is something not related to teaching or service:

"Excellence in teaching, advising and other instructional activities, research and creative scholarship, and in professional, University and public service is expected."⁷⁸

In fact, the word “scholarship” is not contained anywhere in the section of the 1999 Regular Title Series regulation version (B) for the area of activity of “Teaching, Advising and Other Instructional Activities” (section V.A.1), although it is contained in the individual sections on “Research and Other Creative Activity” (section V.A.2) and “Professional, University and Public Service” (section V.A.3).

5. The 1972 Regular Title Series regulation was very clearly worded to explain that “Research” is an Area of Activity, and that normally “publication” is the evidence to be offered by the candidate to show that the candidate is making continuous contribution in that area, that is, the publications are used as evidence the candidate has been active. A completely separate issue is the recognition of the value of the publications. The 1972 regulation requires that the measure of the value of the publication is ascertained from opinions obtained from specialists in the field who are internal and external to the University.^{37,38} However, when the language for that section was revised in 1999, the changed wording instead now makes the publications in and of themselves “the evidence” of the candidate’s external recognition, instead of using the opinion of the specialists *about* the publications to constitute the evidence of the recognition of the work. Compare:

“The individual under consideration must show evidence of continuing research or creative **activity** in the particular field of assignment. Normally, publication in the form considered appropriate for the field will constitute this evidence. Evaluation of the **quality** of such publication is imperative, and specialists in the field from both inside and outside the University should be called upon to attest to the value of the individual's research.” (1972)^{37,38}

“Evidence of recognition of research and/or creative activity and its long-lasting merit and worth is expected. Normally, publication in the form considered as appropriate for the field will constitute this evidence.” (1999)⁷⁸

(3) Assignment of Duties Consistent with the Expectations of the Regular Title Series

The 1880 law that empowered the Board of Trustees to hire professors also empowered the Board to determine their duties. That law, as it exists today in KRS 164.220, states in full

“The board of trustees may appoint a president, professors, assistants, tutors and other personnel and determine the compensation, **duties** and official relations of each. “

The first Governing Regulations promulgated by the Board of Trustees in 1882 specified that

“the President is committed to the general superintendence of the interests and reputation of the institution ... He is the chief executive officer of the College, and as such it is his duty to see that all of its regulations are faithfully observed.” (GR 9).

The central role of the President in final approval of faculty work leave, work travel, location during summer absence, etc. was continued and codified in the major 1918 revision to the Board’s Governing Regulations. That revision also recognized and codified the role of the college deans to recommend on “removals of members of their respective college staffs” attests to the growing supervisory role of the deans. By the 1947 revision to the Governing Regulations, we begin to see the express supervisory delegation to the deans:

“The dean of a college ... is the executive officer of his college and of all the work associated with it ... He is responsible for the service rendered by the faculty of his college, individually and as a whole.”

In that 1947 revision, another provision was included related to change in faculty “assignment.” That provision was spawned by the case of **Lester O’Bannon**,⁷⁹ a tenured Professor of Engineering, a case which still reverberates within the University system many decades later. Against his strong protest Professor O’Bannon had been, upon the recommendation of the President and approval of the Board of Trustees, transferred to the College of Agriculture.⁸⁰ Professor O’Bannon protested that he had been tenured in the College of Engineering, in which his faculty voting rights were thereby centered, so the Board’s transfer of him to a different assignment in the different college was an alleged violation of the standing of his tenure rights. After a decade of appeal by Professor O’Bannon to become restored to his original assignment in Engineering, including: Board committee hearings, Board threats to dismiss Professor O’Bannon despite his tenured status,⁸¹ student campus protests in support of Professor O’Bannon, all culminating in his 1946 testimony against the University Board and President at a legislative inquiry in Frankfort,⁸² Professor O’Bannon, under intense administrative pressure, resigned his tenured position with the University. In response to the O’Bannon case, the Board of Trustees in 1947 amended its Governing Regulations to newly include the provision:



“When it is to the best interests of the institution, and if the professional status of an individual is not seriously jeopardized thereby, a person may be transferred from one assignment to another, without such a transfer being regarded as a violation of his tenure rights.” (underlining added here)

It is important to note that above provision does not serve as a “catch-all” or “blanket authorization” for a dean to change the “assignment” of a faculty member in disregard of any other personnel policy of the Board. Rather, because of the underlined portion, a dean has a before-the-fact protection from accusation of violation of employment rights only for that subset of employment (contract) rights that are “*tenure rights*.” When the Board’s Governing Regulations were again revised in 1970⁷⁴ (to the language we have today) the Board defined again the limits within which “duties” of a faculty member may be changed:

“**When** it is to the best interests of the institution, **and if** the professional status of an individual is not seriously jeopardized thereby, a change in the duties assigned to an individual may be made without such a change of assignment being regarded as a violation of his tenure rights.”

As in the earlier versions, it is important to note that above provision still does not serve as a “catch-all” or “blanket authorization” for a dean to change the “duties” of a faculty member in disregard of any other personnel policy of the Board (or President or Provost). Rather, because of the underlined portion, a dean would have protection from accusation of violation of employment (contract) rights only for that subset of employment rights that are “*tenure rights*.” The above provision cannot be read and exercised by first truncating away the qualifying and limiting underlined portion.⁸³

Two years after promulgation of the Board’s 1970 Governing Regulations, President Singletary (cognizant that the President only possesses those statutory authorities of the Board concerning faculty “duties” that the Board has expressly chosen to delegate) issued for the first time the manual of Administrative Regulations. Those 1972 Administrative Regulations at AR II-1.0-1.IV.M reprinted verbatim the above provision of the Governing Regulation, including the limiting qualifier underlined above.⁸⁴ (Although other sections of AR II-1.0-1.IV have been amended over the subsequent years, this specific policy section (now AR II-1.0-1. IV.I) has remained unchanged from its 1970 parent language in the Board’s Governing Regulations).⁸⁴

Two more years later, in 1974, another recommendation to the University Senate in the Krislov Report⁵² took note that the distinction between the Regular Title Series and the other various title series established during the previous decade is the different amount of, and nature of, assignments each requires of faculty in the areas of research, teaching and service. Indeed, the 1972 Administrative Regulation⁸⁷ for Regular Title Series codified the criteria for ranks that were issued pursuant to the direction of the Board in 1963.³⁷

“General Criteria for Ranks:

“2. Associate Professor ... Appointment or promotion to associate professor shall be made only after an indication of continuous improvement and contribution by an individual in **both teaching and research or other creative activity**. Furthermore, the individual should have earned some regional recognition for excellence appropriate to the field.”

“Balance and Intellectual Attainment”

“...individuals selected for tenure should demonstrate superiority in **all** the major criteria discussed here...”

In view of that the Regular Title Series requires excellence in both teaching and research, the “Krislov committee” was concerned to ensure that faculty in the Regular Title Series be assigned sufficient duties in both teaching and research to satisfy the expectations of the Regular Title Series criteria. Thus, the committee’s final report to the University Senate, the “Krislov Report,”⁵¹ contained in Recommendation 4 one provision stating:

“3.An individual who is hired with the prospect of becoming a tenured faculty member shall be assigned **duties** by the unit **commensurate** with making due progress toward meeting **requirements** for tenure. [Recommendation 4, part 2]

That recommendation was adopted by the University Senate,⁸⁵ approved by President Singletary, and promulgated as an addition to AR II-1.0-5.B, and is still in that regulation⁵⁴ today (2005). The anticipation of the University Senate on the importance of that provision to protect faculty careers from becoming derailed by misassignment of duties was quite prophetic, as the ensuing three decades have born out. As an example, the Senate Advisory Committee on Privilege and Tenure (composed of tenured faculty peers)⁸⁶ held in a 2000 tenure/promotion case that a faculty member in the Regular Title Series had for six years been unduly misassigned too high of an administrative service component, which left too little time to meet the criterion of regional recognition in research. The faculty appeals committee did not interpret that the regulation from 1947 (on changing assigned faculty duties) excused the dean (or the Chancellor supporting the dean) from compliance with the immediately above-quoted regulation that requires the dean to assign the untenured faculty member with duties that are commensurate with meeting tenure requirements. The faculty appeal committee’s official interpretation quite unambiguous against the dean’s conduct:

“[t]his Committee believes that [the individual] has been ‘screwed’ by missteps and lapses in the system over which he had virtually no control. If there is a culprit, it is [the former dean] who apparently insisted that new members of the College ... be appointed into the regular title series regardless of their duties... it is unfair for the university to hire a person... charge him primarily with the task of building an important undergraduate program at one third or more of his time and yet put him in the Regular Title Series... The Privilege and Tenure Advisory Committee recommends that you grant promotion and tenure to [the individual].”⁸⁷

The final disposition of the case was that the University reversed the Lexington Campus Chancellor **Elizabeth Zinser**’s denial of tenure and instead granted tenure to the individual.⁸⁸



Finally, it may be that the lessons learned by the above (and other cases) have still not made the necessary impact to ensure that untenured faculty are assigned duties commensurate with meeting tenure expectations. This author obtained in fall 2004 a spreadsheet of the D.O.E. assignments of all untenured assistant professors. Shown below are examples of actual D.O.E. assignments made to these assistant professors in the Regular Title Series.

<u>Teaching</u>	<u>Research</u>	<u>Service</u>	<u>Administration</u>
60	15	20	5
80	15	5	0
80	15	5	0
75	25	0	0
0	0	0	100
0	100	0	0

It is not easy to see the commensurate “balance” in assignments in both teaching and research.

Provost's Reassessment of Regular Title Series

At the December 2004 meeting of the University Senate, the University Provost Michael Nietzel proposed for consideration a major change in the definition of the criteria for ranks of the Regular Title Series.⁸⁹ The Provost observed that instead of the Special Title Series being restricted to special teaching and/or service, the faculty assigned in that title series had become increasingly assigned with a significant research responsibility. (The present author by Open Records request ascertained that some Special Title Series faculty were assigned with up to an 80% D.O.E. in Research). That is, the differences in function of Regular Title Series and Special Title Series had thereby become less distinct, and the need of the Special Title Series therefor being brought into question. The Provost proposed that the Special Title Series be eliminated and that in the future the only track by which tenure can be obtained is by satisfaction of the Regular Title Series criteria that involve excellence in both teaching and research (the fate of the Extension Title Series and Librarian Title Series for the moment excluded from the discussion-in-concept). However, in this proposal, once a faculty member had obtained tenure in the Regular Title Series, the concept of "Differentiated Distribution of Effort"⁹⁰ would be applied at the level of the individual, rather than at the level of the title series, so that a tenured Regular Title Series faculty member could become primarily assigned teaching duties, or primarily assigned research duties.

The Provost also proposed for consideration changes in the ranks of the Regular Title Series. More "provocatively" (in the Provost's words) would be the elimination of the rank of Associate Professor, and that untenured Assistant Professors would, upon tenure, become Professor. As a less provocative proposal, the Provost offered for consideration a more aggressive use of promotion with tenure directly from Assistant Professor to Professor, for those exceptional cases where the Assistant Professor has already achieved the criteria for Professor. Mechanistically, if such a proposal from a department was not approved at the higher level, the individual could still become tenured as an Associate Professor. In support of this latter proposal, the Provost noted that there have already been several precedent cases where untenured Assistant Professors were promoted with tenure directly to Professor.⁹¹ However, it is clear that each of the Provost's proposal is premised upon compliance with the Administrative Regulation (AR II-1.0-5.B.3) that requires a dean to assign duties to the untenured faculty member that are commensurate with making due progress towards tenure,⁵⁴ and that the D.O.E. forms accurately show the assignment of duties ("expectations") that are actually being made upon the faculty member.

References

- ¹ These laws are still present today in Kentucky state law as KRS 164.220(1)
<http://biology.uky.edu/djones/PDF/5/5.ii/II.A.pdf>
- ² Minutes, Board of Trustees, June 8, 1880.
- ³ Minutes, Board of Trustees, June 7, 1881
- ⁴ Minutes, Board of Trustees, June 6, 1888
- ⁵ Annual Register, 1888, James Yates in the Department of Mathematics.
- ⁶ Minutes, Board of Trustees, June 30, 1882
- ⁷ Annual Register, 1888, Alfred Peter, Assistant Professor of Chemistry in Experiment Station
- ⁸ Annual Register, 1892
- ⁹ Minutes, Board of Trustees, June 3, 1903
- ¹⁰ In an example of the quaint common vernacular used at the turn of that century, faculty were not referred to as being hired or appointed, but rather, “elected” by the Board to the academic faculty position, e.g., “Thereupon Mr. Stoll made the following motion. I move that all instructors and Assistant Professors be elected for the ensuing year. Said motion was seconded and carried.” BOT minutes June 5, 1902
- ¹¹ Minutes, Board of Trustees, June 1909. President Patterson stated “... I recommend that J. M. Davis be promoted from the position of first assistant in Mathematics to the position of Associate Professor of Mathematics...”
- ¹² Annual Register, 1904. One of these Lecturers was Harrison Garman, the ‘first entomologist’ at the University, and in whose honor the present graduate student organization of the Dept. of Entomology is still named.
- ¹³ Prior to 1963, all appointments of every university employee were submitted to the Board of Trustees. At the Oct. 18, 1963 Board meeting, President Oswald advised the Board that while such involvement by the Board in the employment details was feasible earlier in the University’s history, that the time had been reached where the University was of such a size that the Board’s time would be better spent on other matters. President Oswald proposed, and the Board approved, a new policy in which the Board’s approval on faculty appointments would only be required for either appointments above the level of assistant professor, or when the appointment involved an initial salary above a threshold level (\$8,000/year). Final decisions on all other (lower) faculty appointments were delegated to the President, who would report such decisions to the Board. When the Board’s Governing Regulations were revised in May of 1970, the section detailing this reporting policy (section VIII.B) used the language that those faculty appointments below associate professor and below the salary threshold (changed to \$15,000) “*may be finally approved by the President who shall report such actions (except those relating to graduate teaching and research assistants) to the Board of Trustees.*” This parenthetical addition was included to encompass those situations, still not uncommon in those years, in which faculty members with an undergraduate degree from UK, but who were pursuing at UK a terminal degree, were also employed (skills harnessed) as either Instructors (entry faculty rank; if they were less than 50% time as a student) or as graduate teaching assistants or research assistants (if they were more than 50% time as a student). Under the reporting policy, those with appointment as Instructor would be reported to the Board, but those with appointment as graduate teaching assistants or research assistants would not. Because this situation rarely if ever occurs any more, the parenthetical portion of GR VIII.B is being removed from the Governing Regulations revision of 2005.
- ¹⁴ Board of Trustees Governing Regulations, 1918, page 23, Section XII, “Terms of Employment,” contains the phrase “All members of the faculty shall....All above the rank of instructor...”
- ¹⁵ Board of Trustees Governing Regulations, 1918, page 18, Section VIII, “The Faculties of the Colleges,” and Section IX, “The Departmental Staffs”
- ¹⁶ Board of Trustees Governing Regulations, 1918, page 22, Section XI, “Appointments, Promotions and Removals
- ¹⁷ Board of Trustees Governing Regulations, 1947, page 23, Section X, “Regulations Affecting the Teaching and

- Research Staff and Other Employees of the University”
- ¹⁸ Board of Trustees Governing Regulations, 1960, page 25, Section XI, “Regulations Affecting the Teaching and Research Staff and Other Employees of the University”
- ¹⁹ Board of Trustees Governing Regulations, 1955, page 10, Section VI, “The Graduate Faculty”
- ²⁰ Board of Trustees Governing Regulations, 1918, page 24, Section XIII, “Tenure”
- ²¹ Minutes, Board of Trustees, June 6, 1888
- ²² *Indiana Ex. Rel. Anderson v. Brand*, 303 US 95 (1938).
- ²³ [The Case of Gladys Kammerer](#)
- ²⁴ Minutes, University Faculty Council, Oct. 10, 1963
- ²⁵ Minutes, University Faculty Council, Oct. 15, 1963
- ²⁶ Minutes, Board of Trustees, Oct. 18, 1963
- ^{26a} Transcription of tape recording of October 18, 1963 meeting of the Executive Committee Board of Trustees
- ²⁷ [President Oswald’s Oct 1963 Memo on Faculty Appt/Promotion/Tenure Criteria](#)
- ²⁹ University Faculty Council Minutes Feb 12, 1965 showing approval of draft definition of new faculty “Special Title Series” [02-12-65 Draft Special Title Series definition as approved by Faculty Council](#)
- ³⁰ October 1965 transmittal from President Oswald to University Senate “Beginning a Second Century. The University of Kentucky Academic Program: Curricular, Policies, and Organization”, page 148.
- ³¹ Minutes, University Faculty Council, Feb. 17, 1964
- ³² Nov. 5, 1964 memorandum from Special Assistant to the President Tom Lewis to President Oswald
- ³³ Dec. 22, 1964 memorandum from VP William Willard to President Oswald
- ³⁴ Minutes, University Faculty Council, Feb. 12, 1965
- ³⁵ April 28, 1965 Special Title Series policy from President Oswald to College Deans
[President Oswald April 28 1965 Memo to Deans, Chairs Establishing Special Title Series](#)
- ³⁶ July 29, 1965 memorandum from VP Willard to President Oswald
- ³⁷ March 1972 Administrative Regulation publicly circulated under an April 1972 cover memo from President Singletary to UK faculty; [First Issuance of AR II-1.0-1 on March 1, 1972](#)
- ³⁸ Current AR II-1.0-1.V – Regular Title Series [Page V - Appointment and Promotion Regular Titles \(dated 9/20/1989\)](#)
- ³⁹ The phrase “in activities such as the fine arts” was the phrasing codified in the 1972 Administrative Regulation. Two years later, the phrasing was changed to the “in certain activities” that is the phrase in the current regulation.
- ⁴⁰ Much of this regulation was taken from the University of California policy, in which this section on “professional” activity was more literally aimed at the professional disciplines (e.g., law, business), in contrast to the experimental natural sciences disciplines and in contrast the creative arts disciplines. However, when President Oswald was wordsmithing the language into the draft of the new University of Kentucky policy, he changed the meaning of “professional” away from literally just the “professional” disciplines, and more toward a meaning of ‘activities related to the larger professional community of an individual’s field.’ Hence, the listing of examples of ‘professional activities’ in the 1963 policy statement, that became much abbreviated in the 1972 codification.
- ⁴¹ Dec. 9, 1966 memo from President Oswald to Medical Center VP Willard
- ⁴² Jan. 25, 1967 Oswald memo to the new Area Committee for Clinical Sciences of Medicine and Dentistry.
- ⁴³ Nov. 24, 1965 memorandum from Executive VP Albright to Chair of Biological and Medical Sciences Area Committee, stating: “The establishment of a Special Title Series for a position implies that special functions are to be performed and that the adequacy of an incumbent’s performance in such a position cannot be adequately appraised by the criteria applicable in the regular academic series. Hence, specific differentiating criteria are necessary for an objective evaluation in a Special Title series. The Committee’s report seems to say that the criteria, with the exception of the one on “creative productivity”, for evaluation in the regular academic series should prevail for evaluation in the Special Title series for Nursing. If this is the case, then the establishment of a Special Title series has little, if any, justification.”
- ⁴⁴ Minutes, May 5, 1970 meeting of Board of Trustees
- ⁴⁵ Section VII.A.2, on page 17 of the 1970-adopted Governing Regulations

- ⁴⁶ Section III, on page 10 of the 1970-adopted Governing Regulations
- ⁴⁷ Section VII.B.5, on page 24 of the 1970-adopted Governing Regulations
- ⁴⁸ Dec. 28, 1970 memorandum from Special Asst. to the President Paul Sears to President Otis Singletary; see also Feb. 19, 1971 memorandum from Special Asst. to the President Paul Sears to President Otis Singletary
- ⁴⁹ [President's 01/08/71 memo](#); see also [Presidents 04/11/74 memo](#)
- ⁵⁰ October 1965 transmittal from President Oswald to University Senate "Beginning a Second Century. The University of Kentucky Academic Program: Curricular, Policies, and Organization", recommendations 9 and 12.
- ⁵¹ "Krislov Committee" membership: Sherill Biggers, Peter P. Bosomworth, Lewis Cochran, Jason Fewnick, William Gordon, Sue Howard, Robert Kiser, Joseph Krislov, Paul Obsert, Mark Paster, Roert Strauss, Norman Taylor, Ernest Yanarella
- ⁵² "Report Ad Hoc Committee to Re-Evaluate Tenure and Promotion" ('Krislov Committee Report')
- ⁵³ AR II-1.0-5.B (12/16/00) [Faculty Performance Review](#)
- ⁵⁴ AR II-1.0-5.B.3
- ⁵⁵ AR II-1.0-5.B.4
- ⁵⁶ AR II-1.0-5.A.2
- ⁵⁷ AR II-1.0-1.V.A.1 version (A) [Page V - Appointment and Promotion Regular Titles, dated 9/20/1989](#) and version (B) [Page V - Appointment and Promotion Regular Titles, effective 1/1/2000](#)
- ⁵⁸ July 9, 1974 memorandum from President Singletary to VP Bosomworth and VP Cochran re: "Establishing Standards of Performance" [President issues 07/09/74 memo](#)
- ⁵⁹ Nov. 21, 1974 memo from President Singletary to Vice Presidents Peter Bosomworth and Lewis Cochran [President issues 11/21/74 memo](#)
- ⁶⁰ see GR VII.A.4, GR VII.A.5, GR VII.A.6
- ⁶¹ Sept. 2, 1994 memorandum from Vice Chancellor James Chapman to Deans of Lexington Campus re: "Revisions to Rules of Procedure"
- ⁶² Feb. 27, 1995 memo from Juanita Fleming, Special Assistant to the President for Academic Affairs, to George DeBin, Official Custodian of Records re: "Opinion on Faculty Rules"; [President's Spec. Asst. Acad. Affairs 02/27/95 memo uses carefully parsed words to make it appear units cannot elaborate criteria](#)
- ⁶³ Deposition of Dr. Robert Hemenway, April 5, 1995, in the case of Chung vs. Dean Thomas W. Lester et al., Franklin Circuit Court 93-CI-345; [Chancellor's 04/15/95 court deposition](#)
- ⁶⁴ Deposition of Dr. Robert Hemenway, June 7, 1994, in the case of Chung vs. Dean Thomas W. Lester et al., Franklin Circuit Court 93-CI-345; [Chancellor's 06/07/94 court deposition](#)
- ⁶⁵ Minutes, University Senate Council, Sept. 27, 2004 [September 27, 2004](#)
- ⁶⁶ College of Medicine Policy Document 1998, "Procedures for Appointment, Promotion, and Tenure"
- ⁶⁷ College of Medicine Policy Document 1998, "Procedures for Appointment, Promotion, and Tenure", pg 20
- ⁶⁸ College of Medicine Policy Document 1998, "Procedures for Appointment, Promotion, and Tenure", pg 5
- ⁶⁹ Board of Trustees Governing Regulations, GR VII.A.2, para. 3, last sentence
- ⁷⁰ Boyer, Ernest. *Scholarship Reconsidered: Priorities for the Professorate*. Princeton: Carnegie Foundation for the Advancement of Teaching, 1990
- On Boyer's "Integration"
Boyer: "By integration, we mean making connections across the disciplines, placing the specialities in larger context, illuminating data in a revealing way, often educating nonspecialists, too. . . draw together, and bring new insight to bear on original research . . . interpret what's been discovered in ways that provide a larger, more comprehensive understanding."
- Oswald: "The teacher should have the capacity to awaken in students an awareness of the relationship of his subject to other fields of knowledge."
- On Boyer's "Application:"
Boyer: "Clearly, a sharp distinction must be drawn between citizenship activities and projects that relate to scholarship itself. . . To be considered scholarship, service activities must be tied directly to one's special field of knowledge and relate to, and flow directly out of, this professional activity."
- Oswald: "Care must be taken to separate activity on the community level which is personally motivated as opposed to that which emanates from the role of the individual as a scholar."

On Boyer's "Teaching":

Boyer: "Teaching is also a dynamic endeavor involving all the analogies, metaphors, and images that build bridges between the teacher's understanding and the student's learning. Pedagogical procedures must be carefully planned, continuously examined, and relate directly to the subject taught. [G]reat teachers ... stimulate active, not passive, learning and encourage students to be critical, creative thinkers."

Oswald: "...an ability to organize material, communicate concepts, significant understanding and enthusiasm for the subject matter through lecture, discussion, dialogue and other means is a prime requisite ... fundamental is the ability to arouse curiosity and stimulate students to independent, creative work."

⁷¹ Senate Rules Charge to "Senate Advisory Committee on Appointment, Promotion, and Tenure," (SACAPT) adopted Oct. 29, 1970: "...shall comprise the chairmen of the academic area advisory committees on appointment, promotion and tenure...It shall recommend to the University Senate on criteria for appointment, promotion and tenure as they may affect the broad academic policies of the University. It shall advise the President, of the administrative officers designated by him as appropriate, on the police for appointment, promotion and tenure and shall report to the Senate on these policies."

⁷² January 27, 1971 memorandum from President Singletary to William Garrigus (Dept. Animal Sciences) [President Singletary's Jan 27, 1971 memo to members](#)

⁷³ Feb. 19, 1971 memorandum from Committee Chair William Garrigus to committee members relating President Singletary's charge to the committee, including "Update

⁷⁴ SACAPT report March 31, 1971 "Procedures for the Appointment, Promotion, Tenure and Termination of Faculty" [Univ. Senate Adv. Comm. on Appt., Promotion and Tenure Mar. 31, 1971](#)

⁷⁵ Senate Task Force on Promotion and Tenure 1996-1997

⁷⁶ Minutes, University Senate, October 12, 1998, "The Committee recommends that Boyer's expanded scope of scholarship--discovery, integration, application and teaching--be considered in determining the kind of activity expected."

⁷⁷ Minutes, University Senate, Sept. 14, 1998

⁷⁸ AR II-1.0-1.V (B) [Page V - Appointment and Promotion Regular Titles, effective 1/1/2000](#) (B), to apply to faculty hired after January 2000.

⁷⁹ Case history posted at: [Tenured Faculty Member Criticizes Administration: Board Threatens Dismissal - O'Bannon Case](#)

⁸⁰ Minutes, Board of Trustees, March 22, 1938

⁸¹ Minutes, Board of Trustees, April 2, 1940

⁸² Minutes, Board of Trustees, April 1, 1946

⁸³ For example, at the same meeting in May 1970 that the Board promulgated the above policy, the Board also newly promulgated the policy elsewhere in those Governing Regulations (GR VII.A.2) that "*major changes in criteria for ranks shall have the approval of the Board of Trustees.*" Thus, a dean, for example, could not unilaterally make reassignments in faculty "duties" that would have the effect of making major changes in the criteria for ranks, because the other policy adopted at the same Board meeting expressly requires that major changes in criteria for ranks must be approved by the Board. Or, in another example, the above provision does not say "...*without such a change of assignment being regarded as a violation of affirmative action rights,*" and so a dean could not use the above policy to change a faculty member's "duties" in a way that violates affirmative action rights the faculty member may have under other Board policies. Or, in another example, the above provision does not provide for a dean to unilaterally to change the duties of a college employee to include that the individual is now directly supervised by their own spouse, in violation of other Board policies against nepotism. While some changes in duties are enabled by the above provision to escape an accusation of violation of "tenure rights," the above examples of changes would still be a violation of other Board policies relating to criteria for ranks, affirmative action, nepotism, etc. --- the above Board regulation on changing of faculty duties cannot be read and applied by an administrator in a vacuum, isolated from other Board policies on "*criteria for ranks,*" etc.

⁸⁴ In 1983 (and without any empowering change in language of delegation from the Board's Governing Regulations) the President revised the Administrative Regulation to the language it has today (at AR II-1.0-1.B.11) by adding the phrase "*privilege or*" before the phrase "*tenure rights*" so that when, say a dean, in "*the best interests of the institution*" and where not jeopardizing the individual's "*professional status*" changes the duties of a faculty member, the dean is protected from accusation of violating either "*privilege*" or "*tenure*"

rights” of the faculty member. However, the President’s unilateral addition of the word “*privilege*” (even if authorized) still does not purport to allow a dean to change a faculty member’s duties in a manner that violates other Board personnel policies on criteria for ranks, affirmative action, nepotism, etc.

⁸⁵ 1974 Senate minutes

⁸⁶ [Annual Senate Council Memo Concerning Nominations for Appointment](#)

⁸⁷ June 2, 2000 letter from Brad Canon, Chair, Senate Advisory Committee on Privilege and Tenure, to President Charles Wethington

⁸⁸ July 11, 2000 letter from President Wethington to Chancellor Elizabeth Zinser

⁸⁹ [Provost's Senate Address - December 13, 2004](#)

⁹⁰ [Page XVI - Appx II - Faculty Workload Policy Statement](#)

⁹¹ Two examples: (1) Paul Oberst, College of Law, Promoted from Assistant Professor to Professor, 1947; (2) Thomas Chapman, College of Arts and Sciences, Department of Mathematics, Promoted from Assistant Professor to Professor, 1973; Minutes, Board of Trustees, April 3, 1973.

(c) Davy Jones, April 12, 2005

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History of the University of Kentucky Lecturer Title (Series)

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Prior to President John Oswald (before 1963)

Prior to 1963, there had not been promulgated a system of various faculty “title series.” The Board of Trustees Governing Regulations did specifically identify the four faculty ranks of Instructor, Assistant Professor, Associate Professor and Professor, and the Board’s minutes each year showed its action on appointment, promotion and tenure of faculty to these ranks. The first official reference to apparent full-time employment as “Lecturer” is the new listing in the 1904 UK “Bulletin” of three “Lecturers” as being “Faculty.” However, because there was no policy about the criteria for any of these ranks, each rank could be applied to faculty doing either teaching, research, service (e.g., extension, or clinical patient care) or any combination.

President Oswald Establishes Definition of Regular Title Series 1963

With the approval of the Board of Trustees, the newly appointed President **John Oswald** (from the University of California, Davis) established in October 1963 (what the following year became called) the Regular Title Series of faculty ranks of Instructor, Assistant Professor, Associate Professor and Professor, along with the criteria relating to research and teaching and service for appointment to each rank.¹ In his capacity as Chair of the Senate, he also worked immediately with the Faculty Council to have newly established, as committees of the University Senate, committees called “Area Committees” that would advise the President on the merit of dossiers proposing the promotion or tenure of faculty, prior to the President’s decision on each.¹ The requirement for a major research component for professorial appointment in these ranks immediately created a problem for how the Area Committees would in spring of 1964 handle dossiers dealing with faculty who had (for years) be assigned primarily nonresearch duties.



President Oswald, Faculty Council Explore “Lecturer” as a Nonresearch Tenure-Track Title Series 1963-4

The initial (September 30, 1963) draft of the criterial document that became what today is the criterial policy for the Regular Title Series ranks of Assistant Professor, Associate Professor and Professor contained a fourth, entry level rank of not Instructor, but “Lecturer.” Two weeks later, the Faculty Council in discussing this document and its new criteria for Regular Title Series felt the “basis for promotion seems to be based to heavily on research...” and that the “position of Lecturer needs clarification.”² Consequently, the next draft, which the President discussed personally with the Faculty Council several days later had the fourth, entry level rank completely omitted from the policy draft. About the same time as the President had submitted to the Faculty Council and also discussed at that meeting a draft of a revision of the University’s procedural regulations for tenure, which made reference to faculty being “transferred to the rank of Lecturer with tenure.”³ He “clarified” the academic status he envisioned for Lecturers, in particular as to how he thought that title could solve the problem of tenure evaluation of faculty with superb teaching credentials but insufficient research credentials. He explained that he would for the spring 1964 process entertain recommendations submitted by the newly-established Area Committees (and the ad hoc committees that would advise the Area Committees) if any of the Area Committees recommended that the candidate “*be promoted to associate professor with tenure*” or “*remain an assistant professor with tenure on account of teaching prowess and promise*” or that the individual be “*changed to a lecturer with tenure; or be recommended for release.*” The President further clarified that

“the term ‘lecturer’ was defined as one who is doing a good job teaching,” and that the tenured Lecturer could later become promoted to the higher tenured rank of Senior Lecturer.⁴ Three days later, the Board approved the promulgation of the draft of the Regular Title Series criteria that the President had discussed with the Faculty Council.⁵

Two weeks later, Special Assistant to the President **Doug Schwartz**⁶, then drafted for the Faculty Council’s assessment a revision of the tenure procedures policy, and a more formal statement of the definition of the lecturer series of ranks; the proposed ranks being “Lecturer” and “Senior Lecturer.” This draft definition of the series of ranks for the Lecturer title also specified



“Appointees in this series will be judged on the basis of teaching of exceptional quality or teaching **so specialized in character** that it cannot be done with equal effectiveness by regular faculty members or by strictly temporary appointees. Research abilities or production are not considered important for this position.”⁷

The Faculty Council then recommended “the appointment to **lecturer** made optional for those with the rank of assistant professor or below who already have been assigned tenure.”⁸ Based on this and other Faculty Council feedback, the Special Assistant Schwartz in early December 1963 prepared a second draft definition of Lecturer, in which the definitional language was modified to prescribe “**Research abilities or scholarly productivity are not considered important for this position**” and that “lecturers will usually be contracted for special purposes,” while retaining the tenure provisions for lecturers.⁹ The Faculty Council determined itself that “the statement[s] on Lecturer, and Tenure should be reviewed by the Council as soon as feasible.”¹⁰

As the year turned to 1964, it was increasingly important that an official decision be made as to whether the draft of the Lecturer and Senior Lecturer series of ranks would be officially established, because the newly established Area Committees were soon to be receiving (for the first time ever) the promotion/tenure dossiers, some of which were likely to concern faculty whose primary duties had been teaching. The Faculty Council had an extensive discussion of the topic in January 1964 with Special Assistant to the President Doug Schwartz, where the “decision was reached that the rank of Lecturer might well be at the level of Associate Professor (without research), Senior Lecturer at the rank of Professor (without research).”¹¹ In addition, the Faculty Council approved as its hoped for final version for submission to the President the new policy statement on tenure procedures for amending into the Governing Regulations, which stated in part:

“Following a review period not to exceed seven years, an Assistant Professor (or equivalent ranks as adjudged by the President) shall be (1) promoted to Associate Professor with tenure, (2) be **promoted to Lecturer** or other equivalent rank with tenure, or (3) have his appointment terminated.”¹¹

The following week, the Faculty Council yet again affirmed its support for the policy it approved the previous week, and further discussed how the ranks of Lecturer and Senior Lecturer (both being tenurable) related to the ranks of Instructor and Assistant Professor.

“A suggestion was made that a Lecturer might be defined to encompass the level of Assistant Professor and the lower level of Associate Professor, and that Senior Lecturer might be defined to encompass the upper level of Associate Professor and the full Professor.”¹²

Faculty Offered Promotion From Untenured Assistant Professor to Lecturer With Tenure – Spring 1964

Although the Faculty Council had not yet finalized its position on the language of the Lecturer/Senior Lecturer policy draft, from the above apparent momentum toward such a use of tenured Lecturer ranks, President Oswald would have reasonably anticipated (from Doug Schwartz re Schwartz’ liaison discussions with the Faculty Council) that tenured Lecturer ranks were going to provide the policy solution to the issue of what faculty titles/ranks, other than the titles and three professorial ranks of the Regular Title Series, would be applied to persons deemed to merit tenure but who did not have sufficient research merit to become tenured with a

professorial title the Regular Title Series. Soon thereafter Medical Center VP Willard recommended the one year appointment as Lecturer of a European scholar whose status in his home institution was described by Willard as equivalent to an “Associate Professor,”¹³ and whose academic duties would be classroom lecturing (not clinical-patient duties). Over the next six weeks, President Oswald three times utilized the option of offering “promotion” of the untenured assistant professor to the rank of Lecturer with tenure.¹⁴ For example, when Special Assistant Douglas Schwartz recommended to the President in one case:

“...that he should be given the rank of lecturer with tenure since teaching would appear to be his strong area and his research area is not yet of graduate faculty quality...This would appear to be one of those areas where a lecturer position may be needed.”¹⁵

President Oswald then advised the Dean:

“The Area Academic Personnel Committee for the Social Sciences ... recommends, and I concur, that Mr. [] be given the rank of Lecturer and that he be granted tenure... The Committee realizes that his field is one in which there are relatively few Ph.D.’s and in which little scholarly research is conducted, but they also realize that Professor [] is currently performing more than adequately and would be difficult to replace. For these reasons, it is the recommendation of the Committee that he be granted tenure.”¹⁶

The minutes of the Board of Trustees show that subsequently the President did recommend to the Board, and the Board approved, that this individual be conferred the status of Lecturer with tenure.¹⁷ This is one of two contemporaneous cases shown in the published minutes of the Board of Trustees of individuals being granted tenure as Lecturer at the University of Kentucky.¹⁷

Refinement of Lecturer Title Series Proposal to be of a Four-Rank, Tenure-Track Series – Fall 1964

While the above cases of Lecturer with tenure were being offered or made, the Faculty Council continued to debate the final form of the Lecturer policy statement. The Faculty Council asked Doug Schwartz to make available the “Administrative Manual of the University of California,”¹⁸ which had much influenced President Oswald’s academic view on faculty titles and ranks, and from which much of the draft definition of Lecturer and Senior Lecturer had been lifted nearly verbatim.^{7,9,19} The Faculty Council did not find the University of California Lecturer definitions to provide any further helpful clarification in application toward the University of Kentucky situation, so in late January 1964 they divided up responsibilities to each quickly investigate and report back the practices at specific other universities.²⁰ Comparison of the reports led to “the conclusion that the use of the term “lecturer” was generally to fulfill an interim or special need rather than a permanent rank progression that paralleled the professorial series.”²¹ At the beginning of February 1964, there occurred in the Faculty Council

“substantial discussion of the matter of needs for special ranks to meet the needs of particular colleges. Dr. **Ed Pelligrino** [Faculty Council Vice Chair and the Chairman of the Department of Medicine, College of Medicine] presented problems that would be created by the proposed **lecturer** and associate ranks in the College of Medicine for people in the clinical area whose responsibilities did not fit the teaching research concept of the professorial series.... this led to the point that there were other areas such as Agriculture where the problems of specialized activities suggested that perhaps other series of ranks might be needed that would more appropriately define the functions of individuals than the proposed **lecturer** and associate ranks. It was felt that there was need to explore further the possibility that still other needs of this type existed in other colleges in the University and that prior to taking a position the Faculty Council might well consult with appropriate faculty members to define these needs more completely before acting on the proposal with respect to the lecturer **ranks**.”²⁰



In view of the potential non-fit of the title “Lecturer” to the specialized nonresearch duties of faculty in some UK colleges, the Faculty Council in mid-February 1964 decided that the deans of “*all colleges where problems of specialized activities suggested other series of ranks than the proposed lecturer and associate ranks should be consulted,*” by **Ralph Weaver**, the Faculty Council Chair. By the end of March,



“The Chairman reported that the Council could not proceed on the matter of defining special ranks to meet the needs of particular colleges until all recommendations were in from the applicable college deans. In this connection, he reported that he had received a letter from the Dean of the College of Commerce which he read to the Council.”²²

While that letter from the Dean of Commerce has not been located in any archival files, in months thereafter two teaching intensive, nonresearch members of the faculty of that college, were recommended for, and received, tenure as Lecturers instead of as tenure as Assistant or Associate Professors.¹⁷ Thus, it may be that the Dean of the College of Commerce was in that letter expressing support for the solution to the “titles problem” of offering tenure with the title “Lecturer” for such situations.

After two more months of slow progress in getting input back from each college on whether special ranks were needed for their faculty,^{22,23} Faculty Council Chair Weaver stated he would ask a Mr. Barrows [in the President’s Office] to assist in gathering information from other institutions “*to use as criteria in determining policy to follow in establishing the lecturer series at the University.*”²⁴ By August 1964, this material was received,²⁵ and the Faculty Council Chair Ralph Weaver wrote to the President of “the distressingly low status of ‘lecturer’ ” at the various universities.²⁶

The spring 1964 promotion and tenure activities, and the difficulties the Area Committees and President had in applying the “Lecturer” rank to cases of nonresearch faculty led to renewed efforts to find a solution before the spring 1965 wave of promotion/tenure cases. During the fall 1964, Faculty Council discussions accelerated toward finalizing the posture of “Lecturer” within the University of Kentucky faculty titles and ranks. In October 1964, a new Special Assistant to President Oswald ,



Tom Lewis (later Dean of Law), advised President Oswald that faculty strongly preferred to be called “Professor” rather than “Lecturer,” so it would be necessary to “beef-up” the Lecturer rank by adding some new ranks below it. He proposed to President Oswald a potential, new four-rank Lecturer Title Series, composed of the entry rank of “Associate,” then “Associate Lecturer,” then “Lecturer” and finally “Senior Lecturer,”²⁷ the last two of which were tenureable. (This rank system was still drawing heavily from the system in use

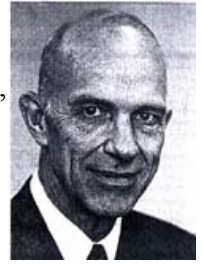
in the University of California¹⁹). The concept was that these four ranks would parallel the Regular Title Series ranks of Instructor, Assistant Professor, Associate Professor and Professor, and promotions could take place from one title series over to the other (e.g., from untenured assistant professor to tenured Lecturer, as had already been recommended in three cases in the spring of 1964).^{27,28} Included was a detailed draft definition of the rank of “Associate,”²⁹ a new draft definition of “Lecturer”³⁰ and a contrasting draft definition of “Instructor.”³¹ These drafts were circulated to the Deans³² and the Faculty Council.³³ New language in the draft for the Lecturer series, in addition to the two new lower ranks, was the specification

“The Lecturer title series is in no sense intended to serve, nor shall it be used to serve, as a refuge for non-promotable Instructors or Assistant Professors: rather, it is a title series which recognizes the need in some departments for specialized teaching and the value in certain circumstances of retaining an individual because of his exceptional ability as a teacher.”³⁰

Faculty Council Balks at University-wide Policy for a Four-Rank, Tenure-Track Lecturer Title Series

The above quoted new language reflects the balking that the President was receiving from Regular Title Series faculty about whether tenuring teaching-only faculty constituted a lowering of standards for tenure. In fact, this language is the origin of the language that we have today’s Administrative Regulations for the Special Title Series (see chapter on History of Special Title Series). When this draft reached the Faculty Council, it caused sufficient

pause that they specifically inquired to Special Assistant to the President Tom Lewis for assurance that the President would not submit the statement to the Board for approval until the Faculty Council first provided its evaluation of the draft.^{34,35} However, during this time, **William Willard**, Vice President of the Medical Center (and then Dean of the College of Medicine), was lodging with the President his “*real reservations about a dual system of faculty titles...I don’t think it will be possible to avoid a second-class stigma.*” He stated to the President that he was reluctantly willing to endorse establishment of “one series for the full-time faculty who have research attainment” and another for full-time faculty who “*are deemed competent in teaching and in other respects but who have little research productivity.*”³⁶ However, he was adamant that the four rank “Lecturer” series would not be applied to clinical faculty:



“The various Lecturer titles would ... apply to full-time staff ... who are neither qualified in research nor primarily engaged in clinical teaching.”³⁷

As Special Assistant to the President Tom Lewis, described it to President Oswald, there was, to put it mildly, a “*degree of resistance*” from the medical faculty to the potential application of “Lecturer” to designate clinical faculty activities.³⁸

Promulgation of “Lecturer” as a Nontenure Track, Rankless, NonProfessorial Faculty Title – April 1965

Opposition to expansion of the “Lecturer” title for it to be generally applied University-wide to nonresearch faculty in the various colleges (opposition exemplified above by VP William Willard, above) led to the collapse of the proposal for a four-rank, tenure track Lecturer Title Series, at least as far as application to the UK colleges. Special Assistant Tom Lewis suggested to President Oswald

“A remaining problem will be the Community Colleges. They very much want to have titles...The lecturer series could be forced upon them...”³⁹

Tom Lewis further suggested to the President that a solution for nonresearch faculty might not reside in the “Lecturer” title, but rather to “*Create usages by which all would be called “Professor.”*”³⁹ By the end of January 1965, the President had dropped his efforts to develop a four-rank Lecturer Title Series as a nonresearch, tenure-track title series, and took that trajectory instead toward a direction that, after a long and torturous process, eventually culminated with the establishment of the Special Title Series (see Chapters on Histories of Special Title Series). The discussion on the final nature of the “Lecturer” title continued in the Faculty Council through April 1965, including consideration of Tom Lewis’ suggested application of the “Lecturer” title series to the Community College System faculty⁴⁰ (However, it did not become utilized in that system; see Chapter on History of Community College System Title Series).

The minutes of the March 26 meeting of the Senate Council two weeks earlier had also stated “Motion was made to delay consideration of the Lecturer ... in order to consider more urgent business.”⁴¹ The earlier, fall 1964 proposal for the series of four Lecturer ranks (initially offered by President Oswald and his Special Assistant Tom Lewis), had been an alternative to the “titles problem” of nonresearch faculty. The consideration by the Senate Council (renamed at the March Senate meeting) that it was not “urgent,” is interpreted by this writer as reflecting that the Faculty Council considered that it had identified the Special Title Series as the answer to the “titles problem.” A week later (April 2), the discussion of the Lecturer proposal was cast as an “extended discussion of the proposed rank of Lecturer, both with respect to the main campus and to the Community Colleges. No specific recommendations were proposed, but it was generally agreed that at an early date the Council should meet with Dr. Albright, Dean Hartford, and Mr. Lewis in order to discuss the matter further.”⁴⁰ (Notice the change to singular tense, i.e., a proposal for a “rank” of Lecturer). The following week (Friday April 9) Senate Council minutes continued “It was decided to request a breakfast meeting with President Oswald, Dean Hartford, and Mr. Lewis on Monday, April 19, at 7:30 a.m. ...[a]... principal item for the agenda: a discussion of the proposed new rank of “Lecturer” ...”⁴² This writer infers that at the April 19

breakfast with the President, there was agreement for a description of a single rank “Lecturer”, because 9 days later, the President published to Deans and Department Chairmen a memorandum that promulgated the rankless, non-tenured title “Lecturer,” in form that we which have today, in which the policy prescribed that “Lecturer” was to normally be used for part-time teaching duties. (Also, no responsibility is assigned, nor any accountability made in performance evaluation, for Lecturer participation in faculty governance activities, so correspondingly, no automatic rights of membership or voting in the faculty body are provided to individuals hired as Lecturers.^{43,44} The decision as to whether these membership or voting privileges are extended to a Lecturer rests with the vote of the full-time tenured/tenure track faculty, assistant professor or higher, in the given department or college⁴⁵ – see below).

Tenure-Probation Accruing Status of Full-time Non-Tenure Track Lecturer Position During 1964-1977

Although the status of “Lecturer” was in April 1965 established as a nontenure-track, single rank Title,⁴⁴ for the period from late 1963 through 1964, President Oswald in his correspondence had been utilizing it as a tenure-track status.¹⁷ This ambience of Lecturers having a tenure-probation-accruing status, just as Instructors and Assistant Professors had a tenure-probation-accruing status, continued to impact Lecturers even after the President’s April 1965 policy was issued stating that the Lecturer position was not a position in which tenure would be finally conferred⁴⁴ (also remember that two faculty had already been conferred tenure as Lecturers¹⁷).

In response to the pressure of the official position of the national AAUP that tenure must be awarded after a specified number of years of continuous full-time service at any “faculty” rank, the Board of Trustees in Dec. 1960 promulgated the policy that after five years of continuous service as even just an Assistant Professor, a tenure status was in essence attained “*de facto*” even without overt Board action⁴⁶ (but the Board balked at having *de facto* tenure be awarded solely due to service as Instructor⁴⁷). The Board of Trustees had adopted in 1964 President Oswald’s new tenure policy of mandatory “promote or out” after a probationary period of three years as Instructor and “tenure or out” after seven years total as Assistant Professor, or as Instructor plus Assistant Professor, where tenure from 1965 on would only be attained upon overt Board approval action.⁴⁸ (The Board in 1963 had also adopted the policy that after two years of full-time employment in a faculty position, the faculty member must receive one year of terminal contract notice if the full-time employment is to be ended⁴⁹).

President Oswald’s April 1965 policy announcement on “Lecturer” stated that



“Tenure will not be gained by an appointee in this title”

but his policy announcement did not make any statement about whether time spent as a full-time Lecturer would not count towards the tenure probationary period. This 1965 policy memorandum concerning the “Lecturer” title, including the provision quoted immediately above, became formally codified in 1972, as AR II-1.0-1.I.G, in the first volume of Administrative Regulations that were issued by new President **Otis Singletary**⁴⁴.

In addition, the Governing Regulations adopted by the Board of Trustees in May 1970, in the section about the tenure probationary period, stated that at the end of the tenure probationary period

“all persons of assistant professor rank ... shall (1) be promoted to associate professor with tenure, (2) **be transferred to a non-research rank with tenure**, or (3) have their appointments terminated.”⁴⁵

This above provision in the Governing Regulations also became reprinted in the new 1972 Administrative Regulations AR II-1.0-1.⁵⁰ The reference to transfer to a “non-research rank” did not identify or limit the situation to a specific nonresearch faculty title series. Thus, this Governing Regulation, together with that the President’s 1965 policy language and new Administrative Regulation, was interpreted by some full-time Lecturer faculty to mean that full-time Lecturers could *accrue* service towards probation for their full-time teaching duties as a

Lecturer, and that once the seven year probationary period was exceeded, they must be conferred tenure at a nonresearch rank (which in the 1972 regulations could only be either Special Title Series or Lecturer). In a further background context, in 1972 the U.S. Supreme Court had established in the case of *Perry vs. Sendermann* that under certain conditions Universities were indeed obligated to confer *de facto* tenure to faculty.⁵¹

Upon Appeal UK Lecturer Faculty Win DeFacto Tenure (As Assistant Professors)

In the 1972 tenure-appeal case of a Lecturer in the Department of Germanic Languages and Literature, the documentation showed that individual had been appointed and reappointed as a full-time Instructor from Sept. 1961 to May 1966.⁵² The University claimed that in the fall of 1966, the individual had been changed to a part-time Lecturer,⁵³ and thereby supposedly taking the faculty member off of a tenure-accruing probationary track (although the University conceded that no contract showing that change had been signed between the individual and the University⁵⁴). The University claimed that the individual had, beginning from fall 1966, become employed as a part-time Lecturer each year until fall of 1971, when the individual was presented a one year terminal contract notice.⁵³ The individual claimed upon appeal that the individual's teaching duties for the 1966-1967 year were the same as for the preceding years of 1961-1966 (and the individual in fact received a salary increase for 1966-1967 as well). The individual asserted that these University actions were not consistent with the University's claim that the full-time employment as Instructor had changed 'down' to part-time Lecturer.⁵⁵ It was the appeal of the individual that, by reason of that teaching employment duties had not changed, and that therefore change to part-time Lecturer had not actually happened, it meant that the individual had in essence continued to be employed as an Instructor each year after 1966 through 1971, making a 10 year period of continuous full-time teaching employment (1961-1971).

The appeal asserted that this ten years of apparent continuous full-time employment essentially as Instructor thereby far exceeded the seven-year promotion and tenure probationary period, and therefore triggered "*de facto* tenure" for the individual. The Senate Advisory Committee for Privilege and Tenure supported the appeal argument, recommending that the individual be granted tenure as an Assistant Professor in the Special Title Series,⁵⁶ to which President Otis Singletary agreed and the Board of Trustees rendered final approval action at its January 1973 meeting.⁵⁷ A second case similar to this occurred for an individual hired (in 1964) as an Instructor, who was moved to a full-time Lecturer position three years later, and finally promoted to Assistant Professor in 1973 (nine years total). The University administration conceded in 1974 that the individual was due for "*de facto*" tenure as an Assistant Professor in the Honors Program,⁵⁸ which was by action of the Board of Trustees finally conferred in 1977.⁵⁹

A common thread in these two cases (and two more early 1970's cases) concerned the interest of the University in complying with a 1940 tenure policy statement of the AAUP, which basically stated that appointment of an individual in a full-time teaching position of Instructor or higher for longer than the probationary period shall result in the award of tenure. In these two cases of faculty whose combined time as full-time Instructor and full-time Lecturer exceeded the probationary period, the conflict was resolved in favor of awarding *de facto* tenure at the Assistant Professor level. By the time the fourth case occurred in 1977, the VP for Academic Affairs **Lewis Cochran** needed to assure an eyebrow-raised President Singletary that it was the last such case that he foresaw coming forward:



"These cases arose from the fact that departments used the Lecturer title in earlier years to carry people on longer terms of employment without facing the tenure issue, but following the interpretive statement of the 1940 statement of the AAUP, this option was no longer possible" and "we will be inclined to consider all full-time teaching assignments to be included in the probationary period regardless of the academic title of the individual."⁶⁰

Status of Lecturer Rank Today

Faculty Employee. The Administrative Regulation entitled “Human Resources Policies and Procedures Manual” is the regulation that defines which University employees are “faculty employees” and which are “staff employees.”⁶¹ Section 4.1.1 of that regulation states that Lecturers are “faculty” employees not “staff” employees. However, having status of “faculty employee” for the employment purposes of health insurance, retirement, academic freedom, etc., does not endow the individual with the faculty status that “professorial” faculty have for the faculty governance purposes of faculty decision-making activities in the University.

Not a Member of the College/Departmental Faculty Decision-making Body. When an individual has for employment purposes a status of a “faculty employee” in a college, it does not make the individual automatically a “member” of “the college faculty” or a “member” of “the department faculty,” where the “college faculty” and the “department faculty” are those bodies of faculty that act as a group to decide by vote on what will be certain academic policies for the college or the department. The automatic “members” of the “college faculty” body (or the “department faculty” body) are the tenured and tenure-track faculty with the professorial rank of Assistant Professor, Associate Professor, or Professor.⁶² Lecturers thus are not automatically “members” of either the “college faculty” body or the “department faculty” body and therefore do not automatically have a status to be casting decision-making votes on matters that are under the jurisdiction of the “college faculty” and the “department faculty.” The tenured and tenure-track faculty with the rank of Assistant Professor or above who constitute the automatic members of the “college faculty” or “department faculty” are authorized to decide on a college by college, department by department basis whether or not to extend “privileges” of “membership” in the body to Lecturers who are employed in their college/department.⁶² In addition, tenured and tenure track faculty who constitute the “college faculty” or “department faculty” body are authorized to extend “voting” privileges to Lecturers, but this is not an “all or none” situation – voting privileges may be extended onto to certain topical areas on which the college/department faculty body votes.⁶²

Codification of Present Lecturer Niche. Once the University decided that Lecturers would not be used for the tenure-track niche that the Special Title Series was instead developed for, the University regulations were progressively modified to distinguish the niche of Lecturers from the niche of the professorial tenure-track faculty. For example, soon after the above 1973 and 1974 cases of Lecturers accruing sufficient probationary period to acquire, upon appeal, *de facto* tenure, the University amended the Administrative Regulations (01/20/75) to alter the provision concerning “transferred to a nonresearch rank with tenure” at the end of a probationary period, to more specific language that did not include Lecturers:

“shall be promoted to associate professor with tenure or shall not have their appointments renewed except in those cases where approval is granted for appointment with tenure in the special title series.”⁶³

The closing reference to special title series had its roots in the number of cases in the late 1960’s and early 1970’s of persons being awarded tenure at the rank of assistant professor in the Special Title Series. The following year, one of the individuals from the College of Commerce who in 1964 had been recommended for, and then accepted, tenure as Lecturer was still in that status, which unfortunately for the University administration provided a live example for other Lecturers to point to of a Lecturer having a tenured status, in contradiction to the above, January 1975 change to the Administrative Regulations. Thus, the Board of Trustees on April 6, 1976 changed his status to that of Assistant Professor in the Special Title Series with⁶² tenure. That Board action ended the last link to the brief era at UK of Lecturer as a faculty title with tenure. (In 1979, the parent language in the Governing Regulations of the original “transfer [] to a nonresearch rank” as a third outcome option of the tenure review was changed to similar language as the immediately above 1975 change to the Administrative Regulations, but the change to the 1979 change to in the Governing Regulations did not include the third option language concerning a special title series option).⁶⁴ In a continuing effort to

cause the title of Lecturer to be as qualitatively distinct from any of the four ranks in the professorial title series as possible, the Administrative Regulation on “Lecturer” was again amended and recodified (as AR II-1.0-1.II.P) in 1983 to remove all reference to “Lecturer” as being a faculty “title.”⁶⁵ In 1998, yet additional distinguishing language was added, that

“Lecturers do not have the same responsibilities and professional obligations of faculty in Regular, Special Title, Extension or Librarian Series,” and

“If a lecturer subsequently is appointed in the Regular, Special Title, Extension or Librarian Series, time spent as a lecturer shall not count toward eligibility for sabbatical leave nor as a part of the individual’s probationary period.”⁶⁶

yielding the language in the Administrative Regulations AR II-1.0-1.II.S that we have today. Also in 1998, at the initiative of the Senate Council and University Senate, a recommendation to amend the Administrative Regulation on Lecturers was sent forward to the University administration, supporting the provision of health benefits to full-time Lecturers. However, the Senate Council was quite concerned that the University administration be clear that the Senate Council’s support for benefits for full-time Lecturers not be mistaken as supporting a proliferation of the non-tenure Lecturer positions at the expense of tenure-track Regular or Special Title positions:

“the Council had agreed ...that Lecturers should be given benefits, but at the same time expressed reservations that Lecturer positions not be proliferated”⁶⁷

When the Senate Council’s recommendation on this point reached the University Senate, a Senator captured this sentiment with the statement from the floor:

“There has been a lot of discussion about this being a top twenty university. He does not feel that at Princeton, Harvard, or any other top twenty university there are going to be a large percentage of lecturers. It is very unfair to the students who are paying tuition to not have the advantage of having instructors with absolutely top level of education. It is an invitation to the administration to cut costs of education.”⁶⁸

At which point the following amendment was by majority vote added to the Senate action item on Lecturers:

the number of lecturers in a department must be based on the written approval of the tenured faculty of that department.”⁶⁸

The University Senate then unanimously adopted the Lecturer action item, including the above amendment.



Creation of new rank of Senior Lecturer. In the fall of 2004, the University Provost **Mike Nietzel** initiated a proposal to create a second, higher rank for Lecturer, that of “Senior Lecturer.” The proposal generated much discussion at three meetings of the Senate Council.^{70, 71, 72} The rationale that the Senate Council received⁷³ described several reasons for the proposal, including that the SACS accreditation review had identified the University has having too many part-time faculty. Hence, the Provost describe his proposal as one in which part-time faculty positions would be combined into full time Lecturer positions, and in order to retain quality Lecturers, some enhancements could include potential promotion to a higher rank that would include a promotion salary bonus, and a potential five year contract as Senior Lecturer. However, there was much skepticism in the Senate Council that this was a slippery slope toward undermining the tenure system. To alleviate those concerns, the Provost agreed to include provisions that the tenured faculty of the unit could by vote place an upper limit on the number (and %) of Lecturers hired into a department. Also, the provision was made that the department faculty would establish the criteria for appointment, retention, promotion and merit evaluation of the Lecturers. Also the provision for a five year contract was eliminated.

The proposal then went to the University Senate, where again there was very strong resistance to the proposal. The Chair of the Department of English attended, and warned the senators as to what happened to that department (i.e., 37% of the full time faculty were Lecturers) – which was shifting the center of gravity of the department away from the tenured/tenure-track faculty and over to the nontenure track faculty (Lecturers). The Chair warned that the English Department was “the canary in the mine” as to what could happen if the University went down that slippery slope. After a much heated discussion, the University Senate narrowly approved the proposal,⁷⁴ which included all the amendments that had been made at the level of the Senate Council. At this writing, the proposal is being prepared for submission to the Board of Trustees, because the creation of a new faculty rank requires Board approval.

SOURCE REFERENCES

¹ October 28, 1963 final policy memo sent to all faculty and academic administrators

² Faculty Council Minutes Oct. 10, 1963

³ Draft of “Criteria of Evaluation for Faculty Appointment, Promotion, and Merit Increases” provided to Faculty Council September 30, 1964

⁴ Faculty Council Minutes Oct. 15, 1963. The full statement of Lecturer philosophy recorded in the Faculty Council minutes is: “...points of discussion and suggested means of resolvment were: “lecturer” was defined as one who is doing a good job teaching but is doing nothing on the creative side, and “senior lecturer” as one who is extremely distinguished in the teaching field over a long period of time but who has never had the time or inclination to perform on the creative side.” In addition, an actual transcript of the discussion at that meeting between President Oswald and the Faculty Council members included the following exchanges:

Oswald: “...I can’t quite see giving him tenure as an assistant professor. The other alternative, of course, if he’s a good teacher and is not on the creative side of the University and the scholarly side, he can well be made a lecturer with tenure. I would hate to see tenure go with an assistant professorship.”

.....
Oswald: “...then you are using the term professor in connection with someone who is really not at all on the creative side. Why not at the end of this period, if the decision is made to keep him, but not promote him, I’d much prefer to see with a title of lecturer or something that denotes he is just a teacher and he is not on the – give him tenure as a lecturer ... I have some reluctance about the term professorship.”

.....
Cochran: “Still a problem. Take the College of Engineering as an example. There are a sizeable number of people there with masters that will not take a further degree on the campus. Under present Governing Regulations they would be considered this year for tenure...”

Oswald: “Really, I don’t really hesitate keeping the with tenure if they are doing a good job teaching. The thing I hesitate is using the assistant professorship.”

Ward: “I think the history and evolution of the University explains a great deal and I think our rank of assistant professor, permanent or semi-permanent, is more or less equivalent to what you are calling lecturer. I mean it has been this way through the years. If you go back 30 or 40 years ago when there was not emphasis on research and writing at all, a person of personal stature, quality, and this sort of thing in the University community went on to full professor.... I could name some in the English Department, say the director of Freshman English who is not a research man, I guess you would call him a creative teacher, but he is not a research man. he is associate professor...”

Oswald: “...Professor implies teaching and research whether it is assistant or associate ...one of three things happens. He is promoted to associate professor, he is changed to a lecturer but with tenure or he ... is out...”

.....
Kuiper: “We have had very few people called lecturer. I think you could count them on the fingers of one hand for the last 30 years.”

.....
Ward: “...I suspect we are at the point where we’ve got to make a start and be where Berkeley was, maybe 20 or 30 years ago, in its definition of ranks, etc.

Oswald: “Actually this lecturer business at Berkeley is not 20 or 30 years ago. It is 10 years ago so it is relatively recent there.

Ward: “Fried of mine at Harvard is a lecturer. He is an eminently distinguished man in many, many ways but he is a lecturer ... I think we are coming to the point where we’ve got to redefine.”

- ⁵ Minutes, Board of Trustees, Oct. 18, 1965
- ⁶ A faculty member from the Anthropology department who had a national research reputation, who was an elected member of the Faculty Council but who agreed to serve as Special Assistant to the President
- ⁷ Spec Asst to Pres Schwartz' first draft to Faculty Council of Lecturer definition 11-05-63
- ⁸ Faculty Council 11-07-63 Minutes of discussion with Pres Spec Asst Schwartz on draft Lecturer definition. The full text in the Faculty Council minutes states: "The Lecturer statement was discussed and it was suggested that the paragraphs under Definition and Types of Appointment be combined and "Lecturer" and "Senior Lecturer" be defined in separate paragraphs; that the statements under Appointment and promotion procedure and Reappointments are repetitive and should be re-edited; and that under Criteria for Appointment and Review the words "that it cannot be done with equal effectiveness by regular faculty members" should be omitted and a period placed after the word "character"."
- ⁹ Spec Asst to Pres Schwartz' second draft to Faculty Council of Lecturer definition 12-04-63
- ¹⁰ Minutes, Faculty Council, Dec. 2, 1963
- ¹¹ Faculty Council Minutes January 20, 1964.
- ¹² Faculty Council Minutes January 27, 1964
- ¹³
- ¹⁴ Feb. 4 letter of President to Dean of Agriculture and Home Economics; February 22, 1964 letter to Dean of Engineering; March 30, 1964 letter to Dean of Commerce
- ¹⁵ Letter from Doug Schwartz to President Oswald March 25, 1964
- ¹⁶ Letter from President Oswald to Dean Clyde Carpenter, College of Commerce March 39, 1964
- ¹⁷ Minutes, Board of Trustees, January 15, 1965
- ¹⁸ President Oswald's copy to Spec Asst Tom Lewis of Univ of Calif 1962 policies on faculty title series.pdf
- ¹⁹ For example, today 40 years later, the University of California, Davis, Academic Personnel Manual on Lecturer and Senior Lecturer (web links: [APM 283](#) and [APM 285](#)) still read nearly verbatim with the 1964 draft definitions submitted to the UK Faculty Council.
- ²⁰ Faculty Council Minutes January 27, 1964
- ²¹ Faculty Council Minutes February 1, 1964
- ²² Faculty Council Minutes March 23, 1964
- ²³ Faculty Council Minutes April 20, 1964
- ²⁴ Faculty Council Minutes April 27, 1964
- ²⁵ Faculty Council Minutes August 25, 1964
- ²⁶ Faculty Council Chair Weaver letter to President Oswald August 5, 1964
- ²⁷ Spec Asst to President ca. Oct 1964 memo to President re draft Associate, Instructor definitions.pdf
- ²⁸ Spec Asst to Pres Lewis' notes preceding draft Lecturer statement of 10-24-64.pdf
- ²⁹ Draft Associate policy definitional statement 10-26-64 by President Oswald
- ³⁰ Spec Asst to Pres Lewis' third draft to Faculty Council of Lecturer definition 10-24-64.pdf
- ³¹ Draft Instructor policy definitional statement 10-26-64 by President Oswald to Faculty Council 11-25-64
- ³² Draft Associate policy definitional statement 10-26-64 by President Oswald to Deans
- ³³ Draft Associate policy definitional statement 10-26-64 by President Oswald to Faculty Council 11-25-64
- ³⁴ Faculty Council Minutes December 3, 1964
- ³⁵ Faculty Council Minutes December 10, 1964
- ³⁶ September 14, 1968 memo from WP William Willard to President Oswald
- ³⁷ December 22, 1964 memo from VP William Willard to President Oswald
- ³⁸ November 5, 1964 memo from Special Assistant to President Tom Lewis to President Oswald
- ³⁹ Letter from Special Assistant Tom Lewis to President Oswald January 12, 1964
- ⁴⁰ Senate Council Minutes April 2, 1965
- ⁴¹ Faculty Council Minutes March 26, 1964
- ⁴² Senate Council Minutes April 9, 1965
- ⁴³ President Oswald's April 15, 1965 memorandum establishing Lecturer Title, Adjunct Title Series and Special Title Series
- ⁴⁴ Current Administrative Regulation concerning definition of "Lecturer." [Page II - Appointments](#)

⁴⁵ Board of Trustees Minutes, May 5, 1970

⁴⁶ Board of Trustees Governing Regulations adopted December 1960

⁴⁷ 1960 Administrative cover memo explaining rationale for the Board not adopting the AAUP tenure policy to the level of Instructors whose time had exceeded the probationary period “We have tried to concede as much as possible in this section to the A.A.U.P. Committee’s request, without putting the Administration in an untenable position.”

⁴⁸ Board of Trustees action at its Sept. 15, 1964 meeting.

⁴⁹ Board of Trustees action at its April 1963 meeting

⁵⁰ Administrative Regulation AR II-1.0-1, Dated March 1, 1972 [First Issuance of AR II-1.0-1 on March 1, 1972](#)

⁵¹ text of court decision posted at <http://www.thisnation.com/library/perry.html>

⁵² 05-06-66 Letter from “Normal H. Binger, Associate Professor of German, Departmental Representative for German” to “Whomever it may concern” attesting that the individual “has been employed full-time since 1961 as an instructor in German in this department.”

⁵³ 04-04-72 Letter from Dean Wimberly Royster to Roger Eichhorn, Chairman, Senate Advisory Committee for Privilege and Tenure

⁵⁴ 05-15-72 “Report of the Chairman”, Roger Eichhorn, to President Otis Singletary

⁵⁵ 02-12-72 Appeal document from the individual to Roger Eichhorn, Chairman, Senate Advisory Committee for Privilege and Tenure

⁵⁶ 05-15-72 “Majority Report” , Senate Advisory Committee for Privilege and Tenure, to President Otis Singletary

⁵⁷ 01-16-73 Board of Trustees Minutes showing “Tenure Granted [name] Assistant Professor, Special Title Series, Language Instruction in German, Department of Germanic Languages and Literatures, College of Arts and Sciences, retroactive to January 1, 1973”

⁵⁸ 11-05-74 Letter from Vice President for Academic Affairs Lewis Cochran “[name] is in fact in excessive probation and eligible for de facto tenure at the rank of Assistant Professor.”

⁵⁹ Board of Trustees Minutes showing “Tenure Granted [name] Assistant Professor, (with tenure), Honors Program, Undergraduate Studies, retroactive 9/1/77

⁶⁰ 09-02-77 letter from Vice President for Academic Affairs Lewis Cochran to President Otis Singletary

⁶¹ <http://www.uky.edu/HR/policies/hrpp004.html>

⁶² GR VII.A.4-6; see [University Organization](#)

⁶³ Amendment to Administrative Regulation AR II-1.0-1.G January 20, 1975

⁶⁴ Board of Trustees Minutes April 6, 1976

⁶⁵ Amendment to Governing Regulations GR X.B.2, 1979 – see today’s GR language [Regulations Affecting Academic Employment](#)

⁶⁶ Administrative Regulation AR II-1.0-1.II.P, dated April 4, 1983

⁶⁷ ARII-1.0-1.II.S [Page II - Appointments](#)

⁶⁸ Senate Council minutes, 04/21/97

⁶⁹ Senate Minutes, 04/12/98 ([April 13, 1998](#))

⁷⁰ 11-01-04 Minutes Senate Council <http://www.uky.edu/USC/New/SCMinutes/SC%20Minutes%20November%201%202004%20FINAL.htm>

⁷¹ [AR Regarding Lecturers](#) for November 1, 2004 Senate Council meeting

⁷¹ 11-15-04 Minutes Senate Council <http://www.uky.edu/USC/New/SCMinutes/SC%20Minutes%20Nov%2015-FINAL.htm>

⁷² [Proposed AR changes regarding Lecturers](#) for November 15, 2004 Senate Council meeting

⁷² 01-20-05 Minutes Senate Council www.uky.edu/USC/New/SCMinutes/SC%20Minutes%20Jan%2024%202005%20FINAL.htm

⁷³ [Proposed changes to the AR regarding Lecturers](#) for January 24, 2005 Senate Council meeting

⁷⁴ 03-07-05 Minutes University Senate [Proposed Changes to AR regarding Lecturers](#)

⁷³ [Provost's Rationale](#)

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I. The Mandate for the New President in 1963: A Nationally Ranked University in Research

In July 1963, the Board of Trustees appointed **John Oswald** as President of the University of Kentucky,¹ with a mandate to increase the national stature of UK, especially in research. However, the University had not previously directly connected promotion, tenure or salary increase of faculty to any required performance of research.² Thus, to make such a connection for the first time would be a major change in the academic culture of the University - a culture which would not be easily changed, having become comfortable in its inertia. President Oswald approached this situation by carefully first obtaining the support of the Faculty Council (the elected representative body of the faculty who would be directly affected) and then taking that faculty support with him to the Board of Trustees (his employer) before proceeding to issue new policies that would put research activity at the center of expected faculty activities.



The President drafted a University-wide policy in which

“Four areas of activity are important in the evaluation of faculty for appointment, promotion and merit increase:

1. teaching
2. research and other creative activity
3. professional status and activity
4. University and public service

..... 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.”³

II. The President Seeks the Concurrence of the Elected University Faculty (= Senate) Council – Fall 1963

The President obtained the Faculty Council “buy-in” through the following approach. In his discussions with the Faculty Council in October 1963, either directly⁴ or through his Special Assistant⁵ (Dr. Doug Schwartz), the President described that policy-making responsibility and accountability would be newly placed with the University faculty. Academically, the departmental faculties would of necessity be the creative engine *responsible* for their departmental program initiatives in both research and teaching.⁶ However, along with that responsibility would come the *accountability*. Thus, a “carrot” would be that the responsibility for identifying the national-reputation-building research areas for their departmental programmatic initiatives would be placed in the hands of the respective department faculty (rather than being administrative decisions). This approach made sense in terms of President Oswald’s mandate to increase the University’s national posture in research, on the premise that it is the faculty in each discipline that are most qualified within the University to identify those areas of their discipline that are, on their academic merits, “cutting edge” areas.

However, along with programmatic policy-making responsibility of the department faculties would also come the corresponding accountability for that responsibility: their promotion, tenure and salary increase would be evaluated in relation to the success of the research activity.³ The President further secured faculty “buy-in” with the carrot of another new policy, in which for the first time the department chairperson would be procedurally obligated to obtain and transmit the opinions of the department faculty on promotion and tenure cases originating from their department.⁷ That is, it would not be solely administrators applying these new criteria (that included research-related criteria) to individual personnel cases, but the faculty of the department would have their “hands on” the application of these criteria to their peers as well. As yet a further carrot, the President Oswald proposed that faculty “Area Committees” (i.e., that were to be committees of the Faculty Council⁸) would be newly created above the level of the deans, that would again oversee the proper application of these promotion and tenure criteria to the individual cases being recommended up from the colleges.⁹ With these procedural “carrots,” the President secured the support of the Faculty Council prior to then taking all the policy proposals to the Board for approval. As described by the Minutes of the Faculty Council,

“In summing up, the President stated he would digest for the Trustees at their meeting Friday the sum result of this meeting with the Council as it pertains to common [evaluation] criteria...”¹⁰

At that (October 1963) meeting of the Board’s Executive Committee, the President requested, and the Board’s Executive Committee approved, President Oswald’s proposal for

“the establishment and application of uniform evaluation criteria for appointments and promotions in the academic ranks ...for judging faculty achievement... [by way of a]... statement of uniform criteria to serve as a basis for the appointment and promotion of faculty members of all colleges.¹¹ ... In other words, I am in the process of developing some uniform criteria for evaluating teaching, evaluating research productivity and public service ... I think its very important that for example, if we are going to use the term “associate professor” that associate professor in the University means that this man is involved in creative work and research as well as teaching, regardless of which college he is in. In other words, I think its important that if you are going to bring a man in as associate professor that we know that whenever this term associate professor is used in the University that it means that the same criteria is used in judgment. In other words, there should not be departments in which the term associate professor is used when the man is doing no creative work, say, he is only doing teaching.”^{12,13}

However, in response to a question from the Chairman of the Board (the Governor), President Oswald created a nuanced recognition that there may exceptional situations, the rarest of exceptions, when he responded:

Now these systems must be flexible, in other words, ... *we certainly would not want to get ourselves into a position with procedures that are so standardized that we are not flexible enough to get a good man when we saw him.* On the other hand, we want to be sure that we are not bringing in faculty who really would not be a part of the creative and scholarship effort in the University.¹²

By cover memorandum of Oct. 28, 1963, addressed to the entire University faculty, President Oswald then described the promulgation of these “*criteria for evaluation of faculty appointments, promotions and merit increases,*” and described that he had “*discussed this with the Trustees and have received authority to proceed.*”¹⁴

III. Immediate Crisis in the Implementation of the Research Mandate

At the outset of President Oswald’s initial discussions with the Faculty Council in October 1963 on the four areas of activity, including research, that would be the basis for evaluating faculty performance, it immediately became clear that there were problems in how the criteria would be applied to certain areas of faculty

assignment that did not up till that time include significant research activity. What about Professors with heavy teaching loads – what were their salary prospects? What about tenured Associate Professors who are excellent teachers, but with no research activity – what were their prospects for future promotion? What about untenured Assistant Professors who are excellent teachers, but with no research activity – what were their prospects for future tenure? How should Academic Area Committees evaluate proposals for promotion or tenure for the above cases? As Special Assistant **Doug Schwartz** reported in a memo to the President in early October 1963,



“Non-Research Professors. A question was raised on what to do with the non-research professor of the type found in medicine, for example... These positions are difficult to fill and, if given some other title, would be impossible to fill.”¹⁵

President Oswald was initially quite skeptical of such philosophy, hand-written note on that correspondence: “*I doubt this.*”

However, in direct discussions of the Faculty Council with the President, the Council (while strongly supporting that the proposed new criteria would apply to the vast majority of University faculty) did persuade President Oswald that there may be exceptional circumstances in which the University would be best served by awarding tenure to an individual despite that individual’s lack of research excellence.⁴ For such situations, President Oswald in October 1963 explained that the Area Committees could consider situations of assistant professors where the individual is recommended to “remain an assistant professor with tenure on account of teaching prowess and promise” or that the individual be “changed to a **lecturer** with tenure.” He clarified that “the term “**lecturer**” was defined as one who is doing a good job teaching,” and that the tenured lecturer could later become promoted to the higher tenured rank of “**Senior Lecturer.**”⁴

IV. Solution to the Titles Problem: Multiple Titles, Parenthetical Title, NonResearch Title or None of These?

By the turn of 1964 though, additional discussion in the Faculty Council made it evident that the title “**Lecturer**” would not be a satisfactory University-wide alternative title to “Professor” in the cases of exceptional circumstance that were envisioned. In a February 1964 Faculty Council meeting

“**Dr. [Ed] Pelligrino [Faculty Council Vice Chair** and the Chairman of the Department of Medicine, College of Medicine] presented problems that would be created by the proposed lecturer and associate ranks in the **College of Medicine** for people in the **clinical area** whose responsibilities did not fit the teaching-research concept of the professorial series.... this led to the point that there were other areas such as **Agriculture** where the problems of **specialized activities** suggested that perhaps other series of ranks might be needed that would more appropriately define the functions of individuals than the proposed lecturer and associate ranks.”¹⁶ (underlining added here)



The Faculty (Senate) Council Chair determined that “all colleges where problems of **specialized activities** suggested other series of ranks than the proposed **lecturer** and associate ranks should be consulted” Faculty



“Dr. **[Ralph] Weaver** [Faculty Council Chair] was requested, through personal interview, to ask each of the deans to submit recommendations for faculty titles in those areas where the criteria for regular professorial ranks would not be appropriate for retention and promotion, emphasizing that the Council would insist on these [Oswald 1963] criteria for the regular professorial ranks.”¹⁶ (underlining in original)

Unfortunately, over the course of the next month of Faculty Council meetings,

“The Chairman reported that the Council could not proceed on the matter of defining **special** ranks to meet the needs of particular colleges until all recommendations were in from the applicable college deans. In this connection, he reported that he had received a letter from the Dean of the College of Commerce which he read to the Council.”¹⁷“The Chairman reported receipt of a negative reply from the Art Department toward **special** academic ranks and Dr. Pellegrino reported negatively for the College of Medicine. The Chairman commented on the lack of progress being made in this area.”¹⁸

Dean William A. Seay
Agricultural Experiment Station

February 4, 1964

Dear Dean Seay:

The Area Academic Personnel Committee for the Biological and Medical Sciences has reviewed the recommendation and background materials relative to granting tenure to [redacted] and have recommended that this be done.

I concur in the recommendation that she be granted tenure but I question whether or not the title of Assistant Professor should be retained. Although [redacted] is doing work which is of real value, it is not at the level usually associated with professorial rank at the University. Therefore, I would appreciate your comments on the possibility of changing to a more appropriate title, such as Lecturer, carrying tenure.

Sincerely yours,
John W. Oswald

Meanwhile, by late January 1964, the newly created Area Committees were beginning to receive and assess dossiers for cases proposing promotion and tenure, including for cases in which the individual did not have significant research assignment or evidence of research excellence. In the absence of having yet identified alternative professorial titles for those rare situations in which tenure still appeared warranted, the President’s ‘default’ plan of utilizing the title “Lecturer” with tenure was employed. During the spring of 1964, there were three occasions in which the candidate was offered the choice of either Lecturer with tenure (exampled at left), or to receive an untenured reappointment and reconsideration the following year. Over the next year, there were two actual cases in which the untenured assistant professor accepted the offer of “promotion” to tenured **Lecturer**.

However, neither President Oswald nor the faculty on the Area Committees were satisfied that such outcomes were the best long term solution, especially because in a number of disciplines “**Lecturer**” as opposed to a professorial title was not recognized in the given field, and the imposition of a “**Lecturer**” title was vigorously opposed by that discipline’s faculty. The Biological and Medical Sciences Area Committee summarized its opinion on the “titles problem” to President Oswald in late February 1964,

“Because nursing education is very largely undergraduate and vocational in character, there appears to be little possibility that professorial titles in this College will ever be equivalent to those in most of the other colleges of the University. The Committee would be more comfortable about this decision and about prospective promotions in the College of Nursing if titles other than those used in other academic areas could be found.” With respect to a position related to duties in **Pharmacy Central Supply** of the Hospital, “Although training in this area is of great importance, it is largely vocational in character. A resolution of this problem might be found in the use of different titles as has been suggested for the College of Nursing... it may take some time to develop a permanent solution for faculty members in this category.”¹⁸



The Medical Center Vice President (and then also Dean of the College of Medicine) **William Willard**, was especially strident in his opposition to the notion that there be a second system of titles for those faculty who by their University assignment (such as in the Medical Center) were not performing significant levels of research. As he wrote to President Oswald in early fall 1964

“Academic titles for “non-research” faculty. Although I have real reservations about a dual system of titles, I am willing to establish such a system, one series for the full-time faculty who have research attainments, and another for full-time faculty who are not accomplished in

research but are important for other reasons. I can accept this dichotomy only with the understanding that the “non-research” faculty would have all the prerogatives of other full-time faculty such as membership on the Faculty Council, committees, eligibility for membership at Spindletop Hall and any other fringes benefits and not become second-class faculty citizens. (Personally, I don’t think it will be possible to avoid a second-class stigma, but I may be wrong. I’m will to give it a trial anyway.) Also I would need assurance that all colleges in the University will have a dual title system so that all colleges will be on a uniform basis.”¹⁹

The College of Agriculture Dean **William Seay**, with the specialized non-research niche of its extension faculty, had similar concerns that appropriate professorial titles would be utilized for the extension faculty.^{20, 21}



During the fall of 1964, the various colleges, especially Medicine, Dentistry and Agriculture, iterated with President Oswald and his Special Assistant, **Tom Lewis**, toward identifying a satisfactory resolution to the “titles” problem. By December 9, the College of Medicine was supporting a system (that VP Willard was told by Howard Bost would be prepared by Special Assistant to the President Tom Lewis as “*a version which he will regard as a final draft for the President’s use in submission to the Faculty Council*”) in which

“The various parenthetical series following the titles [e.g., Associate Professor (Clinical)] would be used only in University records and with respect to appointment and merit reviews. In usage of the title for other purposes the parenthetical series designation would be dropped, including usage in the University catalog, in publications, in curriculum vitae.”²²

The Faculty Council Chair had at that moment in December 1964 also

“received a letter from [an Area Committee Chair] urging early finalization. Council members also emphasized the need for early resolvment”²³

A week later, the Dean Seay and Special Assistant Tom Lewis again corresponded on a different strategy for the College of Agriculture of a larger series of different titles and ranks for extension-related personnel.²⁴ The following week, VP Willard instead reiterated Dec. 22 directly to President Oswald his support on behalf of the Colleges of Medicine and Dentistry, for the “*parenthetical modifier*” solution, emphasizing that the parenthetical modifier would be dropped for public purposes such as the University catalog, publications and curriculum vitae.²⁵ (Also remember that yet another solution involving yet other titles, of “Lecturer (with tenure)”, was already being employed by the College of Commerce, with two individuals to receive that status at the imminent January 1965 Board of Trustees meeting). The following day, the Faculty Council met again, to receive a report from Faculty Trustee Lewis Cochran, that on the status of ranks and titles, Executive Vice President Albright had been generally favorable but Graduate School Dean A.B. Kirwan negative, but it is not clear from the record what proposal was before them that they were divided over.²⁶

The Faculty Council then had a dinner with President Oswald after the turn of the year on January 4,²⁶ at which President Oswald discussed his contemplation of potential rare situations of “*the desire to keep and promote an outstanding teacher, perhaps in history or literature, simply because of his value and fame as a teacher.*”²⁷ The Faculty Council at its next meeting three days later “*discussed ranks and titles but took no action.*”²⁸ However, during these discussions the Faculty Council was reaching a consensus that it did not want a University solution of each of the colleges having its own and different system of ranks and titles for its faculty, rather it wanted a University-wide system centered in the same professorial titles and ranks of assistant professor, associate professor and professor.²⁹

Hence, five more days later in mid-January 1965, Special Assistant Tom Lewis penned a redrafted proposal to President Oswald that constituted a major philosophical shift, yet another “*alternative solution to the title problem.*”²⁹ Lewis was attempting to resolve the conflicting forces of

(1) Oswald’s insistence (likely emphasized at the dinner the week before with the Faculty Council) on maintaining the integrity of his now-released policy that (for all but the rarest exception, such as an outstanding teacher situation) acquisition of tenure with the title “associate professor” required attaining the criteria for excellence on both teaching and research

(2) Willard’s insistence that there be no publicly visible (stigma) designation associated with the title of persons who were granted a professorial title with tenure, but who did not have a record of excellence in research

(3) versus the widespread faculty rejection in most colleges of “Lecturer” as such an alternative tenure track title

(4) the Dean of Agriculture’s solution of a large number of different academic titles for the various possible specialized niches

(5) the solution used by the College of Commerce of conferring tenure to Lecturers.

Lewis devised the idea of a single, University-wide “Non-Research Series”, where the single parenthetical descriptor (“Non-Research”) would be dropped for all public purposes and be used only in records of internal personnel processes.³⁰

“As I understand the problem, the need for a separate series of titles for non-research personnel stems from the desirability of identifying non-research positions and of maintaining the purity of criteria for the main series which involves a commitment to research.” (underlining in original)...If creativity, for example, is an equivalent of research for title purposes, the nature of creativity must be carefully defined lest too many or too few persons acquire the professorial title. Unfortunately, the concept of creativity is not easily captured in words ...” As to one suggestion to “call everyone the same thing and apply criteria as appropriate to the real function performed by the individual ... I think you are convinced [this] won’t work administratively... Since the crux of the matter seems to be a fear of using a second-class title and the thrust of [a different suggestion] is to create usages by which all would be called “Professor”, a solution which satisfies people on this score should be acceptable. Use of the parenthetical modifier is such a solution ... it would work in this way:”

Instructor
Assistant Professor
Associate Professor (NR Series)(“the position would have to be justified”)
Professor (NR Series)

“The parenthetical modifier would serve all the purposes ... as far as identification of position is concerned”... “Associate Professor (NR) would be equivalent to the rank of “lecturer” as distinguished from Associate Lecturer or Senior Lecturer” [where at that time in the President’s thinking, tenure could be attached to Lecturer and Senior Lecturer]

The President approved this alternative for presentation at his immediately upcoming meeting with the college deans. For that meeting, Special Assistant Tom Lewis then prepared a formalized policy draft,³¹ reprinted in part below:

“Draft “NON-RESEARCH SERIES” APPOINTMENTS”

“The phrase [Non-Research Series] shall appear as a modifier of the primary title in all official University records (excluding the University catalogue) and in official communications concerning merit review....

“The Non-Research Series is in no sense intended to serve, nor shall it be used to serve as a refuge for non-promotable Assistant Professors; rather it is a title series which recognizes the needs of a few departments for **specialized teaching** and the value in certain limited circumstances of retaining an individual because of his exceptional ability as a teacher....

“Non-Research Series should be recommended only where one of the two following conditions is fully satisfied:

- 1) Teaching capability of truly exceptional quality, justifying the creation of a permanent position which carries no research responsibilities.
- 2) Teaching needs so **specialized in character** that they cannot be met with equal effectiveness by faculty members in the regular professorial ranks or by strictly temporary appointees....

“The criteria established for the evaluation of persons in the regular professorial ranks, except those related to the function of research, are appropriate for persons in the N-R Series ...”

“This appointment does not imply the responsibility of engaging in research; however, if the appointee desires to do so, and the department in which he serves considers him competent for such work, it may provide him with the appropriate facilities...”



The President asked the Deans for their written comments back (through Tom Lewis) on this draft proposal handed out at his meeting with the deans. Some such as Nursing Dean **Marcia Dake** over last two weeks of January quickly provided the proposal to their college faculty. The College of Nursing Faculty Council acted and Dean Dake reported back

“The proposed use of the parenthetical modifier of “Non-Research Series” ...has the endorsement of the Faculty Council of the College of Nursing”...”The non-research series is interpreted to differentiate from the regular academic ranks primarily, if not exclusively, in the area of research. Should not “service” be defined as a responsibility for the “non-research series”?³²



Graduate School Dean **A. B. Kirwan** importantly offered:

“I would suggest that instead of using the negative suffix “non-research” ... that we use some positive suffix....”³³

While the Acting Dean of the College of Commerce, **Robert Rudd** noted to Tom Lewis that an important philosophical premise for the new title series remained to be determined

“after hearing the presentation by the President I am not certain ... whether or not in terms of encumbent (sic) employees the case is going to be considered in terms of the merits of the individual for appointment to a non-research series currently or whether he case is going to be considered primarily on the merits of the needs for a slot in order to accomplish the teaching mission... a substantial difference in the number of non-research slots [] would be created depending on which of these two choices is elected.”³⁴

V. A Solution to “Titles Problem”: a “Special Title Series” – Delimiting Parameters

At its February 12, 1965 meeting, the Faculty Council then assessed the matter, making a number of very substantive and even philosophical changes prior to its final ‘buy in’ for an alternative to the Regular Title Series. The Faculty Council developed a solution defined by the following parameters³⁵

First, the title series would be renamed as the “Special Title Series,” to place the emphasis on that each position to be created in this title series was a need for a “specialized” nonresearch activity.

Second, the new series would only be used for positions in which the very nature of the teaching or service activity was so different from that performed by persons in the Regular Title Series that the criteria used to evaluate teaching and service of Regular Title Series faculty were inappropriate to use to evaluate persons in this alternative title series. Very important for the future understanding of this premise of this title series was the stipulation of intent that:

“[The October 1963 Regular Title Series criteria³] appear to be satisfactory for the great majority of positions. There are, however, a few areas **where research and creative work, in the usually accepted sense, do not constitute a significant part of a staff member’s activity** ... the University has established programs in some of these areas and has the need for professionally competent people to meet the teaching and public service responsibilities required by these programs. To meet **these** responsibilities effectively and to maintain a competitive position in the manpower market, it is proposed that a “Special Title” professorial series be established...

This parameter is so fundamental to the circumscription of the Special Title Series that the Faculty Council made the specific amendment to the policy language of:

“Therefore, the appointment or promotion of an individual to the Special Title Series should be recommended only where teaching or other needs are **so specialized in character** that they can be met with greater effectiveness by faculty members in the special series... (underlining added here)

That is, the condition that justifies establishment of the position is not a ‘special (=urgent) need’ of the teaching (or service) program for numerically more teaching (or service) hands, but rather it is the specialized character of the teaching or service activities. The individual has a “Special” title (rather than a “Regular” title) on account of the “specialized” character of the non-research assignment.

Third, the Faculty Council expanded the kind of specialized activity that might be involved to include not just a specialized “teaching” activity, but also a specialized “public service” activity (thus satisfying the advocacy by VP Willard for the clinical patient care activities of the clinical faculty and the advocacy of Dean Seay for the extension activities of faculty whose positions were funded through the Cooperative Extension Service).

Fourth, consequent to each of the above, the Faculty Council rejected the provision in the “Non-Research Series” draft that a department could discretionarily provide research opportunities/facilities to the individual appointed in this series. The Faculty Council also modified a corresponding provision from the “Non-Research Series” draft to make it clear that

“Appointment to a Special Title position **will not** normally imply a specific responsibility to engage in **research**...[in contrast to] persons in the regular professorial ranks, of whom research and publication is a specific requirement”⁵⁸

Fifth, to further reflect that the Special Title Series is solely for ‘specialized in character’ duties, the Faculty Council deleted entirely from the “Non-Research Series” draft the other, second condition under which

appointment could be made to the series (i.e., the merit of the individual’s exceptional teaching skills is not to be a basis to establish a Special Title Series position).

Sixth, to yet further reflect that Special Title Series positions are not to be conceptualized as merely “Regular Title Series duties minus the research”, but is solely for specialized activities, the Faculty Council deleted the concept in the “Non-Research Series” draft that evaluation toward promotion and tenure would be on the basis of “[t]he criteria established for the evaluation of persons in the regular professorial ranks, except those related to the function of research,” and replaced it with the concept that on a position-by-position (i.e., specialized assignment-by-specialized assignment) basis, evaluation would be by “*criteria appropriate to and approved for [the] special position.*” Further reflecting that the criteria established for evaluating the teaching and service assignments of a Regular Title Series nature (already approved by the Faculty Council) would not be applicable to these specialized in character assignments, the criteria for appointment and promotion to these positions would have to be reviewed by a faculty Area Committee prior to consideration of any individual for the position.

Seventh, the titles of persons appointed in this series of ranks would be “Special” and recognizable from the titles of person in the Regular Title Series - not by the parenthetical method proposed for the “Non-Research Series,” but by incorporation of a special, appropriate descriptor into the professorial title of the individual appointed to the position. The implementation would follow these examples:

<u>Rank</u>	<u>Title</u>	<u>Title Series</u>
Assistant Professor	Assistant Professor of Medicine	Regular Title Series
Assistant Professor	Assistant Professor of Music	Regular Title Series
Assistant Professor	Assistant Professor of English	Regular Title Series
Assistant Professor	Assistant Professor of Clinical Medicine	Special Title Series
Assistant Professor	Assistant Professor of Applied Music	Special Title Series
Assistant Professor (or Associate Professor) (or Professor)	Assistant Professor of Freshman Rhetoric	Special Title Series

Each of these seven specific policy modifications made to create the Special Title Series proposal became the final adopted University policy (see below), and each are still the codified policy language in force in the University of Kentucky in 2005. Each of these seven policy modifications was specifically designed to distinguish the policy of the Special Title Series from the provisions proposed the month earlier for a “Non-Research Series.” (As will be seen below, many of the problems that have since arisen in the exercise of the Special Title Series policy are due to failure to understand, or apparently premeditated attempts to circumvent, these specific restrictions that were placed into the Special Title Series policy by the (elected) Faculty Council, and to which the University Senate concurred).

Finally, the Faculty Council proposed to President Oswald a managerial approach to implementation of the new policy, by way of a draft Request Form that would be used by the initiating departments in requesting and justifying to the President of a Special Title Series position for the department.³⁶ The President in principle adopted that such a form would be managerially used in the implementation, but the President added a specific further informational item to be filled out on the form:

“Reasons why research or creative effort is inappropriate or should not be expected in this position”³⁷

VI. Reaction of the University to the Faculty Council's Special Title Series Proposal

The above "Special Title Series" solution to the "titles problem" concerning non-research faculty was not the "Non-Research Series" solution proposed in January by the President (through Tom Lewis), nor was it the "parenthetical modifier" solution so fervently advocated by VP William Willard (because the title did publicly identify and distinguish the Special Title Series faculty from the Regular Title Series faculty). Thus, Tom Lewis closely counseled President Oswald:

"The advantages of a Council solution in this sensitive area would be many. I would make it clear that it is a Faculty Council proposal, not simply a Council concurrence in your proposal."²⁷

The President heeded that advice, and in early March 1965 provided the Faculty Council's Special Title Series policy proposal to his administrative Council of Academic Deans [a close comparison of the version adopted by the Faculty Council with the version submitted to the Council of Deans shows some editorial adjustment, such as changing the phrase "*nor shall it be used to serve as a refuge*" to "*not intended to serve as a means for appointing or promoting*"].³⁸

To: Council of Academic Deans and Vice Presidents

From: John W. Oswald

Enclosed are draft copies for discussion of two academic title series: 1) Special Title Professorial Appointments, and 2) Professor (Adjunct Series). As you will recall, at the last meeting we discussed the possibility of establishing a non-research, professorial series. It was the unanimous judgment of the Faculty Council that it would be better to handle this problem by the establishment of the Special Title series.

The President asked the Faculty Council not to bring the Special Title Series proposal to the March 1965 Senate meeting, but to wait until after the President had discussed it with the deans, and then the President would have further discussion with the Faculty Council.³⁹ The President then scheduled a March 23 breakfast to discuss "ranks and titles" with the Faculty Council.⁴⁰ On March 26 the Faculty Council Chair "*reported that the Special Title Series had been returned without change and the Secretary was directed to circulate the ... Special Title Series to the University Faculty so that [this] series might be considered at the April University Faculty meeting.*"⁴¹ The Faculty Council did not appear hesitant to publicly take credit/blame as the originator of the Special Title Series, because in its cover memo of distribution of this agenda item to the members of the University Senate, the Faculty Council described

"President Oswald requested the Faculty Council to recommend to him another series [for these certain kinds of duties and services] ... After considering other possible solutions, the Council has finally submitted the attached Special Title" series.⁴²

The President attended the April 12 University Senate meeting, at which the Special Title Series proposal was discussed, and apparently saw that the faculty senators did not raise any serious objections.⁴³ The President however did not immediately move the Special Title Series further toward promulgation, until some ongoing parallel discussions were completed by he and the Senate Council of other still-on-the-table proposals for the four rank "Lecturer" Series and the parenthetical "Clinical Professor Series" of ranks. After several discussions within the Senate Council, and between the Senate Council and the President,^{41,44,45} the four rank, tenureable "Lecturer" proposal was dropped in favor of a single rank, nontenure "Lecturer,"⁴⁵ the function of which was to be contracted, part-time teaching duties. Also, the "Clinical Professor Series"⁴⁵ series of ranks was in concept also reduced to a potential single rank ("Clinical Professor"), but even this proposal did not survive and VP Willard's strong desire for a stand-alone Clinical Professor title (series) was altogether disapproved at a final breakfast meeting with the President.⁴⁵ Hence, nine days later, the President published to Deans and Department Chairmen a memorandum that promulgated as University-wide policies the Special Title Series and the single rank/title of "Lecturer."⁴⁶

The final Special Title Series policy promulgated by the April 28, 1965 memorandum of President Oswald reiterated that for the Regular Title Series professorial ranks

“Research and creative effort are among the criteria. It was recognized that some departments have **specialized teaching** needs not accurately reflected in the criteria established for the professorial ranks, and that a limited number of special titles or positions would have to be created to provide for these needs...I invite your attention to the language in the enclosure emphasizing that this special title series is a limited one...”⁴⁷ (underlining added here)

VII. College Deans Submit Proposals for Special Title Series Positions Under the New STS Policy

During the summer of 1965, a number of college deans submitted proposals for Special Title Series positions, each testing the meaning and reach of the new policy, from the perspective of their own particular agenda. Clearly the most confrontational with the President was VP William Willard, who expressed great frustration with the policy, which he interpreted as embodying a great lack of appreciation or understanding by President Oswald for the patient care activities of the clinical faculty. A separate accounting of the how the sparring between a determined President Oswald, and a just as determined VP Willard, yielded the Medical Center Clinical Special Title Series is presented elsewhere (see: **Clinical Faculty Titles and Ranks in the UK Medical Center Part I - The First Decade**).

Several deans though did make the similar mistakes of proposing Special Title Series positions that either (1) had teaching/service duties that were not specialized in character, or (2) were merely Regular Title Series duties with the research component missing, or (3) contained a significant research component to the Special Title Series assignment. In each case, Executive Vice President Albright disapproved the request and explained how the request was in contradiction to the Special Title Series policy.

College of Nursing Special Title Series Proposals. In an example involving a proposal from Dean Dake (College of Nursing) both the Area Committee and President Oswald disapproved a proposal for a Special Title Series position, expressly because the Dean had included in the proposal that the hired individual would be responsible to perform research that resulted in research publications. It was necessary that the Dean finally

“revised the proposed definition of “Associate Professor of Clinical Nursing” and “Professor of Clinical Nursing” to eliminate the implications of research achievements, **therefore distinguishing these positions from regular faculty titles.**”⁴⁸

However, VP Albright again had to disapprove the subsequently revised proposal, because the described teaching and service duties were not specialized in character, but merely the same kind of teaching and service activities as would be done by Regular Title Series. He explained to the Area Committee (which itself was mistaken on this point):

“The establishment of a Special Title Series for a position implies that special functions are to be performed [that] cannot be appraised adequately by the criteria applicable in the regular academic series. Hence, specifically differentiating criteria are necessary for an objective evaluation in a Special Title Series. The [Area] Committee’s report seems to say that the criteria, with the exception of the one on “creative productivity”, for evaluation in the regular academic series should prevail in the Special Title Series for Nursing. If this is the case, then the establishment of a Special Title Series has little, if any, justification.”⁴⁹



School of Home Economics Special Title Series Proposals. In a case involving the first Special Title Series proposals from the School of Home Economics, a proposal from Dean **Jean Brannan** for a Professor of Home Economics in Business (1970) was initially disapproved by the now-oriented Area Committee, because of the Area Committee found errors of both lack of specialized function and the inclusion of a significant research assignment:

“1. The teaching activities described do not appear to be unlike other teaching functions in the University.
2. The indicated criteria which emphasizes innovation and developing new knowledge relevant to the field would appear to us to suggest the need for research. Consequently, the publication criteria listed for the rank of Professor should apply equally to the rank of Associate Professor rank.
....The general view of the Committee regarding this proposal was that the assignment described is such that the regular academic series would be appropriate in this case.”⁵⁰



College of Engineering Special Title Series Proposals. In an example from the College of Engineering, Dean **Robert Shaver** requested a Special Title Series positions in Applied Metallurgy (Feb. 1966), but the request as framed was disapproved by Executive Vice President Albright, because

“the teaching, public administration and service, and design and operation of metallurgical equipment are normal expectations of persons holding rank in the regular series.”⁵¹



College of Education Special Title Series Proposals. Executive Vice President Albright agreed that in the areas of clinical speech and audiology, special education, and student teaching, that teaching duties of a specialized nature were involved. However, the proposal for Special Title Series positions in these areas was disapproved for lack of appointment and promotion criteria that were correspondingly specialized for evaluation of the specialized duties. Albright explained to Dean **Lyman Ginger**:

...specific differentiating criteria are necessary for an objective evaluation in the Special Title Series. A criterion, for example, that simply states “demonstrated professional competence in the field” provides little guidance for an Area Committee to use as a basis for appraisal.... the criteria should provide more adequate guidance to what constitutes “demonstrated competence” ... examples of “national recognition” and “extraordinary service” would be helpful.”⁵²

College of Dentistry Special Title Series Proposals. Dean of Dentistry **Alvin Morris**, whose college contained clinical programs with clinical faculty, was of a philosophical bend similar to VP Willard, and was at odds with President Oswald over whether the Special Title Series policy, in which positions were designated as Special Title, could or could not meet the needs of his clinical college. As Dean Morris wrote to President Oswald



“While “the two-title system” will serve an important function in the University, I feel the need for a somewhat broader interpretation of its application than is provided in your memorandum of April 28, 1965...Perhaps my key point is that I feel a “non-research” designation should be applied primarily to individuals rather than to positions. [to which Oswald in the margins wrote “No.” Dean Morris’ letter aptly continued] “ I recognize that this is contrary to the intent of your memorandum.”⁵³

Area Committee Advises Oswald on Tensions in Navigating Special Title Series Policy. The above examples show that the tension that rapidly developed between the college deans’ desire for “managerial flexibility” in utilizing tenure-track faculty in very different assignments versus President Oswald’s enforcement of his philosophical determination that national research status will be gained by UK only through tough adherence to the policy that all faculty (with the rarest of specialized exceptions) must be assigned with expectations of excellence in both teaching and research. In addition, the Area Committees that were applying that policy in developing recommendations on faculty promotion and tenure also developed experience that prompted urgent comment to the President. In particular, such comment came from the Biological and Medical Sciences Area Committee that made recommendations on both nonclinical and clinical faculty:

“The Committee has consistently interpreted this [October 1963 policy] statement in such a way that it would be extremely difficult if not completely impossible for any faculty member to

be recommended for promotion to the rank of Professor in the regular series in our area unless he had published original research. A significant, though decreasing, number of faculty members by virtue of their assignments in teaching and service, have very little opportunity to conduct original research...Special titles in the special title series are considered second class and though additional special titles may appear to offer a solution, the Committee feels that retention of top individuals in teaching and essential service roles may be difficult. The Area Committee, therefore, would be inclined to expect a trend toward somewhat greater flexibility in the regular title series and fewer special titles.”⁵⁴



College of Medicine Special Title Series Proposals. The tension between VP Willard and President Oswald on what constituted a Regular Title Series Faculty Member came to a boil in June 1966, with **Executive VP A. D. Albright's** decision to agree with the Biological and Medical Area Committee's recommendation deny VP Willard's recommendation to promote two faculty in the Regular Title Series, and instead to:

“to promote in the **clinical series** ...to the rank of Associate Professor of **Clinical** Medicine and ... to the rank of Associate Professor of **Clinical** Pathology.”⁵⁵

This outcome infuriated VP Willard, who wrote to President Oswald:

“These decisions are not acceptable [and] bring into sharp focus the need to modify either our criteria or our procedures for handling clinical faculty”⁵⁶

“It is not possible for most clinical faculty members to be equally proficient in all the criteria listed for evaluation...There are some faculty who are most valuable to the institution who engage in virtually no research...The essential point is that all factors must be given recognition, that promotion should and must be based upon suitable performance judged by any one or combination of criteria, that adequate research cannot be an essential criteria for every faculty member in order to merit promotion.”

“The effect is to say that those with regular titles are “regular” faculty; the others are second class and not really up to University standards. This may be all right in Arts and Sciences, but it is not all right for ... the Medical Center”

“The faculty member's performance should be **evaluated against the assignment** which he is given to do ... This approach would require that letters from department chairmen and deans provide, in effect, **a job description**. Supporting letters should be relevant to the job description.”

“Some **modification in** the wording of the policy statement governing appointment and promotion and **the criteria for evaluation** would be needed for guidance of deans, department chairmen and the area committees.”

“The creation of a **new area committee** ... should be considered. This committee would review Medical Center clinical faculty.”^{57,58}

Subsequently, VP Willard began a sustained and determined effort over the next four years to, frankly, undercut or circumvent the University-level Special Title Series policy *as it had been promulgated by President Oswald*. VP Willard's efforts in this regard culminated in an agreement in January 1970 by the relatively new (and the present authors infers, carefully underinformed) President Singletary,⁵⁹ under which VP Willard created a separate policy for the Medical Center colleges. For a specific accounting of how the Medical Center Clinical Special Title Series⁶⁰ and the Clinical Sciences and Special Title Series Area Committee⁶¹ came to be in the form that each took for much of the 1970's and 1980's, see the Chapter on: “**Clinical Faculty Titles and Ranks in the UK Medical Center - Part I - The First Decade.**” The depth of frustration of faculty and administration who felt that research was being overemphasized to the detriment of teaching continued to boil at such a pitch, that in 1972, some legislators were persuaded to propose an amendment of the state “tenure law” at KRS 164.230. That law stated that no professor or teacher could be removed from their position

“except for incompetency, neglect of or refusal to perform his duty, or for immoral conduct.”

However, the proposed amendment would have the law read

“no faculty member possessing either tenure or non-tenured status shall be removed or denied renewal of contract for failure to publish research or other scholarly works.”^{62,63}

This proposed legislation, HB 89 (SB 191) was not finally adopted by the General Assembly of 1972.

VIII. Special Title Series Policy: Not Only New Special Titles, But Also New Special Ranks

Although the primary emphasis of the new policy was on what Special Titles would be associated with individuals at their ranks of Assistant Professor, Associate Professor or Professor, the policy document also provided room for the proposal of alternative, specially-named Ranks. The example that still exists in 2005 is in the Librarian Titles Series (a form of Special Title Series), in which the title “Librarian” has four ranks of **IV, III, II and I**.⁶⁴ However, these are not the only special ranks that have been used within the Special Title Series policy.

Another example of a Special Rank established under the Special Title Series policy was that of “**Assistant**” in the College of Medicine. As described in the request submitted by VP Willard in the fall of 1965

“I am requesting ... a special title series for the clinical departments involving the Senior Residents in the various clinical services... The Senior Residents are generally involved significantly in the clinical teaching program of the department... Some medical schools grant Senior Residents the title of Instructor ... Other schools use the title which we have proposed, viz. Assistant... Because the status of these individuals differs from regular faculty members and the appointments are usually for only one year and not renewable it seems better to use to have a special title series.”⁶⁵

President Oswald approved the request, anticipating from VP Willard’s further description that between six to twelve of such positions would be used.⁶⁶

In another example, the Dean Dake of the College of Nursing the requested:

“The largest percentage of potential faculty candidates are new graduates of masters degree programs. Many have had little or no experience in nursing, teaching, and/or collegiate teaching. In addition, it is occasionally necessary to appoint persons with teaching experience who do not hold masters degree. It is considered inappropriate to recommend such persons for the regular instructor rank ... “Assistant Instructor” which would be applied on a year by year basis, perhaps with a maximum of two years, and perhaps without fringe benefits would meet a need in the College of Nursing.”³²

This lower, fifth rank would be the entry-level rank leading to Instructor of Clinical Nursing, Assistant Professor of Clinical Nursing, Associate Professor of Clinical Nursing, and Professor of Clinical Nursing. After discussion and agreement by Dean Dake for an alternative rank name of “**Teaching Associate**,” Executive VP Albright informed VP Willard that he approved

“...Teaching Associate as a prelude to a four-step series”⁶⁷

Therefore, even after VP Willard engineered through new President Singletary in January of 1970 that all Special Title Series positions and future position descriptions in the Medical Center colleges would be subsumed under a generic, one-fits-all position description/promotion criteria, the College

Minutes of the Meeting of the Executive Committee of the Board of Trustees of the University of Kentucky, Friday, June 17, 1966

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Henry H. Bauer, Associate Professor, Department of Chemistry, Arts and Sciences, beginning September 1, 1966

Donald B. Coleman, Associate Professor, Department of Mathematics, Arts and Sciences, beginning September 1, 1966

Loretta Denman, **Professor of Clinical Nursing**, College of Nursing, beginning May 1, 1966

Loren J. Humphrey, Associate Professor of Surgery, with tenure, joint appointment in the Departments of Surgery and Cell Biology, College of Medicine, beginning June 1, 1966

Delores E. Johnson, **Teaching Associate of Clinical Nursing**, College of Nursing, beginning September 1, 1966

Herbert Myron Kauffman, Jr., Assistant Professor, Department of Surgery, College of Medicine (salary over \$15,000) effective June 1, 1966

Donald Leigh, Associate Professor, Department of Mathematics, Arts and Sciences, (this is a joint appointment with tenure with the Department of Engineering Mechanics), effective July 1, 1966

of Nursing was an exception to that policy by virtue of that it possessed this fifth rank in its Special Title Series. The minutes of the Board of Trustees then show for the next five years that the Board approved a number of faculty appointees at this fifth, entry rank of “Teaching Associate of Clinical Nursing.”

However, in July of 1971, Medical Center VP Peter Bosomworth requested to President Singletary that

“Based on a recommendation of the faculty of the College of Nursing and supported by the Dean of the College, I am recommending that the criteria which now apply to the College of Medicine in relation to Special Title Series be dropped and the general criteria for Medical Center Special Title Series be substituted. The College would like to retain the suffix of Clinical Nursing to officially designate the Special Title Series recipients versus the regular rank.”⁶⁸

Although the “Medical Center Clinical Sciences and Special Title Series Area Committee” was also asked to advise on the request, President Singletary approved the request prior to the report from the Area Committee, and the fifth rank of Teaching Associate in Clinical Nursing ceased to be used.

On the aspect of Special Ranks, these alternative ranks were reflected in a little-noticed provision put into the major revision of its Governing Regulations that the Board of Trustees adopted May of 1970. The revised regulation stated (and still states today)

“Academic ranks in the University System shall consist of instructor, assistant professor, associate professor, professor, and other ranks that are fully **or partially equivalent** to these recognized ranks.”⁶⁹

This ending clause to this sentence has usually been interpreted with focus on that the “fully ... equivalent” ranks are those of Librarian IV, III, II, and I, respectively, in relation to Instructor, Assistant Professor, Associate Professor, and Professor, consequent to the Board of Trustees’ 1966 action declaring such equivalency. However, the reference to “partially equivalent” ranks is intended to accommodate the alternative ranks that may be proposed within the Special Title Series framework, such as the “Assistant” and the “Teaching Associate” ranks discussed above. This clause also accommodated prospectively any further adjustment to the status of “Lecturer,” which had at that time a tenured faculty member in the College of Commerce, where that tenure action had occurred earlier at a time (1964-5) that tenured Lecturer was being contemplated as the solution to the “titles problem” (before the decision that the “Special Title Series” would instead become the solution).⁷⁰ Also, the Faculty Council during 1964 had debated that “*a Lecturer might be defined to encompass the level of Assistant Professor and the lower level of Associate Professor.*”⁷¹ The 1972 codification of the Special Title Series policy (see below) promulgated language that made the subsequent restriction that the ranks in the Special Title Series above the level of Instructor must parallel the three ranks used in the Regular Title Series.

IX. Formal Codification of the Special Title Series Policy as an Administrative Regulation



Shortly after his appointment as the new University of Kentucky President in fall 1969, **Otis Singletary** desired to codify the various Oswald-era faculty personnel policy memos into a manual of “Administrative Regulations.”⁷²⁻⁷⁴ The Administrative Regulation on the “Special Title Series” was drafted,⁷⁵ examined by the University Senate Council⁷⁶ and finally promulgated in March of 1972.⁷⁵ The codification closely followed the language in the parent policy memo of President Oswald dated April 28, 1965, including retaining the statement of the nonresearch purpose of the Special Title Series is to “*meet the teaching and service responsibilities for those areas whose endeavors do not include research or creative work*” and that “[a]ppointment to a Special Title Position will not normally imply a specific responsibility to engage in research.”

X. Epilogue on the Establishment of the Special Title Series

At this point in its legislative development (1972), the policy for Special Title Series had been officially codified into the Administrative Regulations; its function to be a means of hiring more teaching hands to satisfy heaving programmatic teaching needs was rejected; its function for specialized nonresearch duties relating to teaching and service was expressly stated; its legislative origin in that function was clearly traced. However, the examples of the efforts of various college deans from the outset to use Special Title Series position as instruments of broad managerial convenience (and in some cases, for convenience of an individual faculty member), rather than for specialized assignments, set the stage for repeating cycles of overreach beyond the codified language and administrative/adjudicatory admonition in response. A review of this fate of the Special Title Series is presented in: “**A Legislative History of the University of Kentucky Faculty Special Title Series – Part II**”

References

¹ July 30 1963 Minutes, Board of Trustees

² For example, see

<http://biology.uky.edu/djones/PDF/5/5.xiii/The%20Case%20of%20Gladys%20KammererIV.pdf>

³ 10-28-63 [President Oswald’s Oct 1963 Memo on Faculty Appt/Promotion/Tenure Criteria](#)

⁴ Faculty Council Minutes Oct. 15, 1963

⁵ Faculty Council Minutes Oct. 10, 1963

⁶ “PROPOSED REVISION OF THE GOVERNING REGULATIONS OF THE UNIVERSITY OF KENTUCKY A Working Copy September 30, 1968.” Excerpt from page 30 - “*The department faculty ... has primary responsibility for the development of policies on such matters as academic requirements, courses of study, class schedules, graduate and research programs and service functions.*”

⁷ September 30, 1963 draft to Faculty Council of proposed amendments to Governing Regulations

⁸ October 24, 1963 Minutes, University Faculty Council

⁹ December 18, 1963 Memorandum from President Oswald to Deans and Department Chairmen

¹⁰ October 15, 1963 Minutes, Board of Trustees

¹¹ October 18, 1963 Minutes, Executive Committee Board of Trustees

¹² Transcription of tape recording of October 18, 1963 meeting of the Executive Committee Board of Trustees

¹³ In a portend of the conflict to come between President Oswald and VP of the Medical Center William Willard, the Board Chair asked Willard to comment on President Oswald’s policy proposals, which in addition to the requirement for both teaching and research for attainment of Associate Professor rank, also included that Area Committees above the level of the College, composed of members from various colleges, would evaluate dossiers forwarded from each college. Willard’s response was to not respond at all to the new requirement for both teaching and research, and instead to speak favorably for the higher reviewing Area Committees, but even for the latter, his hedging language portended the conflict he would have with Oswald over his belief that the Area Committee for Biological and Medical Sciences was stacked with nonclinical biologists who did not understand the merit of the non-bench-science contributions of the clinical faculty. Willard’s comments at this Executive Committee meeting went as follows:

Board Chairman: Do you have any comment on this, Dr. Willard?

VP Willard: I think my comment would be that I think that the intent here is good ... a broadening to involve other than just college lines is a very desirable move. I think the exact way the mechanics work can be developed ... to iron those bugs .. I’m sure they can be smoothed out. So I think in principle we ought to move ahead with this.

¹⁴ October 28, 1963 memorandum from President Oswald to all University faculty
¹⁵ October 11, 1963 letter from Special Assistant Doug Schwartz to President John Oswald
¹⁶ February 1, 1964 Faculty Council Minutes
¹⁷ Faculty Council Minutes March 2, 1964
¹⁸ Feb. 21, 1964 Area Committee letter to President Oswald
¹⁹ September 18, 1964 letter from VP William Willard to President Oswald
²⁰ May 4, 1964 letter from Dean Seay to President Oswald
²¹ May 12, 1964 letter from Dean Seay to Faculty Council Chair Ralph Weaver
²² December 10, 1964 Minutes Faculty Council
²³ Dec. 9, 1964 letter from Howard Bost to VP William Willard
²⁴ December 16, 1964 cover letter with draft attachments from Tom Lewis to Dean Seay
²⁵ December 22, 1964 memo from Dean William Willard to President Oswald
²⁶ December 31, 1964 Faculty Council Minutes
²⁷ February 18, 1965 letter from Special Assistant Tom Lewis to President Oswald
²⁸ January 7, 1964 Minutes, Senate Council
²⁹ Personnel communication of the author with Dr. Edmund Pellegrino, March 15, 2005, during a visit of Dr. Pellegrino to the University of Kentucky.
³⁰ January 12, 1964 letter from Special Assistant to the President Tom Lewis to President Oswald
³¹ January 18, 1964 draft prepared by Special Assistant Tom Lewis, re: “NonResearch Series”
³² January 21, 1965 letter from College of Nursing Dean Marcia Dake to Special Assistant Tom Lewis
³³ January 19, 1965 letter from Graduate School Dean A. B. Kirwan to Special Assistant Tom Lewis
³⁴ January 27, 1965 letter from Dean of Commerce to Special Assistant Tom Lewis
³⁵ February 12, 1965 Special Title Series proposal approved by Faculty Council
³⁶ “Request for New Special Title Professorial Series” draft form approved by Faculty Council 02-12-65
³⁷ “Request for New Special Title Professorial Series” form promulgated by President Oswald 04-28-65
³⁸ March 3, 1965 memorandum from President Oswald to his Council of Academic Deans
³⁹ March 5, 1965 Minutes, Faculty Council
⁴⁰ March 12, 1965 Minutes, Faculty Council
⁴¹ March 26, 1965 Minutes, Faculty Council
⁴² March 30 memorandum from Faculty Council to the University Faculty (= University Senate)
⁴³ April 12, 1965 Minutes, University Senate (name changes at March 1965 meeting of University Faculty)
⁴⁴ April 2 Minutes, University Senate Council
⁴⁵ April 9 Minutes, University Senate Council
⁴⁶ April 28, 1965 memorandum from President Oswald to Deans and Chairpersons on “Lecturer”
⁴⁷ April 28, 1965 memorandum from President Oswald to Deans and Chairpersons on “Special Title Series”
⁴⁸ July 29, 1965 letter from VP William Willard to President John Oswald
⁴⁹ November 24, 1965 letter from Executive VP A.D. Albright to Don Jacobson, Chair, Area Committee for Biological and Medical Sciences
⁵⁰ January 30, 1970 letter from Provost Lewis Cochran to Dean Jean Brannan, School of Home Economics
⁵¹ February 7, 1966 letter from Provost Lewis Cochran to Dean Robert Shaver, College of Engineering
⁵² November 15, 1965 letter from Executive VP A.D. Albright to Education Dean Lyman Ginger
⁵³ June 2, 1965 letter from Dean Al Morris to President John Oswald
⁵⁴ December 22, 1966 letter from Robert Jacobson, Chair Biological and Medical Sciences Academic Area Advisory Committee, to President John Oswald
⁵⁵ June 22, 1966 memo from Executive VP Willard Albright to VP Willard (bold font added here)
⁵⁶ June 30, 1966 memo from VP Willard to President Oswald (the shorter of two memos with this date).
⁵⁷ June 30, 1966 memo from VP Willard to President Oswald (the longer of two memos with this date).
⁵⁸ Compare this policy posture of VP Willard that “*the faculty member’s performance should be evaluated against the assignment which he is given to do*” with President Oswald’s policy posture, as articulated by his Special Assistant Tom Lewis “*call everyone the same thing and apply criteria as appropriate to the real*

function performed by the individual ... I think you are convinced [this] won't work administratively." – see reference 29.

- ⁵⁹ Jan. 14, 1970 memo from President Singletary to VP Willard
- ⁶⁰ "Medical Center Special Title Series Approved January 1970" two page document
- ⁶¹ March 9, 1970 memo from President Singletary to Medical Center faculty
- ⁶² February 17, 1972 memo from Senate Council to all University Faculty explaining the legislation
- ⁶³ March 1, 1972 Senate Council resolution sent to President Singletary expressing opposition to the legislation
- ⁶⁴ February 18, 1966 Minutes, Board of Trustees
- ⁶⁵ August 30, 1965 letter from VP William Willard to President John Oswald
- ⁶⁶ September 16, 1965 letter from President John Oswald to VP William Willard
- ⁶⁷ August 19, 1965 letter from Executive VP A.D. Albright to Dean of Nursing Marcia Dake
- ⁶⁸ July 28, 1971 letter from VP Peter Bosomworth to President Otis Singletary
- ⁶⁹ Governing Regulations GR VII.A.2
- ⁷⁰ January 15, 1965 Minutes, Board of Trustees
- ⁷¹ Faculty Council Minutes January 27, 1964
- ⁷² The President exercised his position as Chair of the University Senate (as per Board of Trustees Governing Regulations May 1970, Section III)
- ⁷³ In his capacity as Chair of the Senate, President Singletary sought the assistance of the "University Senate Advisory Committee on Appointment, Promotion and Tenure," which consisted of the Chairpersons of the various Academic Area Advisory Committees of the University Senate. Source: October 7, 1970 letter from Senate Council Chair William Plucknett to President Otis Singletary
- ⁷⁴ The committee was chaired by William Garrigus. Source: January 27, 1968 letter from President Otis Singletary to William Garrigus
- ⁷⁵ "Procedures for Appointment, Promotion, Tenure and Termination of Faculty," March 31, 1971 [Univ. Senate Adv. Comm. on Appt., Promotion and Tenure Mar. 31, 1971](#)
- ⁷⁶ Minutes, June 1, 1971, University Senate Council
- ⁷⁷ [First Issuance of AR II-1.0-1 on March 1, 1972](#)

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A Legislative History of the University of Kentucky Faculty Special Title Series – Part II

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I. Background Introduction

During the seven years from President John Oswald’s original adoption and promulgation^{1,2} of the Faculty (= Senate) Council’s policy proposal³ to establish a Special Title Series (1965), until the first codification of that policy by President Otis Singletary as an Administrative Regulations (1972),⁴ several parameters defining the limits of the Special Title Series were established and reiterated, including:

- that it be used only for situations of teaching or service assignment so specialized in character that the kinds of criteria used to evaluate teaching and service activities of Regular Title Series faculty would be inappropriate for evaluation of the specialized teaching or service assignment (the most commonly understood examples being the specialized kinds of teaching activities performed for patrons by Librarian (Special) Title Series faculty and the kinds of specialized service activities performed for community clientele by Extension (Special) Title Series faculty);
- that persons appointed to Special Title Series positions will not normally have a significant research assignment;
- that unique, position-by-position job descriptions will be established, and correspondingly unique promotion criteria will be initiated by the department, and approved by the respective Area Committee, before appointment of a candidate to the position;
- that the distribution of effort in areas of activity assigned to the appointee be correspondent to the job description that served as the basis for the Area Committee’s approval of proposed promotion criteria
- that if the job description is going to be changed, then new correspondent promotion and evaluation criteria must be first submitted to and approved by the respective Area Committee;

There is reviewed below a history of the unfortunate difficulty that the University has seen during the ensuing three decades, in the exercise of the above delimiting parameters of the Special Title Series. It is hoped that this review will provide information helpful to new Deans/Chairpersons, Area Committees, and new faculty members, in the exercise of the Special Title Series Regulations.

II. Hayse Tenure Case Legal Backdrop: Long-Practiced Custom Does Not Trump the Written Regulations

An important legal backdrop that highly profiled the urgency of compliance with the Special Title Series regulations, as they are actually written, was the 1982 ruling against the University of Kentucky by the KY Court of Appeals (later upheld by the KY Supreme Court⁵) in the “Hayse tenure case.” In that case, the **written** Administrative Regulations prescribed that the procedures to be used in promotion/tenure processes were to be certain specific procedures.⁴ Those procedures were not used by the dean and higher officials in Hayse’s promotion/tenure exercise, for which the University’s defense to the court was that “*the procedure was altered by custom and application,*”⁵ and that all promotion/tenure exercises for all faculty were procedurally practiced in the same way as Hayse’s exercise was procedurally practiced, and therefore Hayse was treated both fairly and correctly. However, the Kentucky Court of Appeals (and Kentucky Supreme Court) rejected that a dean or other administration officer possesses such managerial flexibility, firmly holding that

“The University contends that as a matter of custom and practice [the procedure is done a certain way] ... This is not the procedure established by the regulations which have been adopted and **custom cannot be allowed to supercede** the duly adopted procedures.”⁵

That is, Hayse was entitled to the procedures as prescribed in the written Governing Regulations and Administrative Regulations – and a contrary practice could not be imposed on Dr. Hayse.

The above concept, though simply stated by the KY Supreme Court, is sometimes difficult for unit administrators and/or faculty to grasp. It may happen that a faculty member is hired, and over the years reappointed, promoted and tenured, all under a custom and practice in the college that is actually in violation of the higher (controlling) University regulations. Since that faculty member has not known any other process than the custom and practice of his/her unit, and since that faculty member was successfully promoted and tenured under that practice, the faculty member may be convinced that the custom and practice in his/her unit is the actual University regulation (when it is not), or that at least it is a ‘permissible’ departure from the regulations. It may even seem clear to an administrator or other person that the “practice” has more merit than does the written regulation. However, as the Kentucky Supreme Court in the Hayse case firmly held, *the existence of a contrary custom and practice, even if acquiesced to by some willing unit faculty, does not create an obligation for other faculty members of the unit to submit to the practice if the other faculty members demand instead to be treated in accordance with the written, duly adopted procedures.*

III. STS Regulations, as Written, Do Not Permit “Research, Scholarship” to be Assigned for Use as a Promotion/Tenure-Determining Criterion

There has unfortunately been a long and difficult process in getting all educational unit administrators and all affected faculty oriented in an ongoing basis that a founding core parameter of the Special Title Series is that research, or research being required under the guise of “scholarship,”⁶ is not to be made a significant part of the job assignment for a Special Title Series position. Hence it cannot be made to be a determining criterion in promotion and tenure decisions for the appointee. This principle has been repeatedly upheld and rearticulated, from the outset of the establishment of the Special Title Series (see Part I), and periodically during the subsequent three decades. Below are two examples, one from the ‘Lexington Campus,’ and one from the ‘Medical Center campus,’ in which the Senate Advisory Committee for Privilege and Tenure (SACPT) clearly and unambiguously rendered committee decisions on this meaning. The language of the Special Title Series regulations have remained unchanged on this point since these two cases were rendered by the Senate Advisory Committee for Privilege and Tenure.

Lexington Campus (Arts and Sciences). An Assistant Professor in Special Title Series who was assigned with a portion of his D.O.E. for “research, scholarship, and other creative activities” was denied promotion and tenure on account of performance in “scholarship.” The individual appealed that improper criteria had been used in denying his promotion with tenure.

The SACPT unanimously agreed that the (1) “ regulations and the statement on criteria for the special title series in [dept. name] are not vague on the crucial issue, (2) That scholarship is not one of the requirements for promotion of [the individual] to the rank of associate professor with tenure, (3) That the failure to recommend [the individual] for promotion and tenure was indeed based on an evaluation of his scholarship.” The SACPT concluded that the “regulations require that [the individual] be evaluated for promotion and tenure on the basis of his performance in teaching and service. It is our recommendation that [the Dean] be asked to reconsider the case with the research and scholarship eliminated as a criterion of performance.” The University President adopted the SACPT findings and recommendation.⁷

Medical Center (Health Sciences) Where an assistant professor in the special title series had been denied promotion and tenure in both 6th year and 7th year reviews, on the basis of insufficient “professional development and research”, and where that faculty member’s D.O.E. averaged “85% teaching and 15% professional development and research,” the SACPT determined that the individual “was primarily a teacher, a fact which the University annually has agreed to in writing. Since such agreements should not work to [the individual’s] detriment, it follows that the promotion criteria must be applied in a manner consistent with the division of effort ...” The SACPT committee further determined that “section VI.B.2 of the Administrative Regulations ... imply clearly that advancement through the ranks of an individual whose responsibilities do not include research or creative work should be based on criteria carefully crafted to reflect specific duties and expected levels of performance.”⁸

Shortly thereafter, the Academic Area Advisory Committees flexed their role in the enforcement of this delimiting, nonresearch parameter of the Special Title Series policy. In one of several examples from the Medical Center during the early 1980s, an Area Committee disapproved two position proposals in which a requirement for research was being expressly assigned, as described by the Vice Chancellor **Leonard Heller** to the respective Dean (Dentistry):

“[the] Academic Area Advisory Committee ... expressed the following concerns:

“1. The request is not well documented with supporting materials to demonstrate the need for the two positions. For example, there appears to be a discrepancy between the Distribution of Effort and the demonstrated need for a change in these positions. The DOE designate 20% for creative productivity and research, which is consistent with a Regular Title Series, while the demonstrated need is consistent with a Special Title Series.

2. If a significant change has occurred in the Department ... to warrant a change in positions, this should be stated.

The Committee felt that the Department Chairmen should evaluate Regular Title Series positions frequently and change to Special Title Series only when there is a demonstrated change in the department needs.”⁹

By the 1990’s, it was becoming clear that the already severe problems in college-level misassignment of D.O.E. to Special Title Series faculty, exemplified in the above 1980’s situations, were becoming even more acute – exacerbated by that D.O.E. assignments made managerially by department chairpersons and college deans are not submitted to the higher administrative levels where such misassignment might be detected and corrected at the moment of assignment. The college-level misassignment of Special Title Series faculty with the kinds of teaching, research and service duties assigned to Regular Title Series faculty reached such a level of dysfunction that Medical Center Chancellor James Holsinger was motivated to write to the Chair of the Senate Council:

“An example of the problems with the titles series is that in one of our Colleges we have three faculty members who virtually have the same responsibilities but who are appointed in three different title series. This creates issues of equity and fairness.”¹⁰ (underlining added here)

The nonresearch nature of the Special Title Series being clear in the legislative history of the Special Title Series, from the language itself of the Special Title Series regulation, and as well as from the above case histories, a Senate committee in 1997 then determined,¹¹ and the University Senate in 1998 agreed,¹² that in order for Special Title Series faculty to be assigned with a research expectation, it would be necessary to amend the University level Administrative Regulation. However, University President Charles Wethington in response in 1999 again made it very clear that assigning a research requirement to Special Title Series faculty was not permitted by the regulation, and the President specifically declined to amend the regulation:

“I believe the Special Title Series regulation should not be changed to indicate a requirement for research and creative activity. Assignments requiring a research/creative function are appropriately made in the Regular Title Series. Special Title Series positions should be created **only** “to meet teaching and service responsibilities in selected areas or positions in which assignments do not necessarily include research or creative work.” I have asked Chancellors Zinser and Holsinger to work with their deans to assure that we are not creating Special Title Series positions where the Regular Title Series would be more appropriate.”¹³

In summary, the Special Title Series was not establish for, and the University-level regulation does not allow, a significant assignment in the area of activity of “research.” Any practice fostered by a college to the contrary (*a la* Hayse case) including requiring research under the guise of “scholarship,”⁶ is not in compliance with the written, duly-adopted University-level regulation.

IV. Special Title Series Regulations, as Written, Do Not Permit a College or Colleges to Issue a Generic Special Title Series Policy in Lieu of Position-by-Position Job Descriptions/Promotion Criteria



This particular aspect has been expressly interpreted both by administrative committees of the President and by the Senate Advisory Committee on Privilege and Tenure (SACPT). In 1978, President Singletary appointed an advisory committee of deans and higher administrators, chaired by **Wimberly Royster**, to advise him on developing problems with faculty promotion and tenure. That committee expressly examined the Special Title Series situation and the dysfunction caused by generic, nonspecific promotion criteria for particular Special Title Series positions. The committee reported to President Singletary:

“Often times the criteria are somewhat vague. They speak of excellence without making any attempt to define what is meant by ‘excellence’ in many cases. Hence, length of service and average to less than average performance often suffice for promotion. The area committees undoubtably consider this series as a second class academic citizenship and often apply their own subjective, ill-defined criteria in making judgments.”¹⁴

The University Senate Advisory Committee on Privilege and Tenure (SACPT) has repeatedly arrived at a similar report, both for the situation in the Medical Center and for the ‘Lexington Campus.’ For example, in two example cases, one from the Medical Center and one from the ‘Lexington Campus,’ the SACPT wrote to the President:

Medical Center (all five colleges): “The Medical Center Special Title Series of 1970 is a two page document which provided criteria for all Medical Center personnel and which, in its implementation from 1970 to 1980, freed the individual units from the tasks of devising appointment and promotion criteria for each new special title series appointment. Predictably, its

criteria are brief and general and we are unconvinced that they reasonably substitute for the individual criteria called for in the Administrative Regulations. Indeed, the Medical Center itself has come to this conclusion, at least partially. We are informed that some departments have consistently provided unique descriptions for special title positions and, since 1980, certain other units have been directed to implement each new special title appointment with individual criteria as required in the Administrative Regulations. It is our conclusion that an umbrella title series which attempts to encompass an entire college, where duties may vary widely, is a contradiction; there is nothing special about it, it simply becomes a parallel series. Thus, we find ourselves driven to the conclusion that the Administrative Regulations, notwithstanding long to the contrary in the Medical Center and possibly elsewhere, mean what they say: each special title position must be described by a unique document and criteria.”¹⁵

This case raised the issue that when the criteria are not position-specific, as required by regulation, but instead consists of rather a college-wide/Sector-wide generic and unspecific statement, it provides no guidance, because the decision-making administrator can decide to differently interpret its meaning from one year to the next. The Senate Council raised a specific concern on this issue the following year in its meeting with the SACPT Chair:

“What about the Special Title Series people and the shifting criteria?”

to which the SACPT was able to answer that for the Medical Center “*I believe that is a problem of the past ... currently, there ... is a specific STS contract*”¹⁶ (i.e., the generic 1970 Medical Center-wide criterial statement had become replaced with the required position-by-position criterial statement).

Lexington Campus (Arts and Sciences): (for this case, see further below, after some background context is first developed by the review immediately below of nature of teaching duties intended for Special Title Series)

V. STS Regulations, as Written, Do Not Intend for Special Title Series Positions to Do Teaching Duties That are of a Nature that Could Otherwise be Performed by Regular Title Series Faculty

(Arts and Sciences example). In December of 1991, then-Governor **Wallace Wilkinson** used a loop-hole in the state law to appoint himself to the University of Kentucky Board of Trustees.¹⁷ Immediately after the adjournment in January 1992 of the first meeting of the Board of which he was a member, he voiced criticism of the tenured and senior UK faculty for what he viewed as insufficient contact with undergraduate students on account of the ‘excuse’ of their research time, which he dismissed as resulting in “itsy-bitsy” publications.¹⁸ Kentucky politicians began to speak of the need for legislation to increase the “accountability” of how public universities, including UK, were spending the taxpayer’s money. The political pressure Wilkinson brought to bear on the University of Kentucky to increase the amount of undergraduate contact time by otherwise research-intensive senior faculty placed the University in a politically defensive posture,¹⁹ and culminated in the adoption of new state laws that compelled UK to report to the Council of Higher Education the number of hours that each faculty member had in teaching contact with students.²⁰ The UK Board of Trustees in March of 1993 adopted a Strategic Plan, which as UK President Wethington described was in response to



“certain requests [that] were made from former Board members concerning modification of the plans for the institution. He said that he perceived former Board member Wallace Wilkinson’s questions to be about accountability ... and emphasis on teaching. He reported that each of these matters were touched upon in the Plan in a very substantive way. He indicated that he is concerned about what both present and former Board members think about the institution.”²¹

1970 law about teaching

At the same meeting, the Board approved a “Faculty Workload Policy Statement” that would “*for the first time reflect an approved policy statement that delineates the workload of faculty in the University System.*”²² University of Kentucky Chancellor, Robert Hemenway, informed Lexington Campus Deans that he would make funds available for the hiring of additional tenure-track Special Title Series faculty whose anticipated high teaching loads would generate better statistics for UK on the amount of contact hours of tenure-track faculty with undergraduate students. The Dean of the College of Arts and Sciences identified a number of department chairpersons in the college who expressed interest in the dozen or so Special Title Series lines that were to become available to the college for this purpose.²³ Note that already it is seen that the purpose of these new Special Title Series positions was not because of the existence of a specialized character of the form of teaching that was needed (what the STS was established for in 1965), rather, it stemmed from a desire to get quantitatively more tenure-track teaching hands in contact with the students (i.e., not what the Special Title series was established for).



The prospect of establishing so many new Special Title Series lines for the purpose of response to political pressure for more tenure-track teaching hands in contact with students immediately alarmed faculty leaders who understood the root purpose of the Special Title Series. **Don Leigh**, former Senate Council Chair, drew the Senate Council’s attention to a 1986 Senate Committee that studied the status of the Special Title Series. That committee made the express finding to the Senate Council that “*Many STS descriptions are not clear in terms of the need and/or of the criteria for promotion and tenure decisions.*”²⁴ Upon hearing of the plan of to use new Special Title Series positions for this purpose he wrote to the Senate Council Chair:

“I call your attention to the enclosed committee report and specifically to Recommendation 2: “*The STS should be reserved for positions having **special functions** and not merely for faculty who have a large teaching effort in a program where otherwise the faculty would be regular title series.*” Historically the STS has not been used for full-time teaching positions and I don’t believe that was ever the intention of the AR’s re the STS....I believe this represents a very serious change in the meaning of tenure-track faculty positions at the University of Kentucky. This change should not, in my opinion, be made without full consideration by the Senate Council and the Senate.”²⁵

(Continuing now with a Lexington Campus (Arts and Sciences) example of the impropriety of a generic, college-wide policy, instead of position-by-position establishment of a Special Title Series Position Description/Promotion-Tenure Criteria): Unfortunately, what happened next in the above Arts and Sciences example also further illustrated a “broken” status of the enforcement of the Administrative Regulations for the Special Title Series. As discussed above, the regulations contain a requirement that for each position established, there are to be promotion and tenure criteria developed for that position, in relation to a written job description, and those proposed criteria must be approved by an Area Committee before an individual is hired into the position. We have already seen from the Medical Center cases summarized above that the Senate Advisory Committee on Privilege and Tenure officially interpreted (twice) that a college wide one-job description/one-promotion-tenure-criteria-set-fits-all is not in compliance with the regulation (and in fact the Medical Center subsequently studiously complied by creation of position-by-position documents for Area Committee approval). However, the painful catharsis that wrenched the Medical Center in the early 1980’s on this point was about to be repeated again in the Lexington Campus Arts and Sciences college. Taking one case example, the proposal for a new position was submitted to the Area Committee in early 1993,²⁶ which disapproved the proposal,²⁷ writing to Chancellor Hemenway in April 1993

“The job description was not clearly articulated and there were no criteria for promotion”²⁷

The proposal was then resubmitted to the Area Committee,²⁸ which in May 1993 again disapproved the proposal, writing to Chancellor Hemenway:

“The major concerns originally expressed by the Committee were that the job description was vague and there were no criteria for promotions. The revised proposal did not seem to address these issues. The job description was more detailed, but the criteria for promotion were, if anything, more vague...The last issue considered was the Distribution of Effort ... The proposed definition seems expansive enough to incorporate the requested Special Title Series position into the Regular Title Series.”²⁹



One year later, Dean **Rick Edwards** reported to Chancellor Hemenway that his response as Dean to the prior disapprovals was not to cause development of specific position-by-position job descriptions and the corresponding position-by-position promotion criteria (as the Area Committee directed, in accordance with the regulations). Rather, Dean Edward’s response was to devise a college-wide position description that was so general that the respective department chairs would subsequently have to develop *ad hoc* a “**narrative statement on the specific duties and expectations for the faculty person in the Special Title Series positions.**”³⁰

Compounding the Dean’s departure from the written University regulations, was Chancellor Hemenway’s further departure in not forwarding that even that generic, college-wide Special Title Series proposal for Area Committee scrutiny, but instead the Chancellor merely wrote back to Dean Edwards: “*Rick, These look O.K. to me. Are they now operable?*”³¹ which Dean Edwards errantly took to mean he had the Chancellor’s final approval for the policy language.

However, there was in short order an alarmed reaction from the Senate Council’s Ad Hoc Committee on the Status of Women. Professor Carolyn Bratt, the committee Chair, urgently wrote to the Senate Council Chair

“I am referring a matter to you for the Council investigation and action ... new and different criteria and procedures for evaluating the progress of these [STS] faculty members toward tenure and promotion were promulgated by the Dean of Arts & Sciences in September, 1994...the new criteria and procedures have been uniformly imposed on all nine Special Title Series faculty members despite the fact the each one of them has assignments very specific to her department and very different from the others....The concept of the Special Title Series was adopted in the 1960’s by the UK Board of Trustees in order to provide a mechanism for meeting the idiosyncratic and specialized needs of different department[s]. The imposition of uniform evaluation criteria appears to be **at odds with the very essence** of the Special Title Series concept.”³²

The Senate Council asked Dean Edwards to address the Senate Council³³ about its concerns on “*the problem of STS-descriptions ... specifically the lack of criteria on which the faculty member is evaluated.*” Senate Council member Deborah Powell stated that in her experience on the Medical Center Clinical Sciences and Special Title Series Area Committee, “*every individual faculty member was supposed to have a specific job description...she said she can’t help but be concerned having a general description with a singular narrative.*” Senate Council Chairperson Gretchen Lagodna “*pointed out that the Regulations specify that the department is to develop and initiate a description, including the criteria on which the faculty member is to be evaluated.*” The Senate Council minutes record that “*discussion focussed on the lack of specific criteria for promotion and tenure for recent appointments to the STS.*”



The following year, promotion and tenure was considered for the Special Title Series faculty member hired into this position - *who had never during the probationary period been guided by promotion criteria approved as appropriate by an Area Committee.* The individual was informed that Chancellor **Elizabeth Zinser** had denied promotion and tenure. Upon investigation by the faculty member,³⁴ the above sequence of (mis)events became realized, and the faculty member appealed to the Senate Advisory Committee on Privilege and Tenure. The appeals committee wrote to the University President that it had determined

“that very clear cut violations have occurred in this case...First, no official job description had been provided to [the faculty member] upon her hire at this University, and second, no Special

Title Series criteria for the evaluation for promotion and tenure was ever approved by the Academic Area Committee nor presented to [the faculty member], (AR II-1.0-1 9/20/89, pp VII-1). The lack of clear guidelines for promotion and tenure in the Special Title Series alone demonstrates a violation of procedure, and thus serves as grounds for appeal. In consideration of both issues, the committee feels that [the faculty member] was not afforded the appropriate information which would have led her to a successful bid for promotion with tenure. It is reasonable to expect new faculty in either Special Title or Regular Title Series appointments be fully informed of the guidelines and criteria for evaluation as well as for promotion with tenure. It is the committee's recommendation that the case be reopened at the Chancellor's level for reconsideration."³⁵

The President then directed the Chancellor to "reconsider" the case.³⁶ The Chancellor, writing in March, then recommended to the President that the individual be granted promotion and tenure retroactive to the previous July 1, citing the findings of the SACPT.³⁷ The President concurred, and tenure with promotion was conferred. This example begs the question why should this faculty member have been required to survive such a tortured process to obtain a deserved tenure? (In the opinion of this writer, each acquiescence of an STS faculty member to the offer by an administrator to circumvent the written regulations to that faculty member's own individual career advantage, thereby also readily enables the administrative apparatus to circumvent the written regulations, as above, to another faculty member's career detriment).

VI. STS Regulations, as Written, Do Not Permit the Job Duties of the STS Position to be Changed, Unless Appropriately Changed Promotion/Tenure Criteria are Resubmitted for Area Committee Approval

In a 1995 appearance before the University Senate Council,³³ on the Arts and Sciences college practices concerning Special Title Series, Dean Rick Edwards explained that his practice as Dean of the College was that he only sends forward for approval a generic college-level policy that contains a generalized, not-position-specific job description for all College Special Title Series positions. He described to the Senate Council his policy practice that the appointed faculty member and chairperson, only after appointment to the Special Title Series position, then individually negotiate a distribution of effort for activities "*which could change over time.*" Another Senate Council member responded that she "*was confused. What we have then is a general description of the STS person, but then each department has a specific job description but not the criteria for which the STS appointee is evaluated?*" to which Dean Edwards responded "*That's right.*" Edwards explained that under his practice "*the position is created, then changed over time, so the assignment is different.*"

The above college-level practice is not what is prescribed by the University Special Title Series regulations, which thus prompted correspondence the following year above the level of deans, between the Lexington Campus Chancellor and the Medical Center Chancellor, in which it was clearly stated that:

"[the] Area Committee must review criteria for appointment/promotion in revised or new job descriptions."³⁸

The College of Arts and Sciences is not the only college in which the Special Title Series (originally conceived and currently codified for individual positions of specialized function) has been inverted into a different, new title series that might be named the "Flexible Title Series," that actually does not exist, except in the legally compromising world of managerial convenience. In one example, the Medical Center Vice Chancellor reported to a Dean the following Area Committee analysis of that Dean's Special Title Series position request:

"The request is not well documented ... For example, this request is based on the individual's need, and not the need of the Department."³⁹

In another example, the following is an actual letter of offer of a medical college dean to a prospective faculty member:

"I am able to extend to you a position ... in our Special Title Series ... You will also have the flexibility of moving from the Special Title Series to the Regular Title Series as you desire. The Special Title Series will provide you with **maximum flexibility** during the initial period of our appointment. As soon as you **arrive**, it will be necessary for us to discuss and **document** the **ingredients** of your Special Title Series appointment [*note to reader: i.e., not with Area Committee approval prior to hire*], however it is anticipated that you will be involved in the **full range** of activities traditionally expected of a professor: teaching, **research**, patient care and public service."⁴⁰

The above characterization has nothing to do with the Special Title Series as originally conceived nor as presently codified in regulation. Fortunately, in the above particular case, when the Chancellor received a copy of this correspondence, the Chancellor wrote back to the Dean "[H]ave you followed the process to get the S.T.S. position approved?"⁴⁰ However, the noncompliant ambiance exemplified by the above cases has reached its inevitable outcome in which various colleges (e.g., Fine Arts,⁴¹ Medicine,⁴² Pharmacy,⁴³ Arts and Sciences⁴⁴) have come to openly publish college-level policy in which it is directly stated that Special Title Series faculty will be formally assigned with a significant, tenure-determining level of research activity.

VII. Policy-Role of the Area Committees in Approval of Position-Specific Evaluation Criteria

When President Oswald was developing in 1963 the policy for criteria for evaluation of Regular Title Series faculty, he specifically worked with the Faculty Council, as the University-level elected, representative faculty body, to obtain its concurrence.⁴⁵ When the Faculty Council in turn devised the Special Title Series proposal in 1965, it specifically inserted into the policy the provision that new evaluation criteria for the specialized teaching/service duties would be formulated on a position-by-position basis.³ However, the Faculty Council anticipated that it would not itself be available, *ad hoc*, on each occasion to give the oversight concurrence to the particular criteria proposed by the initiating unit. Hence, the Faculty Council also inserted into the Special Title Series policy language that the proposed criteria for a given Special Title Series position could not be rendered final administrative approval above the level of the dean without the first being submitted to the respective Area Committee for "comment and advice."³ That is, the faculty members of the Area Committee (appointed to the Area Committee from a short list prepared by the Faculty (= Senate) Council)³ act on behalf of the Council to ensure that the Council-formulated policy for the nonresearch Special Title Series is not subverted. When this Special Title Series policy was codified in 1972 as an Administrative Regulation, the language was strengthened to place the Area Committees into a role to cause or make revision to proposed criteria:

"The proposed criteria will be referred to an appropriate Academic Area Advisory Committee for evaluation and **revision**."⁴⁶

The faculty role in criterial policy-making was strengthened yet further in 1983.⁴⁷ President Singletary amended the Special Title Series Administrative Regulation to (1) clarify that the original proposal on criterial policy for the position originated with the "educational unit" not merely its chairperson, and (2) further delegate to the Area Committees a final "disapproval" authority.

"The Provost shall, if such have not been previously approved, refer the pertinent criteria for appointment and promotion to the appropriate Area Committee for evaluation, suggestions on any desirable and/or necessary revision, and approval. **After approval** of the criteria **by an Area Committee**, the Provost shall approve or disapprove the educational unit's recommendation for the establishment of new Special Title Series positions."⁴⁷

The Area Committees thus have from the very beginning had a very crucial function to enforce, by their 'final disapproval' authority, the nonresearch intent of the Special Title Series.

VIII. Current Status of the Special Title Series

“Special Title.” The very name of the title series, the “Special Title” series, as well as the written regulations themselves, intend that the rare faculty member assigned to a position of specialized function will have a title that designates the specialized function.^{1,2} An obvious example today is that faculty appointed in the Special Title Series for Extension possess a professorial title containing the descriptor “Extension”⁴⁸ (“Assistant Extension Professor”). Another current example is how the professorial Librarians, while possessing an equivalent four-rank title structure (**I, II, III and IV**), are designated by the Special Title of “Librarian.”⁴⁹ The Research Title Series (e.g., “Assistant Research Professor”)⁵⁰ and Clinical Title Series (e.g., “Assistant Clinical Professor”),⁵¹ show similar special descriptors in their titles. These special descriptors in the professorial title designate the functional distinction that the individuals with these titles do not have tenure-determining assignments in all three University mission areas of teaching, research and service, as the Regular Title Series faculty are held responsible for.^{52,53}

Special Descriptor in Professorial Title of Medical Center Special Title Series Faculty. As originally conceived by the Faculty (= Senate) Council,³ as promulgated by President Oswald,^{1,2} and as codified by President Singletary,⁴ the professorial titles of every Special Title Series faculty member would contain such a descriptor as “Professor of Applied Music” or “Professor of Clinical Medicine.” During the first several years after promulgation of this policy by President Oswald, this nomenclature was followed and the new appointments to the Special Title Series positions were recognizable in the Board of Trustees minutes by such title nomenclature. However, over in the Medical Center, Vice President William Willard continued his strong objection to such a nomenclature, even when clinical faculty were assigned different duties than nonclinical Regular Title Series faculty, because he considered such a title nomenclature to be a stamp of “second-class” status (see chapter on **Clinical Faculty Titles and Ranks in the UK Medical Center - Part I - The First Decade**). However, from 1965 to 1972, the Board minutes do record persons being appointed to positions (not always expressly notated to the public as being “Special Title Series”) in which the title used “Clinical” as a part of the title of, e.g., “Assistant Professor of Clinical Medicine.” Subsequent to 1972, the Board of Trustees minutes do not show these Special Titles containing descriptors, even for the same persons who in earlier Board minutes were shown with a special descriptor in their Special Title Series professorial title.⁵⁴ The only other such descriptor used in the title of Special Title Series faculty in the College of Medicine during this time period was to solve a situation concerning persons performing service as staff social workers in the hospital – their staff administrator wanted that these persons have an academic faculty title, yet their primary unit of employment was a service unit in the hospital. Finally, in 1968 their unit of primary employment was made to be an academic clinical department (e.g., Psychiatry), with the appointment in Special Title Series positions with the professorial title as “Assistant Professor of Social Work.” The last published use of that descriptive title for such an individual in the Board of Trustees minutes was in 1977.⁵⁵

The College of Nursing continued until 1973 to report in the Board of Trustees minutes the appointment of faculty to the Special Title positions of “Assistant Professor in Clinical Nursing.”⁵⁶ However, after 1973 the descriptor “Clinical” disappeared in the Board minutes from the professorial title of Nursing Special Title Series faculty. Similarly, the 1970 Board minutes show the first appointment of Special Title Series faculty to the College of Pharmacy – five faculty were appointed as “Assistant Professor in Clinical Pharmacy”⁵⁷ (one of whom is still a member of the Pharmacy faculty). However, after 1970, none of the Special Title Series appointments to the College of Pharmacy shown in the Board minutes contain any special descriptor in the professorial title of the individual. Curiously, even the example stated in the 1972 Administrative Regulation for Special Title Series of “Assistant Professor of Clinical Medicine” was quietly changed in 1983 to remove the descriptor, leaving that Special Title Series example as having the same title as a Regular Title Series faculty member: “Assistant Professor of Medicine.”⁵⁸

Special Descriptor in Professorial Title of ‘Lexington Campus’ Special Title Series Faculty. On the “Lexington Campus” side, the various colleges did continue to use the Special Title nomenclature for another

decade. For example, the published Board of Trustees minutes during 1979-1981 show individuals appointed to the Special Title Series, with such title descriptors as “Assistant Professor in Statistical Services; English Education; Music Education; Applied Music; Journalistic Practice; Librarianship; and Preschool Education.”⁵⁹ It appears that the last use of such descriptors in the titles of Special Title Series faculty on the “Lexington Campus” was in the PR2 of the minutes of the August 1981 meeting of the Board of Trustees (from College of Home Economics; an STS “Instructor in Business”).⁵⁹

The Asterisk Designator in the Special Title Series Nomenclature. It is not obvious in the extant record that there was an official, identifiable policy decision to cease inclusion of the special descriptor in the professorial title, despite the fact that it continued to be exemplified in the Administrative Regulations for the Special Title Series (and so continues to be exemplified in the current regulation in 2005).⁶⁰ However, it may relate to a confusion that has developed in that regulation as to just what is supposed to be the designation that identifies the possessor as having appointment in the Special Title Series. The confusion appears to root back to the short-hand clerical device introduced into the preparation of the PR2 for the minutes of the Board of Trustees. From 1965 to 1968, there was an intermittent clerical practice to indicate by the phrase “Special Title Series” next to the title that the individual faculty member was appointed in the Special Title Series (in addition to the professorial title containing the special descriptor). In the middle of the June 24, 1968 PR2 of the Board of Trustees minutes, the typist made a clerical shorthand by instead putting next to the name and title of the individual the acronym “(STS)*,” with the asterisk being connected to a footnote explaining STS meant “Special Title Series.”⁶¹ However, that shorthand format was not consistently used (not even in the remainder of the PR2 of that same meeting), and in fact the acronym “STS” was not used again for another year. After more intermittent change back and forth between the full versus shorter notations over the next year,⁶² for the PR2 of the Dec. 8, 1970 meeting, it went back to the asterisk only format, and that clerical device became thereafter the standard typing format for the purpose of reducing the typing burden of typing the PR2 for the Board of Trustees minutes of action. However, the asterisk was purely a clerical invention of the PR2 typist, having no basis in the actual Special Title Series policy to mean anything official. When the Special Title Series policy was codified as an Administrative Regulation in 1972, no mention was made of this clerical use of asterisk that was being used in the typing of the Board PR2, but rather (reflecting the 1965 policy) the special descriptor in the professorial title was codified as the designator.



Ten years later, President **Otis Singletary** in the summer of 1982, assigned Paul Sears, his Special Assistant for Academic affairs, to draft a revision to all promotion and tenure Administrative Regulations to cause the regulation to reflect that the University had changed to a Chancellor organization (three Chancellors, for the Lexington Campus, the Medical Center, and the Community College System). In the first (August 1982) draft,⁶³ **Paul Sears**,



there newly contained in the section for Special Title Series an incorporation of the theretofore clerical practice of the asterisk used in the PR2 of the Board of Trustees minutes, except that for the first time the asterisk would become an official designator that the individual was appointed in the Special Title Series. Unfortunately, there was still left in the same regulation the same example of the use of the special descriptor in the title, the example being “Associate Professor of Applied Music.” Thus, the Special Title Series Administrative Regulation, continues through 2005 to contain a confusing signal of both the special descriptor and the asterisk as indicating appointment to the Special Title Series.⁶⁰ It appears that in practice it is now the asterisk that is always used as the designator ... though it would still be completely compliant with the regulation to also include a special descriptor in the professorial title.

Nature of Assignment to Special Title Series Positions. In connection with the preparation of this review, the author obtained by Open Records procedures the distribution of effort of each of the 334 full-time Special Title Series faculty members in the University.⁶⁴ Analysis was made of the amount of time assigned to “Research,” in view of the codified purpose of the Special Title Series that it be used for specialized, nonresearch assignments. Shown in the Table 1 below are actual distribution of effort assignments made to

example Special Title Series faculty members in the indicated college. Each indicated faculty member not only has a part of the D.O.E. assignment in the area of “Research,” but in each case the Research assignment is the primary (more than 50%) assignment to the individual. Irrespective of how meritorious in terms of the University’s research mission the particular research of these individuals may be, it is clearly a direct contradiction to the purpose and regulations for the Special Title Series for that formal research assignment to be normally made to individuals in a Special Title Series position. The contradiction of this practice (*a la* Hayse) with the duly adopted Administrative Regulations for the Special Title Series⁶⁰ could not be more evident.

Table 1. Examples of Actual Distribution of Effort Assignments of Special Title Series Faculty

<u>College of Example Faculty Member</u>	<u>Teaching</u>	<u>Research</u>	<u>Service</u>	<u>Administration</u>
Agriculture	0	100	0	0
Medicine	13	73	10	5
Medicine	17	70	10	3
Health Sciences	23	70	0	7
Nursing	25	67	8	0
Pharmacy	29	55	10	6
Pharmacy	27	55	15	3
Pharmacy	25	55	15	5
Medicine	13	55	7	25
Pharmacy	32	55	11	2
Medicine	10	54	36	0
Nursing	18	53	29	0
Fine Arts	43	52	5	0
Medicine	5	50	40	5
Medicine	10	50	35	5
Fine Arts	45	50	5	0

Another perspective is to inquire whether any Special Title Series faculty have an assignment of 20% or more in “Research.” Under the University’s policies for “Post-tenure Review” of tenured faculty, post-tenure review, which could lead to dismissal of the tenured faculty member under state law (KRS 164.230), is triggered whenever the merit performance review yields the lowest merit rating two cycles in a row for any area of activity with more than a 20% D.O.E. assignment. Thus, if any tenured Special Title Series faculty have a 20% or more assignment in Research, their performance in that activity makes them tracked by the Post-Tenure Review policy. It clearly cannot be the intent of the Special Title Series regulation that a tenured STS faculty member could become dismissed from their tenured faculty position on account of their performance in Research, when under the Special Title Series policy Research is not to be an area of significant assignment.^{1,2,3,60} Therefore, this writer calculated for each college the % of Special Title Series faculty who have a 20% or greater assignment in Research. The results are shown in the Table 2 below:

<u>% of STS Faculty w/ >20% Research DOE</u>		<u>% of STS Faculty w/ >10% Research DOE</u>		<u>Avg % Research DOE of STS Asst. Professors</u>	
Fine Arts	89%	Fine Arts	96%	Fine Arts	40%
Nursing	54	Pharmacy	89	Pharmacy	35
Medicine	52	Engineer	88	Medicine	34
Pharmacy	50	Arts & Sciences	80	Engineering	17
Engineering	38	Nursing	77	Arts & Sciences	13
Arts & Sciences	33	Medicine	67	Dentistry	12
Education	13	Comm Info Sys	64	Comm Info Sys	11
Comm Info Sys	7	Health Sci	43	Health Sci	9
Agriculture	7	Education	38	Education	5
Health Sci	5	Dentistry	38	Nursing	na
Dentistry	4	Agriculture	27	Agriculture	na
Business Econ	0	Business Econ	0	Business Econ	na
Social Work	0	Social Work	0	Social Work	na
Design	0	Design	0	Design	na

*na = no assistant professors in Special Title Series at the time the data were obtained
** No Special Title Series in College of Law or Graduate School; DOE for five Special Title Series faculty in the College of Health Sciences not available at the time these other data were obtained

The disconcerting overall result is that 136 (41%) of the Special Title Series faculty in the University have a 20% or greater assignment in Research. In several colleges, the majority of Special Title Series faculty have a 20% or greater Research assignment. Perhaps of even more alarming prospect, an even greater percentage (73%) of the untenured Special Title Series faculty possess a greater than 20% Research assignment. That is, it is the untenured Special Title Series faculty who appear to be carrying the greatest burden of noncompliance with the Special Title Series regulations. There were only three colleges in which none of the Special Title Series faculty had a 20% or greater Research assignment: Design, Social Work, and Business and Economics.

Finally, the perspective was considered that when the Special Title Series was formulated by the elected faculty members to the Faculty (= Senate) Council,³ and adopted by President Oswald,^{1,2} the intent was expressly stated that persons assigned to Special Title Series positions were not to have a “significant” assignment in Research. Now, what would be the definition of “significant” as originally framed by the policy writers? On the same day, and in the same correspondence, that President Oswald published to the College Deans the Special Title Series policy, he also published a policy defining the “Adjunct Title Series.” In that policy, President Oswald defined a “significant” amount of work as “*one half day per week*”, i.e., 10% time. Therefore, this author also made the calculation of the percent of Special Title Series faculty who are assigned with a 10% or greater Research assignment. There were 179 Special Title Series faculty (53%) with a 10% or greater assignment in Research, and, again, the much greater burden of this misassignment is placed on the untenured Special Title Series faculty (87% with 10% or more Research assignment). It is very difficult to reconcile this “practice” (*a la* Hayse case) of assignment of “significant” levels of Research assignment with the provisions of the duly adopted Administrative Regulations for Special Title Series that specify “[a]ppointment to a Special Title Position will not normally imply a specific responsibility to engage in research.”⁶⁰

IX. In the View of This Writer, What is “Broken” With the Special Title Series as Currently Practiced?

Lost Institutional Memory. What is currently “broken” with the Special Title Series is that in the various college “customs and practices” (*a la* Hayse case)⁵ have become established that are in direct contradiction to

essentially every substantive delimiting provision of the Special Title Series Administrative Regulation, despite repeated administrative/adjudicatory directives to the contrary. In reviewing the documentation, it is the impression of this writer that there is no consistent “University Institutional Memory” that imparts to the steady stream of new deans, new department chairpersons, new Area Committee members, and new faculty, on the past forty years of *ad hoc* administrative/adjudicatory directives aimed at enforcing the provisions and intent of the Special Title Series Administrative Regulations. Now, 40 years from the origin of the Special Title Series by the Faculty (= Senate) Council, and 30 years from its codification in the Administrative Regulations, there are few faculty left at UK with a direct knowledge of these founding events. The new college deans, upon arriving to their post, have inherited contrary college practices, but being new to UK they have no institutional memory of their own to detect that their inherited college practice is contrary to the duly promulgated Special Title Series regulations. The incessant pressure of contrary practice over the last several decades in the various colleges, combined with the steady decrease in faculty with direct institutional memory of the founding basis for this title series, has now yielded Area Committees populated with members whose own formative, direct experience with this title series has been an unchallenged (contrary) “practice,” rather than the founding/codified intent. Very regrettably, the result is that the Area Committees are less and less serving their role as the higher University-level check on misapplication of the Special Title Series.

Loss of Contractual Protection in Special Title Series Provisions. An important contractual purpose served by the existence of the various Title Series is that each title series provides protection of faculty from arbitrary misassignment of duties, and protects them during promotion and tenure evaluation. For example, a faculty member appointed to the Librarian Title Series is contractually protected against being made responsible for a primary assignment in Research. Similarly, a faculty member appointed to the Research Title Series is protected by the Research Title Series regulations from being made responsible for a primary assignment in Extension Public Service. The Special Title Series regulations intend to provide the faculty member with contractual protection, in their reappointment, promotion, tenure and salary decisions, from being made responsible for a significant assignment in Research. For each of these examples, there is a symmetry, however, in that in order for the faculty member in, say, the Research Title Series to be able to use the provisions of the Research Title Series as contractual protection against assignment in Extension Public Service, the Research Title Series faculty member cannot try to have it both ways, by agreeing to violate the regulations so as to obtain, say, a significant teaching assignment. Once, the protection of the regulatory framework is shattered by agreeing to a teaching assignment that is outside of the provisions of the Research Title Series regulations, it sets a precedent that the higher administrator can also make a misassignment onto that individual for a primary assignment in Extension Public Service. For the Special Title Series faculty members, when one Special Title Series faculty member seeks a significant Research assignment, contrary to the Special Title Series regulations, it undermines the contractual protections intended in the adherence to those regulations. Not only is the broader contractual protection of that individual Special Title Series faculty member compromised, but it also adds to a college climate of noncompliance in which the administration perceives it is empowered to assign Research responsibility to another Special Title Series faculty member who does not want a significant Research assignment.

Undermining of Role of Area Committee. Such a contrary practice also undermines the enforcement efforts of an Area Committee that may have insisted at the approval stage on compliance with the provision for no significant Research assignment. Such subversion of the Area Committees by manipulation of D.O.E. comes to a full and difficult circle when the individual’s promotion/tenure six years later reaches the Area Committee. The committee is faced with evaluating a dossier containing a significant Research assignment, but the promotion/tenure criterial document that it approved six years earlier, that is also in the dossier, specifically does not contemplate Research as a factor to be considered in the promotion/tenure evaluation.

Alternative Title Series to Meet College or Individual Needs. The core problem is that deans, department chairpersons, and indeed some individual faculty would find it managerially- or career-convenient if the University would possess

- a “**Flexible Title Series**” that allows any combination of % of D.O.E. in teaching, research, university/public service to be assigned to the given faculty member at any rank.

- a “**NonSpecialized Teaching/Service Title Series**” in which primary assignment is of teaching or service duties that are not of a specialized character but are rather qualitatively the same kinds of teaching or service found in the teaching or service assignments made to Regular Title Series faculty.

- a “**College Title Series**” in which the college promulgates a generic (vague) job description with equally vague tenure/promotion criteria, and the remainder is managerially filled in (and then changed) whenever down the line it is convenient, by whoever has happened to become the administrator at that moment.

but none of these title series currently exists. Perhaps these fictitious title series should exist, but they do not exist at this time. Perhaps deft amendment to the Special Title Series regulations, effectively justified by the proposer, would result in the concurrence by the Senate and adoption by the President of one or more of the above (new) title series. However, the solution instead commonly pursued by the various administrators or individual faculty has been to act as though the current Special Title Series can be converted into the above (or any other) nonexistent Title Series, simply at the instance of convenience. As has been repeatedly experienced in the adjudicatory processes of Special Title Series persons denied promotion or tenure, every such action to establish, without immediate consequence, a custom or practice (*a la* Hayse case)⁵ that not prescribed in the University-level Special Title Series regulations *as written*, has fostered an environment in which another noncompliant custom or practice can be instigated that results in harm to other STS faculty members’ careers.

There must be a more intellectually honest, and still managerially tractable, solution. During the fall semester 2004, the University Provost, also observing the broken nature of the Special Title Series (since promotion/tenure appeals of Special Title Series faculty wind up in the Provost’s lap to deal with), proposed initiation of a University-wide discussion toward identifying such an intellectually honest and managerially tractable solution. Perhaps it is time for that discussion to begin in earnest.

References

¹ April 28, 1965 cover memorandum from President Oswald to Deans and Chairpersons on “Special Title Series”

² April 28, 1965 policy from President Oswald to Deans and Chairpersons on “Special Title Series”

³ February 12, 1965 Special Title Series proposal approved by Faculty Council

⁴ [First Issuance of AR II-1.0-1 on March 1, 1972](#)

⁵ *Board of Trustees of the University of Kentucky vs. Hayse*, Ky., 782 SW 2d 609 (1990)
[Supreme Court Decision](#)

⁶ Some units have resorted to a series of policy “band-aids” based on a changing meaning of “scholarship,” with the result of moving the use of Special Title Series positions ever-farther from its codified intention. First, the units have established Special Title Series positions primarily to increase the number of tenure-track hands performing teaching in the unit’s curriculum (not a purpose of the STS). Then, when objection is raised that either (a) tenure-track Regular Title Series faculty members ought be hired to perform that teaching (in addition to their scholarly research/creative activity) or (b) that the teaching be performed by hiring Lecturers who do not have an expectation of scholarship/creativity in their performance, the unit instead adopts a policy that the Special Title Series faculty are to perform their teaching activities with a “scholarship responsibility,” so as to make their performance expectations distinguished from that of Lecturers. However, when challenged (for evaluation purposes) to define “scholarship,” the unit defines it not as “teaching with creativity and imagination” (as distinguished from “conscientious but routine” expectations for Lecturers);

instead the unit defines it as an activity that results in publications in slick-covered, peer reviewed national-level journals ... i.e., a disguised expectation of research (and further away from the purpose of the Special Title Series). Next, because the “scholarship” activity of the Special Title Series faculty (who, remember, the unit originally hired because more teaching hands were physically needed) has been disguisedly made an expectation of a research-type activity, the unit next articulates a policy-expectation that the Special Title Series “scholarship” activity is expected to acquire extramural funding (yet further away from the purpose of the Special Title Series). Finally, in order for the “scholarship” activity to generate publications in slick covered, peer review journals and acquire extramural funding, but yet still be thinly clothed as a “teaching-related” (rather than Regular Title Series research-related) activity, the area of the “scholarship” activity is defined by the unit as an expectation for scholarly publication of experimental investigation into new paradigms of teaching --- that is, exactly the expectation of Regular Title Series faculty in the College of Education (so far away from the original intent of the Special Title Series that it cannot be recognized any longer as a Special Title Series position; see footnotes 42-44).

⁷ February 23, 1981 letter from Robert Lawson, Chair, Senate Advisory Committee on Privilege and Tenure to President Otis Singletary; February 27, 1981 letter from President Singletary to Vice President Art Gallaher

⁸ May 26, 1983 letter from James Wells, Chair, Senate Advisory Committee on Privilege and Tenure to President Otis Singletary;

⁹ January 3, 1984 letter from Vice Chancellor Leonard Heller to Dentistry Dean Merrill Packer

¹⁰ May 25, 1995 letter from Chancellor James Holsinger to Senate Council Chair Gretchen LaGodna

¹¹ December 9, 1997 University Senate Ad Hoc Committee on Faculty Title Series

¹² October 12, 1998 Minutes, University Senate <http://www.uky.edu/USC/Minutes/sen1012.html>

¹³ Oct. 8, 1999 letter from President Charles Wethington to Roy Moore, Chair, Senate Council

¹⁴ “Report of the Committee on Promotions and Appointments” July 26, 1978. Members: Charles Barnhart, George Denmark (Dean College of Education), Art Gallaher (Dean, College of Arts and Sciences), Thomas Lewis (Dean College of Law), W.C. Royster (Dean, Graduate School), Chairman

¹⁵ May 26, 1983 letter from Senate Advisory Committee on Privilege and Tenure to President Otis Singletary

¹⁶ September 18, 1985 Senate Council Minutes

¹⁷ **[WILKINSON NAMES HIMSELF TO UK BOARD GOVERNOR WANTS TO LEAD HIGHER EDUCATION REFORM](#)**

Source: Bob Geiger Herald-Leader political writer

With eight days left in his term as governor, Wallace Wilkinson yesterday took the unprecedented step of appointing himself to a six-year term on the University of Kentucky board of trustees. Wilkinson said that he wanted to lead the reform of higher education and that he thought he could succeed because he had already "totally changed elementary and secondary education in this state. "Until the early 1970s, governors served automatically as head of the UK board. Gov. Wendell

Published on December 3, 1991, Page A1, Lexington Herald-Leader (KY)

¹⁸ **[WILKINSON GETS IN VERBAL SCUFFLE EX-GOVERNOR ATTENDS 1ST MEETING AS TRUSTEE](#)**

Source: Jamie Lucke Herald-Leader education writer

Like a new kid at school, Wallace Wilkinson sat quietly during his first meeting as a University of Kentucky trustee yesterday, then got into a verbal scuffle afterward. As the swarm of reporters around Wilkinson began to dissolve, UK political science professor Mark Peffley suggested to Wilkinson that appointing himself to the UK board in his last days as governor had been an abuse of power. "Don't you think that's offensive to democracy?" Peffley said. Wilkinson

Published on January 22, 1992, Page A1, Lexington Herald-Leader (KY)

¹⁹ **[PROFESSORS DEFEND TIME SPENT ON RESEARCH](#)**

Source: Todd Pack Herald-Leader staff writer

University of Kentucky physics professor Marcus T. McEllistrem has no classes this spring. Instead, he does research in a lab or paper work in his office. That is the sort of workload that infuriates UK trustee and former Gov. Wallace Wilkinson. Since leaving office a month ago, he has mounted a one-man campaign to reform Kentucky's colleges -- starting with UK. There has been no argument about some points, such as keeping students in school and keeping down costs. But some

Published on February 2, 1992, Page A1, Lexington Herald-Leader (KY)

²⁰ 1992 Legislation

²¹ Minutes, Board of Trustees, March 2, 1993

²² Minutes, Board of Trustees, March 2, 1993, “PR3B Faculty Workload Policy Statement,” web posted at: <http://www.uky.edu/Regulations/AR/ar021.pdf>

²³ Richard Greissman, former Assistant Dean for Academic Affairs, College of Arts and Sciences, personal communication

- ²⁴ Report of University Senate “Committee for Review of Special Title Series,” 1986, Chair, Wilbur Frye
- ²⁵ April 15, 1993 letter from Don Leigh to SC Chair John Piccoro
- ²⁶ February 23, 1993 letter from Dean Rick Edwards to Chancellor Robert Hemenway
- ²⁷ April 15, 1993 letter from Chair, Area Committee, to Chancellor Robert Hemenway
- ²⁸ April 29, 1993 letter from Chancellor’s Administrative Assistant Anne Coke to Area Committee Chair
- ²⁹ May 11, 1993 letter from Chair, Area Committee, to Chancellor Robert Hemenway
- ³⁰ July 19, 1994 letter from Dean Rick Edwards to Chancellor Robert Hemenway
- ³¹ Handwritten note by Robert Hemenway onto Dean Edward’s July 19, 1994 letter.
- ³² January 6, 1995 letter from Carolyn Bratt, Chair, Senate Council Ad hoc Committee on the Status of Women to Senate Council Chair Ray Cox
- ³³ February 6, 1995 Minutes, Senate Council
- ³⁴ June 4, 1997 letter of response from UK Open Records Office to faculty member
- ³⁵ March 2, 1998 letter from Senate Advisory Committee on Privilege and Tenure to University President
- ³⁶ March 10, 1998 letter from University President to Chancellor Elizabeth Zinser
- ³⁷ March 26, 1998 letter from Chancellor Elizabeth Zinser to President Wethington recommending promotion and tenure
- ³⁸ August 21, 1996 letter from Chancellor James Holsinger to Chancellor Elizabeth Zinser
- ³⁹ January 3, 1984 letter from Vice Chancellor for Academic Affairs Leonard Heller to College of Medicine Dean David Cowen
- ⁴⁰ June 27, 1987 letter from College of [X] Dean Xxxxx Yyyy to prospective candidate
- ⁴¹ **College of Fine Arts** Rules Document, page III-11 defines “*Research/Creative Activity*” as “*Research includes ... **musical performances**;...**competitions**; **successful auditions** for **prestigious professional performance** organizations...*” and then states “*Criteria for Appointment, Tenure and Promotion in Music Performance (Special Title Series) ... should have gained at least a regional reputation through such activities as public **performance of high calibre**, consultation, and **adjudication**.*”
- ⁴² **College of Medicine** - This College’s policy document “Procedures for Appointment, Promotion and Tenure,” 1998, on page 7 states its policy for “**Special Title Series**” faculty:
*“Academic Medical Educator ... primary area of emphasis of **scholarly** and service activity is the education of medical, graduate, and undergraduate students, including residents and fellows. Academic Medical Educators are **expected** to produce **scholarly activity** throughout their academic careers. Academic Medical Educators for whom **significant** amounts of time are allocated for **research** are expected to be productive in research throughout their academic careers; for senior faculty members it is expected that this productivity will be accompanied by **external funding** to support their research programs.”*
- ⁴³ **College of Pharmacy** - This College’s March 2005 policy document “UNIVERSITY OF KENTUCKY COLLEGE OF PHARMACY Governing Policies on page 9, specifically cites and provides a hot link to the University level Administrative Regulation on Special Title Series (that states “*[a]ppointment to a Special Title Position **will not** normally imply a specific responsibility to engage in research*”), but in the same sentence the College of Pharmacy Rules documents states the policy practice of
*“**Special Title Faculty (STF)**: (AR II-1.0-1 Pg. VII) Special Title faculty have appointments with major teaching and service responsibilities in selected areas; assignment **will** include research or creative work and scholarly activity.”*
- ⁴⁴ **College of Arts and Sciences** - The College’s policy on “Expectations and Procedures for Promotion and Tenure Adopted March 2003” for the “**Special Title Series**” states:
*“The successful candidate **shall** have demonstrated **scholarly accomplishments** in discipline-related or pedagogical **research** consistent with agreed-upon expectations for the position contained in the D.O.E. and special title position description.”* <http://www.as.uky.edu/Admin/Faculty/Review/ExpectationsSTS.html>
- ⁴⁵ October 15, 1963 Minutes, University Faculty (= Senate) Council
- ⁴⁶ Section VI in [First Issuance of AR II-1.0-1 on March 1, 1972](#)

- ⁴⁷ Administrative Regulation AR II-1.0-1.VI.C, issued April 4, 1983
- ⁴⁸ AR II-1.0-1.VI <http://www.uky.edu/Regulations/AR/ar011.pdf>
- ⁴⁹ AR II-1.0-1.X <http://www.uky.edu/Regulations/AR/ar015.pdf>
- ⁵⁰ AR II-1.0-1.VIII <http://www.uky.edu/Regulations/AR/ar013.pdf>
- ⁵¹ AR II-1.0-1.IX <http://www.uky.edu/Regulations/AR/ar014.pdf>
- ⁵² AR II-1.0-1.V(A) <http://www.uky.edu/Regulations/AR/ar010a.pdf>
- ⁵³ AR II-1.0-1.V(B) <http://www.uky.edu/Regulations/AR/ar010b.pdf>
- ⁵⁴ For example, Nicholas Pisacano, initially appointed in 1966 as “Associate Professor of Clinical Medicine” by the mid 1970’s was referred to in the Board minutes as being Special Title Series, but his title did not include the descriptor “Clinical.”
- ⁵⁵ The last use in the College of Medicine of the descriptor “... of Social Work” was the June 14, 1977 minutes of the Board of Trustees, referring to Dr. Fekreya Aly.
- ⁵⁶ The last occasion in which the Board of Trustees minutes record the (re)appointment of a College of Nursing Special Title Series faculty with a title containing the descriptor “Clinical” was for the July 17, 1973 Board meeting.
- ⁵⁷ August 1, 1968 Dept. of Clinical Pharmacy Chair Paul Parker to Dean Swintowsky – recommended a new faculty member as an Instructor “until such time as the “Criteria of Evaluation Governing Promotions, Appointments and Merit Increases for Clinical Pharmacy Faculty” is approved.” The individual and four others were promoted to Assistant Professor the following year, but no indication was made in the Board minutes that the appointment was in the Special Title Series. However, in April 1970, after the new President Singletary had three months earlier approved VP Willard’s request for a Medical Center-wide Special Title Series, those five individuals were reappointed as Assistant Professor, but on that occasion as the first Pharmacy faculty in the Special Title Series, following correspondence directly from VP Willard to President Singletary (i.e., not through Executive Vice President Albright, who was during Singletary’s first year on sabbatical leave out of the country). The Board minutes for that April 1970 action show their reappointment as “Assistant Professor in Clinical Pharmacy.” In a telephone conversation with this writer on March 18, 2005, former College of Pharmacy Dean Swintosky (Dean January 1, 1966 to 1981) described that it was his not-firm recollection that the reason for the Special Title Series faculty originally containing the descriptor “Clinical” in their professorial title was not on account of that the five faculty were appointed into the Department of Clinical Pharmacy. In addition it was his not-firm recollection that the reason for the subsequent dropping of the word “Clinical” from their professorial title was not on account of that in 1972 the College eliminated its four departments, and went to a Division internal organization. Finally, it was his not-firm recollection that the reason for dropping of the word “Clinical” from their professorial title was not because of an express policy directive from Vice President Peter Bosomworth to make such change, but rather that it was his sense that the reason would have been on account of a decision made at the level of the College, not the Vice Presidential level. It was more his recollection that he wanted to promote an ambiance in the college that all college faculty, irrespective of their department (later, division) assignment and irrespective of their title series assignment, contributed to the clinical mission of the college. He felt that by having only some Special Title Series faculty with the descriptor “Clinical” in their title, it distracted away from the ambiance that other faculty in the college were to also contribute to the clinical mission of the college.
- ⁵⁸ AR II-1.0-1.VI.B issued 04/04/83
- ⁵⁹ The following are example entries in the indicated minutes of the Board of Trustees

Assistant Professor of **Statistical Services** – 04/03/79 – Department of Statistics, College of Arts and Sciences
Assistant Professor of **English Education** – 04/03/79 – Department of English, College of Arts and Sciences

Assistant Professor of **Music Education** – 04/03/79 – School of Music, College of Fine Arts
Instructor of **Music Education** – 03/03/80 – School of Music, College of Fine Arts
Assistant Professor – **Applied** 08/24/79 – Department of Theatre, College of Fine Arts
Associate Professor of **Applied Music** – 03/03/80 – School of Music, College of Fine Arts

Assistant **Clinical** Professor – 01/29/80 – Dept. of Veterinary Sciences, College of Agriculture
Assistant Professor – **Clinical Sciences** – 01/29/80 - Dept. of Veterinary Sciences, College of Agriculture

Associate Professor of **Librarianship** – 01/25/80 – College of Library Science

Assistant Professor of **Journalistic Practice** – 05/08/79 – School of Journalism, College of Communications

Assistant Professor of **Preschool Education** – 05/08/79 – Dept. of Family Studies, College of Home Economics
Clinical Instructor – 08/25/81 – Dept. of Nutrition and Food Sciences, College of Home Economics
Instructor in **Business** – 08/25/81 – Dept. of Design and Textiles, College of Home Economics

⁶⁰ AR II-1.0-1.VII <http://www.uky.edu/Regulations/AR/ar012.pdf>

⁶¹ The entry in the Board of Trustees minutes stated: “Opal Reynolds, College of Education, from Instructor to Assistant Professor, with tenure (Student Teaching (STS)*,” Page 5 of PR2 of the June 24, 1968 Minutes of the Board of Trustees

⁶² However, in the PR2 for the Board’s July 28, 1969 meeting, the PR2 was using the format of stating “Special Title Series” through page 3, but then on page 4, it abruptly changed to the format of “STS*”, with the footnote explaining the acronym. That “STS*” format continued for the rest of that PR2. Yet, at the next Board meeting (September 16, 1969) the format was back to spelling out “Special Title Series,” and that spelled-out format continued again until the May 5, 1970 meeting of the Board, which had a very long PR2, and where in the PR2 the format “STS*” again appeared at the beginning of the listing of the faculty personnel actions. However, 10 pages later, with the PR2 typing still going, the typist then made a further shorthand, of not even listing (STS), and merely put only the asterisk after the individual’s title, and continued that format for the remainder of the PR2. The asterisk-only format continued for several meetings until the September 15, 1970 PR2, which switched back to fully spelling out (Special Title Series) next to the title of the individual, and continued with that full spelling format for the October 20, 1970 meeting.

⁶³ Draft AR II-1.0-1 August 1982, prepared by Paul Sears and submitted to College Deans for review

⁶⁴ The following is the distribution of the 334 Special Title Series faculty members among the colleges:

<u>College</u>	<u>#STS Faculty</u>
Medicine	156
Fine Arts	28
Dentistry	24
Health Sci	21
Pharmacy	18
Arts & Sciences	15
Agriculture	15
Comm Info Sys	14
Nursing	13
Engineering	8
Education	8
Business Econ	2
Design	2
Social Work	1

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Clinical Faculty Titles and Ranks in the UK Medical Center

Part I: The First Decade

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I. Prior to President John Oswald (before 1963)

Prior to 1963, the University of Kentucky had not been promulgated a system of more than one faculty “title series.” There did appear in the Board of Trustees minutes of action on faculty appointment, promotion and tenure the ranks of Instructor, Assistant Professor, Associate Professor and Professor, and occasional use of “Lecturer.” Because there was no policy about the criteria for these ranks, each rank could be applied to faculty doing either teaching, research, service (e.g., extension, or clinical patient care) or any combination. In the College of Medicine of the early 1960’s, there were faculty appointed to full-time, paid status as Instructor, Assistant Professor, Associate Professor or Professor who had primarily clinical duties. By fall 1961, there had become formally constituted a college “Faculty Council” (composed of the Dean and heads of academic departments), one function of which was to recommend on faculty selection and promotion policies and a second function of which was to review all recommendations for appointment to tenure positions. In the latter function, there was also formally constituted a “Committee on Faculty Appointments and Promotions” that was to advise the Dean and Faculty Council on proposals to appoint, promote or tenure faculty, and that would make annual reports to the Faculty Council.¹ In 1962 the College of Medicine also devised a policy on what would be the corresponding relationships of the academic rank of a clinical faculty member and the staff rank that person would have in the UK Hospital staff structure, as follows:²

<u>Academic Rank</u>	<u>Hospital Rank</u>
Professor	Senior Physician
Associate Professor	Associate Physician
Assistant Professor	Assistant Physician
Instructor/Assistant/Fellow	Clinical Assistant Physician

There were also other persons who were (what we would call today as “voluntary”) clinical-activity faculty in the College of Medicine. In 1962, the College of Medicine also proposed a system of correspondence between the Hospital ranks of these faculty, in correspondence with their academic rank in UK academic departments. These proposed ranks were (using the Department of Medicine as an example):³

<u>Academic Rank</u>	<u>Hospital Rank</u>
Professor of Clinical Medicine	Visiting Physician
Associate Professor of Clinical Medicine	Associate Visiting Physician
Assistant Professor of Clinical Medicine	Assistant Visiting Physician
Instructor of Clinical Medicine	Clinical Assistant Visiting Physician

Up to that time in the establishment of the Medical Center, the interaction between the University President, **Frank Dickey**, and the Vice President of the Medical Center, William Willard, had not fully developed. As President Dickey described his perception to a member of the Board of Trustees,



“Perhaps the most significant problem is the integration of the Medical Center into the University community, administratively and otherwise... Dr. Willard is quite able [but] view[s] the Medical Center as something separate and apart from the University. For example, not until last year was it possible to get the Medical Center staff voluntarily to include in their orientation program for new staff members representatives of the overall University administration, including myself.”⁴

The following year President Dickey resigned, and the Board of Trustees set about to appoint a new President and charge that new President with a new mandate for the University.

II. President Oswald Establishes Definitions of Various Title Series and Their Ranks (1963-1965)

In the summer of 1963, the UK Board of Trustees appointed the new President **John Oswald**, and assigned him a primary mandate to lead UK out of its status as a local institution with primary teaching emphasis and into the ranks of national research universities. As the first step in instituting a University mindset toward national-level research President Oswald in October 1963, with the support of the University Faculty Council (= Senate Council today), established (what the following year became called) the **Regular Title Series**⁵ of faculty ranks of Instructor, Assistant Professor, Associate Professor and Professor, along with new criteria relating research, teaching and service to appointment to each rank.⁶ The requirement for a major research component for professorial appointment in these ranks immediately created a problem for situations involving faculty assigned primarily with nonresearch duties, including faculty in the colleges associated with the University Hospital that had become newly activated the previous year.



In its advance assessment of a draft of that policy statement, the University Faculty Council, determined that this criterial policy, that included a substantive research component,

“seems to be based too heavily on research with not enough emphasis on service, making for inconsistency; for example, the non-research professor of the type found in medicine.”⁷



This concern was relayed in October 1963 through **Doug Schwartz**, Special Assistant to the President, who described to the President that these clinical faculty

“keep the hospital running, while at the same time serving as a good model of the clinical “scholar” for medical students.”⁸

At the beginning of February 1964, there occurred in the University Faculty Council

“substantial discussion of the matter of needs for special ranks to meet the needs of particular colleges. Dr. **Ed Pelligrino** [Faculty Council Vice Chair and the Chairman of the **Department of Medicine**, College of Medicine] presented problems that would be created by the proposed lecturer and associate ranks in the **College of Medicine** for people in the clinical area whose responsibilities did not fit the teaching research concept of the professorial series. He indicated that in such an area a title of **clinical** professor or **clinical** associate professor would be quite palatable and workable from all standpoints.”⁹



In view of the potential non-fit of the title “Lecturer” to the specialized nonresearch duties of faculty in the College of Medicine, the Faculty Council in mid-February 1964 decided that the deans of “all colleges where problems of specialized activities suggested



other series of ranks than the proposed lecturer and associate ranks should be consulted,” by **Ralph Weaver**, the Faculty Council Chair.⁵ This situation spawned a process of identifying another suitable title series and ranks that would accommodate the special clinical emphasis of some faculty in the medical departments. In addition “Dr. Pelligrino reported that he would soon have a specific set of recommendations in the **clinical series**.”⁵

(Parallel activities were initiated in relation to the extension activities of some faculty in the College of Agriculture; in relation to the special activities performed by librarian faculty; in relation to the status of clinical faculty whose lines were funded through the VA hospital; and in relation to full-time Dept. of Agriculture-funded adjunct faculty).

William Willard, (then) both Vice President of the Medical Center and Dean of the College of Medicine, had on September 18, 1964 expressed to President Oswald

“real reservations about a dual system of faculty titles...I don't think it will be possible to avoid a second-class stigma,” but he was willing to endorse establishment of "one series for the full-time faculty who have research attainment" and another for full-time faculty who "are deemed competent in teaching and in other respects but who have little research productivity," the former to be titled "Associate Professor of Medicine" and the latter titled "Associate **Clinical** Professor of Medicine," as long as "all colleges ... have a dual title system" so that the medical colleges are not stigmatized by having a second title.¹⁰



One day earlier, the Area Committee in a College of Nursing case recommended that promotion of a teaching (nonresearch) assistant professor be made to "Lecturer," but Med Center faculty resistance to the title of "Lecturer" was even stronger than to a publicly titled "Clinical" professorial series¹⁰ (UK had been, and U of L still was, publicly titling its voluntary faculty as "Clinical"). In the first use of VP Willard's Sept. 18, 1964-suggested establishment of a "Clinical" professorial series, President Oswald on 09/21/64 promoted the candidate, *ad hoc*, to the title "Associate Professor of **Clinical** Nursing."¹¹

III. Apparent Establishment of Medical Center Full-time “Clinical Series” - December 1964



An official solution proposed to the President in November 1964, by the new Special Assistant **Tom Lewis**, was that for internal personnel record keeping, the words “clinical” would be used in certain modifying ways to have particular intramural meanings: a paid, full-time clinical faculty with nonresearch assignment in teaching and patient care would be “Professor (Clinical Series)” while the volunteer would be “Clinical Professor.” However, in public references to the titles of the full-time clinical faculty the parenthetic modifier (Clinical Series) *would not* be included and only “Instructor,” “Assistant Professor,” “Associate Professor,” or “Professor” would be written or stated for either **Regular Title Series** or

Clinical Professor Series faculty member; the **Voluntary Title Series** faculty member *would* be publicly designated as “Clinical Professor.”¹² Support for this proposal came from Department of Medicine Chairman **Howard Bost**,¹³ who persuaded VP/Dean William Willard¹⁴, who in turn on December 22, 1964 communicated his support (and that of the chairpersons of each department), and of Dean Al Morris (Dentistry), to the President.¹⁵ On that crucial December 1964 memorandum from VP Willard to President Oswald, the President by handwritten notation seeks a confirmation from Special Assistant Tom Lewis “*is this OK?*,” not with reference to the section of the memo describing the “Clinical Series,” but instead with reference to the section stating that the designation “Clinical Series” would appear only on internal documentation and not appear in the

“University catalogue, publications and in curriculum vitae.”

That is, Oswald is not questioning the adoption of a stand-alone “Clinical Series” concept, but only about its intramural vs. extramural notation. Tom Lewis by hand-written counternote on the memo responds

“This is the understanding I had with them. I think WRW wants to make sure you approve. TL.”

This is the closest extant documentation that can be located to what would constitute the acceptance and adoption by President Oswald of the stand-alone “Clinical Series” as proposed by VP Willard for use only in the Colleges of Medicine and Dentistry.¹⁶⁻²¹

IV. Stand-Alone Clinical Professor Series Becomes Subsumed as a Clinical Title Within Special Title Series

As the new year turned to 1965, President Oswald was still wrestling with the nature of this nonresearch “**Clinical Professor Series**” and what relationship it would have to the University-wide Nonresearch Title Series, which his office (i.e., Tom Lewis) had just drafted in a parallel activity [see Chapter on History of Special Title Series]. In that draft for a Nonresearch Title Series, which the University Senate Council in Feb. 1965 renamed and approved as a “**Special Title Series**,” (which the President had not yet officially approved) the unique “Special Title” conferred to the given faculty member would designate the special area of that faculty member’s assignment.²² This mental gestation by the President is reflected in his Feb. 1965 written denial of promotion of a College of Dentistry associate professor “*in the regular series, on account of a paucity in research.*” That the President at that moment (but see later, below) envisioned the “**Clinical Series**” as being a variation of a (not yet promulgated) tenure-track “**Special Title Series**” can be seen in his final statement in that action of

“I am inclined to recognize his advancement in the **clinical series** but before making a final decision, I would welcome your recommendation on the best manner by which the clinical designation can be incorporated into the rank and title.”²³

Acting VP **Howard Bost** responded that he would recommend the title “Professor of **Clinical Fixed Prosthodontics**” in line with the original recommendation for promotion

“in a **clinical series** and in line with the general pattern of implementation which we would see following with the adoption of the University Faculty Council recommendation to you on faculty titles” [i.e., on “Special Title Series”].²⁴



However, the relationship between the University **Professor Series**” was still not settled with the President. The President had provided the November 1964 description of “**Clinical Professor Series**” to the University Faculty Council, which in late March 1965 decided to delay its discussion of that topic, and then in early April 1965 decided schedule a special breakfast with the President on the proposed “**Clinical Professor**” series.²⁵ After that breakfast, and after the April 1965 meeting of the University Senate, the President went ahead to very publicly promulgate and widely circulate the final policy on definition of “**Special Title Series**” and “**Lecturer**” and “**Adjunct Series**” but at that time did not openly promulgate an official policy document for a separate “**Clinical Professor Series.**”²⁶ The extant documentation suggests that by April 1965, perhaps on account of his discussions that month with the University Senate Council, President Oswald was still decisionally wrestling with whether the **Clinical Professor Series** was its own, nonresearch stand-alone title series, or a sub-set of positions in the University **Special Title Series**, or in a transition period between the two, much as the way what was initially the nonresearch “**Extension Special Title Series**” years later became its own, stand alone, “**Extension Title Series.**” (See: History of Extension Title Series).

The coming 1965-1966 academic year would continue to reflect the tension between President Oswald’s hesitation to openly establish a tenure track **Clinical Professor Series** for Dentistry/Medicine faculty whose duties were primarily patient care and intern/resident training, with little research or classroom teaching assignment, and whose title and ranks would be the same as those of **Regular Title**

Series faculty vs. the conviction by Dentistry Dean Al Morris and VP William Willard that such academic clinical faculty deserved exactly that. Both Morris and Willard remained convinced that faculty in the **Special Title Series**, being publicly recognizable as such by the descriptive adjective in the person's title itself (e.g., "Professor of Clinical Medicine) would stamp the faculty member with a second class status. Both were determined that clinical faculty were to be appointed and promoted in the **Regular Title Series** or in a stand-alone **Clinical Series** that had the same professorial ranks as the Regular Title Series, and that as few faculty as possible would be assigned to the new **Special Title Series**. At its Sept. 4, 1965 meeting the University Senate Council discussed with President that "certain new titles and ranks yet remain to be defined and approved."²⁷ There has not been located any 1965 or 1966 publicly disseminated, nor administratively disseminated, policy document that officially approved *per se*, a "**Clinical Professor Series**." Interviews in July 2004 with persons who were academic administrative officers in the Medical Center during 1965 and 1966 yields the inference that there never was such a formal, public University-wide policy announcement establishing a stand-alone "**Clinical Professor Series**" of the kind supported by VP Willard and Dean Morris.¹⁶⁻²¹

This tension between VP Willard and President Oswald on the professorial status of clinical faculty came to a head in the following summer of 1966. Executive Vice President **A. D. Albright** (acting for President Oswald) accepted the Biological and Medical Sciences Area Committee's June 1966 recommendation against the VP Willard's recommendation to promote two clinical faculty in the **Regular Title Series**, and accepted that Area Committee's alternative recommendation



"to promote in the **clinical series** ...to the rank of Associate Professor of **Clinical** Medicine and ... to the rank of Associate Professor of **Clinical** Pathology."²⁸

The disapproval of promotion (above) in the **Regular Title Series** of the two College of Medicine faculty by the Biological and Medical Sciences Area Committee in June 1966, and the final adoption of that disapproval by Executive VP Albright with diversion of the promotions into two positions of a **Special Title Series**,²⁸ infuriated VP Willard,²⁹ especially since at least one of the faculty was anticipated by Willard to be of national caliber. Both VP Willard, and Dean of Dentistry **Al Morris**, exasperated, immediately wrote to President Oswald two impassioned, long memoranda lecturing/explaining that the teaching, research and service activities performed by clinical faculty in Medical Center were unique to the clinical disciplines, and were simply not understood by the other University faculty who predominated the Academic Area Advisory Committees^{30,31} In a portent of what would eventually come in 1967 and 1968, Willard urged either



"the creation of a new area committee...this committee would review Medical Center clinical faculty, and might review also faculty in other professional schools or departments that have somewhat analogous service obligations to those of the Medical Center faculty" or, as an alternative, that the University "consider all clinical faculty as falling in the **Special Title Series** for purpose of internal University administration."³⁰

Three weeks later, the Senate Council discussed that President Oswald had asked it for a slate of names

"from which he might appoint a committee to consider the procedures and criteria to be use in the appointment and promotion of the clinical faculty of the College of Medicine."³²

Senate Council Chair Ed Pelligrino then drafted that list, which the Senate Council then approved at the next meeting, for submission to the President. That fall, the Senate Council then received the Nov. 22, 1966 report of the committee,³³ in which the committee fervently objected that

“undue emphasis is placed on research publications as requisites for promotion in the regular series” and that “Prior to April 1965 our volunteer faculty were designated as ‘clinical,’ in keeping with nationwide practices,” but after “[t]he ‘**special title**’ series was adopted as, University policy, in April 1965” ...[that required full-time faculty in the special clinical series to carry the descriptor ‘clinical’ in their professorial title]... “[t]he implication is that persons assigned to the ‘**clinical series**’ have less status in the faculty than those in the other [Regular Title Series] line.”

In a quite prophetic moment, the committee report anticipated much of the anguish of the upcoming next several decades, with its warning:

“Indeed, if the clinical responsibilities now being performed by the non-research group should be shifted to the research-oriented faculty members patient care as well as the research program would inevitably suffer.”

On Dec. 1, 1966³⁴ the Senate Council discussed the report’s startling recommendations to: abolish the **Special Title Series**, return the Special Title Series clinical faculty to their status as **Regular Title Series** faculty as was the case before 1963, and to exempt promotion and tenure of clinical faculty from review by any University-level Academic Area Advisory Committee that is above the level of the Dean. Essentially, undo everything President Oswald had done. The Senate Council reported to President Oswald the next day that it “approves in principle” the report.³⁵ President Oswald, who was miffed by the committee report,³³ did not accept any of these recommendations, but the committee report catalyzed further assessment of the scope of application of the 1963 criteria for **Regular Title Series** faculty onto the Medicine/Dentistry clinical-faculty.

Shortly after the above committee issued its report, President Oswald wrote to VP Willard that he would establish a new clinical Area Committee. President Oswald suggested to VP Willard that a first task of the new Area Committee ought to be to establish criteria for clinical area faculty³⁷ (criteria which VP Willard had been asking for since the previous June 1966³⁰). VP Willard responded with particular enthusiasm to the role of the new Area Committee to “*recommend criteria governing promotions and appointments.*”³⁸ VP Willard also stressed that he wanted President Oswald to delegate to the VP of the Medical Center (i.e., to Willard) “*the final authority ... to take final action upon proposed appointments and promotions.*”³⁸ The following month, President Oswald formally established a new “**Area Committee for Clinical Sciences of Medicine and Dentistry**,” and expressly delegated to VP Willard the authority to make final decisions on the nature of the position assignment to individual faculty and final decisions (pending final Board approval) on appointment and promotion of faculty.³⁹ President Oswald at the same wrote to the faculty of College of Medicine and Dentistry announcing establishment of this “**Area Committee for Clinical Sciences of Medicine and Dentistry**,” and again describing its first assignment as “*To recommend [to VP Willard] criteria governing promotions and appointments,*” and that VP Willard would then forward the criteria to the President, who would then refer the criteria to the Senate Council for “*concurrence.*”⁴⁰ Shortly thereafter, President Oswald directly wrote to the members that he appointed to this new Area Committee, specifically reiterating its charge to “*recommend criteria covering appointments and promotions within the University-wide criteria*” and specifically reiterating the Feb. 15, 1967 deadline.⁴¹

The phrase “within the University-wide criteria,” is underlined here to show Oswald still resisting Willard’s efforts to cause the clinical faculty to be outside the reach of the Oct. 28, 1963 research-heavy requirements for ‘north campus’ **Regular Title Series** faculty. In the above transactions, VP Willard was making great effort to, in essence, accomplish by several indirect means what the Nov. 22, 1966 committee report had directly recommended that Oswald had rebuffed, i.e., that VP Willard regain final authority control over the hiring, assignment, promotion and determination of qualifications of clinical faculty in the Medical Center. In the above transactions, VP Willard had succeeded in causing that clinical faculty would be evaluated by a new Area Committee, membered by clinical faculty, reporting directly to him, over which cases he had final decisional authority, and the Area Committee would develop and recommend to him the

clinically-relevant criteria for evaluation of clinical faculty. However, as shown by the underlined phrase above, the equally astute President Oswald insisted that these new clinically-relevant criteria to be applied to specialized duties of Regular Title Series clinical faculty would be an elaboration within the framework of the 1963 Regular Title Series policy, and would not be a separate criterial statement that contradicts the 1963 policy. In addition, President Oswald specified that the clinically-relevant criteria would first be submitted to him for approval and the University Senate for concurrence. That is, President Oswald intended to keep the new Area Committee on a short leash of accountability with respect to the elaboration of criteria.

A year later, the Chair of this new Area Committee, in review of the preceding year's activities on individual cases, also wrote

“Our particular committee was charged with the drafting of a statement concerning the promotion and tenure in the medical and dental areas,”⁴²

showing that this new Area Committee did come to exist in 1967, and that at least this member claimed the Area Committee had performed this special initial function of criterial elaboration (it was also making recommendations on specific cases of individuals by late February 1967³⁷).

However, there has not been located a copy of this criterial elaboration in the archival files of either President Oswald or Executive VP Albright, nor is there any record in the Senate Council archives that such a criterial elaboration was submitted to the Senate Council for its “concurrence.” It is the opinion of this author that VP Willard would have been of an inclination not to subject this long-labored-for criterial elaboration to potential disapproval, and that he might not have ever forwarded the criterial elaboration to the President, Executive Vice President, or University Senate for approval (if in fact it was ever reduced to writing). In addition, VP Willard was now directly supervising the Area Committee, so that the supporting documentation of each case stopped at the level of VP Willard (i.e., not actioned by either President Oswald or Executive Vice President Albright). Apparently, VP Willard utilized this new authority to cause that every case of promotion and tenure of clinical faculty that was submitted to this **new Area Committee for Clinical Sciences of Medicine and Dentistry** was handled as an appointment or promotion in the **Regular Title Series** (as VP Willard had wanted all along), instead of to the **Special Title Series**: the Board minutes for 1967 and 1968 do not explicitly show any new appointments to, nor any promotions to, or tenure of, faculty in the Colleges of Medicine or Dentistry for which the title as shown in the Board minutes is a title indicative of the faculty member being handled as a **Special Title Series** employment.

V. VP Willard Attempts to Establish a Superceding “Medical Center Special Title Series” - 1968

As a result of the above changes, the Special Title Series lines in the Colleges of Medicine and Dentistry had their own criteria for evaluation at the Area Committee level, were evaluated by a Medicine/Dentistry Area Committee, and would be noted as Special Title Series only for internal administrative purposes. The single remaining procedural caveat that kept VP Willard subject to President Oswald's close-scrutiny in the Special Title Series procedures of April 28, 1965 was the requirement that Special Title Series positions be justified, established, and appointment criteria developed, on a case-by-case basis.²⁶ President Oswald's resignation announcement, effective September 1968, to be succeeded by President A.B. Kirwan, provided the opportunity for VP Willard to complete the conversion of clinical STS lines into the Med Center's "own" clinical title series. His first step was to write to the Senate Council in May 1968 his view that:

(although the original intent was) “the **special title series** be used infrequently”.... “the special title series needs further development ... as it applies to certain kinds of faculty members which are becoming more numerous in the Medical Center [in] the growing **service** programs for which we carry significant responsibilities.”⁴⁴

In that communication to the University Senate Council, VP Willard described that in response to needs for more **Special Title Series** faculty as related to the increasing clinical service responsibilities of the Medical Center,

“We have been endeavoring to generalize criteria as far as possible in the **special title series** in order to minimize the number of different special series but not necessarily the number of faculty holding appointments in this series.”⁴⁴

Under President Oswald’s enforcement of the **Special Title Series**, VP Willard had not been successful in that “endeavor” to “generalize” the **Special Title Series** criteria up to that time (which he had been endeavoring for two years since June 1966³⁰), because President Oswald viewed this series as an occasional position-specific use, and not of “general” use. However, following up on his seed planted with the Senate Council in May 1968, and just one month after President Oswald departed UK in September 1968, VP Willard drafted a proposal, that in December 1968 he then submitted Executive VP A.D. Albright, wherein his proposed new policy would “simplify” the many individual **Special Title Series** descriptions in the Medical Center into a single

“generic **special title series** for the Medical Center [that] could apply to all, or at least most, of the Medical Center **special title series**.”⁴⁵

The already existing, approved, individualized criteria for STS positions in the College of Nursing, the School of Allied Health Professions and the Department of Medicine “*would be superceded*” by this single generic criteria statement, and “*as the need for a special titles series develops with new programs, we would propose that these criteria be applied.*”⁴⁵ The criteria contained in this Dec. 1968-proposed generic “**Special Title Series for the Medical Center**” focused on professional and clinical service activities, and did not contain requirement for publication in “research” as that term was used in the Oct. 28, 1963 definition of the criteria for the Regular Title Series.⁶ This new single Medical Center-wide special title

(a) would subsume the several position-specific criterial statements established during 1965 and 1966 for individualized **Special Title Series** positions in Medicine and Dentistry,

(b) would subsume the previously developed criteria for appointment, promotion and tenure of clinical faculty for which the January-1967-established “**Area Committee for Clinical Sciences of Medicine and Dentistry**” was charged by the President in early 1967 to develop,³⁷⁻⁴¹

(c) would subsume the separate, previously approved College of Nursing special title series criterial statement,⁴⁶ and

(d) would subsume the separate special title series criteria previously approved for the School of Allied Health Professions.⁴⁷



However, in developing during fall 1968 the above proposal for a single, Medical Center-wide title series statement that would subsume the previous special titles for all five Medical Center colleges, VP Willard did not have the concurrence, or even input, of the Dean of Nursing (**Marcia Dake**) nor of the Biological Sciences Area Committee (chaired at the time by Jack Hiatt, Agronomy). Hence, once Dean Dake’s objection was lodged, the proposed new statement of the **Medical Center Special Title Series** was amended to include the clause

“These criteria will supercede those already established and approved with the exception of those for the College of Nursing.”⁴⁵

Although VP Willard submitted in Dec. 1968 his intent to Executive VP Albright to create this single, Medical-Center-wide Special Title Series description, no record can be located in the archives of the papers of President Oswald, President Kirwan, Executive VP Albright, or the Senate Council, that shows Executive VP Albright ever approved of this proposal. Perhaps concordantly, the next event appears to be that one year later, after Otis Singletary has become the newly appoint President, VP Willard on Nov. 20, 1969 again submitted an apparently similar proposal to President Singletary.⁴⁹

VI. President Singletary's action to officially establish policy for Medical Center Special Title Series - 1970

Continuing his desire to put all Medical Center special title series under a single umbrella, VP Willard in Nov. 1969 requested that **President Singletary** rename the Jan. 1967-established Area Committee for “Clinical Sciences of Medicine and Dentistry” (note: two colleges) as the “**Medical Center Clinical Sciences and Special Title Series Area Committee**” (that would be responsible for all five medical colleges and for “other faculty in the Special Title Series”).^{49,50} The President in Jan. 1970 agreed, and prescribed this new Area committee to use



“criteria **which exists** for promotion and appointment of clinical faculties in Medicine and Dentistry, and approved criteria for faculty of the College of Nursing. It is my understanding that the document dated October 10, 1968 entitled “**Medical Center Special Title Series,**” sets forth criteria which will apply **in the case of other** recommendations transmitted to the committee.”⁵¹

Analyzing the President's statement in its three parts:

(a) the “*criteria which exists for promotion and appointment of clinical faculties in Medicine and Dentistry*” would be the STS criterial statements established in 1965 and 1966 on a position-by-position basis, and more criteria for clinical faculty evaluation that were (presumably) established for the two colleges in early 1967 as the first activity of the predecessor Area Committee,

(b) the only “*approved criteria for faculty of the College of Nursing,*” i.e., the only college-wide statement of criteria for the College of Nursing, was the criterial statement that Nursing Dean Dake had secured in Dec. 1965, referred to by VP Willard in June 1966,³⁰ and which were provided to be an exception to the December-1968 Medical Center-wide Special Title Series description,⁴⁵

(The Board of Trustees minutes after 1969 show the full-time, tenure track faculty with primarily clinical Special Title Series duties thereafter being recorded internally with the special title series format of “Assistant Professor (STS)” or, later, Assistant Professor*” [i.e., asterisk designation]. However, this new Medical Center-wide **Special Title Series** for full-time, nonresearch clinical faculty needed to be distinguished from how voluntary clinical faculty would be recorded. So, the Board minutes in 1969, and for the next 25 years through 2004, have utilized the format of placing the word “Clinical” immediately after the rank and to put the parenthetical modifier at the end, as in “Assistant Clinical Professor (Voluntary)”).

(c) the reference to “*other recommendations transmitted to the committee,*” would be the other Medical Center colleges, e.g., Allied Health Professions and Pharmacy, and the reference to “*other faculty in the Special Title Series*” not in the five medical colleges likely refers to clinical STS cases from nonmedical colleges (such as the speech therapy clinics in the College of Education, or the clinical veterinarian faculty in the College of Agriculture, as WP Willard referred to in June 1966³⁰). For these “*other recommendations*”, and perhaps for these “*other faculty,*” President Singletary's memo appeared to envision that this Area Committee would utilize the Medical Center-wide STS

criteria statement proposed by VP Willard in December 1968,⁴⁵ re-proposed by VP Willard in Dec. 1969, and finally approved in the January 1970 action of President Singletary.⁵²

This January 1970 version served as the established criteria policy for the **Medical Center Special Title Series** until it was held to be void in 1983 in a finding by the Senate Advisory Committee on Privilege and Tenure [see Chapter on History of the Special Title Series].

Epilogue



Despite the long journey narrated above, the original problem that had arisen in Oct. 1963 still remained, of the heavy nonresearch clinical assignments (that in 1971 were still) being made onto **Regular Title Series** faculty in the Colleges of Medicine and Dentistry. The issue continued to be such a significant problem that the new VP of the Medical Center, **Peter J. Bosomworth** in mid-1971 directed the **Medical Center Clinical Sciences and Special Title Series Area Committee** to investigate the criteria used at other universities to evaluate professional clinical faculty.⁵³ The competing pressures of research-publication-accruing vs. patient-care-fee accruing faculty duties continued to build in the College of Medicine over the next decade, leading to an initiative in the mid-1980's that culminated in the nontenure track, **Clinical Title Series** that we have today (see: **History of Clinical Faculty Titles and Ranks in the UK Medical Center - Part II:**).

References

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- ¹ November 3, 1961 document on College of Medicine organization
 - ² Hospital employee list dated April 1962
 - ³ April 15, 1962 document "Proposed Hospital Ranks For Voluntary Faculty"
 - ⁴ Oct. 2, 1962 memo from President Frank Dickey to Ralph Angelucci
 - ⁵ Faculty Council minutes Feb. 17, 1964
 - ⁶ October 28, 1963 final policy memo sent to all faculty and academic administrators
 - ⁷ October 10, 1963 minutes of Faculty Council
 - ⁸ October 11, 1963 memo from Doug Schwartz to President Oswald
 - ⁹ Faculty Council minutes Feb. 1, 1964
 - ¹⁰ September 14, 1968 memo from Dean William Willard to President Oswald
 - ¹¹ Sept. 21, 1964 memo from President Oswald to "Dean" William Willard
 - ¹² November 5, 1964 memo from Special Assistant to President Tom Lewis to President Oswald
 - ¹³ December 9, 1964 memo from Chairman Howard Bost to Dean William Willard
 - ¹⁴ December 9, 1964 hand written cover note from Chairman Howard Bost to Special Asst to President Lewis
 - ¹⁵ December 22, 1964 memo from Dean William Willard to President Oswald
 - ¹⁶ Telephone conversation 07-30-04, with Peter Bosomworth, a College of Medicine faculty member/administrator during the Oswald years. I reviewed and he expressly remember the Oswald Oct. 28, 1963 memo, and the April 25, 1965 memo formally establishing Special Title Series, Adjunct Series and Lecturer. He specifically remembered that STS was for specific, unique positions. He remembered that there was still the situation that none of these satisfied the need for physicians who were needed for the patient care needed to carry the patient load in the hospital as a teaching hospital. It was his distinct memory that the Clinical Title Series did exist and was utilized, and that it was a tenure-track series.
 - ¹⁷ Second telephone conversation 07-30-04, with Dr. Howard Bost, acting Chair of the Department of Medicine and Acting Vice President from the Oswald years. I reviewed and he expressly remember the Oswald Oct. 28, 1963 memo, and the April 25, 1965 memo formally establishing Special Title Series, Adjunct Series and Lecturer. He specifically remembered that STS was for specific, unique positions. He remembered that there was still the situation that none of these satisfied the situation that was becoming severed in Dentistry and Medicine, of the need for physicians who were

needed for the patient care needed to carry the patient load in the hospital as a teaching hospital. It was his memory that the Clinical Title Series did get established (at least in the sense that it existed to be used). It was his sense that because it was not tenure track, this is why Oswald went along with it for Willard's use. He agreed with the inference that the Clinical Series was superceded or absorbed into the new Medical Center Special Title Series that Willard established in the fall of 1968. He said that he was one of the "four from Syracuse" that had originally come down to help Willard put the College of Medicine together. He said one of the other four was Bob Strauss, who was more of the academic side of things (Bost was more of the economic medical policy side of things), and that I ought call Bob Strauss as someone who would have been closer to this question of the Clinical Series.

¹⁸ Third telephone conversation 07-30-04, with Rob Strauss, and academic administrator who helped Willard get the College of Medicine launched. He specifically remembered that STS was for specific, unique positions. He remembered that there was still the situation that none of these satisfied the situation that was becoming severed in Dentistry and Medicine, of the need for physicians who were needed for the patient care needed to carry the patient load in the hospital as a teaching hospital. It was his impression that the "Clinical Series" was never formally established. It was his feeling that initially Willard entertained this idea as a solution for the need for heavily clinical academic faculty, but that after a short time Willard gravitated to the ultimate solution of using the Special Title Series. He agreed with the inference that the Clinical Series was superceded or absorbed into the new Medical Center Special Title Series that Willard established in the fall of 1968. He suggested I contact Al Morris, A.D. Albright and Dr. Rosenbaum as players from that time period who may have a better memory.

¹⁹ Telephone conversation 07-31-04, with Dr. A. D. Albright, Executive Vice President during the Oswald years. I reviewed and he expressly remember the Oswald Oct. 28, 1963 memo, and the April 25, 1965 memo formally establishing Special Title Series, Adjunct Series and Lecturer. He had no explicit memory that Oswald established the Clinical Series by overt policy memorandum. It was his feeling during this interview that the Clinical Series was a "shadow title series" (my language), existing "in the desk drawer" (my language) out of site of the Board of Trustees, for quiet ad hoc use when Willard absolutely needed it for a faculty appointment. He vaguely remembers the Oct. 1968 action by Willard to supercede all the individual special title series descriptions in the five medical colleges into the single Medical Center Special Title Series, and agreed with the inference that the Clinical Series was superceded or absorbed into this new Medical Center Special Title Series.

²⁰ Second telephone conversation 07-31-04, with Dr. Rosenbaum, Chair of Radiology, College of Medicine, during the Oswald years. He did specifically remember the existence of a "Clinical Series" for those not doing research, and he remembers using it for the appointment of heavily clinical faculty.

²¹ Third telephone conversation 07-31-04, with Al Morris, Dean of College of Dentistry during the Oswald years. I reviewed and he expressly remember the Oswald Oct. 28, 1963 memo, and the April 25, 1965 memo formally establishing Special Title Series, Adjunct Series and Lecturer. He specifically remembered that STS was for specific, unique positions such as the STS position in Fixed Prosthodontics. He remembered that there was still the situation that none of these satisfied the situation that was becoming severed in Dentistry and Medicine, of the need for physicians who were needed for the patient care needed to carry the patient load in the hospital as a teaching hospital. It was his memory that Oswald, who did not have prior experience with a university that had a medical center, did not grasp the academic niche for such individuals and did not grasp that the mental model he had for "what is a faculty member," and "what is an STS faculty member," still did not encompass the need for a physician academic clinician whose primary activities centered around patient care. He specifically remembered that around the time of 1966, there was utilized by him as Dean of Dentistry and also in the College of Medicine a title series for faculty appointment of "Clinical Series" that was not the Regular Title Series, Special Title Series, Adjunct Series or Voluntary Series. He agreed that probably Oswald never did officially promulgate the "Clinical Series" series by a formal policy memorandum announcement, and that it was more of an arrangement agreed between Oswald and Willard on how Willard could handle situations where a full time faculty title was needed for a physician clinical faculty member. It is his bet that no other college other than Medicine and Dentistry used the Clinical Series. He did remember the action by Oswald to separate the Biological and Medical Sciences Area Committee into two Area Committees, and he did not have an active memory of seeing a work product from the resulting Medical and Dental Clinical Sciences Area Committee of drafting a set of criteria by which to evaluate appointment and promotion of clinical faculty. He had a faint memory of the Oct. 1968 Willard action to create the Medical Center Title Series, and noted that it occurred shortly after Oswald left the University. He felt that this was an effort by Willard to bring all of the situations of heavily clinical faculty (STS, Clinical Series) into one general solution, as a way to avoid the previous several years of having various different solutions applying to different variations of the same overall problem of appointing and evaluating heavily clinical faculty. He agreed with the inference that the Clinical Series was superceded or absorbed into this new Medical Center Special Title Series.

- ²² University Faculty Council Minutes Feb 12, 1965 showing approval of draft definition of new faculty “Special Title Series”
- ²³ February 16, 1965 letter from President Oswald to Active VP Howard Bost reporting reason for denial of promotion (bold font added here)
- ²⁴ March 5, 1965 letter from Howard Bost to President Oswald (bold font added here)
- ²⁵ Senate Council Minutes March 26 and April 9, 1965
- ²⁶ President Oswald’s 04-25-65 policy memo to deans
- ²⁷ Senate Council Minutes 09-14-65
- ²⁸ June 22, 1966 memo from Executive VP Willard Albright to VP Willard (bold font added here)
- ²⁹ June 30, 1966 memo from VP Willard to President Oswald.
- ³⁰ June 30, 1966 memo from VP Willard to President Oswald. In perhaps a reflection of a strategy by VP Willard to conceal from public view, for perceived prestige purposes, whether a faculty member was in the paid, full-time “Clinical Title Series” as compared to the paid, full-time “Regular Title Series,” (see footnote 8j), VP Willard in this memo in the very next sentence states the strategy “*It would be essential to use the current regular titles to avoid confusion with the clinical titles employed by other institutions.*” The full-time UK Medical Center faculty were quite sensitive not to have a faculty designation that was the same as the unpaid voluntary faculty at the University of Louisville, where unpaid voluntary faculty were being publicly designated as “clinical professor”, etc. (see reference 5).
- ³¹ June 30, 1966 memo from Dean Al Morris to President Oswald through VP Willard.
- ³² Senate Council Minutes 07-19-66
- ³³ Nov. 22, 1966 “Report of the Committee to Examine Regulations Regarding Titles, Promotions and Tenure in the Medical Center” (bold font added here)
- ³⁴ Senate Council Minutes 12-01-66
- ³⁵ Dec. 12, 1966 memo from Senate Council Chair Steve Diachun to President Oswald
- ³⁶ Handwritten note made by President Oswald onto the Dec. 12, 1966 memo (see ref 35).
- ³⁷ Dec. 9, 1966 memo from President Oswald to Medical Center VP Willard
- ³⁸ Dec. 21, 1966 memo from VP Willard to President Oswald
- ³⁹ Jan. 16, 1967 memo from President Oswald to Medical Center VP Willard and Provost Cochran
- ⁴⁰ Jan. 16, 1967 memo from President Oswald to the faculties of the College of Medicine and Dentistry
- ⁴¹ Jan. 25, 1967 Oswald memo to the new Area Committee for Clinical Sciences of Medicine and Dentistry. The archival files of President Oswald and the University Senate Council do not show that either ever received a copy of these draft criteria.
- ⁴² May 24, 1968 letter from John Douglas to Paul Sears, Chair of Senate Council
- ⁴³ Feb. 27, 1967 letter from VP Willard to Chair of the new Area Committee for Clinical Sciences of Medicine and Dentistry
- ⁴⁴ May 1968 letter from VP Willard to SC Chair Paul Sears (bold font added here)
- ⁴⁵ December 9, 1968 memo from VP Willard to Exec VP Albright, along with Oct. 2, 1968 dated description of new title series (bold font added here)
- ⁴⁶ Jan. 20, 1966 memo from Exec VP Albright to College of Nursing Dean Marcia Dake on final approval of Nursing STS criteria
- ⁴⁷ A Department of Clinical Pastoral Counseling in the School was established on Sept. 17, 1968 by Board action, and its first chairman appointed to a new special title series position specifically approved for that niche.
- ⁴⁸ Medical Center Special Title Series statement, 1970.
- ⁴⁹ November 20, 1969 memo from VP Willard to President Singletary; this memo has not been physically located. It is presumed to have been issued on account of President Singletary’s express citation of it in the President’s Jan. 14, 1970 response to it.
- ⁵⁰ The Senate Advisory Committee Privilege and Tenure held “an umbrella title series which attempts to encompass an entire college, where duties may vary widely, is a contradiction; there is nothing special about it, it simply becomes a parallel series. Thus, we find ourselves driven to the conclusion that the Administrative Regulations, notwithstanding long practice to the contrary in the Medical Center and possibly elsewhere, mean what they say: each special title position must be described by a unique document and criteria.”

⁵¹ Jan. 14, 1970 memo from President Singletary to VP Willard (bold font added here)

⁵² “Medical Center Special Title Series Approved January 1970” two page document

⁵³ Nov. 11, 1971 memo from Peter Bosomworth to President Singletary

Photographs contained herein were provided by the UK Library Archives, with the generous assistance of Mr. Frank Stanger. The author greatly appreciates the access to the archival papers of President Oswald, Executive VP Albright, VP Willard, President Singletary and other former University officials was also greatly facilitated by Mr. Stanger and the access provided to the papers of the Senate Council Office that was facilitated by Rebecca Scott, Senate Council Office Administrator.

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History of Clinical Faculty Titles and Ranks in the UK Medical Center

Part II: The Second Decade to the Present

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I. Background in Brief

When the UK Hospital became activated in 1962, most physicians attending to patients at the hospital were academic clinicians, who were either (1) full-time University faculty whose employment unit was an academic department and whose pay was entirely from budgeted University funds, or (2) participating in the academic clinical program at half-time or greater effort, and whose salary was paid partly or entirely from nonUniversity funds (e.g., Veteran’s Administration funding), or (3) participating less than half-time in the clinical academic program with or without pay from the University (‘part-time’ and ‘voluntary’ faculty).¹ A similar situation existed with the dental clinic staffed through the College of Dentistry. (The Colleges of Pharmacy and Nursing were also part of the Medical Center, but their programs at that initial time were primarily vocational rather than ‘patient-attending’²).

Over its first decade, several intensifying pressures made this arrangement increasingly difficult. With the origin of their salary from budgeted University funds, and financial specifics associated with the collection of clinical fees through departments in the academic colleges, it was difficult for the salary of the faculty clinicians to keep competitive pace with the income achieved by their peers at private hospitals. Clinical fees collected by their patient care activities could be used to provide bonuses,³ but this increased the pressure on the clinical faculty to further increase the amount of their University time spent involved in patient care. This tension was exacerbated by the financial interest of the Hospital in maximizing the clinical-fee accruing patient care activity of the clinical faculty member vs. the academic interest of the academic department in securing the teaching and other academic activities that are necessary to sustain the degree-conferring medical academic program. By keeping the academic department as the primary unit of clinical faculty employment, rather than the UK Hospital, it prevented the UK Hospital (which being in competition with private hospitals is in a business-profit-driven posture rather than being purely academically driven) from inordinately directing the clinical faculty away from their teaching and other ‘non-patient-care’ academic duties. If these conflicting pressures on the clinical faculty members were not enough, there was added yet increased academic pressures when the Board of Trustees approved that the new President John Oswald would promulgate on Oct. 28, 1963 new University-wide “uniform evaluation criteria for appointments and promotions in the academic ranks” that placed^{4,5} much emphasis on research activity.^{4,5} These competing pressures manifested themselves during the first Hospital decade in the form of much contention between the Medical Center administration versus the University central administration over clinical-appropriate evaluation criteria, and over various new faculty title series/ranks, that were each intended to accommodate the teaching/patient care-intensive, and less-research-intensive, activities of many of the academic clinical faculty (see Chapter “Part I: The First Decade”).

II. The Second Decade: Proposed new or amended faculty title series/criteria to encompass clinical service activities 1971-1983

Criteria for Evaluation of Clinical Faculty: Other Universities. At the outset of the beginning of the second decade of an activated UK Hospital several activities emerged that were symptoms of that the above pressures had not been relieved. Very quickly, the new Vice President of the Medical Center, **Peter J. Bosomworth**, in November 1971 directed the new **Medical Center Clinical Sciences and Special Title Series Area Committee** to investigate the criteria used at other universities to evaluate professional clinical faculty toward academic promotion and tenure. However, it was found that most University academic hospital programs inquired to did not yet have well-developed policies along this line either.⁶



Auxiliary Title Series: Not Approved. Several new efforts were made during the 1970's to identify a faculty title series format that would enable academic medical departments to access greater time efforts of individuals who provided to those departments the increasingly needed service activities. A spring 1974 consideration of an "Auxiliary Title Series" proposed that when a "clinical professor" who "receives his remuneration from a nonacademic source" (apparently, an otherwise voluntary faculty member from a nonacademic UK unit) while "he participates in the activities of the department," then "the College of Medicine should reimburse the unit of the University which pays the salary" of that individual.^{7,8} An example of persons in such situations were the Hospital social workers who provided counseling to hospital patients and their families. This proposal was not approved.

Adjunct Title Series: Amended. A second activity successfully persuaded President Singletary in the summer of 1974 to amend the Administrative Regulations for the Adjunct Title Series. The amendment expanded its use to include "the appointee who is a full-time employee of the University but whose primary appointment is with a non-educational unit" and whose funding is "from funds from a University non-educational unit to the extent of more than 50 per cent," and with non-faculty retirement/insurance benefits as per the nonacademic unit of primary employment.⁹ This change enabled a faculty status to become available for some physicians in the University health services (an administrative unit) who provided clinical attention to students.¹⁰ However, it did not solve the problems directly affecting the clinical faculty with primary appointments in academic units.

Extension of Tenure Probationary Period to 10 Years for Clinical Faculty: Not Approved. By the early 1980s, the clinical service duties needed to maintain the hospital's clinical patient programs (that were used as also the formats for training of interns and residents) was becoming an increasingly large part of the distribution of effort assignment of the Regular Title Series clinical faculty. It was becoming so large, that Regular Title Series faculty assigned to the academic clinical departments in the College of Medicine did not have sufficient time to develop and maintain a research program that would pass the criterial expectations for tenure of faculty in the Regular Title Series (criteria promulgated initially twenty years earlier by President Oswald in 1963⁵). The untenability of the situation for the COM Regular Title Series faculty in academic clinical departments was so severe, that by 1983 the COM Faculty Council formally proposed that the tenure probationary period for Regular Title Series faculty in the academic clinical departments be extended from seven years to ten years.¹¹ This proposal was not adopted by the University, leaving the situation still unresolved.^{11a}

Promotion/Tenure Evaluation of Clinical Faculty: Patient Care Service Recognized. Although the approach of extending the probationary period to allow greater time for accrual of evidence of research productivity was not approved, a parallel effort to cause explicit recognition of the clinical activities of Medical Center faculty in promotion/tenure evaluation was successful. For the twenty years since President Oswald initially promulgated what became under President Singletary (1972) the controlling Administrative Regulation for promotion/tenure

of all Regular Title Series faculty (AR II-1.0-1.V), the clinical faculty and their immediate academic administrators had chafed at that the regulation did not expressly recognize the significance of the assigned clinical activities. Nor did the regulation even expressly place those activities into any of the areas of Teaching and Advising, Research and Creative Activity, Professional Status and Activity, or University and Public Service. Finally, in 1983, that regulation was amended to place into the section on “Public Service,” the following italicized sentence, immediately following the nonitalicized sentence (bold added for emphasis):

“Service to the community, state, and nation also must be recognized as positive evidence for promotion, provided that **this service** emanates from the **special competence** of the individual in an assigned field and is an extension of the individual’s role as a scholar-teacher. *In the colleges of the Medical Center, patient care is recognized as a special competence in an assigned field and is an integral part of the service component.*”¹²

However, while this change expressly identified patient care as an evidence of “public service” to be evaluated in promotion/tenure decisions, it did not change that the regulation still required activity in “Research” and still required “publication” as the evidence of that research activity. Thus, addition of the above sentence did not solve the problem that the ever greater pressures for more and more clinical faculty time to be devoted to patient care activities did not leave sufficient time to meet the publication in research requirement.

III. The Third Decade: New nontenure-track “Clinical Title Series” (as not a subset of “Special Title Series”)

Initial activities toward the new title series. The practices instituted by President Singletary’s Jan. 1970 action¹³ concerning faculty with academic clinical service duties and other faculty in the Special Title Series, and the failure of the subsequent decade’s proposed resolutions to become effectuated as solutions, had for academic and budgetary reasons, led to a difficult situation by the early-mid 1980’s. It was felt that because of budgetary pressures on the UK Hospital that was used as the setting for the academic clinical activities, the UK Hospital and “Academic Medical Centers are walking a tightrope between their teaching, research and patient care missions” which demands “new ways of carrying out teaching, research and patient care.”¹⁴ From 1970 to the mid-1980’s the College of Medicine had used an increasing number of tenure lines to the generic Medical Center-wide Special Title description that VP Willard had maneuvered in 1968-1970 to circumvent Oswald’s 1965 STS policy for position-specific job descriptions/promotion criteria⁵ (President Singletary codified the 1965 policy as the 1972 STS Administrative Regulation). That generality led to complaint that expectations for tenure were being invented and changed during the probationary period or applied newly at tenure in an “ex post facto” manner. The Senate Advisory Committee for Privilege and Tenure agreed, holding in a 1983 case that use of VP Willard’s 1970 single, Medical Center-wide STS description constituted a “long-standing practice to the contrary” of the 1972 Administrative Regulation for Special Title Series.^{31a} The KY Supreme Court (1982) had also held against UK in a separate case that “practice cannot be allowed to supercede the duly adopted procedures.”^{15a} Beginning in 1982-1983 the Medical Center Academic Area Advisory Committee increasingly refused to approve Special Title Series positions under vague Medical Center-wide or college-wide STS position criteria.^{31b} These STS events were concurrent with the COM Faculty Council’s action in 1983 to propose that the tenure probation period for Regular Title Series faculty with clinical assignments to be changed from 7 to 10 years.¹¹ in order to service the clinical academic needs related to patient care and not involving either research or

Due to the accumulating pressures, Medical Center Chancellor Peter Bosomworth in 1985 proposed a full-time “non-tenure Medical Center Title Series ... as one innovative way of assuring for clinical learning experiences...”, because clinician faculty in this series “who have elected to practice with a setting that specifically contributes to the academic program of the University” would “have duties and responsibilities which essentially relate to clinical practice and service to clients/patients.” Specifically, “it is intended to accommodate those ... who wish to practice in an academic setting.”¹⁷

The College of Medicine Faculty Council¹⁸ at the outset of the 1985-1986 academic year identified “Full-time Nontenured Clinical Track” faculty, as initially proposed by Chancellor Bosomworth earlier that year, as “a very sticky issue with a lot of implications and this is an issue that needs to be watched carefully.”¹⁹ In fact, a vote among the COM Faculty Council members identified it as the top issue of the coming year.²⁰



The initial draft definition of Clinical Title Series submitted to the COM Faculty Council by Chancellor Bosomworth in early 1985 was greeted as “not at all satisfactory.”¹⁹ In December 1985, Chancellor Bosomworth secured a revised “final draft” (prepared by Juanita Fleming), which, through COM **Dean Powell**, he in early January submitted to the COM Faculty Council, stating that he wanted the COM Faculty Council to “provide a written assessment and an endorsement.”¹⁷ At the same time, through **Paul Sears**, he submitted that draft to the Senate Council for its consultative input.²¹



Also looming very large was that Dr. Emery Wilson reported with alarm to the COM Faculty Council that of the 230 full-time tenure track clinical faculty lines in the clinical departments (75% were Regular Title Series, 25% were Special Title Series), 16 Regular Title Series lines in just the past year (1984) had been converted to STS lines.^{21b} In reaction, the COM Faculty Council expressed that it was “concern[ed] that with the present clinical faculty being [ca.] 33% in the special title series, the character of the academic programs will soon be changed.”¹⁹

Faculty analysis of the revised proposal. The COM Faculty Council studied the revised proposal,²² and noted “The people in this Clinical Title Series might help bring in more patients ... and also increase hospital occupancy and departmental incomes.” In addition, “the rules in regard to the appointment to Special Title Series and the need for the [tenure-track] Special Title Series need to be re-evaluated and significantly reduced.”²³ At this same time, the COM Strategic Planning Committee was drafting an analysis that determined that the changing medical economic environment was placing demands onto those Regular Title Series faculty with partial clinical assignment to sacrifice their research component to increase their clinical income-making activities, a trend which would harm their ability to do important medical research.²⁴ The Faculty Council reported its findings and concerns to Dean Powell and Chancellor Bosomworth,²⁵ and decided to also forward these concerns to the general college faculty for their comment.²⁶

At a special Faculty Council meeting in February 1986, the Council met with Dean Powell and Chancellor Bosomworth, where the Dean addressed these Faculty Council concerns, and in doing so noted that due to “a fixed amount of recurring dollars from the state who go to support faculty.... if we are to get any additional salary in the College of Medicine, it will [either] have to be as a result of cutting faculty from one group to provide additional faculty in another” or “with the new Clinical Title Series [which] should help bring in more patients and thereby increase occupancy [and departmental income].” In that meeting, the Dean carefully explained “the Regular Title Series faculty will be involved *primarily in research*, the Special Title Series faculty *primarily in teaching*, and with the new Clinical Title Series *primarily responsible for clinical care of patients*” (italics added here). The Dean concluded “this series is not a panacea. It is simply a strategic step ... if we are to engage in collaboration with an HMO or some prepaid continuity health care program.”²⁷ The Faculty Council “felt that care should be taken in measuring the level of general faculty support.”²⁷ A preliminary show of hands at the subsequent March General Faculty Meeting indicated a majority of attendees were in support.²⁸ Dean Powell and Chancellor Bosomworth then developed a set of administrative responses to questions that had been raised at the Faculty Council meetings, at the March General Faculty Meeting, and transmitted by the Senate Council Chair **Brad Canon**.



Senate Council activities in consideration of the proposal. Chancellor Bosomworth and Dean Cowen met with the Senate Council in early February, where the Chancellor described the title series as aimed at MDs “hired to provide patient care...[and] ... also be involved in doing some clinical teaching for medical

students, interns, and residents rotating through their clinics.”²⁹ The Senate Council decided to appoint an ad hoc subcommittee to gather important information toward a series of specific questions,³⁰ which the Senate Council Chair Brad Canon soon thereafter submitted to the Chancellor.³¹ In late March 1986, the Chancellor submitted written responses to these questions to the Senate Council’s ad hoc subcommittee, just before meeting with the subcommittee, and also notified it in that correspondence that the faculty bodies in the five medical colleges, their faculty councils, and their college-level appointment, promotion and tenure committees, and the Medical Center Clinical Sciences Area Committee, had endorsed the proposal.³²

On April 1, 1986 the ad hoc subcommittee reported back to the Senate Council. The subcommittee reported that it had been represented to the subcommittee by the Medical Center administration that the voluntary and adjunct title series “are inadequate to this task because the Medical Center has little control over their activities.” The subcommittee reported that it would recommend positively on the proposal to the Senate Council, “*but with several constraints/modifications.*” Toward protection of the central role of the tenured/tenure track faculty in the governance and character of departmental academic programs, the subcommittee felt it “important to insure that Regular Title Series and Special Title Series faculty have a consultation role and input vis a vis the creation of any new positions,” and “limiting the number of non-tenured CTS appointments to 25% of all full-time faculty lines” (excluding the basic science departments in the College of Medicine).³³

Administrative response to questions raised by faculty groups on the underlying budgetary premise. Dean Powell stated to the COM Faculty Council that the tenured/tenure-track Regular Title Series and Special Title Series faculty who in part have clinical service duties “are finding they have less time to devote to teaching and research” and that “The triple-threat super-star of yesterday, who is a superb clinician-teacher-investigator and who can simultaneously shoulder very large clinical and teaching workloads and stay on the leading edge of research, is fast becoming a vanishing species...As clinical pressures mount, research time is squeezed, then teaching time is squeezed ... All of these represent bad news for clinical departments in academic medical centers.”³⁴



Administrative response to faculty question as to why it is appropriate that otherwise private clinicians who hired into the clinical program would be provided a faculty appointment. Dean stated to the COM Faculty Council “*They would want that*” and so the university should respond by providing it.⁵⁰ Chancellor Bosomworth responded to the question with a five-page “Background for Medical Center Clinical Title Series” (written by **Juanita Fleming**)⁵¹ submitted to the Senate Council and COM Faculty Council. (This document articulated the need for full-time clinicians for patient care “whose primary role is practice [that] would provide education to one or two students” that would not be satisfied by resort to the Adjunct Title Series.^{36,37} Implicit in the documentation is the appearance that the private clinicians being sought to full UK’s need for patient care would not agree to come into the UK Hospital and College of Medicine with an Adjunct appointment, since they wanted the prestige of a full time faculty title, and the retirement/ insurance benefits of full-time faculty, in exchange for the arrangement of their practice and clinical training to be set up within the auspices of the UK Hospital, and that the University essentially gave in to what these otherwise private clinicians “would want”).

Administrative response to faculty question of the relationship of this faculty title series to other faculty title series. Dean Powell described the proposed Clinical Title Series to the COM Faculty Council as “a clinical counterpart to the Research Title Series” whose members would “contribute clinical services as their predominant activity.” The Dean predicted that adoption of a Clinical Title Series will “markedly reduce new Special Title Series appointments [and] reverse the trend toward an increasing percentage of “Special Title Series” at the expense of a decreasing percentage of “Regular Title Series” appointments in clinical departments.”³⁴ It was also committed that “Each year a [Medical Center] plan would be developed ... a balance between clinical title series faculty and regular/special title series faculty will be a consideration

in the plan.”³⁸ Chancellor Bosomworth stated to the Senate Council his expectation that the Clinical Title Series hires would “diminish the number of appointments to the Special Title Series” and yield “a modest increase in the RTS.”³³

Administrative response to faculty question as to whether hiring of more nontenure track faculty is actually an “erosion of tenure.” Dean Powell stated to the COM Faculty Council “It is in fact an asset in preserving and protecting bases for tenure relating to the rest of the academic enterprise.”³⁵ Chancellor Bosomworth responded to the question by assuring the Senate Council and the COM Faculty Council “An annual budget plan which includes a review and approval process for numbers and use of clinical faculty will be required. Along with the process for approving all faculty appointments ... this should assure monitoring and control of the proportion of non-tenured clinical faculty to tenure Regular Title and Special Title faculty.”³⁶ In addition, during the Dean’s previous meeting with the COM Faculty Council, he described that a department would choose the avenue of hiring Clinical Title Series faculty by “department voting.”^{27,27a} Above the level of the department, faculty monitoring was committed by Chancellor Bosomworth to occur through review of proposed positions by the College Appointment, Promotion and Tenure Committee, and (for appointments above Clinical Assistant Professor), also review by the **Medical Center Clinical Sciences Academic Area Advisory Committee**.³⁸ With respect to the Voluntary Title Series faculty that are officially recorded in Board of Trustees minutes by the format “Assistant **Clinical** Professor (Voluntary)”, the faculty in the full-time non-tenured Clinical Title Series would be referred to by the different format designation of “**Clinical** Assistant Professor.”³⁸

Administrative response to faculty question as to the effect of this title series on the faculty governance posture of tenured/tenure track faculty. Chancellor Bosomworth committed that the title series would be instituted “after the series is approved for establishment by the University Senate.”³⁸ (The University Senate has never approved the establishment of the Clinical Title Series – the Senate Council did not forward the matter to the University Senate, see below). In order to protect the central role of the tenured/tenure track faculty in their educational policy-making by the department and college faculties, Chancellor Bosomworth noted the provision of the Board’s Governing Regulations that “it is the option of the faculty in the College and/or department” to which the nontenure track faculty are assigned “to determine whether the faculty are members of the College and/or department faculty... and to determine whether they will be voting or non-voting members on the academic policies in the College and/or department.” Also, Chancellor Bosomworth committed “Faculty appointed in this series would not be eligible for election to the University Senate.”⁵³

Final approval of the establishment of the Medical Center Clinical Title Series in 1986. Shortly after Dean Powell and Chancellor Bosomworth submitted the above responses to COM Faculty/Senate Council questions, a ballot vote conducted among the College of Medicine faculty yielded the April 8, 1986 outcome: of 94 Basic Science Departments faculty, 27 voted in favor and 7 voted against; of 305 Clinical Departments faculty, 94 voted in favor and 19 voted against.³⁹ The Dean, in reporting this outcome to Chancellor Bosomworth, lamented “it is disappointing to realize that as many as 26 faculty in the College are not supportive.”⁴⁰

On April 9, 1986, the Senate Council submitted its final assessment to **President Otis Singletary**, reporting that this proposal for a non-tenure track Clinical Title Series was “primarily motivated by economic rather than pedagogical reasons,” and of their concern “that such a series might weaken the University’s commitment to the concept of tenure.”⁴¹ In addition, the Senate Council made the following stipulations, to which they reported that Chancellor Bosomworth had agreed.⁴¹



-that “Positions in this series should be limited to no more than 25% of the number of regular and special title series” in the two colleges (excluding basic science departments) to “alleviate considerable concern expressed to the Council that the Clinical Title Series could be expanded to the point where its members and functions overshadowed the members of the regular and

special title series and their academic functions...*if* at a future time conditions make it necessary to raise the 25% cap, *such a request can then be considered.*" (emphases editorially added here)

-that "Regular and special title series faculty in a division or department should have a substantial role in any decision to create Clinical Title series positions ...[to] .. alleviate faculty members' fears that the nature of their division/department could be significantly altered without their consent."

Subsequently, the COM Faculty Council reported that "The Senate Council unanimously approved the Clinical Faculty Title Series proposal sent from the Medical Center. Since the Senate Council's approval was unanimous, it does not have to be presented to the full Senate."⁴² President Singletary wrote back to the Senate Council expressing his appreciation for the thoroughness of its recommendations, and reported to the Senate Council that Chancellor Bosomworth found the recommendations "generally acceptable" and that the appropriate steps will be taken to incorporating the Council's proposed modifications into the materials submitted to the Board of Trustees.⁴³

The proposal was then submitted to the Board of Trustees, which rendered final approval on May 6, 1986.⁴⁴ The Board of Trustees adopted the PR3 that stated "Positions in this series will be limited to no more than 25% of the number of positions in the regular and special title series in the College of Medicine (excluding the basic science departments) and the College of Dentistry."^{44,45} A new Administrative Regulation, AR II-1.0-1.IX, was issued to promulgate the new Clinical Title Series.⁴⁶

IV. The Fourth Decade and Beyond: Events Concerning the Clinical Title Series From 1989 to Today

Expansion to All Medical Center Colleges. Among the commitments made by Chancellor Bosomworth to the Senate Council, was the commitment that expansion of the Clinical Title Series to a college beyond the College of Medicine and College of Dentistry would be subject to review by the Senate Council.⁴⁷ Three years later, the Senate Council reviewed⁴⁸ and supported a specific request by the President for expansion of the Clinical Title Series to the College of Nursing and the College of Allied Health Professions. Several months later, President Roselle solicited the Senate Council to review a proposal to expand the title series to the College of Pharmacy⁴⁹, which the Senate Council also endorsed.⁵⁰ In 1993 the Administrative Regulation for Clinical Title Series (AR II-1.0-1.IX.A, para. 2) was amended to show its application to the above colleges.⁵¹

Reaffirmation that Primary Responsibility of Clinical Title Series Faculty is Clinical Practice. At the request of the Medical Center Chancellor Peter Bosomworth, President Wethington issued an interpretation that the "Teaching Portfolio" Administrative Regulation (AR II-1.0-5) did not apply to Clinical Title Series faculty because

"The **Clinical Title Series** has effective clinical teaching as an area of activity; however, their primary responsibility is clinical practice. This is reflected in the specifications for promotion which speak primarily to clinical practice. No teaching is designated according to AR II-1.0-1, page IX-1-3. ...While faculty with the above designations make valuable contributions to the development of our students, it is my understanding that **none of them is expected to have a major role in teaching or to be responsible for developing and preparing the course syllabi.** Furthermore, they would plan with the instructor responsible for developing the course syllabi and/or the faculty member who serves as the course leader or coordinator."⁵²

Expansion of Duties to Include Nonmedical "Counsel" of Clients. The College of Law desired to establish a law "clinic" in which a faculty member would not "care" to patients but instead "counsel" to clients. It was proposed, and the Senate Council concurred, that the Administrative Regulations defining the "Medical

Center Clinical Title Series”⁵³ would be changed to expand the definition to encompass colleges outside the Medical Center (i.e., the descriptor “Medical Center” is dropped from the name of the title series) and the description of duties enlarged from “care” to “care and/or counseling” of clients. This new Administrative Regulation was officially issued on July 2, 1997. To enable the clinical title series faculty appointed outside of the medical colleges, whose assignments involve “counsel” rather than “care,” to also be able to be assigned primary responsibility for courses or programs, the following sentence also was deleted from the regulation:

“The faculty member appointed in this series shall not have primary responsibility for educational courses or programs, but would serve as a clinical supervisor for select students assigned by the faculty member(s) responsible for the courses or programs.”

In addition, to distinguish the “care” duties in the Medical Center from the “counsel” duties outside the Medical Center, the phrase shown in bold was added to the following sentence of the regulation.

“The primary responsibilities of the non-tenure faculty member appointed in this series **in the Medical Center** are to provide patient care services, to expose students to their professional expertise, and to direct their educational experience in the clinical settings where the faculty member practices.”

Also, it appears that the sponsors of the expanded definition anticipated that the hired clinical faculty in colleges outside the Medical Center would not be required to generate the funding for their salary and benefits, because section AR II-1.0-1.IX.D of the regulation retained language that would exempt from

this requirement clinical faculty appointed to nonMedical Center colleges, and section E of that regulation added a sentence allowing for the possible appointment of individuals.

“.....who will be associated with a unit able to provide funds for practice.”

The new language does not require that the Clinical Title Series faculty who are appointed outside of the Medical Center must be paid from funds that the individuals have themselves brought into the University.

Role and expectations of Clinical Title Series in College of Medicine is Rearticulated. At the encouragement of the Dean **Emery Wilson**, there was in 1997-8 a major activity to clarify the role of the nontenuretrack Clinical Title Series faculty, in relation to the tenure track Regular or Special Title series faculty who also have clinical assignment. After report by a Task Force appointed by the Dean, which was accepted by the College of Medicine Faculty Council and the college Appointment, Promotion and Tenure Committee, a rearticulated policy was promulgated:



"All these positions [title series] are necessary and valued in the College." The Clinical Title Series "faculty member's efforts will focus heavily on patient care [and will] participate in clinical instruction" but have no requirement to "be involved in scholarly activity and produce scholarly work," whereas the tenure track clinical faculty must satisfy this additional requirement for scholarly productivity.⁵⁴

Proposal that promotion of Clinical Title Series Faculty not be Subject to Review of Area Committee. In connection with the reorganization of the University to a Provost System, a Task Force was appointed by the President to make recommendations toward that end. One of the recommendations submitted by that Task Force stated, was that in a competitive hospital environment, it could be necessary for expedient hiring of Clinical Title Series faculty; therefore the appointment and promotion processes for Clinical Title Series faculty ought to be exempted from review by the faculty Area Committee above the level of the respective Dean, and the Dean would forward his decision on such appointments/promotions to the Hospital Executive Vice

President, instead it routing from the Dean through the Area Committee to the Provost. The proposal was considered by the University Senate's Academic Council for the Medical Center (ACMC), which felt that:

"... the current Area Committee structure should be maintained, meaning that all Medical Center appointments, promotion and tenure recommendations currently reviewed by a Medical Center Area Committee should continue this process, being advisory to the Provost. Members further noted that it is very important that the membership of the Area Committee reviewing Medical Center faculty have an understanding of instructional, research, and clinical faculty responsibilities. The Council discussed the proposal that the Clinical Title Series faculty appointment and promotion recommendations be made without input from the area committee."⁵⁵

The ACMC also transmitted to the Senate Council its concern about the future role of Clinical Title Series faculty under the proposal:

"Will these faculty be true academic faculty or will they be clinicians who are judged solely by clinical productivity? If the latter, this could result in a major academic reorganization re the nature of faculty."⁵⁶

This proposal was then examined by the University Senate Academic Organization and Structure Committee (SAOSC), which reported to the University Senate its recommendation that

"Area Committee should be maintained and remain involved with the evaluation (and promotion and tenure) of clinical title faculty,"⁵⁷

The University Senate Council then voted to adopt this concern of both the ACMC and SAOSC and forward that concern to the University Senate.⁵⁸ At its Feb. 10, 2003 meeting, the University Senate voted to send to the President its objection to the proposal that the promotion of Clinical Title Series faculty would not be subject to the faculty Area Committee review above the level of the respective college Dean.⁵⁹ The final position adopted by the University was to retain the requirement that the Clinical Title Series faculty personnel actions are subject to review by the Academic Area Advisory Committee for the Clinical Sciences.

Some College of Medicine Clinical Title Series Faculty Not to be Appointed to any Academic Department.

In April 2002, the Administrative Regulation on Clinical Title Series faculty was amended to add:

"Some clinical title series faculty appointed in the College of Medicine may be appointed to a department, and some may not, on the recommendation of the Dean and with the approval of the Senior Vice President and Chancellor of the Medical Center. The Associate Dean for Clinical Affairs will assume responsibility for the faculty not appointed to a department and will function in a manner equivalent to a department chair for this group of faculty. To carry out the functions of establishing a position, appointing and/or promoting these faculty the Dean would consult with Program Review Committee made up of at least three clinically oriented faculty members."⁶⁰

This regulation was promulgated at the time in an ad hoc manner for the purpose of a single physician whose services the UK Hospital wanted, but the particular arrangement necessary to obtain the physician's services was that he would not be appointed to an academic department.⁶¹ On Nov. 8, 2004, only a single individual was employed as a Clinical Title Series faculty member with this arrangement.⁶¹

Steady Increase in Numbers of Clinical Title Series Faculty as Regular Title Series Numbers Decline. A specific provision in the PR3 documentation submitted to the Board of Trustees when it approved the creation of the Clinical Title Series was that:

"Positions in this series will be limited to no more than 25% of the number of positions in the regular and special title series in the College of Medicine (excluding the basic science departments)."^{44,45}

According to data obtained by this author in an Open Records request, by the 2004-2005 academic year, the proportion of Clinical Title Series faculty the College of Medicine and the College of Social Work had increased to:

College of Medicine (excluding Basic Science Departments)

of Clinical Title Series = 151

of Regular+ Special Title Series = 276

Clinical Title Series = 151/276 = **54.7%** of the # of Regular + Special Title Series

College of Social Work

of Clinical Title Series = 7

of Regular+ Special Title Series = 13

Clinical Title Series = 7/13 = **53.8%** of the # of Regular + Special Title Series

At the request of this author, Dr. Connie Ray, the Vice President for Institutional Research, Planning, and Effectiveness, provided the following data showing the status of net addition of full-time University faculty in the **Regular Title Series (RTS)** and **Clinical Title Series (CTS)**, over the past decade, after the Clinical Title Series was expanded to the five medical colleges and to the remainder of the University colleges.

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	10 Year % change
RTS	1,182	1,203	1,209	1,216	1,187	1,189	1,194	1,176	1,148	1,164	1,159	-2%
CTS	60	78	86	100	104	107	118	114	134	138	142	+237%

Summary: 1993-2003 - Regular Title Series > net loss 35 positions
Clinical Title Series > net gain 82 positions

Current Trends in the Use of the Clinical Title Series Faculty. Additional data for the Clinical Title Series obtained for the fall 2004 showed the following distribution of Clinical Title Series faculty across the various UK colleges:

<u>Medicine</u>	<u>Pharmacy</u>	<u>Dentistry</u>	<u>Nursing</u>	<u>Health Sci</u>	<u>Public Health</u>	<u>Social Work</u>	<u>Law</u>	<u>Total</u>
151	7	13	11	2	1	7	1	193

Recent Trends in Work Assignments to Clinical Title Series Faculty University-wide. In 1996, the Academic Area Committee for the Clinical Sciences described a policy for approval of proposed Special Title Series and Clinical Title Series positions, in which if the proposed level of clinical service assignment was to be 60% or more, then the position would be approved as a Clinical Title Series position rather than a Special Title Series position with clinical assignment.⁶² The Distribution of Effort assignments to all full-time Clinical Title Series faculty throughout the University were analyzed for the fall of 2004.

The breakdown by college with the larger numbers of CTS faculty included:

<u>College</u>	<u>% CTS faculty with less than 60% service</u>
Social Work	57%
Dentistry	46%
Nursing	35%
Pharmacy	29%
Medicine	19%

Among the Distribution of Efforts assignment for the University full-time Clinical Title Series faculty included the following four actual D.O.E. assignments:

	<u>Teaching</u>	<u>Research</u>	<u>Service</u>	<u>Administration</u>
1.	100%	0%	0%	0%
2.	0%	100%	0%	0%
3.	0%	0%	0%	100%
4.	0%	0%	92%	0%

Reference Sources

- ¹ December 9, 1964 memo from Chairman Howard Bost to Vice President and Dean William Willard
- ² Hospital employee list dated April 1962
- ³ Personal communication from Peter Bosomworth, telephone conversation, Nov. 6, 2004
- ⁴ October 18, 1963 Board of Trustees minutes
- ⁵ October 28, 1963 final policy memo sent to all faculty and academic administrators
- ⁶ November 15, 1971 memo from Peter Bosomworth to President Singletary
- ⁷ Draft I, 04-11-74 “Policies Governing the Academic Appointment, Promotion and Tenure of Support Staff”
- ⁸ Final Report, 05-30-74 “Policies Governing the Academic Appointment, Promotion and Tenure of Support Staff”
- ⁹ Revised AR II-1.0-1.VIII, Adjunct Series, issued 1974
- ¹⁰ Personal communication from Peter Bosomworth, telephone conversation, Nov. 6, 2004
- ¹¹ COM Faculty Meeting Action Item 05-06-83 Proposing 10 yr Probationary Period for Clinical Regular Title Series Faculty
- ^{11a} “There was discussion of it but I don't think it even came to a vote at the faculty or faculty council level. It was just assumed that there was not sufficient support to go further with it.” Personal communication with Emery Wilson, Nov. 9, 2004
- ¹² AR II-1.0-1.V.A.4, para. 2, issued 04/04/83
- ¹³ 1/14/70 memo from President Singletary to VP Willard approving Willard's generic Med Center-wide STS position criteria
- ¹⁴ “Background for Medical Center Clinical Title Series” Draft submitted by Paul Sears to Senate Council Chair Brad Canon 01-02-86
- ¹⁶ Medical Center Clinical Series Academic Area Advisory Committee Annual Reports 1982 and 1983
- ¹⁷ “01-03-86 transmission of “Draft of Proposed Appointment and Promotion in the Medical Center Clinical Title Series”
- ¹⁸ Faculty Council membership for 1985-1986 year
- ¹⁹ “Issues and Concerns for the Faculty Council Academic Year 85-86”
- ²⁰ Faculty Council “Priority of Issues for Discussion 1985-1986.”
- ²¹ Paul Sears’ 01-02-86 transmittal to Brad Canon, Senate Council Chair;
- ^{21b} Sept. 24, 1985 COM Faculty Council Minutes
- ²² Faculty Council Minutes 01-14-86, 01-17-86, 01-21-86
- ²³ Faculty Council News January 1986
- ²⁴ Draft 01-15-86 – Strategic Planning Committee “National Trends and Issues”
- ²⁵ 01-22-86 memo from Faculty Council Chair to Chancellor Bosomworth, with copy to Dean Powell
- ²⁶ Faculty Council Minutes 01-28-86
- ²⁷ Faculty Council Minutes 02-26-86
- ^{27a} The COM Faculty Council Minutes 06-03-86 record that the “Departmental faculty must vote on a Chairman’s proposal for the job description and recruitment of Clinical Title Series faculty.”
- ²⁸ General Faculty Meeting Minutes 03-10-86

- ²⁹ Senate Council Minutes 02-11-86
- ³⁰ Senate Council Minutes 02-18-86
- ³¹ Senate Council Chair Brad Canon letter to Chancellor Bosomworth 02-20-86
- ³² Chancellor Bosomworth 03-24-86 correspondence to Bill Lyons, Chair of SC ad hoc committee
- ³³ Senate Council Minutes 04-01-86
- ³⁴ Dean Powell's 03-18-86 document "Questions and Answers"
- ³⁵ Response to Question 1 "Why should clinicians hold faculty rank?" in the "Medical Center Clinical Title Series" document provided 04-01-86 by Juanita Fleming to "Medical Center Senators" on behalf of Chancellor Bosomworth.
- ³⁶ Response to Question 2 "What impact would the creation of a Medical Center Non-tenured Faculty Title Series have on the concept of tenure throughout the University?" in the "Medical Center Clinical Title Series" document provided 04-01-86 by Juanita Fleming to "Medical Center Senators" on behalf of Chancellor Bosomworth.
- ³⁷ University Administrative Regulation AR II-1.0-1.VIII for "Adjunct Title Series" specifies that Adjunct faculty appointment into an academic is available to an University employee whose primary appointment is in a nonacademic unit, where the nonacademic unit provides more than 50% of the funding to support the salary of the position. The response by Juanita Fleming (ref 51) only addressed where the Adjunct employee (and voluntary employee) have their primary employment as external to the University, or where the Adjunct employee is a part-time University employee.
- ³⁸ "Guidelines for Appointment, Promotion, and Function of Faculty in the Medical Center Clinical Title Series" document, contained in response to Question 5, in the "Medical Center Clinical Title Series" document provided 04-01-86 by Juanita Fleming to "Medical Center Senators" on behalf of Chancellor Bosomworth.
- ³⁹ Faculty Council document 04-08-86 "Results of Ballot Regarding "Clinical Title Series."
- ⁴⁰ Dean Powell memo 04-10-86 to Chancellor Bosomworth
- ⁴¹ Senate Council Chair Brad Canon's 04-08-86 correspondence to President Singletary
- ⁴² Faculty Council Minutes 04-29-86
- ⁴³ President Singletary's 04-16-86 correspondence to Brad Canon, Chair of the Senate Council
- ⁴⁴ PR3 approved by Board of Trustees May 6, 1986
- ^{44a} "Annual Report of the Faculty Council 1985-1986"
- ⁴⁵ The COM Faculty Council Minutes 06-03-86 record an apparent belief in the COM Chair's meeting that the 25% cap stipulated by the Senate Council would only apply for the first two years, but the Board of Trustees's official May 6, 1986 PR3 action did not place a two year limit on the 25% cap.
- ⁴⁶ AR II-1.0-1.IX issued 05/06/86
- ⁴⁷ 04/09/86 letter from Senate Council Chair Brad Canon to President Otis Singletary
- ⁴⁸ 04-17-89 letter from Senate Council Chair Loys Mather to Chancellor Bosomworth
- ⁴⁹ 07-03-89 letter from President Roselle to Senate Council Chair David Leigh
- ⁵⁰ 07-19-89 letter from Senate Council Chair Donald Leigh to President Roselle
- ⁵¹ AR II-1.0-1.IX issued 04/30/93
- ⁵² 09/29/92 memorandum from President Charles Wethington to VP Peter Bosomworth re: Teaching Portfolio
- ⁵³ AR II-1.0-1.IX issued 04/10/97
- ⁵⁴ University of Kentucky College of Medicine Procedures for Appointment, Promotion and Tenure, 1998
- ⁵⁵ Minutes of the Academic Council of the Medical Center Jan. 21, 2003
<http://www.uky.edu/USC/agenda/20030210/ACMC%20Special%20Meeting.pdf>
- ⁵⁶ Academic Council of the Medical Center transmittal to from APMC Chair Tom Curry to Senate Council Chair Jeff Dembo Feb. 10, 2003 <http://www.uky.edu/USC/agenda/20030210/Medicine%20Report.pdf>
- ⁵⁶ Senate Academic Organization and Structure Committee: EXECUTIVE SUMMARY OF COUNCIL AND COMMITTEE REPORTS FOLLOWING REVIEW OF THE MEDICAL CENTER TASK FORCE REPORT
www.uky.edu/USC/agenda/20030210/MCRexecutive%20summary.pdf
- ⁵⁷ Minutes of the University Senate Council Jan. 29, 2003 <http://www.uky.edu/USC/SC%20Min%201.29.03.pdf>
- ⁵⁸ Minutes of the University Senate, Feb. 10, 2003

<http://www.uky.edu/USC/Minutes/February3USTranscript.pdf>

⁵⁹AR II-1.0-1.IX issued 04/08/02

⁶⁰Emery Wilson, pers. comm. Nov. 2004

⁶¹David Watt, pers. comm. Nov. 2004

⁶²Minutes of Academic Area Advisory Committee for the Clinical Sciences Sept. 18, 1996

(c) Davy Jones Nov. 22, 2004

A History of the Establishment of the University of Kentucky Extension Title Series

In the fall 2004 academic semester, the University of Kentucky Provost announced an intention to promote discussion on the future status of the faculty Special Title Series, including its possible abolition. The Provost also announced that he would ask the College of Agriculture to use the occasion to assess the status of the Extension Title Series, which is a form of Special Title Series. Toward providing an informational base of context on how the Extension Title Series came to arrive in its present form, to enable a more informed discussion on what its future ought to be, this history of the Extension Title Series is provided. It is organized along the lines of the following progression of important historical events, which highlight particular issues that have arisen that affect the nature of agricultural Extension as a University discipline, that affect University policy for agricultural Extension, and that affect the application of that policy to individual Extension faculty.

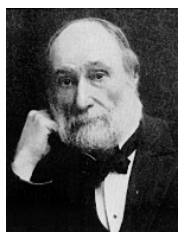
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I. Extension Faculty Prior to 1963

A series of laws passed in 1880 established the independence of the educational institution that we know today as the University of Kentucky. Among those laws was a statute empowering the Board of Trustees to hire

“... professors, assistants, and tutors and to determine the salaries, duties and official relations of each.”

This law still exists today as KRS 164.220.¹ Under that law, the University by 1911 had recognized professors, associate professors, assistant professors (and instructors) as the primary series ranks of the University employees understood as titled “Professor.”^{2,3} However, there was not a system of different kinds of professorial titles, each with its own series of ranks or own specialized duties.



Consequent to the Federal 1887 Morrill Act, there was also established, as an administrative part of the University, the “Agricultural Experiment Station.” As President **James Patterson** described it in 1908, he felt the Experiment Station functioned as “a self-contained entity, having little or no relationship to the instructional branch of the institution.”⁴ Exercising authority delegated by the Board of Trustees, the Board of Trustees Executive Committee in 1910 made the Agriculture Experiment Station to be a part of the College of Agriculture.⁵ It

was not until the 1910-1911 academic year that the University Bulletin listed all together both the persons (1) whose sole appointment was with a professorial title in academic departments of the College of Agriculture and (2) who held a staff appointment in the Experiment Station and who held academic professorial title in an academic were department of the College.⁶ Specifically, the chiefs of divisions and the chiefs of staff of the Experiment Station were to rank as professors, while the chief assistants were to rank as assistant professors.^{7,8}

In 1914, there was established by the Federal “Smith-Lever Act” the “Cooperative Extension Service,” (CES) conceptualized as a cooperative interaction between the county, state and federal governments to extend education from the land grant institutions to the citizens of the states.^{9,10} The federal act specifically limited how the federal funds to the CES could be spent, i.e., that “no portion of said moneys shall be applied, directly or indirectly, ... in college-course teaching, lectures in colleges...” and that persons appointed under the Smith-Lever Act for extension work were to be “joint representatives” of the U.S. Department of Agriculture and of the College of Agriculture.¹¹ The first person to hold both a professorial appointment in the College of Agriculture and an “Extension Specialist” appointment in the CES under this arrangement, as reported in the University Bulletin, was in 1916.¹² The framework of the UK Cooperative Extension Service (CES), with its personnel placed into every county of the state, made the Dean of the College of Agriculture in a very politically powerful situation, because through those CES personnel in each county the Dean could cultivate considerable political support.^{13,14}

In 1950, the state legislature passed and the Governor signed a law that raised much ire within the University, in that it placed the University in a Division of the Department of Education, and made its employment system as under the jurisdiction of the state government Division of Personnel in the Department of Finance, which was administratively supervised by the Governor. This placed the Governor in a potential position of utilizing the Cooperative Extension Service as a framework through which the Governor could cause to be hired and placed into each county persons who politically supported the Governor. The potential for such political intrusion spawned an in-depth report by a committee of the Kentucky Chapter of the American Association of University Professors (AAUP), chaired by **Howard Beers** (Department of Sociology) that laid bare the political mischief that this legislation had enabled.¹⁵ This report was picked up by the Louisville Courier newspaper, which in a two-page spread lambasted the legislation.¹⁶ As a result, in the next legislative session (1952), a law was passed (KRS 164.225 today) stating



“Anything in any statutes of the Commonwealth to the contrary notwithstanding, the power over and **control of appointments**, qualifications, salaries, and compensation payable out of the State Treasury or otherwise, promotions and official relations **of all employees** of the University of Kentucky, as provided in KRS 164.220, and, subject to any restrictions imposed by general law, the retirement ages and benefits of such employees **shall be under the exclusive jurisdiction of the board of trustees** of the University of Kentucky, which shall be an independent agency and instrumentality of the Commonwealth.”¹⁷

Several academic and political forces then intersected in 1955-1960. These forces included that the AAUP was approaching the peak of its influence within the University in concerns of matters of faculty tenure and academic status. That circumstance intersected with the position of the Dean of Agriculture as one of much influence within the University administration during that time (in part by way of the statewide influence of the CES). In further intersection, by 1955, there had become established a (typically M.S.-level) position in the Cooperative Extension Service of “Extension Specialist,” and the (typically M.S.-level position) in the Agricultural Experiment Station of “Research Specialist.”¹⁸⁻¹⁹ The result of a revision to the Governing Regulations in 1955 was the addition of the following **new language** to the definition of a department:

“A departmental staff shall consist of professors, associate professors, assistant professors, instructors, **research specialists, field agents**, or graduate assistants who may be appointed to give instruction or to conduct experiments, research or field studies...”

In 1960, there was further amendment to the Board’s Governing Regulations concerning tenure. Back in 1918, the Board’s regulations had been revised to prescribe that tenure (“continuous employment”) could be awarded to faculty with the rank of Associate Professor or Professor,²⁰ but in 1947, the Board of Trustees amended its regulations to limit appointment to either rank to persons who have a Ph.D.²¹ In essence, a faculty could not acquire tenure without a Ph.D. However, in the 1960 revisions, that requirement of a Ph.D. for appointment as Associate Professor or Professor was removed, and the tenure regulations rewritten to read as shown below:

“Each person in the following categories shall also have continuous tenure at the University, either on appointment or following a probationary period of employment on a year-to-year

basis, the total probationary period to be from one to five years, as approved by the President: (1) all persons of the rank of assistant professor or higher, (2) other persons adjudged by the President to hold equivalent ranks, including **research** or **extension personnel** and professional librarians.”²²

These changes placed Extension Specialists (and Research Specialists) and Assistant Professors in a position to acquire tenure, just as did Associate Professors and Professors, but instead by the mere act of their continued reappointments for longer than five years (i.e., “*de facto* tenure”).^{23,24}

II. Establishment Under President Oswald of the “Regular Title Series” and Its Qualifications, 1963

In fall of 1963, the newly appointed UK President **John Oswald** was given a mandate from the Board of Trustees to lead UK out of its status as a local institution of primarily teaching emphasis and into the ranks of national research universities. However, there was no written higher University-level framework establishing merit-measures of faculty performance.²⁵ In consultation with the Faculty Council (= Senate Council today),²⁶ President Oswald promulgated in October of 1963 a statement of University-wide criteria for faculty appointment, promotion and merit salary increase that reflected this philosophy.²⁷ That policy stated, in part:



“Four areas of activity are important in the evaluation of faculty for appointment, promotion and merit increase:

1. teaching
2. research and other creative activity
3. professional status and activity
4. University and public service

..... 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.”

That 1963 policy memo became what we know today as the President’s Administrative Regulation for appointment, promotion and tenure of “Regular Title Series” faculty (AR II-1.0-1.V, of today).²⁸ Particularly eye-raising for many faculty and administrators was the emphasis that the policy placed on performance of research, and that faculty who would be titled “Professor” (or “Associate Professor” or “Assistant Professor”) would be expected to perform with superior attainment in both research and teaching, and with “effectiveness” in University or Public Service. Thus, it became immediately clear that the academic departments and the Area Committees would have difficulty in applying those criteria to the retention, tenure and promotion of certain of the nonresearch faculty in various colleges. In some colleges, the nonresearch faculty were primarily performing teaching, and in some, primarily public service.²⁹ In addition, the research-only assignment of some other persons precluded their performing in either teaching or public service.³⁰

III. Implications of Regular Title Series Criteria Policy for Agricultural Extension Faculty

The President met personally with the Faculty Council at its November 1963 meeting, little more than a week after circulating the new criteria for tenure that required excellence in both teaching and research activities, and effectiveness in service. The minutes of that meeting show that “the following points were made [including]:

decision must be made concerning the agricultural extension group”³¹

For the remainder of 1963 and all of 1964, there was much discussion in the University Faculty Council as to whether alternative titles or alternative ranks were needed to accommodate specialized needs of Agriculture and Medicine. In January 1964, the Faculty Council discussion generated the suggestion:

“... that consideration be given to adding “Part-time” to the title of a part-time faculty member, and broad terms, to include those in non-teaching research in the Medical School and **the College of Agriculture**, such as “**Assistant Agronomist**”, “Physicist”, “Assistant Surgeon”, be used for research titles.”³²

There was also discussion as to whether the “Lecturer” ought to be made a tenure-track series with a progression of multiple ranks, and applied to Extension faculty. Shortly thereafter, in there was in the Faculty Council

“substantial discussion of the matter of needs for special ranks to meet the needs of particular colleges. Dr. **Ed Pelligrino** [Faculty Council Vice Chair and the Chairman of the Department of Medicine, College of Medicine] presented problems that would be created by the proposed **lecturer** and associate ranks for people in the clinical area whose responsibilities did not fit the teaching research concept of the professorial series.... [t]his led to the point that there were other areas such as **Agriculture** where the problems of specialized activities suggested that perhaps other series of ranks might be needed that would more appropriately define the functions of individuals It was felt that there was need to explore further the possibility that still other needs of this type existed in other colleges in the University and that prior to making a position the Faculty Council might well consult with appropriate faculty members to define these needs more completely ...”³³



IV. Discussions Occur on Potential Solutions to the “Title Problem” for Extension Faculty

February 1964 was a particular moment of urgency for this problem, because at this moment the newly established Area Committees were starting to meet and assess the spring 1964 dossiers for promotion and/or tenure, including those from faculty who were assigned in the specialized needs of colleges that did not entail significant time assignment in each of research, teaching and service. With the Faculty Council still wrestling with the issue two weeks later

“Dr. **[Ralph] Weaver** [Faculty Council Chair] was requested, through personal interview, to ask each of the deans to submit recommendations for faculty titles in those areas where the criteria for regular professorial ranks would not be appropriate for retention and promotion, emphasizing that the Council would insist on these [Oswald 1963] criteria for the regular professorial ranks.”³⁴ (underlining in original)



Unfortunately, over the course of the next month of Faculty Council meetings,

“The Chairman reported that the Council could not proceed on the matter of defining special ranks to meet the needs of particular colleges until all recommendations were in from the applicable college deans. In this connection, he reported that he had received a letter from the Dean of the College of Commerce which he read to the Council.”³⁵“The Chairman reported receipt of a negative reply from the Art Department toward special academic ranks and Dr. Pellegrino reported negatively for the College of Medicine. The Chairman commented on the lack of progress being made in this area.”³⁶

The College of Agriculture was one of the colleges for which no response was received, unfortunately for those persons whose dossiers from the College of Agriculture were already being evaluated in that cycle by the Area Committees. In one February 1964 case of a person possessing a terminal degree, the Area Committee wrote

“It is the opinion of the Committee that although Mr. [] appears well qualified to do extension work in [department], it does not appear that Mr.[] will have any responsibilities outside the area of extension work. It is the opinion of the Committee that appointment to a professorial rank is not justified for work in this area and that **Extension** titles should be used for **Extension** personnel.”³⁷

The June 1964 Board of Trustees minutes show that subsequently that individual (and a second individual from Agriculture) being appointed as “Assistant Extension Professor.”³⁸ That is, the title of the individuals would not be “Professor” but rather “Extension Professor.” However, this was an *ad hoc* arrangement for spring 1964, that is, no “Extension Professor” alternative title series was yet officially promulgated as policy.³⁹

Finally, in May 1964, after the spring cycle of dossier evaluation had completed, **Dean Seay** corresponded to both University Faculty Council and President Oswald with separate policy proposals for titles of personnel in the College of Agriculture.⁴⁰ Dean Seay’s letter to President Oswald



expressed a managerial intent of “flexibility” in assignment of duties to Extension faculty, which he justified on the basis of a newly broadened mission of the college to include economic development:

“We believe that the titles assigned to **Extension** staff members should fit the organization and be descriptive. They should be **flexible** and **not hamper** the individual in the performance of his duties...Our program is no longer restricted to agriculture, home economics and youth program in the narrow sense but currently include considerable emphasis in the broad field of **over-all economic development** ... The prefix “agriculture,” as currently used is meaningless for men working primarily in economic development programs.”⁴¹

(Nearly forty years later, the College of Agriculture administration articulated

“As the pace of **economic** and agricultural transition accelerates, we need to become more adaptable, more **flexible** and more responsive as an organization.”

“The [Cooperative Extension] program delivery process involves **Extension** faculty, county agents, advisory council members, volunteer leaders and the general public. ... We emphasize: ... Being locally-driven, **flexible**, and responsive; we reach millions of Kentucky residents each year with educational programs in agriculture and natural resources, family and consumer sciences, 4-H and youth development, and **community and economic development**.”^{42,43})

Dean Seay’s May 1964 proposal for academic Extension personnel titles, cast in the above context, was to propose three ranks for County Extension Agent and their respective criteria, another title of “Area Specialist,” and finally (with an eye on the still in-force, above-quoted 1960 Governing Regulations for tenure) the proposal:

“The titles Extension Specialist, Assistant Extension Professor, Associate Extension Professor, and Extension Professor will be used for resident staff and where appropriate for area specialists. Resident extension staff including those area workers with Extension professorial titles can earn **job security** after a probationary period not to exceed seven years.”⁴¹

Dean Seay’s May 1964 correspondence directly to the Faculty Council instead⁴⁰ was focussed on the research aspect of “*personnel in the College of Agriculture and Home Economics in the college and Experiment Station*”:

In addition to professional academic personnel holding the ranks of instructor, assistant professor, associate professor and professor ... we would recommend ... **Research Specialist** or **Regulatory Specialist** – minimum education a Master of Science Degree...This rank would be the equivalent of an Extension Specialist or Extension Assistant Professor. Personnel with this title will be able to earn **job security** after probationary period not to exceed seven years.”⁴⁴

During the summer of 1964 following these late spring proposals by Dean Seay, President Oswald and the University Faculty Council developed an amendment to the section of the Governing Regulations pertaining to tenure, that would more closely capture the intent of his new policies for tenure criteria, and which would also close the ‘loophole’ that persons might acquire tenure by the *de facto* route of mere reappointment beyond the probationary period. This amended language would shortly precipitate additional events for Extension faculty.⁴⁵⁻⁴⁷

Meanwhile, the Vice President for the Medical Center, **William Willard**, was quite strident in his position that the clinical (teaching/patient care) faculty of the Colleges of Medicine and Dentistry, who were not performing “research” as that term was conventionally understood, ought nevertheless have access to the Regular Title Series. He was convinced that if a second title system were implemented for the clinical faculty, that the clinical faculty would become stigmatized with a second-class status. He expressed to President Oswald in September of 1964 his apparent awareness of Dean’s Seay’s May 1964 proposal,



“I understand that the College of Agriculture has such a system of titles but I am not clear that these apply to many faculty members who are active in teaching on the Lexington campus; the application of dual titles to county agents and home demonstration agents who have little formal teaching responsibility in the usual academic sense is hardly parallel.”⁴⁸

V. Establishment of a Single, University-wide “Special Title Series” as an Alternative to Regular Title Series, 1965

By December of 1964, the next cycle of Area Committee evaluation of promotion dossiers loomed just a month or two away. Dean Seay continued his correspondence with President Oswald’s office, through the Special Assistant to the President, **Tom Lewis** (who later became the Dean of Law). That activity resulted in Dr. Lewis’ drafting in mid-December 1964 of rank definition statements and criteria for ranks of “Extension Professor,” “County and Home Demonstration Agent, Research Specialist and Area Specialist” and also “Extension Specialist.”⁴⁹ A month later, President Oswald disapproved the proposals from Dean Seay for a faculty status, indeed a tenureable faculty status, of the Extension Specialists and Research Specialists. Contributing to this shift and decision by President Oswald was an unpalatable (for Oswald) outcome of the new ‘tenure-or-out’ regulations that the Board of Trustees had adopted at Oswald’s request at its September 1964 meeting. Dean Seay combined the academic political influence of the college with that 1960 *de facto* tenure regulation (that had listed extension specialists as being included in the group that could acquire *de facto* tenure) to cause the President and Board of Trustees to publicly recognize that **45** Extension Specialists possessed tenure.⁵⁰ Thus, although the subsequent actions of President Oswald closed the door to any further faculty status by Extension Specialists after that time, for the next several decades there continued to be employed at the University of Kentucky those Extension Specialists who by the 1965 Board action possessed tenure. The last person to retire who was in this group of 1965-tenured Extension Specialist retired from UK in 1988.⁵¹



Thus, for a second year, the Area Committees had the unenviable task of dealing with dossiers for individuals who did not have significant assignment in each of teaching, research and service, and who thereby would not satisfy the October 1963 Regular Title Series policy that set forth the criteria for award of the unqualified title “Professor.” Dossiers from the College of Agriculture relating to specialists and Extension faculty were again affected by the lack of a final policy for such situations.^{52,53}

Meanwhile, the Faculty Council accepted in principle President’s January 1965 proposal for a single, alternative, University-wide title series, but with several substantive modifications,^{54,55} which the Deans Council,⁵⁶ and the full University Senate⁵⁷ endorsed, and the President accepted and promulgated as the final, new Special Title Series policy.⁵⁸ First, it would be named as the “Special Title Series,” to place the emphasis on that each position to be created in this title series was for a “specialized” activity. Second, the new series would only be used for positions in which the very nature of the specialized teaching or service activity was so different from that performed by persons in the Regular Title Series that the criteria used to evaluate teaching and service of Regular Title Series faculty were inappropriate to use to evaluate persons in this alternative title series. Very important for the future understanding of the basis of use of this title series was the stipulation of intent that:

“[The October 1963 Regular Title Series [criteria] appear to be satisfactory for the great majority of positions. There are, however, a few areas **where research and creative work, in the usually accepted sense, do not constitute a significant part of a staff member’s activity** ... Yet the University has established programs in some of these areas and has the need for professionally competent people to meet the teaching and public service responsibilities required by these programs. To meet these responsibilities effectively and to maintain a competitive position in the manpower market, it is proposed that a “Special Title” professorial series be established...

“Therefore, the appointment or promotion of an individual to the Special Title Series should be recommended only where teaching or other needs are so specialized in character that they can be met with greater effectiveness by faculty members in the special series...

“Appointment to a Special Title position **will not** normally imply a specific responsibility to engage in **research**.”⁵⁸

Executive Vice President A.D. Albright oriented the college deans and Area Committees about how provisions within the established Special Title Series policy were designed in several ways to protect the integrity of the Special Title Series. As he elaborated,

-if the nature of the teaching or service activity to be performed was to be just the same as a Regular Title Series faculty member would perform, then it would be inappropriate to establish a Special Title Series position for that activity, and instead a Regular Title Series faculty member(s) should be identified to perform that activity.⁵⁹

-to maintain faculty oversight with the President on the special criteria that would be created *ad hoc* (“specially”) for appointment, promotion and tenure into each Special Title Series position, before any hire into the position, a proposal of special criteria would be developed by the department” and then, above the dean, the criteria would be further reviewed by an Area Committee (on behalf of the Faculty Council), prior to final approval by the President.⁵⁸

-using a proposal from the College of Nursing as an example, the Area Committee and President Oswald disapproved a proposal for a Special Title Series position forwarded by the Dean, expressly because the Dean had included in the proposed description of the job assignments for the position and the associated promotion criteria, that the hired individual would be responsible to perform research that resulted in research publications. The proposal was approved only after the Dean

“revised the proposed definition of “Associate Professor of Clinical Nursing” and “Professor of Clinical Nursing” to eliminate the implications of research achievements, **therefore distinguishing these positions from regular faculty titles.**”⁶⁰

VI. College of Agriculture and the Special Title Series Policy

While a number of colleges during the last half of 1965 submitted proposals for establishment of Special Title Series positions relevant to particularized needs within their respect colleges, the College of Agriculture did not submit any proposals for establishment of Special Title Series positions in relation to Extension faculty.⁶¹ As far as the College of Agriculture was concerned, the situation appeared to come to a head in January 1966, just as the 1966 spring cycle of promotion and tenure dossier consideration was in the offing. Executive VP A.D. Albright was contacted by an official from the College of Agriculture dean’s office on an issue relating to potential appointment of a new Extension faculty member.⁶² In order for the individual, a recent UK graduate, to be appointed as an **Assistant Extension Professor**, and not violate the 1960 regulation that recent graduates can not be employed at UK as a “teacher” or “research” worker at the rank of Instructor or higher,⁶³ Executive VP Albright explained that the person could not be

“appointed as a teacher or research worker as those terms are used in the [Regular Title Series] regulation...If made this appointment **would be in the Special Title Series** ...the criteria [for Special Title Series] may differ from those for the regular professorial series. No criteria have been adopted for a Special Title Series in Agriculture as no formal request has been made for the establishment of such a series.”⁶²



The above admonition apparently got the attention of the College of Agriculture administration. At the President’s direction, Provost Lewis Cochran then appointed a committee, Chaired by **William Garrigus** (Animal Sciences), to draft a statement of “*criteria for a Special Title series of Extension professorships.*” A goal for that committee’s efforts was to develop a criterial statement that “*might not only apply to the Agricultural Extension Service but throughout broader areas of the University.*”⁶⁴ The resultant committee product was proposed by Provost Cochran to Executive VP Albright for approval in April 1966, with the Provost noting

“These criteria are **somewhat general** but may be the best that we can obtain in the beginning.”⁶⁴

However, Executive VP Albright enforced that the Special Title Series was to be used only for positions so specialized that the position descriptions would be need to be fashioned on a case-by-case basis, rejecting the notion that a single approved statement of criteria would ‘flexibly’ subserve all of the various Extension positions throughout the entire University (including the College of Education and the College of Business and Economics).⁶⁵ Hence, when Executive VP A. D. Albright responded to Provost Cochran on May 6, 1966, he limited the application of the proposed performance criteria to the College of Agriculture:

“The criteria for appointment and promotion are approved provisionally; these may require further development over the next year as their use would indicate... The criteria, as they are further developed, might well be considered for use in the University generally”⁶⁶ (underline added here)

The criteria for Associate Professor or Professor ranks in this approved Special Title Series of Extension could be grouped into three areas of assignment: (1) Professional Status and Activity, (2) Instructional and Organizational Skills in the individual’s extension program of assignment, and (3) University Community Service Activity:⁶⁷

- 1-“**Achievement of professional status** beyond the University... [leadership, participation in professional organizations, requests to serve as consultant, recognition for outstanding service by clientele serve in the field of specialization]
- 2-“**Achievement as instructor, organizer**” [i.e., the extension public service component] “with the term instructional broadly conceived so as to include such activities as:
 - Production of training or instructional *programs*
 - Preparation of public information materials
 - Achievement as a creative person, in producing innovations of materials ... as a scholar ... who applies and develops new knowledge relevant to his work
 - Coordination of* teaching or training *programs...[o]rganization* of groups for study, or for action to apply knowledge
 - innovations of ... methods, or approaches to the problems he encounters in his work
- 3-“**faculty government** assignments, either as elected by the faculty or as appointed by the administration.”

Several months later, the first College of Agriculture faculty member to be appointed to the newly approved Special Title Series of Extension professorships was so appointed (Donald LaBore, Dept. of Veterinary Sciences) with the official title in the Board of Trustees minutes⁶⁸ of “Associate Extension Professor.” In subsequent actions of approval of proposals for appointment or promotion to this title series, the official notifications of approval actions to Dean Seay from Executive Vice President A.D. Albright were styled as:

“...the promotion of Dr. _____, Department of _____, to the rank of Associate Extension Professor (**Special Title**), with tenure....”⁷⁴

VII. Establishment of Area Committee for Extension, 1968

In addition to the October 1963 policy he promulgated on appointment and promotion criteria,²⁷ President Oswald in October 1963, together with the University Faculty Council, also established the policy that appointments or promotions to the rank of Assistant Professor and higher (later, to Associate Professor and higher) must be evaluated by a University-level faculty “Area” committee.⁷⁵ Provost Cochran proposed and Executive VP Albright approved, in May 1966, that the committee that drafted that Extension Title Series criterial statement would serve at least initially as the first Area Committee for appointments and promotions in the Extension Special Title Series.⁶⁴ In March of 1968, though, the Faculty Council made note that it wanted the committee to be officially established (i.e, through the University Senate framework of a short list provided by the Senate Council, etc.).⁷¹ By December 1968, Albright requested that the Senate Council submit a short list of names of faculty for formal appointment to a newly and formally established Area Committee for Extension.⁷²

VIII. Codification of in Administrative Regulations of “Special Title Series for Extension”



Shortly after his appointment as the new University of Kentucky President in fall 1969, **Otis Singletary** desired to codify the various Oswald-era faculty personnel policy memos into a manual of “Administrative Regulations.”⁷³⁻⁷⁵ The Administrative Regulation on the “Special Title Series for Extension” was drafted,⁷⁶ examined by the University Senate Council⁷⁷ and finally promulgated in March of 1972, expressly stating that it was designed for

“those University faculty whose **primary** assignment is to one of the University **extension programs** serving the citizens of the Commonwealth.”⁷⁸ (AR II-1.0-1.V, 1972)

The criteria for the rank of Associate Extension Professor as codified in the new Administrative Regulation closely dovetailed the criteria for that rank as approved in 1966 as a “Special Title Series for Extension Professorships” (i.e., centered on same basic three Areas of Activity of professional status; instructional/organization skills *toward the extension program of primary assignment*; and University/community service).

IX. Distinction of Extension Title Series From Regular Title Series Preserved by Unique Definitions for Activities of Assignment and Distribution of Effort

The Administrative Regulation codified in 1972 for the Special Title Series for Extension placed several restrictions on the assignments of duties and on the distribution of effort, that ensured that the faculty appointed into the title series have in common a “specialized” focus of duties, reflecting its “specialized” nature, that is *functionally different from what a Regular Title Series faculty member could be assigned*.

The first restriction is in the opening sentence to the 1972 Administrative Regulation for this title series:

“The Special Title Series for Extension **consists of**: (1) assistant extension professor; (2) associate extension professor; and (3) extension professor.”⁷⁸

By its grammatical use of the phrase “consists of”, and not “may consist of” or “in part consists of,” this important requirement establishes the integrity of this title series being an inseverable whole unto itself. There is no such thing as a “split title series” assignment, in which a faculty member is partly Extension Title Series and partly some other title series. This language specifies that this title series consists of the stated three ranks, and the remainder of the regulation specifically defines the three ranks in terms of consisting of the following areas of assigned duties:

- 1 - in professional status/activity,
- 2 - in instructional/organizational skills *toward the extension program of primary assignment*, (i.e., this is the ‘extension public service component’) and
- 3 - in University/community service.

Those activities in those three areas specifically define and constitute as a whole and in toto an assignment in the Special Title Series for Extension (notice there is no area of assignment for “teaching” or “research” as those terms are used for Regular Title Series faculty). The Administrative Regulation by its language does not allow managerial ‘flexibility’ to sample from unique assignments that characterize other title series, patchwork them together, and then label it as an assignment to a position in the Special Title Series for Extension.

For example, it would not be compliant for a D.O.E. assignment to be 10% from Librarian Title series work, 30% from Community College System Title Series work, 19% from Clinical Title Series patient care work, and then 51% generic “Extension” assignment. It would not be compliant for two reasons: (1) neither Librarian Title-type work, nor CC System Title-type work, nor Clinical Title-type work are any of the three specified areas of assignment for Extension faculty and (2) the definition in the regulation for the three professorial ranks in the Special Title Series for Extension is for assignment in all three specified areas, one of three of which must be the primary (>50% time) assignment of an extension program, and thus once the primary of the three areas is assigned as minimally 51% time (to be “primary”) there is no room left in the generic “51% Extension” assignment for other two required areas of activity (i.e., professional activity and University service). Thus, not only would the above assignments be in violation of the above regulatory requirement securing the integrity of the Special Title Series for Extension, they would be to the detriment of the professional status of the individual, since the individual is being assigned duties that are not commensurate with making due progress toward requirements for tenure in the Special Title Series for Extension (see the current AR II-1.0-5.B.3,⁷⁹ AR II-1.0-1.IV.I⁸⁰).

The above particular restriction codified in the 1972 Administrative Regulation has been continued for the past three decades, verbatim and without change, exactly as codified in 1972 (see AR II-1.0-1.VI of today⁸¹).

The fact that the above definition of assignable areas of activity for ETS faculty does not include Regular Title Series-style “teaching” in Senate-approved courses in Senate-approved curricula, nor Regular Title Series-style “research,” is further attested by the controlling Board of Trustees Governing Regulations of 1970. In defining those faculty eligible for election to the University Senate, those regulations prescribed:

“The elected faculty membership shall consist of and represent proportionally the members of the full-time **teaching** and/or **research** faculty with the rank of assistant professor or higher...”⁸²

However, as discussed in Section XII below, under this provision *no Extension Title Series faculty were eligible* for election to the University Senate. The University Senate, the President, and the Board of Trustees itself (all three being above the level of a dean) each made this same interpretation, because each later agreed that the qualifying activities of “teaching” and “research” did not encompass the Extension Title Series, and that different definitional language would be needed to allow inclusion of the Extension Title Series faculty. It was not until the Board of Trustees changed its Governing Regulations in 1986 to specifically name the Extension Title Series faculty as also being eligible, that the extension faculty gained that eligible status.⁸³ That is, the activities of Extension Title Series faculty under the regulations of their assignments were not doing “teaching” or “research” within the meaning of the Regular Title Series faculty (where *all of Regular Title Series faculty were eligible* for election to the Senate). “Teaching” in the sense of Regular Title Series teaching, and “research” in the sense of Regular Title Series research were not activities assignable to Extension Title Series faculty and therefore the Extension Title Series faculty were not eligible for election to the Senate.

(Implications for Overload Salary Payment. The above restriction is the basis for the salary overload payment that has been made to Extension faculty when a Dean desires that the Extension faculty member provides conventional ‘class teaching’ activity for a class in which curricular credit is awarded to the students. Such a teaching activity is not one of the three areas of assignment that make *in toto* the whole assignment to each Extension faculty member. Therefore, under the higher President’s Administrative Regulations, if the Dean is going to avail, or to require, an Extension faculty member to perform such conventional teaching that is outside the definition of areas of activity of Extension faculty (e.g., obvious examples would be teaching evening/weekend classes for student credit, or teaching such for-credit classes off-site or in Distance Learning), then it is required that an overload salary payment be made to the Extension faculty member.⁸⁴)

The second restriction is a requirement intended to ensure a high level of homogeneity in assignments, reflective of the policy (adopted on the very next page in the 1972 Administrative Regulation, for the remainder of “Special Title Series”, AR II-1.0-1.VI⁷⁸) that each Special Title Series position

-is intended to be unique (requiring its own job description and corresponding unique promotion and tenure criteria), or

-that a number of individuals can be hired into positions served by a single Special Title Series position description/promotion-tenure criteria, if the hired individuals are really each going to have essentially the same duties that are those prescribed in that one position description

This restriction, that preserves the integrity of “the” Special Title Series position of “Extension Professor,” is stated at the outset of the 1972 Administrative Regulation of this title series, where is written the requirement that the regulation applies to

“those University faculty whose **primary** assignment is to one of the University **extension programs** serving the citizens of the Commonwealth.”⁷⁸

The consequence of this requirement is that no Extension faculty member is to receive a primary assignment in an area of activity other than an assignment of instruction/organization toward an extension program. Not only would a contrary primary assignment be a violation of this requirement for the Special Title Series for Extension, it would be to the detriment of the professional status of the individual since the individual is being assigned duties that are not commensurate with making due progress toward requirements for tenure in the Special Title Series for Extension (see AR II-1.0-5.B.3,⁷⁹ AR II-1.0-1.IV.⁸⁰). This particular requirement codified in the 1972 Administrative Regulation remains today exactly as codified in 1972 (see AR II-1.0-1.VI of today⁸¹).

The third restriction was newly added at the 1972 codification of the “Special Title Series for Extension,” which established that evaluation of faculty performance is to be weighted by the distribution of effort assignment. For the case of the “Special Title Series for Extension,” at the end of the subsection A.2 in AR II-1.0-1.V (1972)⁷⁸, after that section has prescribed the **three** areas of activity of professional development, instruction/organizational skills toward the extension program of primary assignment, and University/community service, the regulation next requires:

“Application of the above criteria should be weighted in terms of the individual’s assignment”

The *very important* consequence of this requirement (which provides a protective safety net for Extension faculty; see below) is that in order for the promotion/tenure evaluation to be “weighted” in terms of the “assignment” in these three areas, the Distribution of Effort form for the individual must accurately and separately record and show the percent of effort assigned to the individual in each of these three areas. Merely recording on a Distribution of Effort form of a single number, e.g., that an individual is “100% Public Service,” does not accurately record or show the percent of time that is assigned in each of these three different areas and therefore does not comply with this regulation. Such a D.O.E. recording tactic is not in compliance, because it makes it impossible to use the D.O.E. form, as prescribed, during a promotion exercise, to weigh the evaluation for the respective percent efforts in each of the above three areas (see AR II-1.0-5.B.3,⁷⁹ AR II-1.0-1.IV.I⁸⁰). This particular requirement codified in the 1972 Administrative Regulation has been continued for the past three decades, verbatim and without change, exactly as codified in 1972.⁸¹

X. Issues Arising Subsequent to 1972 Concerning the Academic Status of Extension Title Series

Over the course of the several decades subsequent to 1972, issues have arisen as to the relationship between the regulations as actually codified versus the Special Title Series in Extension as practiced at a college level.

A Legal Backdrop. An important legal backdrop that highly profiled these issues was the 1982 ruling against the University of Kentucky by the KY Court of Appeals (later upheld by the KY Supreme Court) in the “Hayse tenure case.” In that case, the written Administrative Regulations prescribed that the procedures to be used in promotion/tenure processes were to be certain specific procedures.⁷⁸ Those procedures were not used by the dean and higher officials in Hayse’s promotion/tenure exercise, for which the University’s defense to the court was that “*the procedure was altered by custom and application*,” and that all promotion/tenure exercises for all faculty were procedurally practiced in the same way as Hayse’s exercise was procedurally practiced, and therefore Hayse was treated both fairly and correctly.⁸⁵ The Court of Appeals (and Supreme Court) rejected that a dean or other administration officer possesses such managerial flexibility, firmly holding that

“The University contends that as a matter of custom and practice [the procedure is done a certain way] ... This is not the procedure established by the regulations which have been adopted and custom cannot be allowed to supercede the duly adopted procedures.”⁸⁵

Hayse was entitled to the procedures as prescribed in the Regulations - a contrary practice could not be imposed.

The above concept, though simply stated by the KY Supreme Court, is sometimes difficult for faculty (or unit administrators) to grasp. It may happen that a faculty member is hired, and over the years reappointed, promoted and tenured, all under a custom and practice in the college that is actually in violation of the higher (controlling) University regulations. Since that faculty member has not known any other process than the custom and practice of his/her unit, and since that faculty member was successfully promoted and tenured under that practice, the faculty member may be convinced that the custom and practice in his/her unit is the actual University regulation (when it is not), or that at least it is ‘permissible.’ However, as the Supreme Court in the Hayse case firmly held, the existence of a contrary custom and practice, even if acquiesced to by some willing unit faculty, does not create an obligation for other faculty members of the unit to submit to the practice if the other faculty members demand instead to be treated in accordance with the written, duly adopted procedures.

Additional Safety Net Relating to Faculty Assignment. Also related to issues of Extension faculty assignment is an Administrative Regulation (AR II-1.0-1.IV.I) and its parent Governing Regulation (GR

X.B.11) that dates to 1947 in a case that involved the College of Agriculture.⁸⁶ These regulations establish that there is no general ‘catch-all’ that allows an administrator unfettered overriding discretion to change faculty assignments in a way that would violate other University regulations. These restrictions draw a narrow circle around the administrative discretion to only overriding that subset of regulations that are on faculty academic freedoms/privileges (i.e., no discretion to override other regulations relating to other employment parameters), and even in the narrow case of overriding faculty academic freedoms/ privileges, such override is only permissible if the change in assignment does not harm the professional status of the faculty member.

University Senate Council Relays Agriculture Faculty’s Faulting of Regular Title Series Criteria Being Applied to Extension Faculty. In 1982, the Senate Council discussed,⁸⁷ and then related by letter to President Singletary, the following concerns about the application of criteria for promotion of Extension faculty from Associate Extension Professor to Extension Professor:

“Dear President Singletary....
....The criteria applied for promotion of an Extension Professor seem unrealistic in light of such people’s responsibilities. The nature of the job often precludes anything more than a regional influence...The objections came, incidentally, from members of the Agriculture College faculty ...
The **criteria** appear to the Council to be **derived from the research series** rather than being applicable to the extension folk.”⁸⁸

The following year the Senate Council reported to the full University Senate that

“There are approximately 80 extension faculty members... it appears that almost all of them spent a considerable amount of time engaging in functions that regular faculty perform, i.e., **teaching** and **research**.”⁸⁹

The Senate Council formally proposed to President Singletary changes to the 1972 Administrative Regulation on Extension faculty, designed specifically to differentiate between the promotion and tenure expectations of the Extension discipline from the expectations of the Regular Title Series faculty. For example, the Senate Council requested that President Singletary insert “appropriate” into the 1972 regulation to now read:

“Publication of useful and creative articles in **appropriate** professional journals”

to focus the evaluation on the kinds of professional journals that were outlets appropriate to the nature of the kinds of extension program assignments being made to Extension faculty (often necessarily of regional, not national, scope). To further distinguish the nature of “educational” activities of the Extension discipline from the conventional “teaching” activities as that term is used in the Regular Title Series regulation, the Senate Council, with approval of the Agriculture Senate Council member Wilbur Frye, also obtained the changes⁹⁰:

“Assistant Extension Professor...
... a candidate shall possess the essential **teaching instructional** and organizational skills prerequisite to successful development and administration of a University service program.”

“Associate Extension Professor ...
... Development of training or **instructional extension education** programs.”

“Extension Professor
... National recognition in **teaching extension education** and in planning and developing programs.”

These changes (incorporated in 1983) have been the only substantive changes to these personnel Administrative Regulations for Extension faculty from 1972 to 2004.⁹¹

University Senate Committee General Findings on Custom and Practice re: Extension Title Series. Despite the above specific, distinguishing clarifications incorporated into the Extension faculty Administrative Regulations, and despite that the duly adopted Administrative Regulations had remained unchanged since 1972 in defining the three specific (nonresearch) areas of activity of Extension faculty, in 1986 an *ad hoc* University Senate “Committee for Review of Special Title Series” rendered a report that found a contrary custom and practice:

“Role of ETS [Extension Title Series] has changed in the last ten years – many now involved in **research**.”⁹²

University Senate Appeals Committee Findings in Specific Case on Custom and Practice re: Extension Title Series. Against the above backdrop of the University Senate committee’s finding of increasing “research” assignment being made to Extension faculty, and against the legal backdrop of the Hayse case, there shortly thereafter occurred the following individual Extension faculty personnel case, in which the University Senate appeals committee found that the requirements for the Special Title Series for Extension had not been followed:

“the members of the Committee on Privilege and Tenure concluded unanimously that there was a significant lack of correspondence between the explicit job responsibilities assigned to Dr. [] and the position requirements implicit in the evaluation criteria applied by the Area Committee. As a consequence, Dr. [] was placed in an untenable situation in which the conscientious performance of [his/her] assigned duties could jeopardize [his/her] chances for promotion. The Committee on Privilege and Tenure[’s] concern was whether conflicting job performance expectations of [his/her] administrative superiors and the Area Committee unduly influenced the promotion decision... this may well have been the case. For example, the nature of Dr. []’s job ... required that [s/he] exercise responsibility in a wide variety of areas...[yet] the Area Committee found [his/her] to lack a ‘focussed area of specialization and achievement.’ Similarly, the Area Committee faulted him/her for failing to produce publications indicating ‘scholastic achievement,’ but the production of such publications does not appear to have been part of [his/her] extension duties.” The SACPT “suggests that [a] re-evaluation be conducted by an ad hoc committee rather than by the Area Advisory Committee for the Extension Title Series, which would necessarily be guided by the criteria it previously employed.”⁹³

The University President “concurred” with the findings and implemented the recommendation.⁹⁴ The following year, there was yet another case that yielded the same finding by this Senate appeals committee, concerning

“an extension person, who appealed on the basis that he was evaluated on contractually inconsistent criteria. The Committee recommended an ad hoc committee review with the correct criteria; that recommendation was accepted and carried out.”⁹⁵

New College of Agriculture Policy Affecting Extension Faculty. Four years later, a new Dean of College of Agriculture, **C. Oran Little**, issued a written statement of policy establishing a new instrument for the evaluation of faculty, including Extension faculty. The controlling University-level framework specifically compelled that the performance review be weighted for the activities and functions of the faculty member, which the regulations premise as being accurately shown in the distribution of effort.⁹⁶ In addition to this University-level regulation, the specific Administrative Regulation for Extension faculty made additional requirement that the weightings were to be made for the distribution of effort in each of the three specific areas of Extension activity: (1) professional status/activity, (2) instruction/organizational skills toward their particular extension program of assignment, and (3) University/ community service. However, by the Dean’s newly promulgated practice for the College of Agriculture, the University service activity would be splintered apart, and the sub-fragments of the University service activities were to be inserted into the evaluation of other activities “Research” or “Resident Teaching” or “Cooperative Extension” that the Extension faculty member had performed.



“Service includes those activities necessary for the effective functioning of the department, college, university and profession that are not strictly teaching, research and cooperative extension ... Service activities relating to instruction, research, extension, special assignments or special title assignments shall be considered in the evaluation of contributions in the area to which they are most closely related”⁹⁷ (underlining added here)

The official policy for faculty performance review states “*A rating will be assigned for each area of D.O.E.*” In contrast, that newly promulgated college-level custom and practice was not concordant the written language of the University’s higher, duly adopted Administrative Regulations for Extension faculty, because the above splintering of the University service D.O.E. of Extension faculty made it impossible to provide the weighting to that service D.O.E. component as an unsplintered whole, as is required by the President’s specific Administrative Regulations for Extension faculty. The official University policy for the College of Agriculture

D.O.E. form mandated then (and still does) that University-level service activities be recorded in a separate area of assignment unto itself on the D.O.E. form,⁹⁸ yet there was no corresponding place on the new 1990 “Faculty Performance Evaluation” form on which to assign a rating for that area of University-level service assignment (for either Regular or Extension faculty). There was no place on that performance review form to assign separate rating to any of the three areas of Extension faculty assignment.

Language of University Policy and Language of College Policy: An Outcome. This discordance of the 1990 college-level policy and form with the University-level regulations was felt soon thereafter in a number of faculty personnel actions. For example, a Chancellor-level merit appeals committee in 1993 specifically wrote to Chancellor Hemenway about this situation, stating:

“The Committee is also concerned about the apparent lack of a mechanism for recognizing service contributions in DOEs within the College of Agriculture. This issue has also arisen in the recent past during deliberations within the Academic Area Advisory Committee for the Biological Sciences. Dean Little’s explanation that service is taken into account in assigning merit scores within other categories was not reassuring.”⁹⁹

Language of University Policy and Language of College Policy: Another Outcome. In the early 1990’s was another example Extension faculty case reaffirming that custom does not trump the written regulations, no matter how many other faculty in the title series are similarly (incorrectly) treated. The President adopted the findings and recommendation below from the University Senate appeals committee (Privilege and Tenure)

“most glaring problem was the failure of the area committee to review [his/her] accomplishments in the context of [his/her] DOE and position description Dr. []’s DOE was comprised of 100% Service every year since his/her initial appointment. Expectations in such an appointment do not include basic research, grants to secure external funding or publication in referred journals. Dr. []’s position description includes ... no expectation of activities usually associated with promotion of faculty primarily involved in research and teaching.... Proposals for external funding developed by [the faculty member] were stopped at the Dean’s level... In conclusion, the Senate Advisory Committee concurred with [the faculty member] that [his/her] promotion materials had been inadequately, and in some aspects, inaccurately reviewed... and suggests that you, as President of the University, order a de novo review by the current extension area advisory committee. Addenda to the letters from [the faculty member’s] department chair and College Dean should be forwarded to the area committee which clearly delineate the unique expectations of his position and DOE.”¹⁰⁰

Findings of the Area Committee for Extension Concerning Policies for Evaluating Extension Faculty. The Academic Area Advisory Committee for Extension itself (which is a University-level committee appointed by the President from a short-list provided by the Senate Council) subsequently urged the University President toward enforcement actions that would better serve compliance with the Administrative Regulation on the Special Title Series for Extension. In particular, the Area Committee voiced its concern that there was such wide variation in the job assignments from one Extension faculty member to the next that the criteria prescribed in the Administrative Regulation were no longer uniformly useful to evaluate the merits of Extension faculty performance (as the regulation ought to be useful if all Extension faculty were really being assigned similar job duties under the single Special Title Series for Extension description). In the Area Committee’s own words:

“Persons in the Extension Title Series who were evaluated this year had quite different types of job responsibilities. The committee attempted to base their judgements on existing Administrative Regulations. However, it was extremely difficult to evaluate some of these cases using only these criteria. The committee felt that a) inclusion of some type of job description or brief plan of work in the promotion dossier, and b) inclusion of those portions of departmental rules related to evaluation of job performance would provide additional tools to more objectively measure how someone meets departmental expectations. Chairs should encourage departmental faculty to use the departmental rules as a guide in writing evaluation letters.”¹⁰¹

Parallel Issues Arising for the Special Title Series in Medical Center. The Special Title Series outside of the College of Agriculture during the same time period has also experienced similar noncompliance problems. For example, annual end-of-the-year reports of the Medical Center Clinical Sciences Area Committee reported:

“... most of the Committee members believe criteria for Special Title Series ranks are not sufficiently specific. They acknowledge that trying to be too precise would be restrictive and would, perhaps, interfere with a qualitative judgment. They believe, however, that because the present criteria are so general and nonspecific, many individual faculty members and Committees make positive recommendations because they cannot say with confidence that a candidate fails to meet criteria.”¹⁰²

“So many of our problems ... could be resolved if department Chairpeople chose to put faculty in the appropriate series.”¹⁰³

The similar situations that developed for the Special Title Series in the Medical Center as developed for the Special Title Series in Extension for the College of Agriculture could have further implications for the prospects of Extension faculty. In response to a request by Medical Center Chancellor **James Holsinger**, relative to the School of Public Health (now a college), the University President interpreted that the current Administrative Regulations allow that the Medical Center established faculty positions in the Special Title Series for Extension in that Public Health academic unit. According to the President, Extension faculty in the environment of the Medical Center would also be appointed to the Area Committee that handles appointment, promotion and tenure of Extension faculty.¹⁰⁴



XII. Aspects of the Present Environment of the Special Title Series for Extension

Expressions of Potential Future Policy. During the development of the proposal in 2002 to establish the new Department of Community and Leadership Development, policy consideration was given by the College of Agriculture to the future role and assignments to Extension faculty:¹⁰⁵

“In evaluating the implications of this proposal for the availability of resources and opportunities for research, teaching and service activities, we have concluded the following:

1. There will be increased opportunities for **extramural funding** for instructional development as well as research and **outreach** programs.
2. There will be an increase in resources required to support current and prospective instructional commitments.
3. The Agricultural Communications faculty who currently have substantial **DOE commitments to service** unit activities will make a significant shift **to research, instruction, and extension** activities administered in the new department. The Rural Sociology faculty **with 100% extension** appointments will also likely diversify their DOEs to **include research and/or instruction.**”

In another expression of policy, in 2002 the University and College of Agriculture administration challenged Cooperative Extension to broaden its mission, to “re-envision” itself. An administratively appointed College of Agriculture Re-Envisioning Transition Team considered the future of Extension and reported¹⁰⁶

“This committee met during the spring and summer of 2002, and submitted its report in July 2002. The Re-Envisioning Committee collected a great deal of new and existing information and input from personnel in the organization, and from clientele and stakeholders. This input was used to develop program and structural scenarios and recommendations to respond to the charge of the Deans. The results are highlighted in the summary below....

“... There should be specific incentives for tenured Extension faculty to address important Extension program issues.

“... **More grant and grant writing** support will be needed for counties, regional issues committees, and multi-county and regional programs.

“... We should explore the feasibility of **faculty status for agents.**”

Current Custom and Practice Relating to Extension Faculty D.O.E. Two years after the above reports, the present author in fall 2004 obtained by Open Records the Distribution of Effort of all full-time University faculty in four areas of teaching, research, University/Public service and assignment to administrative positions. The following statistics were evident for the Extension faculty in the Special Title Series for Extension.

1. With respect to the 51 full professors in the Special Title Series for Extension, at least 13 (25%) have a D.O.E. assignment of $\geq 20\%$ that is assigned outside of the “primary” area of ‘Public Service’ in an extension program, and which are in assignments that are actually outside any of the three areas which comprise the total Extension assignment. Therefore, under the University’s post-tenure review system (where any assignment area of $>20\%$ can trigger a review), those Extension faculty could theoretically be dismissed from their tenured faculty positions on account of their performance in these other areas (e.g., “teaching” and “research”) that are outside of what is supposed to be either their “primary” ($>50\%$) area and other two areas (professional activity, University service) of Extension assignment.

2. Six of the 51 Extension full professors have an assignment in “Research” that is $\geq 20\%$ of their total assigned D.O.E. time. Perhaps of yet greater note, 4 of the 7 untenured Assistant Extension Professors (57%) have an assignment in “research” that is $\geq 20\%$ of their assigned time. That is, the untenured Extension faculty are carrying a greater proportional burden of putative “research” responsibility than are the tenured Extension full professors.

3. The official University D.O.E. form for the College of Agriculture, by mandate of higher University policy⁹⁸ contains separate areas for the required entry of assigned (evaluated) time:

- (1) “teaching” activities relating to courses for credit (e.g., “resident instruction”),
- (2) “research” activities sponsored by extramural funds or supported by departmental (“state”) funds,
- (3) “public service” as performed by Extension faculty as their part of an extension program, and
- (4) University service, such as those involving University faculty governance activities (e.g., University Senate, Graduate Council) or service as Directors of Graduate Studies, etc..

The data for the 79 Extension faculty shows uniformly zero time assignment for any University service activities, except for 6 faculty for whom the service time is for assignment to administrative position, and none of whom are the nine elected College of Agriculture faculty in the University Senate. In fact, two of those nine College of Agriculture faculty senators in addition to being in the University Senate, and in addition to being on University Senate committees, are also on the frequently-meeting University Senate Council. Yet, despite that the official University policy for the College of Agriculture D.O.E. form requires that their Senate Council activity must be recorded and shown on their D.O.E. form,⁹⁸ there is zero time shown for these activities on their D.O.E. forms.

Because the University policy requires that merit evaluation and promotion/tenure are to be weighted by the assignments in the areas as shown on the D.O.E. form, it is not possible to accurately comply with the University regulations in such merit and promotion/tenure evaluations, including such evaluations for Extension faculty, when these University governance service assignments (and thereby their % weighting) are in fact missing from the D.O.E. form.

Role of Extension Faculty in University Faculty Governance Processes. The above custom and practice of not recording and showing the D.O.E. time in University governance service that the Extension faculty are performing in University-level governance activities is a very unfortunate outcome of the long struggle that the Extension faculty have made in gaining a standing to participate in these activities.

In 1960, the Board’s Governing Regulations restricted the elected faculty membership in the University Faculty (= University Senate today) to those faculty performing teaching and research, which by definition thereby excluded the “public service”-assigned Extension faculty:

“The University Faculty shall be composed of ... members of the teaching and research staff with the rank of assistant professor or higher... any member of the instructional or research staff may attend a meeting of the Faculty as a visitor.”¹⁰⁷

The 1966 Special Title Series for Extension description that was approved for application to the College of Agriculture, it was expected that the Extension faculty would join these faculty governance activities:

“Achievement as a citizen of the University community in performing committee and other **faculty government assignments**, either as elected by the faculty or as appointed by the administration.”⁶⁷

However, when the Board’s Governing Regulations were heavily revised in 1970, to reflect the changes under President Oswald that further generally strengthened the University faculty’s governance status in University policy-making, the 1966 language that would have included the Extension faculty was not included. The definition of elected faculty membership to the University Senate was stated as:

“The elected faculty membership shall consist of and represent proportionately the members of the full-time teaching and/or research faculty with the rank of assistant professor or higher in the various colleges and University libraries.”^{82,108}

The Extension faculty remained the only tenure-track faculty excluded from eligibility. Finally, through much important effort by College of Agriculture Senator **Wilbur Frye** in 1983, the University Senate Council approved,¹¹⁰ and the University Senate approved,¹¹¹ that the Extension Title Series faculty were eligible for election to the University Senate:



“The University Senate shall be composed of both elected and ex officio membership ... elected faculty members shall be apportioned each spring among the colleges and the University Libraries according to ...the number of full-time teaching and/or research faculty, except those appointed in **the extension series** (although **they are eligible for election to membership**), research title or visiting series, with the rank of assistant professor or higher in the colleges or the University Libraries...”^{83,110}

Yet, as described above, under the current custom and practice, the University Senate faculty governance activities of the Extension faculty are invisible to the University community on their D.O.E. forms, despite the duly adopted University regulations requiring that these activities be recorded and shown on the D.O.E. form.

Fortunately, the years of exclusion of the Extension faculty from the University Senate were never been extended to the educational policy-making faculties of colleges and faculties of departments. In defining the membership of the college faculty bodies and the department faculty bodies, the Governing Regulations have defined members of those bodies as being those full-time faculty at or above the rank of Assistant Professor who are tenured or in a tenure track title series (i.e., Regular Title faculty, Special Title faculty, and **Extension Title faculty**). In addition, these Governing Regulations of the Board have defined the educational policy-making jurisdiction of each department faculty body as being over not just instructional programs and research programs, but also over the “**service programs**” of the department. This empowering language ensures that the Extension faculty are members of the department faculty body as that faculty body establishes the unit policies for its (extension) service programs that the department Chair and Dean then administratively facilitate.

The Status of the Qualifier “Extension” in the Title. A final historical consideration in this report will be the presence of the qualifier “Extension” in the title of Extension faculty. Just as Medical Center Vice President Willard was concerned that designation of clinical faculty with a “Special Title Series” designator would mark his clinical faculty for a second class status within the University,⁴⁹ so too did Dean Seay have a corresponding concern about the Extension Special Title Series faculty. Dean Seay urged upon Tom Lewis, Special Assistant to President Oswald, the same recommendation as had Willard, i.e., that the “Extension” designation would not be a part of the public title of the individual.¹¹² However, at the origin of the Special Title Series in 1965, as approved by the University Faculty Council and the President, the title itself of the faculty member appointed to a Special Title Series position was to include a descriptor that identified the specialized nature of that professorial position, in distinction to the Regular Title Series professorial positions. Thus, at the same time during the 1960’s that the PR2 to the Board of Trustees minutes showed the format “Professor of **Clinical** Medicine (Special Title Series),” the format for the PR2 for Extension faculty was similar: “**Extension** Professor (Special Title Series)”. Later too,

that format became similarly abbreviated as “Professor of Clinical Medicine*” and “Extension Professor*”. However, while the Special Title Series made the final step to dropping the descriptive qualifier (e.g., dropping “Clinical”), and merely retained the * on internal personnel documentation, the opposite happened to the Extension faculty. In 1984, the * was dropped from the PR2 nomenclature, but the descriptor “Extension” was retained, not just for internal documentation purposes, but retained as part of the public professorial title of the individual.¹¹³ The reason why there were implemented two opposite outcomes for these two branches of Special Titles is not clear in the available historical record. However, very soon thereafter (1986) University Senate “Committee for Review of Special Title Series” issued the finding that

“The majority of the ETS faculty are not happy with the “Extension” qualifier in their professorial title ... The “Extension” qualifier should be dropped from the professorial titles, including its use in the Administrative Regulations.”¹¹⁴

This recommendation was reiterated yet again a decade later, by the 1998 report of the University Senate *Ad Hoc* Committee on Faculty Titles Series and approved the University Senate.¹¹⁵ However as of the end of 2004, the qualifier “Extension” remains in the title of the Extension faculty.

XIII. Summary of Certain Issues

The above examples of findings of University-level committees, including the Extension Academic Area Advisory Committee, document that issues have arisen that have affected the careers of a number of Extension faculty, in particular relation to those regulations aimed at preserving the integrity of the nature of the Special Title Series for Extension as that nature is still codified in the University regulations. The issues have involved

- performance expectations that were found by University-level committees to be inconsistent with the Administrative Regulations for the Extension Title Series (e.g., the use of grants expressly as a criterion to deny promotion when grants are not specified as a criterion in the controlling University regulation),
- areas of assignment to Extension faculty that are not within the Extension discipline as currently codified, and that are more appropriately expectations of Regular Title Series faculty (relates to question of whether in the future there will be a substantive difference in assignments made to Regular Title Series vs. Extension Title Series faculty; also relates also to ensuring overload salary payment when Extension faculty teach classes),
- failure to separately and accurately show on the Distribution of Effort form the actual assignment of duties in each of the three areas of evaluation (e.g., for University service or for professional development activities),
- failure to weight the merit/promotion/tenure evaluation by the percent of effort assigned in each of the three specified areas for the Extension faculty member’s assignment (also relates to lack of three lines on merit review form for entry of separate, weighted ratings on the three areas specified for Extension faculty assignment).
- the faculty governance role of Extension faculty, and their departmental colleagues, in establishing departmental educational policy concerning the departmental Extension service programs
- use of the qualifier “Extension” in the professorial title of Extension faculty
- the effect of the future use of the Extension Title Series by the Medical Center (e.g., College of Public Health) on the nature of performance expectations for University of Kentucky Extension faculty generally (e.g., Area Committee expectations when it comes to contain Extension faculty not from Agriculture)

There have been recently articulated alternative potential futures of nature of the University of Kentucky Extension faculty and their discipline. These expressions of potential future policy have direct implications for resolution of the issues enumerated above. As the University has now entered into the fourth decade of a codified Special Title Series for Extension, and in the context of the personnel history of this title series over the last three decades, decisions are at hand about the future nature of Extension as a discipline and on the application of present or revised policy to the situations of individual Extension faculty.

References

¹ KRS 164.220, web-posted at [KRS 164.100 - 164.280](#)

² University Bulletin, 1910-1911 academic year, is the first faculty listing in the Bulletin to move the

“Assistant Professors” from the misc. group of “Instructors and Assistants,” and list the Assistant Professors instead along with the Associate Professors and Professors

³ Board of Trustees Governing Regulations, 1918, Section VIII, defining the College faculty as consisting of Professors, Associate Professors, Assistant Professors and Instructors

⁴ Minutes, Board of Trustees, June 2, 1908. The functioning of the Experiment Station separately from the teaching departments in a significant part was due to the restriction in the federal law against using federal funds to the station to support the teaching salary of persons providing instruction in the academic curriculum of the College of Agriculture. As President Patterson explained to the Board of Trustees: “It is readily conceded that in accordance with the rulings of the Department of Agriculture at Washington no part of the fund accruing to the [Agricultural Experiment] Station from the general government can be used for instructional purposes.”

⁵ Minutes, Board of Trustees Executive Committee, June 20, 1910

⁶ University Bulletin, 1910-1911 academic year, e.g. listing “Mary LeGrand Didlake ... Assistant Professor of Entomology and Botany” [i.e., no Experiment Station appointment] and “Erle Cleveland Vaughn ... Assistant Professor of Entomology and Botany, and Chief of Division of Entomology and Botany, Experiment Station,” [i.e., appointment in both the College department and in the Experiment Station] page 20. Prior to the 1910-1911 academic year, the University Bulletin listed the persons employed in the Agricultural Experiment Station separately from the professorial “Faculty” of the University who were appointed into academic departments.

⁷ “The College of Agriculture of the University of Kentucky,” J. Allan Smith, Published by the Kentucky Agricultural Experiment Station, page 87

⁸ By the 1930’s, a three-level staff ranking had developed at the Agricultural Experiment Station (e.g., “Agronomist,” “Associate Agronomist,” and “Assistant Agronomist”), which could parallel the professorial appointments with the academic departments of the College of Agriculture (e.g., “Professor of Agronomy,” “Associate Professor of Agronomy,” and “Assistant Professor of Agronomy”), although there were cases in which the ranking held by an individual at the Experiment Station was not correspondent with the ranking in the academic unit (e.g., an Associate Agronomist in the Experiment Station would be an Assistant Professor of Agronomy in the academic department of the College of Agriculture). Source: “The College of Agriculture of the University of Kentucky,” J. Allan Smith, 1981, Published by the Kentucky Agricultural Experiment Station.

⁹ The Cooperative Extension Service was administratively established in a distinct department within the College of Agriculture, by act of the Board of Trustees Executive Committee in summer 1914. Minutes, Board of Trustees Executive Committee, July 17, 1914; Minutes, Board of Trustees, June 18, 1917

¹⁰ After some administrative difficulties the Director of the CES was in 1917 made to be expressly under the direct administrative supervision of the Dean of the College of Agriculture. Minutes, Board of Trustees, January 24, 1917. (Later, the Dean of the College came to occupy the positions of Director of the Experiment Station and Director of the Cooperative Extension Service)

¹¹ “The College of Agriculture of the University of Kentucky,” J. Allan Smith, 1981, Published by the Kentucky Agricultural Experiment Station, page 117

¹² University Bulletin, 1910-1911 academic year, listing “William Durrett Nichols ... Associate Professor of Farm Management, Extension Specialist in Dairying,” page 21.

¹³ “Report of the Investigating Committee of the University of Kentucky to the Board of Trustees.” 1917, page 99. In fact, during that review of the University in 1917 commissioned by the UK Board of Trustees, the committee reported “the position of Director of Extension affords an unusual opportunity for the organization of men all over the State which is quite possible to misuse as well as to use properly... the possibilities of this situation were very forcibly brought home to the Committee by the testimony of Mr. J. E. Crider, Jr., of Caldwell County, who is in the Extension Service, having been appointed by the present Director of Extension. The general tenor and effect of his testimony was that there was such an organization in his section of the State, of which he had control, which had sufficient strength to disrupt the plans of the administration before the legislature if the administration did not carry out such policies as would be entirely satisfactory to and in conformity with the ideas of that organization.”

¹⁴ When UK President David Roselle discussed of selling the College of Agriculture Coldstream Farm for the purpose that the funds would be used for the University’s general budget, rather than for the College of

- Agriculture budget, President Roselle quickly learned of the reach of influence of the College of Agriculture throughout the state. As reported by the Lexington Herald-Leader on February 23, 1988: “[HOUSE OKS BILL RESTRICTING FUNDS IN FARMLAND SALE TO UK AG COLLEGE](#) Source: Jamie Lucke Herald-Leader education writer FRANKFORT -- Money from the sale or lease of University of Kentucky farmland could be used for the College of Agriculture -- and nothing else -- if a bill that sailed through the House yesterday becomes law. Talk of developing or selling UK's Coldstream Farm to bolster the university's budget alarmed farmers and prompted the bill, said the sponsor, Rep. Clay Crupper, chairman of the House Agriculture Committee. House Bill 450, which was passed 95-0 and now goes to the Senate...”
- ¹⁵ “Relationships Between State Government and the University of Kentucky. Report and Recommendations adopted by the University of Kentucky Chapter of the American Association of University Professors.” Lexington, March, 1951;
- ¹⁶ “Professors Seek to Make Political Control Over the U. of K. Impossible,” Courier-Journal, June 16, 1951.
- ¹⁷ KRS 164.225, web-posted at [KRS 164.100 - 164.280](#)
- ¹⁸ Board of Trustees Governing Regulations, 1955, Section VIII
- ¹⁹ During the mid-1980’s former Chairperson of the UK Department of Entomology Bobby Pass told this writer that Charles Barhhart is the individual to be credited for effectuating that the hiring and pay of Research Specialists and Extension Specialists are administratively handled for personnel purposes internally by the College of Agriculture, instead of by the University Human Resources. Charles Barnhart was from 1962-1966 the Associate Director of the Agricultural Experiment Station and who from 1966-1988 was the Dean of the College of Agriculture.
- ²⁰ Board of Trustees Governing Regulations, 1918, Section XIII
- ²¹ Board of Trustees Governing Regulations, 1947, Section X.1
- ²² Board of Trustees Governing Regulations, 1960, Section XI.3
- ²³ September 30, 1964 memorandum from Tom Lewis to Paul Oberst. As Special Assistant to the President Tom Lewis explained to Paul Oberst by September 30, 1964 memorandum: “... Past practice appears to be an extremely weak basis for a interpretation that tenure must be grounded in an express recommendation to that effect. Investigation reveals, for example, that Agriculture has not recommended tenure as such, but has recommended reappointment beyond the probationary period on the theory that this automatically confers tenure...Persons currently in their fifth year, who have not acquired tenure by earlier specific recommendation, normally would acquire by a reappointment beyond this year.”
- ²⁴ October 30, 1964 memorandum from Special Assistant to the President Tom Lewis to Deans of the Academic Colleges. “...persons presently having tenure appointments. These are: ...b) Persons now at Assistant Professor rank or higher who have more than five years full-time service with this University at the rank of Instruction or higher. Tenure is indicated for this group by the 1960 regulation on tenure which created a five-year probationary period.”
- ²⁵ [The Case of Gladys Kammerer](#)
- ²⁶ Minutes, Faculty Council, October 15, 1964
- ²⁷ [President Oswald’s Oct 1963 Memo on Faculty Appt/Promotion/Tenure Criteria](#)
- ²⁸ AR II-1.0.-1.V [Page V - Appointment and Promotion Regular Titles, dated 9/20/1989](#)
- ²⁹ That is, “Teaching” in Arts & Sciences, “Extension” in Agriculture, and “Patient Care” in Medicine/Dentistry
- ³⁰ That is, Research Specialists, for example, who by the 1960 Board Governing Regulations had academic access to tenure and were members of each academic departmental “staff.”
- ³¹ Minutes, Faculty Council, November 7, 1963
- ³² Minutes, Faculty Council, January 20, 1964
- ³³ Minutes, Faculty Council, February 1, 1964
- ³⁴ Minutes, Faculty Council, February 17, 1964
- ³⁵ Minutes, Faculty Council, March 2, 1964
- ³⁶ Minutes, Faculty Council, March 24, 1964
- ³⁷ February 21, 1964 Area Committee letter to President Oswald
- ³⁸ Minutes, Board of Trustees, June 12, 1964
- ³⁹ A similar ‘treading water’ outcome was devised in spring 1964 for those individuals in the College of Agriculture for persons in research-only assignment. In one example case, the solution proposed by the Faculty Council several months earlier in January 1964 (e.g., “Assistant Agronomist”) was utilized. In that

later spring case, Executive VP A. D. Albright wrote to Dean Seay of the final decision that he concurred with the Area Committee not to offer Mr. [] *“the post of Assistant Professor of [department]...As Mr. [] apparently will be doing no teaching, the Assistant Professor title is inappropriate. The title “Assistant [discipline-derived name]” is suggested.* Source: July 20, 1964 letter from Executive Vice President A.D. Albright to Dean Seay

⁴⁰ Minute, Faculty Council, May 13, 1964

⁴¹ May 12, 1964 letter from Dean Seay to Faculty Council Chair Ralph Weaver. In that correspondence Dean Seay clearly has the goal to continue the tenurability (without expressly red-flagging it by calling it “tenure”) of the Research Specialist position, as codified in the 1960 Governing Regulations. (He also obviously has a goal to hopefully dovetail into the approval process the new acquisition of a tenurable status for Regulatory Specialists as well).

⁴² <http://ces.ca.uky.edu/ces/mission.htm>

⁴³ <http://ces.ca.uky.edu/ces/welcome.HTM>

⁴⁴ May 4, 1964 letter from Dean Seay to President Oswald. With an obvious eye on trying to secure continuation of a tenureable, faculty status for Extension Specialists (and which he appears here to seek to establish “Extension Specialist” as the entry-level rank for tenure-track Extension faculty), Dean Seay’s proposal included detailed criteria for Extension Specialists (that borrowed language directly from the October 1963 policy²⁷ issued by President Oswald for promotion and tenure of Regular Title Series faculty):

“develop an imaginative program...well-planned program effectively implemented ... continuing growth and personal education to keep up-to-date ... arouse interest and curiosity to stimulate further thought and study on the part of extension and lay people ... creative activity in the development of programs...techniques, approaches and ideas ... Scholarly publications and preparation of educational materials ... National recognition by Extension and/or professional organizations or by state or national industrial groups...”

⁴⁵ Minutes, Board of Trustees, September 15, 1964. The amended language to the Governing Regulations on this point were adopted by the Board of Trustees in September 1964, and stated:

following appropriate review periods not exceeding in duration those described above, all persons of assistant professor rank (or equivalent ranks as adjudged by the President) shall (1) be promoted to associate professor with tenure, (2) be transferred to a non-research rank with tenure, or (3) have their appointments terminated.”

Although this new language removed the express reference to the extension and research personnel that was contained in the 1960 regulations, it still allowed the possibility that the President might adjudge that the Specialists were “equivalent” to an Assistant Professor. Notice that as envisioned by the President and Faculty Council, those who obtain tenure without performing research would not have the rank name “Professor” or “Associate Professor,” but would have some other, distinguishable “non-research rank.”

⁴⁶ Minutes, Faculty Council, October 1, 1964. Also about this time, the President, apparently feeling that he needed to better understand the University Cooperative Extension Service, arranged with the University Faculty Council for establishment of a “University Faculty Advisory Committee on University Extension” (the membership of which he appointed from a short-list supplied by the Faculty Council). On Oct. 1, 1964 the Faculty Council approved a short list of names from which the President would appoint the membership of the committee, which it transmitted to Oswald by Oct. 2, 1964 cover memo.

⁴⁷ The formal charge to the committee included that it

“shall advise and consult with the University Administration in reviewing the total philosophy and program of University Extension in light of the University’s increasing needs and responsibilities. It shall report to the University Faculty on its activities and shall make recommendations for Faculty action on policies and programs that require Faculty consideration.” Minutes, Faculty Council, October 29, 1964

⁴⁸ September 18, 1964 memorandum from VP William Willard to President John Oswald

⁴⁹ December 16, 1964 cover letter with draft attachments from Tom Lewis to Dean Seay

⁵⁰ Minutes, Board of Trustees, January 15, 1965

⁵¹ Apparently, Shirley H. Phillips (who went on to become in 1980 Associate Director of the CES) was the last of the group of 1965-tenured Extension Specialists to retire (1988;

<http://www.uky.edu/USC/Minutes/Webminutes021201.doc>). Also in that group, John Kenneth Evans, Extension Specialist in Agriculture Engineering at the time of tenure, retired from the Department of Agronomy as an

Extension Specialist on August 31, 1987. Stephen Quince Allen, Agricultural Economics, retired as a tenured Extension Specialist in 1981 (Minutes, Board of Trustees, March 10, 1981)

⁵² For example, in one case the Area Committee for Biology and Medicine wrote
“Mr. [] appears to be well qualified as a **research specialist** in [] production and it is recommended that he be employed subject to completion of his work for the Ph.D. degree. It is noted, however, that there is not immediate prospect that Mr. [] will engage in teaching and the question arises as to whether an appointment as Assistant Professor is appropriate.” Source: January 14, 1965 letter from Area Committee for the Biological and Medical Sciences to President Oswald

⁵³ In another example case, the candidate was not afforded a Regular Title Series position of “Assistant Professor,” but instead President Oswald approved the candidate’s appointment as with the still *ad hoc* title that included the qualifying word “Extension”:
“Assistant Extension Professor ... contingent upon his completing all the requirements for the Ph.D. degree.” Source: February 15, 1965 letter from President Oswald to Dean Seay

⁵⁴ Minutes, Faculty Council, February 12, 1965

⁵⁵ “Special Title Professorial Appointments” approved by Faculty Council February 12, 1965

⁵⁶ March 3, 1965 memorandum from President Oswald to College Deans

⁵⁷ Minutes, University Senate, April 12, 1965

⁵⁸ April 28, 1965 memorandum from President Oswald to Deans and Department Chairmen
<http://biology.uky.edu/djones/PDF/5/5.ix/IX.J.pdf>

⁵⁹ November 24, 1965 letter from Executive VP A.D. Albright to Don Jacobson, Chair, Area Committee for Biological and Medical Sciences

⁶⁰ July 29, 1965 letter from VP William Willard to President John Oswald

⁶¹ By the beginning of the new academic year in fall of 1965, the Faculty Council had
“Discussed with President that certain new titles and ranks yet remain to be defined and approved.”
Source: Minutes, Faculty Council, September 4, 1965.

⁶² January 10, 1966 Apparent A.D. Albright memo to file re: inquiry from Schneider (Agriculture)

⁶³ Board of Trustees Governing Regulations, 1960, Section XI.1

⁶⁴ April 26, 1966 letter from Provost Lewis Cochran to Executive VP A.D. Albright. For the next (spring 1967) cycle of promotion and tenure exercises, that committee was called the “Special Area Committee for Extension.”

⁶⁵ Examples of Extension use in Business and Education

⁶⁶ May 6, 1966 letter from Executive Vice President A.D. Albright to Provost Lewis Cochran

⁶⁷ “Criteria for Classifying University of Kentucky Staff in a Professorial Series for Those Involved in Off-Campus and Field-Service Activities”

⁶⁸ Minutes, Board of Trustees, October 21, 1966

⁶⁹ For example, April 2, 1968 notification letter from Executive Vice President A.D. Albright to Dean Seay

⁷⁰ Minutes, Faculty Council, October 24, 1963

⁷¹ Minutes, Faculty Council, March 13, 1968 re: Extension Area Committee

⁷² December 12, 1968 letter from Executive Vice President A.D. Albright to Paul Sears, Senate Council Chair

⁷³ The President exercised his position as Chair of the University Senate (as per Board of Trustees Governing Regulations May 1970, Section III)

⁷⁴ In his capacity as Chair of the Senate, President Singletary sought the assistance of the “University Senate Advisory Committee on Appointment, Promotion and Tenure,” which consisted of the Chairpersons of the various Academic Area Advisory Committees of the University Senate. Source: October 7, 1970 letter from Senate Council Chair William Plucknett to President Otis Singletary

⁷⁵ The committee was chaired by William Garrigus. Source: January 27, 1968 letter from President Otis Singletary to William Garrigus

⁷⁶ “Procedures for Appointment, Promotion, Tenure and Termination of Faculty,” March 31, 1971
[Univ. Senate Adv. Comm. on Appt., Promotion and Tenure Mar. 31, 1971](#)

⁷⁷ Minutes, June 1, 1971, University Senate Council

⁷⁸ [First Issuance of AR II-1.0-1 on March 1, 1972](#)

⁷⁹ Administrative Regulation AR II-1.0-5 [Faculty Performance Review](#)

⁸⁰ Administrative Regulation AR II-1.0-1.IV [Page IV - Academic Employment](#)

81 Administrative Regulation AR II-1.0-1.VI [Page VI - Appointment and Promotion Extension](#)

82 Board of Trustees Governing Regulations 1970 Section IV

83 Board of Trustees Governing Regulations 1986 Section IV

84 Administrative Regulation AR II-1.1-1 [Consulting and Other Overload Employment](#)

85 *Board of Trustees of the University of Kentucky vs. Hayse*, Ky., 782 SW 2d 609 (1990)
[Supreme Court Decision](#)

86 <http://biology.uky.edu/djones/facgov/facgov5.html#5XVI> (O'Bannon Case)

87 Minutes, Senate Council, October 27, 1982

88 October 29, 1982 letter from Senate Council Chair Donald Ivey to President Singletary

89 Minutes, University Senate, October 19, 1983

90 Minutes, Senate Council, January 20, 1983

91 Late in his term of office, Dean of the College of Agriculture, **Charles Barnhart**, proposed an amendment to the Administrative Regulations for "Policies of Faculty Performance Review" directly aimed at those Extension faculty who were housed in academic units outside the College of Agriculture, such as the College of Home Economics (later College of Human Environmental Sciences). The proposal, approved by the University Senate Council, changed the policy that such faculty would be performance evaluated by their department Chairperson and the Dean of the college in which their department was housed to instead the policy:

"The performance of each faculty member appointed in the extension title series will be reviewed by the chairman of the department to which the individual is assigned and the dean of the college in which the individual's position is funded, using the evaluation instrument and appeal process of the college in which the individual's position is funded." AR II-1.0-5.A new para. 3 issued October 20, 1987

This new policy placed the subject Extension faculty members in the difficult position that their immediate chairperson, who provides immediate performance guidance, is in turn guided by the Dean of the college over that department Chairperson (for which that college has a faculty performance review instrument), but the Extension faculty member is instead subject to the evaluation of the Dean of the College of Agriculture who does not supervise that Chairperson and whose college has a different faculty performance evaluation instrument. Seventeen years later, the College of Human Environmental Sciences was moved by the Board of Trustees to be a School within the College of Agriculture, which removed these difficulties of 'serving two supervisors' (although the language still remains in the Administrative Regulation).

92 Report of University Senate "Committee for Review of Special Title Series," 1986, Chair, Wilbur Frye

93 October 26, 1986 letter from Chair, Senate Advisory Committee on Privilege and Tenure to President Singletary

94 President Singletary's November 4, 1986 letter to Chancellor Art Gallaher

95 October 14, 1987 Minutes, University Senate Council

96 AR II-1.0-5.A.1; AR II-1.0-5.A.3, AR II-1.0-5.B; [Faculty Performance Review](#)

97 October 1, 1990 letter from Dean Oran Little policy letter the College of Agriculture Faculty. Further frustrating the compliance with the University policy to provide a weighting of each of the three areas of Extension faculty activity as per the D.O.E. for each -- that are then used in assigning a rating in each area of those three areas of the D.O.E. -- was the layout of the "Faculty Performance Evaluation" form promulgated by Dean Little. Although that form allows a separate evaluation rating to be assigned for the D.O.E. areas for Regular Title Series faculty of "Resident Instruction" and "Research," it does not provide separate lines for each of the three areas of activity of the Extension faculty. In fact, although the official University policy for the College of Agriculture D.O.E. form mandates that University-level service activities be recorded in a separate area of assignment on the D.O.E. form,⁹⁸ there is no corresponding place on the "Faculty Performance Evaluation" form on which to assign a rating for that area of University-level service assignment (for either Regular Title Series faculty or Extension faculty). For the Extension faculty, in fact, there is only a single category line of evaluation, labeled "Extension", making it impossible to use the 1990 form to assign and record a separate rating for each of the three areas of activity that the President's Administrative Regulation requires to be separately weighted in evaluation of Extension faculty.

98 <http://www.uky.edu/Regulations/BPM/E-13-3.pdf>

- ⁹⁹ March 26, 1993 letter from “Ad-Hoc Appeals Committee” to Chancellor Robert Hemenway
- ¹⁰⁰ Spring 1994 letter from Chair, Senate Advisory Committee on Privilege and Tenure to President
- ¹⁰¹ 1994 Area Committee Report submitted to Chancellor Robert Hemenway
- ¹⁰² February 27, 1984 letter from Chair of Academic Area Advisory Committee for the Medical Center Clinical Sciences to David Cowen, Acting Dean, College of Medicine
- ¹⁰³ August 31, 1983 letter Chair of Academic Area Advisory Committee for the Medical Center Clinical Sciences to Chancellor Peter Bosomworth
- ¹⁰⁴ May 1, 2001 letter from University President to Chancellor James Holsinger
- ¹⁰⁵ <http://www.uky.edu/USC/agenda/20020422/ItemA4.22.02.pdf>
- ¹⁰⁶ http://ces.ca.uky.edu/extensionadministration/re_envisioning_ces/Re-EnvisioningCESreport.pdf
- ¹⁰⁷ Board of Trustees Governing Regulations, 1960, Section III
- ¹⁰⁸ The restriction of elected faculty membership to the “teaching and/or research faculty” effectively re-excluded the Extension faculty who in 1966 had otherwise gained a status of eligibility for election to the University Senate. This restrictive language continued through the 1982 revision to the Governing Regulations: “The University Senate shall be composed of both elected and ex officio membership ... elected faculty members shall be apportioned each spring among the colleges and the University Libraries according to ...the number of full-time teaching and/or research faculty, except those appointed in the research title or visiting series, with the rank of assistant professor or higher in the colleges or the University Libraries...” Board of Trustees Governing Regulations, 1982, Section IV
- ¹⁰⁹ Minutes, Senate Council, July 14, 1983. Excerpt from discussion:
 “[Connie] Wilson: I don’t like give a college more representation.
 [Brad] Canon: The President asked for a recommendation on this issue, so technically, we are in a recommending position only – and to him. Further, if the first suggestion is endorsed by the Council [i.e., Agriculture directly gets two more seats and two other colleges lose each one seat], some members of the Senate may vote against the proposal simply because it may cause the loss of a Senate seat in their college.
 Grimes: I like the idea of keeping the numbers [of senators per college] as they are – just including the Extension professors on the eligibility roster.
 [Wilbur] Frye: The number of seats was not a motivating factor in any way. I’ve had contact with numerous persons in the College of Agriculture and there is no objection to keeping the numbers as they are.”
- ¹¹⁰ July 14, 1983 Minutes, Senate Council. Notice, however, that the Extension Title Series faculty were still not included in the head count that determined how many University Senate seats would be apportioned to the College of Agriculture. Finally, over a decade later in the fall of 1999, the University Senate approved amending the Board’s Governing Regulations to include the Extension faculty in the head count for apportionment. At the October 1999 meeting of the University Senate, the following language was approved: “The 94 elected faculty seats shall be apportioned each spring among the colleges and the University Libraries according to ... the number of the following individuals, all of whom shall be considered “faculty” for purposes of this Rule: (a) full-time faculty with the rank of assistant professor or higher, (b) full-time faculty appointed in the **extension**, librarian, research, and clinical title series, and (c) full-time lecturers and instructors;” Minutes, University Senate, October 4, 1999 <http://www.uky.edu/USC/Minutes/sen1012.html>
- ¹¹¹ October 10, 1983 Minutes, University Senate
- ¹¹² 02-16-65 letter from Dean Seay to Special Assistant to the President William Willard.
- ¹¹³ The last occasion for which the Board of Trustees minutes used the asterisk to denote an Extension Title Series faculty member as being in the Special Title Series was the September 1984 Board meeting. The last Extension Title Series faculty in the alphabetical list in those minutes with the asterisk next to their title were:

“Witt, Mary, Associate Extension Professor (with tenure)* and
 “Witt, William W., Associate Extension Professor (with tenure)*

- ¹¹⁴ Report, 1986, Senate “Committee for Review of Special Title Series”, Chaired by Wilbur Frye
- ¹¹⁵ 10-12-98 Minutes, University Senate

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A History of the Origin of University of Kentucky Librarian Title Series

Contents

In the fall 2004 academic semester, the University of Kentucky Provost announced an intention to promote discussion on the future status of the faculty Special Title Series, including its possible abolition. The Provost also announced that he would ask the Libraries to use the occasion to assess the status of the Librarian Title Series, which is a form of Special Title Series. Toward providing an informational base of context on how the Librarian Title Series came to arrive in its present form, to enable a more informed discussion on what its future ought to be, this history of the Librarian Title Series is provided. It is organized along the lines of the following progression of important historical events, which highlight particular issues that have arisen that affect the nature of librarianship as a academic professional area, that affect University policy for the Librarian faculty as a group, and that affect the application of that policy to individual Librarian faculty.

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I. The Early Librarian Years: Faculty or Not Faculty?

When the University of Kentucky was first established by state law as an independent institution of education in 1880, the state law expressed recognized the existence of “professors” and “instructors” as employees of the University, and designated “the faculty of the university” as a body to which that law conferred authority. The 1880 laws also created the Board of Trustees as the governing body of the University, and empowered the Board to create the divisions and units of the university, and to assign duties to University employees, as the Board saw fit to serve the University’s welfare. Those laws are still in existence today as KRS 164.210 and KRS 164.220.¹

Those laws did not establish a category of employee of “Librarian,” nor did the Board of Trustees initially in its early Governing Regulations establish a “Library” as a separate division or unit of the university. The Board in its first Governing Regulations (1882) did implement the state law that recognized the body called “the faculty of the university,” by defining in the regulations that this body, the “University Faculty,” was composed of “the President and the professors.”² However, because there was no separate university unit called “the Library,” there were no “Librarian” employees, so “the University Faculty” in 1882 was composed only of “Professors.”

II. The First Librarian Member of “the University Faculty”

In 1912, the Board of Trustees appointed **Margaret I. King**, the former secretary UK President James Patterson, as the first “University Librarian.”³ As a part of that action, the Board directed that Margaret King be a member of the body, the “University Faculty.” Although the Board did not confer to her a professorial title, she was thus made a member of the educational policy-making body, “University Faculty.” In 1918, upon the arrival of new President McVey, the Board heavily revised its Governing Regulations, and in so doing renamed the body, University the Faculty, as the “University Senate.” The Libraries were placed under the jurisdiction of the “University Senate” - therefore the Board also directed that “the Librarian” shall be a member of that University Senate.⁴



III. The Librarians Continue as ‘Faculty’ who are not “Faculty”



In 1941, the Board of Trustees abolished the University Senate, and replaced it with a purely administrative body that was titled, paradoxically, “the University Faculty.”⁵ The Board on that occasion also created a new dean above all deans, the “Dean of the University,” who reported directly to the President (similar to today’s “Provost”).⁵ This first Dean of the University, **Leo Chamberlain**, requested that the University President Donovan have the Board of Trustees clarify the academic status of some members of the University Libraries. At its May 1945 meeting, the Board of Trustees acted upon the President’s recommendation that it “officially recognize” a number of “equivalent” ranks of 13 members of the University Libraries,⁶ some of whom are relisted below:

“University Library

Librarian	Margaret I. King	Professor
Head of Cataloging Dept.	Ellen B. Stutsman	Asst. Professor
Head of Circulation Dept.	Daisy T. Croft	Asst. Professor
Head of Archives Department	Jacqueline Bull	Asst. Professor
Assistant Reference Librarian	Kate T. Irvine	Instructor”

While the Board action noted that Margaret I. King, having a status “equivalent” to Professor thereby also “*shall be considered to have continuous tenure*,” the Board in listing these librarians also hedged, stating that these academic ranks for each individual would not be listed in the University catalog (i.e., “Bulletin”),

“but that they would be assigned for the purpose of defining the privileges available.”⁶

This hedging qualification turned out to have very substantive effects for Librarians. For example, when the Board’s Governing Regulations were again revised in 1947, the above ‘equivalencies’ of professorial ranks with Librarian ranks were not prescribed or stated, only a provision that the single “University Librarian”

“shall also have continuous tenure, either on appointment, or following a probationary period of employment on a year to year basis, the total probationary period to be from one to five years as approved by the President”⁷

Upon the next revision of the Governing Regulations in 1955, this language was retained, except to refer to the “Director of University Libraries.”⁸

IV. Further Clarification of the Tenure Status of Librarians

During the late 1950’s the American Association of University Professors (AAUP) was approaching a high level of influence nationally, and at the University of Kentucky in particular. The University of Kentucky Chapter of the AAUP in 1959 was concerned that although the University had a mechanism to provide tenure to individuals, it did not have a “probationary period” mechanism that would ensure that Instructors and Assistant Professors were not maintained endlessly at those ranks. The Executive Committee of the UK Chapter of the AAUP submitted a report on the situation to the University administration, including:

“The regulations on tenure do not conform to the national A.A.U.P standard. Tenure is not granted to assistant professors and instructors after the probationary period. We also note that the [regulation] that ‘Ordinarily a person will not be retained at the rank of an instructor for more than five years’ is not followed in practice. We recognize that there [are] problems involved in clarification of this section in particular, with respect to special categories of employees such as **professional librarian staff**. We recommend that the tenure status of such special categories be clarified.”⁹



Vice President Leo Chamberlain wrote to President Frank Dickey his opinion of the report that *“I am reasonably certain that we will not want to incorporate several of the proposals.”*¹⁰ However, influence of the AAUP on UK tenure policy at that time can be seen in the subsequent efforts of AAUP member **Paul Oberst** (a UK Law Professor) in working with Vice President Leo Chamberlain. The revisions to the following year to the Board’s Governing Regulations included:

“No person shall be deemed to have tenure in a specific administrative position” [e.g., the Director of Libraries] ...each person in the following categories shall ... have continuous tenure at the University, either on appointment or following a probationary period of employment on a year-to-year basis, the total probationary period to be from one to five years, as approved by the President: (1) all persons of the rank of assistant professor or higher, (2) other persons adjudged by the President to hold **equivalent** ranks, including research or extension personnel and **professional librarians**.”¹¹

V. New President John Oswald Immediately Attends to Simmering Librarian Issues

In 1963, the Board of Trustees appointed the new University President **John Oswald**,¹² who was given a mandate by the Board to lead the University into the national ranks of research universities. President Oswald quickly launched a number of a major initiatives toward that goal. One initiative was to promulgate, at the direction of the Board of Trustees, a University-wide system of criteria by which faculty would be evaluated for tenure, or terminated, at the end of the specified probationary period. Reflecting the mandate to lead the University into the national ranks of research universities, the criteria prescribed that the individual being evaluated must show superior attainment in both research and teaching. A second initiative of President Oswald was to convince the Board of Trustees to adopt a real faculty retirement system on par with those of the other leading universities to whose national status the University of Kentucky aspired.¹⁴ Another initiative was expressed by President Oswald to the Chair of the Faculty Council (= Senate Council today) in January 1964:



“Since the Library plays such an important part in the future plans of the University, I feel it might be advisable if the Faculty Library Committee would take as their task the examination of the Academic Plan of the Library”¹⁵



which **Lawrence Thompson**, the Director of Libraries, had submitted to the President’s office. In a hint of the issues that President Oswald may already have put his finger on, the President further requested:

“In looking over Dr. Thompson’s plans and considering the future of the Library, I would appreciate it if they would examine its staffing, administration, and needs and the advisability of an outside survey.”

The Senate Council Chair **Ralph Weaver** quickly reported the President’s request to the Faculty Council, which immediately took action to effectuate the President’s request.¹⁶ Within two months, the committee was ready to submit its report.



VI. University Faculty Library Committee’s Report Bluntly States the Issues



Bennett Wall, the Chair of the Library Committee, met with the Faculty Council in March 1964¹⁷ to go over the important points of the committee’s report.

“This report pointed up current and long-range problems in all areas, problems of administration and organization, staff needs ... Dr. Wall stated that the Library Committee would finalize its report and address it to the Council. The Council stated that it would, in turn, submit it to the President, together with a letter of transmittal...”^{17,18}

The following day, the Faculty Library Committee submitted its written report. The report opened by immediately addressing the problem of the autocratic management of the Director of Libraries, Lawrence Thompson. The report described¹⁹

“...there was and had been for some time a constant erosion of staff morale, possible due to faulty administrative procedures. The Library staff [sub]committee was enthusiastically in favor of an outside survey. They and all other Library department heads consulted indicated an urgent need for change in the application to the Library system of administrative procedures and principles.

“...The Faculty Library Committee found evidence that there have been few promotions and merit increases to reward service. The Library staff has indicated dissatisfaction with this situation.

“There is evidence of failure of the Director of Libraries to solicit and seriously consider staff proposals in making major policy decisions and in considering many problems connected with library operation.”²⁰

“With the stimulation of an interested administration, the solution of Library personnel problems, the establishment of adequate administrative principles and procedures ... the University of Kentucky Library in a relatively short interval could become of one of the nation’s outstanding Libraries.”

The next day, the Faculty Council Chair Ralph Weaver transmitted the report to President Oswald, stating in a cover letter

“A system of ranks and titles is needed for the library staff so that promotions and merit increases may be used to better advantage. The faculty library committee could be used to much greater advantage.”²¹

VII. Negative Impact of the Librarian Academic ‘Equivalencies’ Policy is Starkly Demonstrated

If the frank assessment of the Faculty Library Committee and of the Faculty Council on the plight of the librarians was not enough, the budgeting process in spring of 1964 laid bare the untenability of their situation. As the Executive Vice President **A.D. Albright** explained it in a September 1964 memo to the “Library Professional Staff”:



“The older instructor and professional ranks assigned, according to minutes of the Board of Trustees [in 1945], were essentially equivalencies – **a kind of you-do-have-but-you-don’t-have condition** – that in reality diminished somewhat the worthship of those designations. Moreover, when the new policies and procedures were adopted last year for academic faculty appointments and promotions, the criteria to be employed would, under the older designations, have placed professional librarians, who cannot because of service loads devote a major part of their time and energy to research, publication and teaching, at a distinct disadvantage, and we felt, at an unfair disadvantage ... Incidentally, the same problem has been present with other professional personnel and steps are being taken in those cases also [note: See Chapter “History of the University of Kentucky Special Title Series”]. ... In the matter of benefits, particularly retirement ... The new TIAA retirement system was not funded to the full amount justified and requested ... Here again, the equivalency aspect of the appointments of professional librarians was not advantageous to them. So, the matters of professional status and retirement were inextricably bound together.”²² (bold added)

The Executive Vice President committed that a committee including outside consultants would be appointed to make recommendations for solution to the issues identified by the Faculty Library Committee.

VIII. Recommendations of the President's Special Library Committee

That same month President Oswald appointed a 12-member "Special Library Committee," chaired again by Bennett Wall, and charged it to (in consultation with an outside survey team)

"recommend a system of titles and benefits to give librarians professional status comparable to academic standing."²³

In October 1964, the Special Library Committee submitted its report to President Oswald, with copy to the Faculty Council. The recommendations of the report²⁴ included:

"We recommend that members of the professional staff of the University of Kentucky libraries be accorded rank and status comparable to academic standing. This recognition of the Professional Librarian as a member of the academic community shall impose responsibilities, obligations and privileges corresponding to those with academic standing.

"We suggest specifically the following SYSTEM OF RANKS AND TITLES. Statements are appended concerning tenure, procedures for implementing appointments, and qualifications for promotions. Some benefits and privileges are also specified."

The system of ranks and titles recommended were, listing from highest rank to lowest:

<u>Rank</u>	<u>Title</u>
Librarian V	Director of Libraries (tenure)
Librarian IV	Librarian (tenure)
Librarian III	Associate Librarian (tenure)
Librarian II	Assistant Librarian (can be tenure)
Librarian I	Librarian Assistant
Library Intern	Library Intern

The qualifications for promotion in rank were summarized as quoted below; but first note that the report was prepared at a time when there was much anxiety in the University faculty that persons who were not performing research were not being recommended for tenure in the Regular Title Series, and that no other title series yet existed (the Special Title Series was not promulgated until the following year, see below). Hence, there can be detected in the report to the President an effort to profile the activities of Librarians as being amenable to research, although in fact this was not a primary area of librarian activity:

"A. Professional Competence. A librarian's duties require fulltime teaching and counseling skills, and a public relations task of a special kind. In this instance, teaching should be interpreted to mean that kind of instruction of individuals or groups, whether direct or indirect, which promotes the intelligent and effective use of library resources by students and faculty members alike. The administrative duties and responsibilities of the professional librarians should be recognized in evaluating them for promotion and salary adjustment."

"B. Creative Activity. Research and creative writing should be encouraged, but creativity should not be defined in terms of research and writing only. Professional librarians who work a minimal forty hour week and hold twelve month appointments have little free time for sustained research. As the emphasis on faculty research increases the demands on the knowledge and time of the librarian will grow."

"C. Group Activities. Membership in national and local professional organizations and active participation in their programs are encourage as is significant service in groups which promote the welfare of the university and this community."²⁴

The recommendations were reviewed by the Faculty Council in November 1964,²⁵ and submitted to the March 1965 meeting of the University Faculty.²⁶

IX. Implementation of Special Library Committee Recommendations Stalls

During the year 1964 that the above activities were transpiring relating to faculty status of professional librarians, there was brewing a much larger context of issues relating to the academic status, promotion and tenure of all of the university faculty. As mentioned above, the October 1963 policy¹³ promulgated by new President Oswald to the effect that faculty would be promoted and tenured only upon excellence in both teaching and research created immediate problems for faculty in several colleges in which specialized needs existed that were not related to research (e.g., clinical faculty in the College of Medicine) or not related to either research or teaching (e.g., extension faculty in the College of Agriculture). The Faculty Council expressly identified this issue, and during 1964 interacted with President Oswald, often through the President's Special Assistants Doug Schwarz (Professor of Anthropology) and Tom Lewis (later, Dean of UK College of Law), to identify titles and ranks other than Instructor, Assistant Professor, Associate Professor and Professor that would apply to faculty whose activities were focussed on specialized University mission needs. By February of 1965, those efforts had culminated in the Faculty Council's recommendation to President Oswald that there be established a "Special Title Series," intended to be rarely used, for persons performing specialized kinds of duties that were not of the same qualitative nature of teaching duties, or research duties, or service duties, as would be performed by someone in the Regular Title Series. These specialized duties not being of a kind that Regular Title Series faculty would perform, the criteria for evaluation of the kinds of teaching, research and service done by Regular Title Series faculty were not appropriate for evaluating Special Title Series faculty; hence, specialized position-by-position criteria would need to be proposed and approved for evaluation of the specialized duties of the individual hired into each unique Special Title Series position.²⁷

When the Special Library Committee's recommendation for a Librarian series of ranks and titles was presented in the March 1965 meeting of the University Faculty, the Faculty Council's proposal to the President for a Special Title Series solution to all the specialized faculty niches had been transmitted by the President to College Deans for comment,²⁸ but had not yet been presented at a meeting of the University Faculty. Thus, it was unclear how the proposed Librarian ranks and titles would relate to the Special Title Series, and in effect discussion of the Librarian proposal stalled until the proposal for the Special Title Series came to its final outcome. At the end of April 1965, the President implemented University-wide the Special Title Series alternative to the Regular Title Series criterial policy for promotion and tenure.²⁹ However, the end of the academic year was at hand, and no further action happened on the Librarian proposal. After the summer recess, at its September 1965 meeting the Senate Council reminded President Oswald "*Certain new titles and ranks remain yet to be identified and approved,*"³⁰ to which he responded that copies of the write-up of these would be provided soon to the Senate Council.

X. The Pace Toward Board Approval of the Librarian Special Title Series Quickens

An interesting event that occurred subsequent to the Faculty Library Committee report, that faulted the management of Director of Libraries Lawrence Thompson, was that the following year he was no longer Director of Libraries ... that position came to be held by **Stuart Forth**. Executive Vice President Albright asked Forth to review the recommendations on the Special Library Committee relating to professional librarians, which Forth replied that he strongly supported.³¹ Forth also followed up in correspondence to Albright that the professional librarians in the Community Colleges must not be forgotten and that the finally adopted title series and ranks should also be applied to those librarians as well.³² VP Albright responded positively, requesting that Stuart Forth work together with the Dean of the Community College System, Ellis Hartford, to develop how the Librarian Special Title Series proposal would be implemented if applied to the Community College System Librarians.³³ Albright also directed that the proposed order of academic ranking should be reversed (i.e., Librarian I, II, III and IV, as the highest to lowest ranking). In addition to Albright thereby establishing the nomenclature that we use today, Albright also removed the existence of a special tenured title and ranking for the administrative position of Director of Libraries, consistent with the policy of the 1960 Board Governing Regulations that tenure shall not be afforded to an administrative position.



XI. Board Renders Final Approval of Librarian Special Title Series

The following month, a proposal for adoption by the Board of Trustees was submitted to the University Senate Council before the February meeting of the Board of Trustees (i.e., no time to submit it to the full University Senate).³⁴ At the Senate Council meeting, which occurred the day before the Board meeting,

“A motion was made and passed that the Senate Council looks favorably upon the establishment of a **special title series** for librarians, in which, specifically, the ranks of Librarian, Grades III and IV, have tenure in accordance with University Regulations.”³⁵

The proposal approved the next day by the Board of Trustees provided for tenure to Librarian I and Librarian II (as equivalent to Professor and Associate Professor), and opened access to the TIAA/CREF retirement programs, effective July 1, 1966.³⁶ (Notice that for the draft the Senate Council saw, the ordering of the rank designations had not be changed to the order directed by Executive VP Albright, however, by the time the proposal went to the Board, the order was as specified by Albright). The Board’s action was subsequently reported to the full University Senate.³⁷ In accordance with the policy for Special Title Series, the Board directed that the Director of Libraries recommend criteria for the ranks (“grades”) to the Executive Vice President, who would in turn consult with a faculty committee (e.g., of the nature of an Area Committee), and then submit a recommendation to the President for his final approval. Six months later, the President implied to the Board that this process had happened (the Executive Vice President obtaining the advice of a faculty committee, in devising and establishing the criteria for the ranks of the Librarian Special Title Series). However, the President did not actually expressly state that process indeed transpired nor did he actually relate to the Board what criteria for ranks had been established pursuant to that process.

XII. Application of University Tenure Policies to Librarian Faculty

Although the Board of Trustees had approved the policy to establish of a Librarian Special Title Series, and to establish criteria for its ranks, the criteria had not yet been applied to the existing professional librarians. An even more sensitive issue remaining to be addressed was how that faculty status for existing Librarians related to the University’s 1960 Governing Regulations that created a *de facto* tenure system for faculty whose employment had continued beyond the length of the probationary period. This question had been resolved previously for Regular Title Series faculty and for agricultural extension faculty, where at the January 1965 Board of Trustees meeting,³⁸ 80 Regular Title Series Assistant Professors and 45 Extension Specialists were recognized to have tenure, on account of their having been employed in tenure-accruing positions longer than the probationary period. Recalling, the phrasing in the 1960 Board Governing Regulations was:

each person in the following categories shall ... have continuous tenure at the University, either on appointment or following a probationary period of employment on a year-to-year basis, the total probationary period to be from one to five years, as approved by the President: (1) all persons of the rank of assistant professor or higher, (2) other persons adjudged by the President to hold **equivalent** ranks, including research or extension personnel and **professional librarians.**”

Hence, at the first meeting of the Board of Trustees after the effective date establishing the Librarian Special Title Series, the Board in August 1966 took the first step,³⁹ by approving the President’s recommendations on what level of Librarian rank each of the existing professional Librarian staff possessed. By way of the Board action, 10 individuals were conferred the rank of Librarian I, 6 the rank of Librarian II, 18 the rank of Librarian III, and 7 the rank of Librarian IV, which action was reported to Stuart Forth and Ellis Hartford by A.D. Albright.⁴⁰ However, it was not until a year later, at the July 1967 Board meeting,⁴¹ that it was finally sorted out which of those faculty possessed tenure. According to the Board action, it was 9 Librarian I faculty, 5 Librarian II faculty, and 6 Librarian III faculty, (Close inspection of subsequent Board of Trustees minutes indicates that the last person to be conferred tenure at the rank of Librarian III, pursuant to a not-de-fact-tenure-situation, appears to have been John Bryant, in May 1975).⁴²

The current Administrative Regulations for the Librarian Title Series contain several echoes of these past occasions to confer tenure at the rank of Librarian III, despite some apparent disagreement between Director Stuart Forth and Executive Vice President A.D. Albright on this point. Director Forth wrote to A.D. Albright in

December 1965²⁸ to urge that tenure could be awarded to Librarian III faculty, but in the policy memo disseminated by A.D. Albright for the Librarian Special Title Series in August 1967,⁴³ this possibility was omitted. When the new President Otis Singletary was appointed in the fall of 1969, he initiated a process to collate and codify into an 'administrative manual,' the policies that had been promulgated by memo during the Oswald era. That codification process generated the "Administrative Regulations" that we have today. With respect to codifying the various policies relating to faculty personnel actions, President Singletary, as Chair of the University Senate,⁴⁴ utilized the Senate Advisory Committee for Appointment, Promotion and Tenure,⁴⁵ which was composed of the Chairs of the various Academic Area Advisory Committees (which were also Senate committees).⁴⁶ President Singletary charged that committee to codify the faculty personnel action policy memos.⁴⁷ The committee submitted its work product in March of 1971,⁴⁸ which was evaluated by the University Senate Council in June of 1971.⁴⁹ Comparison of the August 1967 policy memo on criteria for Librarian ranks issued by A.D. Albright⁴³ with the 1971 draft⁴³ showed reappearance of the provision allowing tenure for Librarian III rank.

"At any time deemed appropriate during the seven year probationary period, tenure may be granted to a **Librarian III**..."

When President Singletary codified the above 1971 draft in 1972 as the first AR II-1.0-1,⁵⁰ he removed the express reference to Librarian III in that sentence, as follows, to be the language that we have today

"At any time deemed appropriate during the probationary period, the granting of tenure may be recommended ... by the Director of Libraries."⁵¹

However, the language codified by President Singletary still did not prohibit tenure being recommended for a Librarian III (and in fact the 1972 language was even more liberal by passively enabling a recommendation to be forwarded for awarding tenure to a Librarian IV as well). No such enabling provisions for recommending of tenure for Assistant Professors (or Instructors) exist in any of the regulations for other title series. Reaffirming the apparently liberal intent of this provision, is another provision in the Librarian Title Series regulation (again from 1972), that we also still have today, stating:

"If tenure was not granted while on appointment as **Librarian III**, the individual shall be granted tenure at the time of promotion to Librarian II."⁵²

XIII. Criteria for Appointment, Promotion and Tenure in the Librarian Special Title Series

The Board of Trustees having approved the assignment of ranks to the individual Librarian faculty, and having approved the award of tenure to certain of those faculty, there finally remained the actual future application to Librarians of the criteria for appointment, promotion, tenure and evaluation. It was not until a year later, in August of 1967, that Executive Vice President A.D. Albright sent a memorandum to all Librarian faculty, announcing

"Pursuant to the memorandum of President Oswald, date April 28, 1966 (sic), on Special Title Professorial Appointments, general criteria and guidelines for appointment, promotion and tenure of the professional library staff ensue ... The President's memorandum on the establishment of Special Title positions encompassed Librarians"^{37,53}

Albright then proceeded to elaborate the criteria for the various Librarian ranks. In an interesting omission, while Albright noted he had followed the directive of the Board of Trustees to incorporate the recommendations of the Director of Libraries into that criterial policy, he did not describe that he had also complied with the Board's directive that he in turn consult with an appropriate faculty committee (e.g., Area-like Committee) prior to final action on behalf of the President (although the President himself had intimated compliance to the Board of Trustees).³⁹

Another interesting new addition to the 1972 AR II-1.0-1 was the new language that

“In no case shall the assignment of administrative duties be a requirement for promotion to the rank of Librarian II or Librarian I.”⁵⁰

This provision was first inserted into the March 1971 draft submitted to President Singletary,⁴⁸ and there was no Librarian Area Committee existing at that time (hence no Chair of such an Area Committee existed to be on the Senate SACAPT committee⁴⁵ that prepared this March 1971 draft). It is not clear from the available record how the above specific provision came to be in the committee’s work product, or why it did in terms of the circumstances and practices of the time. Another provision that was new language in the 1971 draft⁴⁸ and 1972 AR II-1.0-1,⁵⁰ which was not found in the 1967 memo, but which reflects the origin of the Librarian series of ranks as a Special Title Series, is the provision:

“Appointment as a librarian will not normally imply a specific major responsibility to engage in research and writing.”

This is very similar to a provision found in the adjacent section of AR II-1.0-1 on Special Title Series, which states:

“Appointment to a Special Title position will not normally imply a specific responsibility to engage in research.”⁵⁴

XIV. Procedures for Processing Proposals for Appointment, Promotion and Tenure of Librarians

Consequent to the court actions in the ‘Hayse tenure case,’ (in which the KY Supreme Court ultimately held that, as written, AR II-1.0-1 did not permit a dean to stop a dossier proposal recommending tenure) President Singletary in 1982 directed Special Assistant **Paul Sears** to considerably revise AR II-1.0-1 to expressly show the authority of college deans to make the final decision to stop tenure proposals. However, of all the sections in AR II-1.0-1 formally reissued the next year on the promotion and tenure policies for the various title series, the most extensively rewritten was the section for the Librarian Title Series.⁵⁵ The criteria for promotion and tenure were essentially unchanged, but the description of procedures for processing of the Librarian dossier were substantively revised. A distinguishing feature of the 1972 section AR II-1.0-1 on Librarians from the sections on the other title series, was that each of the Special Title Series, Extension Title Series and Adjunct Title Series sections cross-referenced the procedures of the Regular Title Series, on how dossiers were initiated and processed, and that section in turn referred to a processing flow chart, which showed that the process ultimately ended at the Board of Trustees.⁵⁰ Specifically different was that in all but the Librarian Title Series, the administrator “Department Chairperson” was assigned the authority to “initiate” promotion or tenure proposals, which were then forwarded to the respective college dean, and on up the chain through either the Lexington Campus Vice President or the Medical Center Vice President, to the President, and to finally the Board of Trustees. As the processing flow chart was written in 1972, the dean was to add recommendation or commentary and then forward the dossier up to the next level; i.e. the dean was not the initiating administrator, nor, as written, a final stopping authority either.



However, the section of AR II-1.0-1 for the Librarian Title Series was essentially written in 1972⁵⁰ as a self-contained set of procedures, without reference to the template for the Regular Title Series, and in fact without any reference to the processing flow chart. No reference is made to any administrator below the level of Director of Libraries as “initiating” a proposal for promotion or tenure, nor is any express reference made to the Director stopping a tenure proposal, except to the extent that refusal to initiate a tenure proposal could be a tenure denial. Nor in the 1972 language is there reference to an Area Committee, merely an “appropriate committee.” In addition, the language referring to the establishment and use of an advisory committee to a college dean is different than the language referring to such for the Director of Libraries. Further, by the time of the 1982 University reorganization into a Chancellor System, a “Director of the Medical Center Library”

position had developed a special role in relation to the “Director of Libraries.” Hence, clear effort was made in the 1983 revision to make the processing for Librarian promotion and tenure more directly parallel to that occurring for the other title series. For example, the language that was finally issued as the new Librarian Title Series regulation, in April 1983, for the first time expressly stated:

“...the Director of Libraries or the Director of the Medical Center Library shall have the same authority and responsibilities as those of a dean of a college.”⁵⁵

However, the 1983 Administrative Regulation language was not (and currently still is not) completely clear to the unspecialized reader on procedural parallelism between the processing of Librarian Series proposals and proposals for other series. For example, section AR II-1.0-1.VIII.C.2 on “appointment” to the rank of Librarian II or Librarian I stated (and still states) that the Director may consult with the “Director’s Advisory Committee on *Personnel*,” whereas in section AR II-1.0-1.VIII.D.2 on “promotion” to either of those same two ranks it states the Director may consult with the “Director’s Advisory Committee on *Promotion and Tenure*.” The further nonparallelism existing around this situation, and its implications for Librarian faculty as a group, is discussed further below.

Although Academic Area Advisory Committees had been established (as committees of the Senate) in 1963, subsequent to the 1966 establishment of the Librarian Title Series there was not established an Academic Area Advisory Committee for the Librarian Title Series. (An Extension Title Series Academic Area Advisory Committee had become established in 1968, after that title series was established in 1966).^{55a} Instead, the practice was that the Vice President (Lewis Cochran) appointed an ad hoc committee titled the “Senate Library Committee” to perform that function. The University Senate Council discussed in February 1983 that (finally) an Academic Area Advisory Committee for Librarians was being established, for which the Senate Council would provide to the President a short list of nominees.⁵⁶ The Librarian Series Area Committee became formally in existence for the first time during the 1983-1984 academic year.⁵⁷

Another procedure promulgated in the President’s Administrative Regulations in 1983 that is not parallel for the other faculty title series was that for the case of appointment or promotion to the ranks of Librarian IV or III, the Director of the Medical Center Library could make the final decision for appointment, with reporting to the Board of Trustees through the Medical Center Chancellor.⁵⁸ However, for cases of appointment or promotion to Librarian II or I, it was not the Director of the Medical Center Library, but the Director of Libraries, who submitted the recommendation, and the recommendation was not to the Medical Center Chancellor, but to the Lexington Campus Chancellor.⁵⁹ In 1989, the procedural language on this point was further modified to reflect that recommendations from, or reports through, the Director of Libraries were not submitted to the Chancellor of the Lexington Campus, but rather to the Vice President for Information Systems.⁶⁰ This unusual dichotomy in the reporting above the two Directors was apparently ended in 2002, when a revised Administrative Regulation was posted at the official UK web site, reflecting the change to a Provost System, and in which either Director submits reports of actions or recommendations in all cases to the Provost (AR II-1.0-1.X, 2002).⁶¹

XV. Librarians: the Orphaned Faculty Among the Faculty Bodies of the Colleges

The above history has chronicled the journey of UK professional librarians to fully obtain individual academic appointments, promotion and tenure as faculty, in the same processing and meaning as for faculty in the other UK faculty title series. However, the librarian faculty are enduring an even longer journey toward an official, codified status as a faculty governance body, in the same meaning that “the College Faculty” is a policy-making governance body for each college. From the original appointment of Margaret King as the first “Librarian” in 1912, there was no recognition of the professional Librarians as a single entity, a body, until 1960.

As a Part of the Larger Body, the Statutory “faculty of the university”: Faculty Trustee Election. In 1960, the state law (KRS 164.130) was amended to provide for the election of two nonvoting Faculty Trustees to the Board of Trustees, from the “teaching or research” faculty, at or above the rank of assistant professor. (The law

in 1972 was further amended to make each Faculty Trustee a voting member of the Board of Trustees). In view of that the October 1964 Special Library Committee report to President Oswald had characterized that “[a] librarian’s duties require fulltime teaching and counseling skills and a public relations task of a special kind,” and in view of the Board’s 1966 action to establish the Librarian Title Series and its professorial rank equivalents, the Librarians at or above the rank of Librarian III appeared to gain the status to vote for, or serve as, an elected Faculty Trustee. However, an interpretation of the Senate in 1967 appeared to exclude the Librarian faculty from voting in the Faculty Trustee election. However, the new Administrative Regulation AR II-1.0-1 for Librarian Title Series adopted in 1972 added a statement not contained in the Board’s 1966 action, which specifically stated that Librarian faculty have the same “privileges” as the Regular Title Series faculty, which ensured that thereafter the Librarian Title Series faculty had the status to vote for, or serve as, Faculty Trustee. Much more recently, there was a discussion among the Librarians as to the nonvoting status of Librarian IV faculty.⁶² This status is the same nonvoting status as the “Instructor” rank for the other faculty title series, and reflects the restriction in state law that voting status is afforded to those of assistant professor rank or higher.⁶³

A Governance Body for Purposes of the University Senate. The Board of Trustees since 1941 had an established governance policy that the faculty bodies of each of the colleges would elect from their own respective faculty ranks their representatives to “the University Senate” (actually, called “University Faculty 1941-1965). However, in 1941 the professional librarians were not also designated as such a college body that would elect, from its membership, representatives to the “University Senate.” Finally, the revisions to the Governing Regulations of December 1960 newly included that in this election process,

“Elected members shall represent the following [15] groups ... (15) **Libraries.**”⁶⁴

This level of recognition continued when the Board of Trustees in 1966, in establishing the Librarian Title Series, specified that

“**Senate membership** and service on faculty committees be **open to Librarians on the same basis** as for faculty members of equivalent rank.”³⁵

This language was incorporated into the 1974 and subsequent versions to the Board’s Governing Regulations, as that the elected faculty senators

“shall be apportioned each spring among the colleges and **University Libraries** ...”⁶⁵

Through 2005, this codification remains the only codification by the Board of Trustees expressly establishing any governance purpose for which the Librarians constitute a decision-making body in and of itself, rather than being an array of individual staff at the discretion of a higher administrator.

A Decision-Making Governance Body for the Purposes of Establishing Libraries Programmatic Service Policy. When the Board of Trustees revised its Governing Regulations in May 1970, codifying (as the regulations we have today) many of the policies initiated by President Oswald, that placed educational-policy-making authority squarely in the hands of the college faculties, for which the Dean’s capacity is as parliamentary Chairperson of the college faculty body. Each College Faculty became empowered, and held responsible, to establish its own committee and council structure that it deemed necessary for that educational policy-making function, and became further empowered to promulgate its own internal Rules for the exercise of that policy-making function.⁷⁶ For example, if we consider the instructional area of curricular policy-making, in a clear example that has no budget/resource implications, if a college faculty, at a meeting presided over by the Dean, were to decide by vote that it would use a +/- grading system, the Dean under University regulations has no standing whatsoever to “disapprove” or overrule that decision. The Dean must operationally implement that college faculty body decision. However, if the college faculty’s curricular decision was for a new curriculum that required the purchase of a one-billion dollar orbiting telescope, the Dean would be authorized in the Dean’s

second, managerial capacity (Chief Administrative Officer of the college) to state “There is insufficient budget for this. I cannot implement this for financial reasons.” That is, the Dean has no standing, as parliamentary Chairperson, to disapprove of the College Faculty’s programmatic decision on its academic merits, but in the Dean’s second capacity as Chief Administrative Officer of the college, the Dean can perhaps identify nonacademic reasons not to implement the college faculty’s curriculum decision. But instead of the Dean then picking an alternative curricular decision, that decision would go back to the College Faculty again.

Very, very important in the Board of Trustee’s 1970 action to place “educational policy-making” under the control of the College Faculty body, was that it provided a definition on what areas are encompassed in “educational policy-making.” Rather than it narrowly meaning ‘curricular policy-making,’ it was defined to include programmatic policy-making in all three mission University areas of instruction, research and service.⁷⁵ What does “educational policy-making” mean in areas outside of making policy on curricula? It means, in the area of research program policy for example, that, say, if three faculty members retire and a decision has to be made as to what programmatic area(s) the new faculty hires will be in, that the identification of the programmatic area is an educational policy-making responsibility of the faculty of the educational unit. The premise is that the faculty of the educational unit (who the University administration assures the Board are hired as leading professionals in their areas) are the most qualified to identify what are the cutting edge “Top 20” programmatic areas versus what areas are not new or not cutting edge.

So, if we take the University President’s professional area as an example (Engineering), if the faculty of the educational unit identify that the cutting edge area in which new faculty need to be hired toward “Top 20” objectives is, say, “nanotechnology,” but the Dean personally favors instead “manufacturing,” it is still the programmatic area of “nanotechnology” in which the Dean ought hire the new faculty. The Dean (or department chair’s) only role in this programmatic decision is as Chairperson of the unit faculty body, providing the Chairperson leadership that facilitates the decision-making process of the faculty body. In the second, different capacity as managerial Chief Administrative Officer, the Dean is responsible to make the final personnel decision (with “advice” from the faculty) on which of the interviewed candidates (who all specialize in nanotechnology) is to be hired into the position(s), and final decisions on budget, space assignment, etc. that are necessary to further implement the academic policies.

How would the above governance framework apply to the Libraries, if the Libraries were raised to an “educational unit” instead of merely being an administrative “support unit”, and if the Librarians were raised to a faculty governance body, equivalent of a College Faculty, for which the Dean’s role was as parliamentary academic Chair of the faculty body? If for example we consider the Libraries programmatic/service areas that directly involve interfacing with and instruction to student/patrons, there are broad programmatic policy issues, such as: Where ought such services be delivered for greatest effectiveness? What new facilities need to be planned/sought for future targeted service areas and what ought those service areas be? What new internet technological area is in the offing for which new faculty expertise would enable higher quality accomplishment of the service mission? Ought any open Librarian faculty positions be targeted for that area? In areas not directly involving student/patron instruction, such as cataloging, if several faculty lines are to be lost due to budget cuts, what parts of that program have the highest priorities to be protected from loss of faculty lines? All of these kinds of broad, programmatic/service policy would be, for the “educational unit” of Libraries, the areas of “educational policy” decision-making by the Librarian faculty body, made under the parliamentary Chairpersonship of the Dean.

A Governance Body for Purposes of Advising on Dean’s Managerial Decision-Making. As described above, the Dean wears a second “hat” of Chief Administrative Officer, responsible for operationally implementing and managing the operations of the College. In that capacity, the Dean makes and enforces all necessary managerial policy. The University regulations make specific provision to recognize the status of college faculties also as bodies that are advisory to the respective college dean, as the dean exercises *managerial* processes. Two examples illustrate the quandary on this point that exists for the UK Librarian faculty. In the first example, the Board’s Governing Regulations set a policy, that is implemented in the

President's Administrative Regulations, that in appointment, reappointment, promotion and tenure processes, the academic unit faculty are an entity that, as a body, has an "opinion" (singular tense) about the merits of the individual case, and that the unit administrator (e.g., Dean) is obligated to transmit that "opinion," in addition to any contrary opinion of the unit administrator. Further, if that unit administrator does cotransmit a contrary opinion, the unit administrator is obligated to notify the unit faculty.⁶⁶ Thus, it is not a case that there is the unit administrator (e.g., Dean), and there are only numerous individual faculty as "staff" with individual opinions. Rather, from the expressed individual opinions, the unit administrator is obligated to also discern and transmit the "opinion" (singular tense) of the faculty body for this purpose. However, while this Governing Regulation by its terms expressly applies to the faculties in each of the academic colleges,⁶⁷ the Board's Governing Regulations do not expressly make the Librarian Faculty as being a body equivalent to a College Faculty body for this purpose. The serious consequence is that if a Dean of Libraries were to use the ambiguity to assert that the Librarian Faculty have no such equivalent status, then that Dean of Libraries operates independently of the above regulatory requirements, and would cotransmit the "opinion" (singular tense) of the Librarian Faculty body only at the whim of his/her intramural benevolent discretion, and with no obligation to notify that Librarian Faculty if the Dean's recommendation was contrary to the Librarian Faculty opinion.

In the second example, at the request of the University Senate, President Singletary in 1974 newly added to the Administrative Regulations a provision that each college dean shall establish an advisory committee on matters of appointment, promotion and tenure, ostensibly as a source of independent faculty advice to the dean.⁶⁸ However, the way that regulation became implemented by many college deans was that the dean unilaterally made the appointments to the committee, much nullifying the intended independence of the committee. Upon complaint about this in 1989 to President **David Roselle**,⁶⁹ the President revised the Administrative Regulations on this point to place the membership of this committee under the control of the College Faculty, either by direction election from the College Faculty, or by submission of recommendations to the dean by the "appropriate faculty body." For example, in processes of appointment, reappointment, and terminal reappointment, the revised President's Administrative Regulations required:



"Each college shall have an advisory committee which is concerned with matters related to faculty appointments. It can be **elected by the faculty** or established by the dean after consultation with **an appropriate faculty body** of the college. Prior to making a recommendation or decision on terminal reappointments or non-renewals of appointment, the dean must seek advice from such a committee."⁷⁰

and in the processes of promotion and tenure required:

"Each college shall have an advisory committee, established by the dean after consultation with an **appropriate faculty body** of the college or **elected by the faculty**, which is concerned with matters related to faculty promotion and tenure...the dean is required to obtain a written recommendation from the advisory committee (1) when an assistant professor must be considered for promotion with tenure in the sixth or next-to-last year of the individual's probationary period, (2) when an associate professor must be considered for tenure in the next-to-last year of a probationary period, and (3) when a professor must be considered for tenure in the first half of a one-year probationary period."⁷¹

Whether the process would be direct election from the College Faculty, or appointment by the dean following consultation with the "appropriate faculty body" is determined and codified by the College Faculty body in its College Rules (the Board of Trustees in its Governing Regulations GR VII.A.4 directly empowering the College Faculty body to decide and codify in its Rules document what faculty council or committee constitutes the "appropriate faculty body" for the faculty's functions).⁷² That is, the "appropriate faculty body" is not something the dean decides, but something the faculty decides, the dean's contrary preference notwithstanding. Unfortunately, because the Board of Trustees has never directly made equivalency between a "College Faculty" body and the "Librarian Faculty" body, it has never been as clear as it ought to be how that the above regulation

language empowers, or does not, the “Librarian Faculty” body in the appointment of these committees in the same way that it empowers the “College Faculty” bodies.

This situation has important governance consequences for the Librarians, because if a Dean of Libraries at some point decides to interpret the ambiguity as meaning that Librarians do not have an equivalent status as a “Librarian Faculty” body for the purposes of this regulation as do “College Faculty” bodies, then it becomes purely a benevolent discretion of a Dean to comply with the faculty decision or consultation on the membership of the promotion and tenure advisory committee – i.e., one day a Dean of Libraries could wave his or her hand and decide to unilaterally make the committee appointments. However, if the Board of Trustees was to codify that the “Librarian Faculty” body exists as an equivalent of a “College Faculty” body, then the Dean of Libraries has no such discretion, because the authority of the “Librarian Faculty” body then comes directly from the Board and President, above the level of the Dean of Libraries. (There is another problem about this committee,⁷³ on an aspect in the current Administrative Regulations on promotion and tenure of Librarians. In addition, the current Libraries policy on annual reappointment of untenured faculty appears to violate University regulations in effect since 1970, if the Librarian faculty have at this time the equivalent status of a College Faculty for the purpose of the University Regulations on untenured reappointments⁷⁴).

As of 2004, the Board of Trustees has not codified in its Governing Regulations that the Libraries is the equivalent of a college educational unit, nor that Librarian Faculty have an equivalent status of a College Faculty, for the purpose of decision-making authority in the formulation of instructional, research or service programmatic policies for the Libraries. In 2002, the Board of Trustees initiated such a recognition by changing the title of Director of Libraries to “Dean” of Libraries,⁸¹ but the Board has yet to complete that recognition by codifying a policy that the Librarian Faculty, as a body, has an equivalent status of a College Faculty. In this vacuum, the Librarian Faculty remain, in the 1964 words of Executive Vice President A.D. Albright, in “*a kind of you-do-have-but –you-don’t-have condition,*” being more functionally the “staff” of the Dean of Libraries, to whom at this time remains defaulted the authority to make the decisions on the educational policies of the Libraries.^{22,82}

References

¹ <http://lrc.ky.gov/KRS/164-00/210.PDF> and <http://lrc.ky.gov/KRS/164-00/220.PDF>, respectively

² Board of Trustees Governing Regulations, 1882, regulation 6.

³ 1912 Minutes, Board of Trustees³

⁴ Board of Trustees Governing Regulations, 1918, Section V, page 16

⁵ 04-01-41 Minutes, Board of Trustees

⁶ 05-28-45 Minutes, Board of Trustees

[Board Action of 1945 to Declare Certain Librarian Positions as Equivalent to Faculty Asst. Professor Rank](#)

⁷ Board of Trustees Governing Regulations, 1947, Section GR X.3

⁸ Board of Trustees Governing Regulations, 1955, Section GR XI.4

⁹ “Proposals of the A.A.U.P. Executive Committee on Revision of the Governing Regulations of the University of Kentucky.”

¹⁰ 05-29-59 letter from Vice President Leo Chamberlain to President Frank Dickey.

¹¹ Board of Trustees Governing Regulations, 1960, Section GR XI.3

[First reference in Gov. Regs. \(1960\) to potential faculty status of "librarian" employees](#)

¹² 05-31-63 Minutes, Board of Trustees

¹³ 10-28-63 [President Oswald’s Oct 1963 Memo on Faculty Appt/Promotion/Tenure Criteria](#)

¹⁴ 04-07-64 Minutes, Board of Trustees

¹⁵ 01-27-64 letter from President John Oswald to Senate Council Chair Ralph Weaver

¹⁶ 02-03-64 Minutes, University Faculty Council

¹⁷ 03-30-64 Minutes, University Faculty Council

¹⁸ 03-30-64 letter from Bennett Wall, Library Committee Chair, to Faculty Council Chair Ralph Weaver

stated "...faculty committees should be placed on the mailing list of orders and directives sent to deans and department heads. In at least one of the areas under consideration by the Library Committee much time could have been saved had we been aware of existing directives of the administration."

¹⁹ 04-01-64 "Report responding to Dr. John W. Oswald's letter"

²⁰ 11-29-63 letter from Executive Vice President A.D. Albright to Director of Libraries Lawrence Thompson, severely admonishing Thompson for his "indiscretion" in comments about other administrators

²¹ 04-02-64 letter from Faculty Council Chair Ralph Weaver to President John Oswald

²² 09-15-64 Memorandum from Executive V.P. A.D. Albright to "Dr. Lawrence Thompson and Library Professional Staff" [Ex. VP Memo Describing Need for Librarian Title Series Sept. 15, 1964](#)

²³ 09-64 statement of charge from President Oswald to "Special Library Committee" as documented in 03-08-65 minutes of the University Faculty (this author has not located a copy of the President's memo of charge)

²⁴ 10-23-64 Report "Recommendations regarding status and benefits for Professional Library staff", submitted by "Special Library Committee" [President's Special Library Committee Recommends Librarian Title Series Oct. 23, 1964](#)

²⁵ 11-09-64 Minutes, University Faculty Council

²⁶ 03-30-65 Minutes, University Faculty

²⁷ 02-12-65 Minutes, University Faculty Council

²⁸ 03-30-65 transmittal from President Oswald to College Deans

²⁹ 04-28-65 Memorandum from President Oswald to College Deans

[President Oswald's 4/28/65 memo announcing establishment of Special Title Series](#)

[President Oswald's 4/28/65 memo attachment establishing of criteria for STS: position-specific descriptions](#)

³⁰ 09-04-65 Minutes, University Senate Council

³¹ 12-14-65 letter from Director of Libraries Stuart Forth to Executive Vice President Albright

[Director of Libraries Summarizes Special Library Committee Report Dec. 14, 1965](#)

³² 12-17-65 letter from Director of Libraries Stuart Forth to Executive Vice President Albright

[Director of Libraries Advocates Inclusion of Community college System Librarians in new Librarian Title Series Dec 17, 1965](#)

³³ 01-31-66 letter from Executive Vice President A.D. Albright to Director of Libraries Stuart Forth

[Ex VP Changes Proposed Librarian Rank Titles and Accepts Inclusion of CC Librarians Jan 31, 1966](#)

³⁴ 02-17-66 Minutes, Senate Council

³⁵ 02-18-66 Minutes, Board of Trustees

[Board of Trustees establishes Librarian Title Series Feb 18 1966](#)

³⁶ 07-19-66 Minutes, Board of Trustees

[Board Action to Award Librarian Title Ranks to Specific Librarian Faculty Aug 19, 1966](#)

³⁷ 04-11-66 Minutes, University Senate

³⁸ 01-15-65 Minutes, Board of Trustees

³⁹ 08-19-66 Minutes, Board of Trustees

⁴⁰ 08-19-66 letter from Executive Vice President A.D. Albright to Stuart Forth and Ellis Hartford

[Ex VP Notifies Director of Libraries of Board Action to Award Librarian Title Ranks to Specific Librarian Faculty Aug 19, 1966](#)

⁴¹ 07-21-67 Minutes, Board of Trustees; [Board Confers First Tenure to Librarian Faculty at Ranks I, II, III July 21, 1966](#)

Of the six Librarian III faculty who received tenure, three subsequently retired as tenured Librarian III (one in 1968, one in 1970 and one in 1972); the other three were promoted by the Board June 24, 1968 to Librarian II; one of those subsequently retired in 1983, another retired as Librarian I in 1987, and there is no record in the Board minutes as to when the final one retired. In addition, in fall 1967 two additional Librarian III faculty were awarded *de facto* tenure (Board minutes, November 10, 1967). One of those two was promoted to Librarian II at the May 1, 1984 Board meeting, retired in 1988 and still lives locally. The other was the last tenured Librarian III in UK history, being a tenured Librarian III until promotion to Librarian II at the June 24, 1985 Board meeting, and retired about a decade later, but died in Lexington in December 2004.

⁴² 05-06-75 Minutes, Board of Trustees. The individual was promoted to Librarian II July 1, 1977, then Librarian I June 23, 1981, retired 12-11-90, and deceased in 2004.

⁴³ 08-04-67 Memorandum from Executive Vice President A.D. Albright to "Professional Library Staff"

⁴⁴ Board of Trustees Governing Regulations, 1970, Section III

⁴⁵ Senate Rules Charge to "Senate Advisory Committee on Appointment, Promotion, and Tenure," (SACAPT)

adopted Oct. 29, 1970: “...shall comprise the chairmen of the academic area advisory committees on appointment, promotion and tenure...It shall recommend to the University Senate on criteria for appointment, promotion and tenure as they may affect the broad academic policies of the University. It shall advise the President, of the administrative officers designated by him as appropriate, on the police for appointment, promotion and tenure and shall report to the Senate on these policies.”

⁴⁶ 10-15-63 Minutes, University Faculty Council

⁴⁷ [President Singletary’s Jan 27, 1971 memo to members](#) of “University Senate Advisory Committee on Appointment, Promotion and Tenure”

⁴⁸ [Univ. Senate Adv. Comm. on Appt., Promotion and Tenure Mar. 31, 1971](#) work product

⁴⁹ 06-01-71 Minutes, University Senate Council

⁵⁰ March 1972 Administrative Regulation publicly circulated under an April 1972 cover memo from President Singletary to UK faculty; [First Issuance of AR II-1.0-1 on March 1, 1972](#)

⁵¹ (AR II-1.0-1.X.F, 2002) [Page X - Appointment and Promotion Librarian](#)

⁵² (AR II-1.0-1.X.D.2, 2002) [Page X - Appointment and Promotion Librarian](#)

⁵³ The actual date was April 28, 1965

⁵⁴ Section VI.D.1 of the March 1972 AR II-1.0-1 [First Issuance of AR II-1.0-1 on March 1, 1972](#)

⁵⁵ AR II.1.0-1.VIII.C.1 04/04/83

^{55a} From: Davy Jones [<mailto:djones@uky.edu>] Sent: Thursday, February 17, 2005 12:57 PM To: mleach@pop.uky.edu Subject: Margaret, I am doing some research on the Area Committees. The Librarian Area Committee started in 1983. So I am trying to see if the University used some other "surrogate" committee above the level of the dean for Librarian promotion cases before 1983, and if so, what was the "name" of that committee. One way to determine this would be to take a peek inside the Provost-level (actually, back in the 1970's it would have been the VP-level) personnel files for Librarians whose cases reached the VP. I checked the Board of Trustees minutes, and there was a promotion to Librarian II for "John Bryant" in 1976 and then promotion to Librarian I in 1981. I am not interested to know the recommendations of the VP-level committee on his case, but only to know if there was a VP-level committee and by what name it was referred to. Can you kindly check on this for me? Thanks. Davy
Date: Mon, 21 Feb 2005 09:37:48 -0500 From: "Leach, Margaret" <mleach@email.uky.edu>
To: "Davy Jones" <djones@uky.edu> 21 Feb 2005 14:37:49. I looked in John Bryant's promotion file and the committee was the "Senate Library Committee." It was a special committee appointed by Dr. Lewis Cochran to consider P&T cases for University Libraries. It was chaired by Dr. Joseph R. Jones at that time. Margaret.

⁵⁶ 02-17-83 Minutes, University Senate Council

⁵⁷ President’s annual committee memo 1983-1984

⁵⁸ (AR II-1.0-1.VIII.C.1, D.1., 1983)

⁵⁹ (AR II-1.0-1.VIII.C.1, D.1., 1983)

⁶⁰ AR II-1.0-1.X, issued 09-20-89

⁶¹ AR II-1.0-1.X, issue 04-08-02

⁶² (03-29-02 Minutes, Librarian Faculty Meeting; 03-23-02 Minutes, Librarian Faculty Meeting)

⁶³ KRS 164.131(3) <http://lrc.ky.gov/KRS/164-00/131.PDF> make this

⁶⁴ Board of Trustees Governing Regulations 1960, Section GR III

⁶⁵ Board Governing Regulations 05-01-74

⁶⁶ GR VII.B.5, last para.

⁶⁷ GR VII.A.4, para. 3

⁶⁸ AR 1974

⁶⁹ Senate minutes 1989 event

⁷⁰ AR II-1.0-1.II.E <http://www.uky.edu/Regulations/AR/ar007.pdf>

⁷¹ AR II-1.0-III.E <http://www.uky.edu/Regulations/AR/ar008.pdf>

⁷² GR VII.A.4, para 3, sent. 1

⁷³ In the 1989 version of AR II-1.0-1.X for promotion of Librarians, subsection D.2 referred to the consultation with the advisory committee on promotion and tenure as per “Section III.F.1,” which is the section describing the required consultation with the committee in promotion and tenure processes for the Regular Title Series. Similarly, the subsection F of AR II-1.0-1.X referred to the “Section III.G” that also requires consultation with this advisory committee. However, in 1993, with the introduction of the “Teaching Portfolio,” a new Section C was introduced into Section III on Regular Title Series processes, which then caused renumbering of Section III.F.1 to be Section III.G.1, and renumbering of Section III.G to be Section III.H. However, on that 1993 occasion, the cross-referencing language in AR II-1.0-1.X for Librarian

promotion and tenure was not changed to reflect the renumbering, and so the current language in AR II-1.0-1.X sections D.2 and F now cross-reference subsections in Section III that do not literally exist. This is further unfortunate because this cross-reference would otherwise strengthen a Librarian Faculty interpretation that by cross-reference to the Section III that requires the existence of an advisory committee whose membership is controlled by “the faculty” or by the faculty’s “appropriate faculty body,” it means a recognition of and authorization to the “Librarian Faculty” as a decision-making (committee membership controlling) body in and of itself.

⁷⁴ The Board of Trustees Governing Regulations at GR VII.B.5, para. 1 identifies which faculty of the unit are required to be consulted, and from which letters are to be obtained, in the reappointment or terminal reappointment of untenured faculty. During the 1970 codification of this section of the Governing Regulations, the University Senate recommended and the Board concurred to make as inclusive as possible the consultative process in decisions on appointment, reappointment and terminal reappointment. Thus, for tenure decisions, it is only necessary for the tenured faculty to be consulted, and for promotion, it is only necessary to consult/obtain letters from those faculty with higher rank than the candidate. However, these are not the categories of faculty for consultation in appointment, reappointment and terminal reappointment. Because tenure or promotion with tenure are permanent decisions for the University, only faculty with permanent status are required to be consulted. However, for those decisions that do not permanently affect the University, the University Senate decided that the untenured faculty must be consulted as well. Therefore, what GR VII.B.5, para. 1 actually requires is that for an annual reappointment decision, not only must the tenured faculty be consulted, but also those untenured faculty at or above the rank of assistant professor who have been members of the unit for two years. For initial appointment or terminal reappointment decisions, not only must consultation include these untenured faculty, but written judgments must be obtained from these untenured faculty as well. However, the written Libraries procedures for reappointment of Librarian faculty (<http://www.uky.edu/Libraries/ptsug.doc>) restrict the consultation only to tenured faculty. This is a serious issue, as in 2004 there was a case in which a Regular Title Series assistant professor was placed on terminal contract when only the tenured faculty had been consulted. The assistant professor appealed to the Senate Advisory Committee on Privilege and Tenure, and won on the point that the procedure used in his case errantly did not include consultation with the untenured assistant professors who had been in the department for two years. Upon this finding by the appeals committee, the President ordered that the consultative process be performed again, this time including consultation with, and obtaining written judgments from, those untenured assistant professors.

⁷⁵ Board of Trustees Governing Regulations, 1970 GR III; and current GR II

⁷⁶ Board of Trustees Governing Regulations, 1970 GR VII.A.4; and current GR VII.A.4, para. 4, sent. 1

⁷⁷ Board of Trustees Governing Regulations, 1970 GR VII.B.3; and current GR VII.B.3, para. 1, sent. 4

⁷⁸ Board of Trustees Governing Regulations, 1970 GR VII.B.3; and current GR VII.B.3, para. 1, sent. 3

⁷⁹ Board of Trustees Governing Regulations, 1970 GR VII.A.6; and current GR VII.A.6

⁸⁰ AR II-1.0-1.V.A.4 (current) 1 [Page V - Appointment and Promotion Regular Titles, dated 9/20/1989](#)

⁸¹ 06-11-02 Minutes, Board of Trustees, PR2

⁸² A reasonable argument could be made that the express codification by the Board of Trustees of the equivalency of the Libraries to a College, and of the Librarian Faculty to a College Faculty, for the purposes of making decisions on the educational policies of the Libraries would (1) increase the professionalism of the Librarian discipline at UK, (2) enhance the ability to recruit highly qualified professional librarians from other institutions that do not provide such a professional environment for their Librarian Faculty, and (3) correspondingly increase the accountability of the Librarian Faculty (as a body) to the University for the quality of the educational and academic service programs of the Libraries, (4) increase the accountability of the Dean of Libraries to the Librarian faculty, for the Dean’s proper deference to the Librarian faculty body in its decision-making, where in that exercise the Dean only serves as parliamentary Chairperson for the Librarian faculty makes its decisions within the sphere of its jurisdiction.

A History of the Research Title Series at the University of Kentucky

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I. The Research Title Series is Initially Conceived

The Research Title Series was spawned in a report of submitted in early 1979 by the University Senate Research Committee¹ (Chaired by **Roger Eichhorn**) to the University Senate.² The Research Committee reported it had found that



“Whereas in the early 1960’s the University of Kentucky was regarded as a relatively small, unranked teaching institution, by the early 1970’s it had embarked on quite an ambitious research program. ...however, the combination of many factors ... threaten to erode faculty and student opportunities to engage in research... The University of Kentucky is presently 47th among the major institutions of higher learning with respect to Federal obligations. Unless we take steps now...[the University] ... will very likely be unable to sustain its present level of research activity.”¹

The Research Committee report identified a number of remedial steps, one of which specifically concerned the ability of the various faculty title series to meet the research needs and goals of the University. The report stated:

“Research is expected of all who hold regular title series appointments ... the common denominator, across the University, of the professorial series, appears to be balance between teaching , research and service. The regular title series was not developed for individuals whose primary function is research...Many other institutions employ non-tenured research staff at ranks equivalent to those in the regular professorial series ... Such positions allow Universities to adjust research manpower and expertise to match rapidly changes research needs and funding patterns... We recommend that the University establish a non-tenured research staff series with ranks equivalent to the regular professorial series....Funding for the research staff should come primarily from extramural grants and contracts.”¹



The University Senate Council shortly thereafter met with the Research Committee Chair,³ and its members endorsed the recommendation for establishment of a non-tenured research series, after the Senate Council Chair, **Joseph Krislov**, voiced concern that

“I think you’re not going to get anyone very productive, and if you do get someone productive, he will be lured away in time. If someone is here for ten (10) years and his area ‘dries up,’ letting him go will cause great strain. We should find a means for such appointees to get tenure.”⁴

The Senate Council then endorsed sending the recommendation to the full University Senate for action,⁵ which also approved the recommendation at the April 1979 Senate meeting.⁶

II. Specific Details of Research Title Series are Formulated

Upon transmittal to President **Otis Singletary** of the University Senate's adoption of the recommendation for establishment of a Research Title Series, Special Assistant to the President for Academic Affairs Paul Sears was charged to draft language for "conversation pieces – to discuss with the administration" on the proposal. Dr. Sears contacted the Senate Council for specifics, such as whether such faculty would participate in the University Senate, as Faculty Trustee and other University governance service activities. In the ensuing discussion



"It was also indicated that the University Administration might utilize a title other than that of professor for these persons. This appeared to be the consensus of the Council members, most of whom look upon the title of professor as one who has teaching responsibilities."⁷



That summer, **Paul Sears** then provided to President Otis Singletary the draft documentation, after which Dr. Sears then prepared draft Administrative Regulations⁸ that would implement a new policy for establishment of a "Research Title Series." The President met personally with the Senate Council early that fall to discuss the draft proposed regulations, which he passed out to the Senate Council.⁹

The following week, the Senate Council evaluated the draft Administrative Regulation item by item. For example, there was emphasis that "*such a person could give lectures occasionally, but ... the recommendation to the Senate was to preclude regular teaching for such a position ...*"; reaffirmation that promotion would be processed through established Area Committees and not be a new special committee; specification that membership in the Graduate Faculty would be at the Associate rank, to safeguard the student in case the Research Series major advisor lost funding and therefore lost the faculty position; and questioning whether the individuals could be appointed to Graduate Centers and Institutes, where under the Governing Regulations primary academic appointments could not be made to Institutes.¹⁰ The Senate Council then voted to submit its recommendations for revisions to the draft back to President Singletary.¹¹ Two weeks later, President Singletary responded to the Senate Council as to which of its recommendations he had adopted.¹² He explained that he would ask the Board of Trustees to approve new Governing Regulations providing for the appointment of Research Series faculty to Institutes in addition to Graduate Centers. He accepted the Senate Council's recommended language that emphasized such faculty shall not have any regularly scheduled teaching or service assignments, but he rejected their recommendation concerning membership in the Graduate Faculty and serving as Major Advisor in supervising of dissertations, because no problems had arisen in affording that status to extramurally funded Adjunct Faculty.

III. The Research Title Series is Officially Established and Implemented

In November 1979, President Singletary transmitted to the Deans, Directors, Chairpersons and Academic Vice Presidents the final language of the new policy for Research Title Series, that he described would be implemented in a forthcoming new Administrative Regulation.¹³ According to the minutes of the Board of Trustees, the first person appointed into the Research Title Series was "P.G.G. Potti" as Assistant Research Professor effective April 1, 1980 in the College of Pharmacy.¹⁴

Under the Board's Governing Regulations, new faculty ranks and major changes in criteria for ranks must have the approval of the Board of Trustees.¹⁵ At the Board of Trustees meeting of September 1979,¹⁶ the Board approved the existence of the Research Title Series faculty, but as per the position of the Senate Council, that Research Title Series faculty are nontenure track;¹⁷ they are not eligible for service activities in the University Senate;¹⁸ are not automatically "members" of the college faculty body,¹⁹ or of the departmental faculty body²⁰ that makes the educational policies of the college or department; do not participate in consultative service to the unit administrator in faculty personnel actions (e.g., tenure decisions),²¹ and are not eligible for sabbatical leave.²²

At the request of Medical Center Chancellor Peter Bosomworth, President Charles Wethington in 1992 rendered a further implementing interpretation as to the scope of activities assignable to Research Title Series faculty:

“The Research Title Series has no teaching designated in activities for faculty according to AR II-1.0-1, page VIII-1-3. Promotion criteria are not based on teaching” and that these faculty therefore have “exemption from development of the teaching portfolio.” The President continued “...it is my understanding that none of them is expected to have a major role in teaching or to be responsible for developing and preparing the course syllabi.”²³

IV. Issues Arise on the Employment Status of Research Title Series Faculty

Prior Service toward tenure track position. The major revision of the Administrative Regulations issued in 1983, to reflect the University’s organizational change to a Chancellor System, included a new provision concerning Research Title Series faculty and prior service:

“Prior full-time service as a faculty member with any educational unit of the University of Kentucky, excepting service while on appointment in the **research title series**, cannot be waived and must be taken into consideration in determining the length of an individual’s probationary period.”²⁴

In 1997, upon the recommendation of the University Senate Task Force on Promotion and Tenure, the University Senate approved for submission to the President a request that this prior service provision be eliminated,²⁵ and that in the future the extent of waiver of any prior service be negotiated between the individual and the unit chairperson at the time of offer of the tenure-track position. The President approved this request and issued the revised Administrative Regulations the following year.²⁶

Termination from existing position. A very serious situation affecting the existing positions of Research Title Series faculty arose in the mid 1990’s. Some Medical Center departments had been supporting, or assisting in the support, of Research Title Series faculty. A severe budget crunch rendered the departments unable to provide such support, so the departmental and college administration did not intend to renew the contracts the following year for those faculty. However, the University’s Governing Regulations and Administrative Regulations expressly required that certain advance notices be provided to untenured faculty whose contracts were not going to be renewed. For example, those faculty who have been employed for at least two years must receive one year advance notification of nonrenewal, where the “notificiation” is typically in the form of a one year terminal reappointment contract. Phyllis Nash, Vice Chancellor for Academic and Student Affairs, explained this regulation to the departmental chairpersons in the spring of 1995.²⁷ The result was that some department chairpersons were caught in a situation of being required to provide at least one more year of terminal contract employment, but who were without departmental funds to support that employment.

The administrative response by the Chancellor of the Medical Center, **James Holsinger**, was to attempt a new appointment policy, which in implementation appeared to require that Research Title Series faculty must agree in their appointment and reappointment contracts that their employment could be ended prior to the end of the contract period if it came to be that insufficient funds were available to support the employment through the entire contract period. This policy was in contradiction to the Governing Regulations²⁸ and Administrative Regulations²⁹ requirements for prior notice.



Faculty Trustee **Deborah Powell** then reported to the University Senate Council that all department Chairpersons in the College of Medicine had been directed by the Dean that

“all current and new Research Title Series Faculty would be given terminal appointments, regardless of funding status” and “Until the ARs are changed, the Dean has issued a letter stating the new policy.”³⁰

This practice in apparent contradiction to the University's regulations motivated **Gretchen LaGodna**, Senate Council Chair, to write to Chancellor Holsinger a letter stating

"The Senate Council reviewed the matter and believes that this practice is clearly inconsistent with AR II-1.0-1.IV.B., which describes reappointment procedures for nontenured faculty. The Council requests that this practice be suspended and that in cases where contracts have already been signed that they be reviewed for compliance with the Regulations."³¹



At the same time the President of the KY Chapter of the AAUP, **Jesse Weil**, to immediately protested to the University President.³² Chancellor Holsinger responded to both Dr. LaGodna and Dr. Weil, stating

"I think the Terminal Reappointment contracts which were recently distributed to the Research Title Series faculty generated a great deal of concern. Our wording did not clearly express our intent to function in accordance with University Regulations...I plan to work to develop some recommendations for amendments to the University Governing and Administrative Regulations to specifically address the loss of funding issue as they relate to Research Title Series faculty."^{33,34}



The University President responded to Dr. Weil that he had the assurance of Chancellor James Holsinger that the University Administrative Regulations "will be followed."³⁵ President **Charles Wethington**'s administration across the fall 1996 made several drafts of a revised GR X.B.4 and AR II-1.0-1.IV.B. The first revision if adopted would have newly permitted the exception to the one-year-in-advance notification requirement where

"non-renewal of appointment after more than two years of service in the research title series is appropriate at the end of the appointment period without further notice if (1) the non-renewal results from a lapse of funding from contracts, grants, or other designated funds and (2) the form under which the appointment was made provides explicitly that "renewal of this appointment beyond the end of the appointment period depends upon the availability of funding from contracts, grants or other designated funds."³⁶

In a second attempt, the University President then distributed to the Chancellors and Academic Vice Presidents revised AR II-1.0-1.B.4 would have newly prescribed:

"For faculty members ineligible for tenure, notification of non-renewal of appointment may be given any time, contingent upon continuity of funding and the individual's accomplishments."³⁶

After the turn of the year to 1997, the Senate Council Chair informed the President that the Senate Council did not agree with the recommended change to the regulations. The President responded

"Consistent with your recommendation, I have decided not to implement these proposed changes for faculty employed in these title series. As I am sure you are aware, the changes were designed to eliminate the necessity for issuing terminal contracts each year to faculty in these title series, who had more than two years of service to the University."³⁸



The President also informed the Chancellors and academic Vice Presidents that the proposed changes to the Administrative Regulations would not be implemented.³⁹ Vice Chancellor Phyllis Nash then worked together with **Paul VanBooven**, of the UK Legal Counsel Office, to develop a policy statement of procedural guidelines that Medical Center Deans and Chairpersons were directed to use in the appointment and reappointment of Research Title Series faculty.⁴⁰ That policy has remained the basis of Medical Center practice through 2004.

Meanwhile the University Senate Task Force on Promotion and Tenure had formed a “Special Title Series Task Force.” As part of that exercise the Senate Council Chair reported to the Senate Council that he

“met with Chancellor Holsinger to discuss various issues including funding for Research Title Series. Applegate reported that no action is being taken until the final report is made by the Special Title Series Task Force.”⁴¹

That December 1997, the Special Title Series Task Force submitted its Final Report. During the fall of the following year 1998, the Senate Council discussed the recommendations of the report relating to the employment status and voting status of Research Title Series faculty.⁴² Late in the fall semester, the Senate Council voted to submit the report to the full Senate for discussion.⁴³

The recommendations included the Senate discussion that along with the extension to Research Title Series faculty of rights of participation and voting in University, college and departmental governance service activities, a commensurate increase in job performance was also expected. That is, after six years as an Assistant Research Professor, the faculty member must merit and succeed in being promoted to Associate Research Professor or their employment would not be continued. Once at the Associate Professor level, their contracts would not be yearly, but rather three to five year contracts would be provided. However, a number of Senators raised the objection that to guarantee Associate Research Professors a three to five year contract would put the departments in a position of guaranteeing employment when there was no assurance that the contract or grant supporting the salary would be renewed to cover that entire period.⁴⁴ At the subsequent Senate Council meetings, it was decided to drop the recommendations concerning required promotion or termination and concerning guaranteed long-term contracts upon promotion.

Status of Participation in University Governance Service Activities. In its fall 1998 discussions, the Senate Council was closely split on the recommendation that Research Title Series be afforded all rights of participation in University, College and Departmental governance service activities (except for tenure decisions).⁴² After the December 1998 discussion-only event at the University Senate, the proposal was then brought back to the University Senate for a vote the following February 1999, and passed in a voice vote.⁴⁵ An aspect that was not raised in the Senate discussions was that the nature of the source of funding may not allow that the Research Title Series faculty member would spend ‘paid-time’ in the governance service activity. For example, a federal NIH grant (or perhaps a narrowly worded pharmaceutical company contract) to support research activity of a Research Title Series faculty member would not be allowed to be used instead to support, in part, regular scheduled teaching activity or governance service activity of the individual, because these activities are not the research activity that the NIH funding (or company contract) was provided to support. Thus, it would depend on a case by case basis, as to the nature of restrictions in the underlying funding, as to whether the funding would allow support for time spent on governance service activities.

The University President did not agree with the recommendation forwarded by the University Senate, for an across-the-board University-wide requirement that all Research Title Series faculty be afforded paid time for governance service activities, irrespective of the specifications of the source of funding for the position. Thus, the President did not change the wording of the Administrative Regulation on the Research Title Series, that stated (and still states today):

“Faculty membership, with or without voting privileges, may be extended to an appointee in this series by the educational unit to which the individual is assigned. However, a faculty member on appointment in the research title series shall not be eligible to vote on matters relating to faculty appointment, retention, promotion, or tenure or to be elected to the University Senate.”⁴⁶

That is, it is possible for the individual to be afforded governance voting privileges in their department or college (excluding matters related to faculty personnel actions), but it is decided on a case by case basis at the level of each different department faculty, and each different college faculty.

V. Implications of Current Practices on Assignments to Research Title Series Faculty

As of the fall of 2004, the distribution of Research Title Series faculty in the three ranks, by college, was:

	Assistant Professor	Associate Professor	Professor	College Total
Medicine	27	8	5	40
Agriculture	5		1	6
Public Health	5	1		6
Engineering	4	2	1	7
Arts & Sciences	3		1	4
Dentistry	3	1		4
Education	4			4
Pharmacy			1	1
Comm Info Studies	1			1
Graduate School	1			1
Health Sciences	<u>1</u>			<u>1</u>
	54	12	9	75

Four of the Research Title Series faculty are on 9 month appointments, 1 is on a 10 month appointment, 1 is on an 11 month appointment and 69 are on 12 month appointments. The longest serving Research Title Series faculty who is at the Research Professor rank was initially hired in 1986 (College of Engineering). The longest serving Research Title Series faculty who is at the Associate Research Professor rank was initially hired in 1980 (College of Medicine). The longest serving Research Title Series faculty who is at the Assistant Research Professor rank was initially hired in 1987 (College of Agriculture). The highest and lowest paid Research Professors are \$142,861 and \$73,778, respectively. The highest and lowest paid Associate Research Professors are \$90,014 and \$51,657, respectively. The highest and lowest paid Assistant Research Professors are \$97,812 and \$22,937, respectively.

In May 2003, the Provost issued a memorandum to Medical Center college deans and center directors describing the issue of reasonable pay for Research Title Series faculty, for which those administrators apparently agreed that reasonable could be “60% of an average of the salaries paid to new hires in Regular and Special Title Series positions at the same rank.”⁴⁷ The following year, the Provost expanded that Medical Center policy to apply to all University Research Title Series faculty.⁴⁸

The Administrative Regulation for Research Title Series states (and has stated from the beginning in 1979):

“A faculty member on appointment in the research title series shall not have any regularly-scheduled teaching or service assignments.”⁴⁶

And which states with respect to promotion and merit salary review, that the only criteria for assessment are:

- “(1) research or other creative activity;
- “(2) professional status and activity; and
- “(3) ability to initiate and maintain a program of research or creative activity supported by contracts, grants, or other designated funds.”

That is, there is no provision for the Research Title Series faculty member to be assigned, or evaluated for promotion or salary increase for, any assignment in teaching, intramural governance service or public service, or administrative work.

However, by 1995, the status of the University’s compliance with the above employment requirements for Research Title Series faculty had reached the point that it was described by Medical Center Chancellor James Holsinger as

“An example of the problems with the titles series is that in one of our Colleges we have three faculty members who virtually have the same responsibilities but who are appointed in three different title series. This creates issues of equity and fairness.”⁴⁹ (underlining added here).

Ten years later, in connection with the preparation of this report, this author obtained by Open Records the Distribution of Effort in fall 2004 the assignments of all 75 Research Title Series faculty, to assess the current status of University compliance with its own Administrative Regulations for the Research Title Series. The following results were obtained from the Open Records, that are actual example current D.O.E. assignments for some of the Research Title Series faculty:

<u>Teaching</u>	<u>Research</u>	<u>Service</u>	<u>Administration</u>
0	0	100	0
42	0	58	0
0	9	91	0
0	50	0	50
2	42	3	53
30	70	0	0
36	56	3	5

Notice the distributions of effort for the two individuals, shown in red font, have zero assignment in research, even though the person is employed in the non-tenure track Research Title Series. Nearly as discordant with the standing University regulations is the second individual, shown in blue font, in which 91% of the assignment is in service. There are tenure-track title series in which the D.O.E. is similar to the first individual (e.g. Special Title Series) and similar to the second individual (e.g., Special Title Series, Extension Title Series). Thus, it would appear that if the given individuals were threatened with termination, they could counter with a strong case that, if they have been employed continuously for longer than 7 years, they have a standing for “*de facto* tenure.” That is, they have been assigned and having been performing duties that under the University regulations correspond to duties of tenure track faculty, and under the University’s Governing Regulations, employment of tenure track faculty for longer than seven years confers *de facto* tenure.⁵⁰ The other individuals listed would also have little trouble finding comparability between their assignment, and assignments of tenure track Regular Title Series faculty. As Chancellor Holsinger stated ten years ago, “*This creates issues of equity and fairness.*”⁴⁹

References

- ¹ University Senate Research Committee Report [Report of the University Senate Research Committee 1978-1979](#)
- ² March 27, 1979 memorandum from Senate Council Chair Joseph Bryant to Members, University Senate
- ³ Minutes, University Senate Council 03-30-79 [Minutes Senate Council 03-30-79 re: Research Title Series](#)
- ⁴ Minutes, University Senate Council 04-06-79 [Minutes Senate Council 04-06-79 re: Research Title Series](#)
- ⁵ Minutes, University Senate Council 04-13-79 [Minutes Senate Council 04-13-79 re: Research Title Series](#)
- ⁶ Minutes, University Senate 04-30-79
- ⁷ Minutes, University Senate Council 06-27-79 [Minutes Senate Council 06-27-79 re: Research Title Series](#)
- ⁸ Draft dated 08-02-79 [08-02-79 Draft AR II-1.0-1.VIII Research Title Series](#)
- ⁹ Minutes, University Senate Council 09-25-79 [Minutes Senate Council 09-25-79 re: Research Title Series](#)
- ¹⁰ Minutes, University Senate Council 10-02-79 [Minutes Senate Council 10-02-79 re: Research Title Series](#)
- ¹¹ 10-04-79 Letter of transmittal from Senate Council Chair Joseph Krislov to President Singletary [10-04-79 Memo from SC Chair Joseph Krislov to President Singletary](#)

- ¹² 10-15-79 Letter from President Singletary to Senate Council Chair Joseph Krislov
[10-15-79 Letter from President Singletary to SC Chair Joseph Krislov](#)
- ¹³ 11-09-79 memorandum from President Singletary to academic Chairmen, Directors, Deans and Vice Presidents, accompanied by 11-01-79 dated final language of Research Title Series policy.
[11-09-79 Letter from President Singletary to Academic Administrators](#)
- ¹⁴ Minutes, Board of Trustees, 05-06-80, page 10 of PR2
- ¹⁵ Board Governing Regulations GR VII.A.2, last sentence. This provision was added to the Governing Regulations in 1970, in response to that while the Board approved for President Oswald to issue the Regular Title Series policy in 1963, and while President Oswald submitted to the Board for approval the establishment of the Librarian Title Series of ranks, he had not submitted to the Board of Trustees for approval the establishment of the Special Title Series in 1965.
- ¹⁶ Minutes, Board of Trustees, 09-18-79, PR4
- ¹⁷ Board of Trustees Governing Regulations GR X.B.1, para 2, and GR X.B.2 amended to include Research Title Series among faculty ineligible for tenure. See amendment 1 in reference 16
- ¹⁸ Board of Trustees Governing Regulations GR IV amended to specify that Research Title Series faculty are among those faculty not eligible for service in the University Senate. See amendment 1 in reference 16
- ¹⁹ Board of Trustees Governing Regulations GR VII.A.4 was amended to clarify that the nontenure track Research Title Series is not among those title series whose faculty are automatically members of the voting, policy-making faculty body of the college. See amendment 2 in reference 16
- ²⁰ Board of Trustees Governing Regulations GR VII.A.6 was amended to clarify that the nontenure track Research Title Series is not among those title series whose faculty are automatically members of the voting, policy-making faculty body of the department. See amendment 4 in reference 16
- ²¹ Board Governing Regulations GR VII.B.5, para 2, amended to exclude Research Title Series from those faculty the department chairperson is required to consult in faculty personnel actions. See amendment 5 in ref 16
- ²² Board Governing Regulations GR X.C.5.a amended to exclude Research Title Series from those faculty title series whose members are eligible for sabbatical leave. See amendment 8 in ref 16
- ²³ [President's 09/29/1992 memo "Teaching Portfolio"](#)
- ²⁴ AR II-1.0-1.III.A.2, para. 2
- ²⁵ Minutes, University Senate, November 10, 1997 <http://www.uky.edu/USC/USMinutes/US.11.10.1997.html>
- ²⁶ President's memorandum to University Community 9-23-98 <http://www.uky.edu/Regulations/Updates/9-23-98.html>
- ²⁷ April 5, 1995 letter from Phyllis Nash to Department of Surgery Chair Byron Young
[04-05-95 Letter from Asst. Vice Chancellor Nash to Dept. Surgery Chair](#)
- ²⁸ Board of Trustees Governing Regulations GR X.B.4 <http://www.uky.edu/Regulations/GR/gr10.pdf>
- ²⁹ President's Administrative Regulations AR II-1.0-1.IV.B <http://www.uky.edu/Regulations/AR/ar009.pdf>
- ³⁰ Minutes, Senate Council, May 6, 1996 [Minutes Senate Council 05-06-96 re: Research Title Series](#)
- ³¹ May 9, 1996 letter from Senate Council Chair Gretchen LaGodna to Chancellor James Holsinger
[05-09-96 Letter from Senate Council Chair Gretchen LaGodna to Chancellor](#)
- ³² May 11, 1996 letter from UK AAUP President Jesse Weil to President Wethington
[05-11-96 Letter from UK AAUP Chair Jesse Weil to President Wethington](#)
- ³³ May 31, 1996 letter from Chancellor James Holsinger to KY AAUP President Jesse Weil
[05-31-96 Letter from Chancellor James Holsinger to Jesse Weil](#)
- ³⁴ May 31, 1996 letter from Chancellor James Holsinger to Senate Council Chair Gretchen LaGodna
[05-31-96 Letter from Chancellor Holsinger to Senate Council Chair Gretchen](#)
- ³⁵ May 21, 1996 Letter from President Wethington UK AAUP President Jesse Weil
[05-21-96 Letter from President Wethington to Jesse Weil](#)
- ³⁶ Fall 1996 "Proposed Language for Research Title Series"
[Fall 1996 Draft AR Proposed Language for Research Title Series](#)
- ³⁷ December 6, 1996 memorandum from Special Assistant to the President Juanita Fleming to President's Staff
[12-06-96 Letter from Special Asst. Juanita Fleming to President's Staff](#)

- ³⁸ April 14 1997 memorandum from President Wethington to the Senate Council Chair
- ³⁹ April 11, 1997 memorandum from President Wethington to Chancellors and academic Vice Presidents
- ⁴⁰ Medical Center Current “Guidelines for Processing Faculty Reappointments” (document dated Jan. 1998)
[Guidelines for Processing Faculty Reappointments \(Res Title Series\)](#)
- ⁴¹ Minutes, University Senate Council, June 24, 1997 [Minutes Senate Council 06-24-97 re: Research Title Series](#)
- ⁴² Minutes, University Senate Council, October 19, 1998
- ⁴³ Minutes, University Senate Council, November 16, 1998
[Minutes Senate Council 11-16-80 re: Research Title Series](#)
- ⁴⁴ Minutes, University Senate, December 14 1998 [12-14-98 Minutes, University Senate](#)
- ⁴⁵ Minutes, University Senate, February 8, 1999 [02-08-99 Minutes, University Senate](#)
- ⁴⁶ Administrative Regulation AR II-1.0-1.VIII.H <http://www.uky.edu/Regulations/AR/ar013.pdf>
- ⁴⁷ May 5, 2003 memo from Provost Michael Nietzel to Medical Center Deans and Directors
- ⁴⁸ June 1, 2004 memo from Provost Michael Nietzel to University Deans
- ⁴⁹ May 25, 1995 letter from Chancellor James Holsinger to Senate Council Chair Gretchen LaGodna
[05-25-95 Letter from Chancellor James Holsinger to Senate Council Chair Gretchen](#)
- ⁵⁰ See policies for, and examples of, de facto tenure at the following web site: [De facto Tenure](#)
(see also Chapter: [A History of the Role of College Deans in University of Kentucky Faculty Tenure Decisions](#)).

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Before the arrival of President Oswald in Fall 1963

In 1962, the UK President was Frank Dickey (formerly in the UK College of Education), and Lyman Ginger was Dean of the College of Education. Ellis Hartford, the chairman of the Division of Foundations in the College of Education, left for a 2 year assignment with the Kentucky Council of Higher Education, before returning in 1964 as the first Dean of the new UK Community College System. During the term of President Dickey, the Board of Trustees approved the establishment of a number of “off-campus centers” in various places in the state at which the University provided instruction. The Board of Trustees Governing Regulations adopted in 1960 did not identify written criteria of merit for (re)appointment, promotion, tenure or faculty performance review.

The Arrival of President Oswald in Fall 1963

The UK Board of Trustees in May 1963 appointed **John Oswald** as the new University President, who arrived that September.¹ Among his mandates from the Board of Trustees were to lead the University out of its status as a local teaching institution, and into the national rankings of public research universities.² Toward that end, and in consultation³ with the Faculty Council (= today’s Senate Council), he promulgated in October 1963 a new university policy under which faculty appointment, promotion, tenure and merit salary increase were expressly tied to faculty performance in each of the areas of teaching, research and University/public service.⁴ The following year, the Kentucky General Assembly provided an additional, and in historical hindsight some would say an opposing, mandate by raising several of the various outreach education centers to the status of community colleges in a “University of Kentucky Community College System,” the mission of which was expressly not research. The question then immediately rose as to how the appointment, promotion, tenure and merit evaluation of faculty personnel stationed at the Community Colleges fit into the new policy that expressly required excellence in research from the University faculty.



President Oswald met with the University Faculty Council in October 1963³ to discuss how his plans for instituting teaching and research excellence as a tenure/promotion requirement for those titled “Professor” related to the faculty appointed to provide instruction in these off-campus centers. The President expressed his philosophy in an exchange with Ralph Weaver, the Faculty Council Chair⁵:

President Oswald: “If we accept these criteria I don’t see how you can continue a man, but say if a man is not considered promotable to associate professor at the end of 5 or 6 years, say he is doing a good job in teaching but he is doing nothing in the research line at all then he continues... then you are using the term professor in connection with someone who is really not on the creative side. Why not at the end of this period, if the decision is made to keep him, but not promote him, I’d much prefer to see a title of lecturer or something that denotes he is just a teacher ... I have some reluctance about the term professorship. I’d like to keep the professor as the person who is really on all sides of the University activity.”

Ralph Weaver: “Part of that’s a question of whether we are going to separate the Centers. I think that largely the teachers at the Centers in many cases (people with bachelor or masters

degree) ... are quite useful as teachers there, but by ordinary criteria at least, are not promotable and most of those have been retained as Instructors. If we reach the point where these things do not apply to the Centers I think its quite possible ...

President Oswald: "This would be certainly something I was going to propose – that we actually split ... have a University system and a Community College System. We have quite different criteria and quite different titles for people that are teaching in the Community College System because there are quite different expectations."

Oswald further clarified that "the term "**lecturer**" was defined as one who is doing a good job teaching," and that the tenured lecturer could later become promoted to the higher tenured rank of "**Senior Lecturer**."⁴

President Oswald also discussed with the University Faculty Council establishing "Area" Committees (that would be committees of the Faculty Council⁶) that would, beginning in January 1964, provide a University-level format of faculty evaluation of promotion/tenure dossiers submitted by college deans up to the next level for approval. He explained that the Area Committees could consider situations of assistant professors where the individual is recommended to "remain an assistant professor with tenure on account of teaching prowess and promise" or that the individual be "changed to a **lecturer** with tenure." However, 1964 arrived without an official policy resolution as to what title and rank series would be for those faculty whose duties were necessary for the University mission but whose duties did not include research. So far as can be determined, none of the Instructors stationed at any of the Centers were promoted to either Lecturer or Assistant Professor in the spring of 1964. A "President's Conference on Community Colleges" was held in March of 1964,⁷ during which **Ellis Hartford** (the July 1, 1964-to-be Dean of the Community College System) promised to take under advisement and study the matter of rank and tenure for Community College System faculty.



"Lecturer" Proposed as Root of Title of Series of Ranks for NonResearch Faculty in the Community Colleges

As 1964 progressed, there was more iteration between the office of the President and the Faculty Council on a resolution to the "titles problem." However, within the "University System" there was strong objection in most colleges for the application of the title "Lecturer" to non-research faculty, i.e., these faculty still wanted to have a professorial title. Thus, by fall 1964, with the spring 1965 promotion/tenure review cycle looming, Special Assistant to the President **Tom Lewis** proposed advised President Oswald that faculty strongly preferred to be called "Professor" rather than "Lecturer." Lewis thus proposed to "beef-up" the Lecturer rank by adding some new ranks below it. He proposed to President Oswald a new four-rank Lecturer Title Series, with the entry rank of "Associate," then "Associate Lecturer," then "Lecturer" and finally "Senior Lecturer,"⁸ where tenure could be conferred to the Lecturer and Senior Lecturer. The concept was that these four ranks would parallel the Regular Title Series ranks of Instructor, Assistant Professor, Associate Professor and Professor. Included with the proposal was a detailed draft definition of the rank of "Associate,"⁹ a new draft definition of "Lecturer"¹⁰ and a contrasting draft definition of "Instructor."¹¹ These drafts were circulated to the Deans¹² and the Faculty Council.¹³ New language in the draft for the Lecturer series, in addition to the two new lower ranks, was the specification



"The Lecturer title series ... it is a title series which recognizes the need in some departments for specialized teaching and the value in certain circumstances of retaining an individual because of his exceptional ability as a teacher."¹⁴ (underlining added here)

At the same time as the above proposal was being distributed, CC System Dean Ellis Hartford contacted Tom Lewis to explain that Hartford had established a "Special Committee on Rank and Tenure" (Chaired by Charles Talbert, Northern CC) that would examine in detail the question of titles and ranks for CC System faculty, asking that Lewis please be a liaison between the committee and the President's office. The following month, President Oswald asked Hartford to please comment on the drafts distributed by Tom Lewis on "Associate", "Instructor" and Lecturer ranks, which the Special Committee later that month assessed. In November 1964, Hartford

provided his personal opinions to President Oswald,¹³ while the committee deliberations were still ongoing. It was Hartford's opinion that for the faculty in the CC System it be made

“clear that their future advancement in the Community College System is primarily dependent on progress toward excellent teaching and that there can be no comparable emphasis upon or opportunity for doing research on the scale expected in the University departments and colleges in Lexington.”

Hartford did not see a role for the entry rank of “Associate” (essentially, a graduate fellow/assistant, with an M.S., working more than half time in teaching) in which no tenure probationary credit accrued while in enrolled as a student when also working as “Associate.” However, he did support the three upper Lecturer ranks of Associate Lecturer, Lecturer and Senior Lecturer, and the title of Instructor, as applicable to the Community College situation.

Two weeks later, the Special Committee developed its recommendations,¹⁵ which strongly favored that the titles and ranks would be the same as those of the University System professorial title and ranks, only with different criteria. The committee desired that if a different system was used, that what ever the title, the ranks “*assistant*” and “*associate*” be used in a manner similar to their use in the University System professorial series. The committee supported the use of “Area Academic Personnel Committees” but that “*a detailed statement of the criteria for promotion*” should be adopted, and that “*tenure should be granted at the end of four years teaching experience in the Community College System.*” In early December, a final report of the committee was submitted to Dean Ellis Hartford. The final recommendations included

“The committee favors the retention in the community colleges of the traditional ranks – instructor, assistant professor, associate professor, and professor – advancement to be earned by outstanding teaching and by service to the community. If the traditional ranks are not to be open to those who devote all of their time to teaching and public service we suggest that the new ranks be instructor, assistant lecturer, associate lecturer and lecturer.”¹⁶

The committee recommended that the retention/tenure decision be made during the third year of employment at the rank of Instructor (initially hired with a minimum of an M.S. degree), i.e., tenure would occur at the level of assistant lecturer (or assistant professor, as had occurred in some cases in the University System in 1964). The committee also urged that each CC System faculty member have the option to choose between the two paths of the University System ranks versus the special CC System ranks, in the event that a faculty member in the CC System obtained the “*time or the materials for research and publication.*”

The following January 1965 there occurred the first organizational meeting of all Community College System Faculty, at which the governance organization of the total CC System faculty (and individual community college faculties) was drafted. The report of the “Special Committee on Rank and Tenure” was read to the faculty.¹⁷ Dean Hartford informed the faculty that the findings of the committee “*will be utilized in his recommendations concerning policy.*” In March 1965 Dean Ellis Hartford submitted to President Oswald that report.¹⁸ The Preamble to the document specified

“This plan of organization for the Faculty of the Community College System of the University of Kentucky shall be effective immediately and for a period of four years, during which time the increase in number and the achievement of tenure status by a majority of members will necessitate review and possible reorganization on a permanent basis.”¹⁹

Final Adoption of Titles and Ranks for the Community College System

During that same January of 1965 that the Special Committee report (with its recommended title series that would based on various ranks of the Lecturer title) was being presented to the CC System faculty, over in the University System, Special Assistant to the President Tom Lewis was still trying to work out with the President

and University Faculty Council a system of ranks for the University system teaching/service faculty that would not based on the Lecturer title. Lewis drafted a proposal for a “NonResearch Series”²⁰ of special ranks that would provide a “professorial” title, the different nature of which would not be publicly distinguishable from the regular professorial series, and which would only be distinguished for the purposes of internal record keeping. Lewis felt he was honing in on a “titles problem” resolution close to what would satisfy the University System faculty. However, in view of the report of the CC Special Committee that the CC System faculty wanted access to an option for a professorial series of ranks, he observed to President Oswald,

“A remaining problem will be the Community Colleges. They very much want to have titles...The lecturer series could be forced upon them...”²⁰

By the end of January 1965, the President agree to discontinue his efforts to develop a four-rank Lecturer Title Series as nonresearch, tenure-track for the University System (that deliberation then shifted toward the establishment of the Special Title Series,²¹ that would six years later come back to affect the CC System faculty (see below, and the Chapter on History of Special Title Series)). However, the discussion on what would be the final nature of the “Lecturer” title, and its relationship to the CC System, continued in the University Faculty Council through the spring of 1965. In early April 1965 the University Faculty Council had an

“extended discussion of the proposed rank of Lecturer, both with respect to the main campus and to the Community Colleges. No specific recommendations were proposed, but it was generally agreed that at an early date the Council should meet with Dr. Albright, Dean Hartford, and Mr. Lewis in order to discuss the matter further.”²²

Notice the change to singular tense, i.e., a proposal for a single “rank” of Lecturer. This then would not have been a solution for the CC System faculty, which, if it could not have the professorial series of ranks, at least wanted a parallel progression of several ranks based on ‘assistant X, associate X, etc.’. However, it turned out that the CC System faculty were about to get neither.

The following week’s Senate Council (named changed from Faculty Council the previous month) minutes continued

“It was decided to request a breakfast meeting with President Oswald, Dean Hartford, and Mr. Lewis on Monday, April 19, at 7:30 a.m. ...[a]... principal item for the agenda: a discussion of the proposed new rank of “Lecturer” ...”²³

This writer infers that at the April 19 breakfast with the President, there was agreement for a description of a single rank “Lecturer,” because 9 days later, the President published to Deans and Department Chairmen a memorandum that promulgated the rankless, non-tenured title “Lecturer,” in form that we which have today, in which the policy prescribed that “Lecturer” was to normally be used for part-time teaching duties.²⁴ This left the CC System without the progressive four-rank series based on the Lecturer title, and neither President Oswald nor the University Faculty Council were going to allow the regular professorial series of ranks to be used by the nonresearch CC System faculty. Hence, both path options that had been recommended in fall 1964 by the Special Committee on Ranks and Titles Community College System had been made unavailable to the CC System faculty.

The compromise developed at that breakfast among the Faculty Council, President Oswald, Dean Hartford and Tom Lewis was that the CC System faculty would have a two rank system based on “Instructor.” It would have a nontenured entry level rank of Instructor, and then after a maximum probationary period of seven years, there could be promotion with tenure to “Senior Instructor.” Essentially, using what had been proposed as the highest level Lecturer rank of “Senior” but applying it instead to the “Lecturer” title, it was instead applied to the “Instructor” title. The draft provided the following specifics:

“the regular professorial ranks, for which research and publication is a responsibility, should be available to those Community College faculty who qualify ... the same criteria and procedures as are applied to faculty members in the University system, including review by the appropriate Area Personnel Committee, should be applied to the Community College faculty members who are recommended for a professorial title. The titles “Instructor” and “Senior Instructor” shall be employed for those faculty members in the Community College who fulfill the responsibilities assigned to them [in teaching and University and public service] but who do not qualify for regular professorial rank.... An individual initially appointed at the rank of Senior Instructor shall be treated for tenure purposes as an Associate Professor in the University System.”²³

The proposal also provided that an untenured individual in the CC System possessing a title of “Assistant Professor” could, at the end of the probationary period, be promoted to either Senior Instructor with tenure, or Associate Professor with tenure, depending upon the record of qualifications. Perhaps reflecting the salary structure steps for highest rank faculty that was (still is) used in the University of California system from which President Oswald came, the draft also provided:

“Within the rank of Senior Instructor there shall be three steps for purposes of structuring salary. There shall be defined administratively as Senior Instructor, Senior Instructor I and Senior Instructor II.”

A copy of this draft proposal was then provided by President Oswald to Dean Ellis Hartford for comment. Ellis Hartford responded to the President, urging (and President Oswald accepting) that the following provision be added:

“Persons holding a professorial rank in a Community College at the time of the adoption of the above regulation may retain their titles. They shall be subject to appropriate maximum review periods as established by the Governing Regulations.”²⁶



Earlier that year, when the CC System faculty all met together to draft their governance structure, including their elected CC Council, they were also reminded that there also existed a “Community College Advisory Committee” that would be a committee of the University System Senate, that would provide advice on or determine academic matters (e.g., course approval) affecting the Community College System. In May 1965, that committee also examined the draft proposal for an Instructor/Senior Instructor model for the CC System, and Provost **Lewis Cochran**, Chair of the committee, informed President Oswald that the committee

“recommends to you the implementation of the ranks and titles discussed with you at the recent breakfast meeting of the Senate Council.”²⁷

However, the end of the academic year had been reached, and no further action was taken on the proposal during the summer recess. However, after the summer recess, at its meeting in the first week of September, the Senate Council reminded President Oswald “*Certain new titles and ranks remain yet to be identified and approved*,”²⁸ to which he responded that copies of the write-up of these would be provided soon to the Senate Council.

Finally, the President submitted to the Board of Trustees for its September 1965 meeting²⁹ the document “Policy Governing Academic Titles for Community College System Faculty.” The policy was adopted by the Board at that meeting, as the official University policy (interestingly, the provision about the salary steps for Senior Instructor were not included in the document submitted by the President to the Board). The University Senate was apprised of the Board action in the annual report to the Senate by the Senate Community College Advisory Committee.³⁰

Implementation of New Title System to Faculty Already Employed in the Community College System in 1965

The tenure probationary period regulation promulgated by the Board of Trustees in its 1960 regulations established in essence a *de facto* tenure system, in which a person would obtain tenure not by overt action of the Board, but by being reappointed beyond the end of the tenure probationary period. The probationary period by the 1960 regulations was five years,³¹ which was changed to six years in 1963,³² and finally again changed to seven years in 1964.³³ However, for faculty hired under the 1960 regulations, if their full time faculty employment had continued into 1965, then they had exceeded, or were about to exceed, their five year probationary period and

acquire *de facto* tenure. In fact, for the University System, President Oswald had directed all college deans to provide the names of faculty who would have acquired *de facto* tenure by January 1965, and the Board of Trustees in a formal action that month declared as a matter of record that over 60 assistant professors possessed tenure because of the 1960 *de facto* tenure mechanism³⁴ (the preparative draft to President Oswald by Tom Lewis on that January 15 Board action noted to President Oswald that the proposed Board action still did not account for the status of faculty employed in the Community Colleges³⁵).

Once the Board finally adopted its policy for CC System faculty in September 1965, it became necessary for the Board to similarly declare the *de facto* tenure cases and proper rank as per the September-1965 policy, for those faculty members employed at that moment at the community colleges. Thus, it was necessary to determine both (1) whether a given CC System faculty member possessed tenure, and (2) whether the individual possessed research qualifications necessary for tenure as an assistant professor, and if not, then tenure would be conferred at the Senior Instructor rank. That determination culminated in a Board of Trustees action at its March 1966³⁶ meeting to recognize that five faculty at Ashland CC and two at Northern CC possessed tenure as Assistant Professor by way of their continuous service of 7 to 15 years. An additional eleven faculty members at Ashland, Fort Knox, Henderson, Northern and Southeast Community Colleges were promoted from Instructor to Senior Instructor with tenure, by way of their continuous service for 6 to 9 years. Ellis Hartford gratefully thanked the President for enabling that Board action.³⁷

Acquisition of Assistant Professor Title by CC System Faculty Hired After September 1965

The September 1965 policy established by the Board of Trustees prescribed that in order for a CC System faculty member to obtain a title in the University System regular professorial series of ranks, the proposal would have to be processed through the appointment and promotion procedures utilized for the University System faculty. That is, the proposal could not be initiated or sponsored by a community college, nor could a community college be the “home” of that academic professorial appointment. Instead, a college in the University system would have to “sponsor” the initiation of an appointment dossier. If the appointment was to be as Assistant Professor, the Dean of the College was authorized to make the final appointment decision.³⁸ If the appointment was to be of higher rank, then the proposal would need to be reviewed by the appropriate university-level, University System Area Committee.³⁸

The Dean of the CC System Ellis Hartford was quite desperate that in order to fill the positions of Directors of the community colleges, he needed to be able to offer a professorial academic title as a part of the recruitment package. Prior to the September 1965 policy of the Board of Trustees, President Oswald was not approving of requests by Ellis Hartford that new Directors of community colleges (who were not already UK employees) be offered an academic appointment as Assistant Professor. That is, Oswald wanted a clear Board-approved policy in place first, which was not yet in place in the summer of 1965. For example, Ellis Hartford by letter of June 1965³⁹ attempted to have President Oswald submit to the Board of Trustees that Lawrence Davenport would be administratively appointed as Director of Somerset Community College and academically appointed as “*Assistant Professor of Civil Engineering*.” However, Oswald denied to submit to the Board the academic appointment as Assistant Professor writing “*OK on Dir., asst. prof. will have to come later.*”⁴⁰ Oswald gave the same response to Hartford’s attempt in June 1965 to have J.C. Falkenstine appointed as both Director of Southeast CC and “*Assistant Professor of Vocational Education.*”^{38, 39}



Thus, Hartford was dependent on the generosity of University System college deans to offer their college as a sponsor to initiate the conferring of a professorial academic appointment in their respective college. Only two college deans availed this mechanism to Ellis Hartford, the College of Education (Dean **Lyman Ginger**) and the College of Agriculture (Dean Seay). For example, the Pay Roll Request, Authorization, and Budget Change form (“CPR form”) on Thomas Riley that Ellis Hartford submitted to President Oswald,⁴³ appended with Hartford’s letter of recommendation that Riley be appointed as Director of Hopkinsville Community College,⁴⁴ states

on it *“Recommendation of professorial rank has been approved by College of Agriculture, Area Personnel Committee, and recommended to President.”* Hartford’s letter also stated that the proposal to appoint Riley as “Assistant Extension Professor in Adult Education” was *“reviewed and approved by the faculty of the College of Agriculture, and by a special Evaluation Committee [appointed by the Dean of Agriculture to advise him], reported by Dean Seay, who advised I needed to send through the necessary CPR.”* Also appended was Dean Seay’s report to the President of Dean Seay’s final University decision to make the appointment at that rank.

In examples relating to the College of Education, the following year in the July 1966 letter Ellis Hartford submitted to President Oswald⁴⁵ for the appointments of James Owen, Marshall Arnold, Henry Campbell and James Falkenstine as Directors of Elizabethtown, Henderson, Prestonsburg and Southeast Community Colleges, respectively, Hartford states

“I did not think it necessary to send a resume of the educational and experience records of the directors inasmuch as each man is well-known to you. However, this can be assembled and forwarded on short notice should that be desirable.”

It is not clear from this language whether Hartford had yet effected that Education Dean Lyman Ginger process these academic appointments through the University’s procedural mechanisms established by Oswald, as the Dean of Agriculture had done for Thomas Riley. Perhaps informative is that three weeks later Hartford wrote to Ginger, reminding him that “we discussed this matter early last year”⁴⁶ and apparently seeking Ginger’s concurrence that the decision to make these appointments into the College of Education be reported to the Board’s August 19, 1966 meeting. Notice of Appointment forms were signed by on August 10, 1966 by **Thomas Riley** (Hopkinsville CC), James Falkenstine (Southeast CC), Henry Campbell (Prestonsburg CC), Marshal Arnold (Henderson CC), James Goodpaster (Ashland) and James Owen (Elizabethtown CC) on which on the “Title” line was entered for each “Director” followed by their new professorial title, e.g., “Assistant Professor of Education.” No other similar arrangements were made for subsequent community college Directors, as President Oswald soon thereafter forced Education Dean Lyman Ginger to resign from his office as Dean, effective July 1, 1967,⁴⁷ and the new Dean of Education George Denmark expressed no interest in such political academic appointments to his college.

Establishment of the Promotion and Tenure Area Committee for the Community College System

Subsequent to the Board of Trustees’ ‘catch-up’ action of March 1966 to determine the academic status of faculty already employed at the community colleges, it was necessary to next attend to their future promotion or tenure. On account of that promotion to Senior Instructor with tenure required the approval of a CC System-level Area Committee, it was necessary for President Oswald to actually establish and appointment that committee. In March of 1966 President Oswald appointed the first CC System Area Committee (two CC System assistant professors, two CC System associate professors, Associate Dean of Arts and Sciences University System, and a Professor in the University System).⁴⁸ (In a departure from the process established for the University System, there was no provision made for the Area Committee to recommend the appointment of an ad hoc advisory committee,⁴ that would advise the Area Committee prior to the Area Committee’s recommendation to Dean Hartford). The President noted that the several cases of tenure on which the committee would recommend would be important towards increasing the pool of qualified, tenured individuals upon which a mature CC System academic program depended. The September 1965 policy adopted by the Board of Trustees²⁹ stated that the criteria for appointment and promotion to the ranks of Instructor and Senior Instructor, and for tenure,

“shall be established in writing by the Dean of the Community College System and approved by the President.”

However, no copy of that establishing document can be located in the archival presidential papers of John Oswald in the University of Kentucky Archives, and it appears that many of the papers of the office of Ellis Hartford were taken with him when he left University employment June 30, 1970.⁴⁹

In the spring of 1967, Executive Vice President A.D. Albright by letter of appointment⁵⁰ formed a similarly membered Area Committee for its second year. He reported that at that time,

“there are now 32 assistant professors and senior instructors in the Community College System and 1 associate professor (Northern). Of these 23 have been granted tenure in the Community College System. Most of our librarians hold Rank III or II, coordinate with assistant and associate professor, respectively. It is gratifying that we are gradually building a competent nucleus faculty with tenured status”

and that the committee would be asked to assess ten cases that year for promotion to Senior Instructor with tenure. In its final 1967 report back to Dean Hartford, the committee advised

“the number of candidates for promotion is rather small ... perhaps some way could be found to induce some of the directors to make more effort to look for qualified members among their faculty.”⁵¹

The following spring of 1968, Dean Hartford echoed that sentiment to President Oswald, when he asked for

“permission to recommend some outstanding faculty persons for promotion to senior instructors this year who have not been in the System the full six year period....Perhaps we could devise a set of criteria that would enable us to recognize superior persons earlier than their sixth year of teaching without arousing the demand for promotion of all faculty on the same basis.”⁵²

to which President Oswald responded

“proceed with recommendation of those ... deem[ed] appropriate for promotion to Sr. Inst. regardless of how long they’ve been in the system.”⁵³

Community College System Faculty Final Obtain Professorial Title and Ranks

By the late 1960’s the Community College System was beginning to attain a status of academic maturity centered in a growing core of tenured, senior faculty. As the academic maturity of the system increased, the faculty increasingly chafed that their academic titles, Instructor and Senior Instructor, were more reflective of an earlier, no longer existing time in which the institutions were merely outreach centers controlled from the ‘central’ University in Lexington. The community colleges and their faculties had matured to individually functioning educational units, with experienced faculty at each community college being responsible for initiatives in the development of their respective academic programs. In their view, the level of their academic responsibility and performance warranted a (respectable) professorial title.

A fall 1970 Self Study report reflected this maturity of the Community College System faculties:

“A general concern ... is the ranking of all faculty members as instructors or senior instructors. The feelings of faculties and the visiting teams is that rank should be more reflective of college teaching prestige and less a relegation to second class status as opposed to the central campus system of progressive echelons in faculty positions.”

The Self Study recommended:

“4. That rank and title for community college faculty members be expressed in terms reflecting the collegiate level of the faculty performance.”⁵⁴

Coincident with the Community College Self Study, the new President **Otis Singletary** (hired in fall 1969) obtained that the UK Board of Trustees reorganized UK into a Vice Presidential format (A.D. Albright's position as Executive Vice President was abolished; Dean Ellis Hartford was raised to VP of the CC System; Lewis Cochran, Provost over the nonmedical colleges was changed to Vice President of the Academic Colleges; Peter Bosomworth was made Vice President of the Medical Center). Shortly thereafter, Ellis Hartford retired (June 1970) and was succeeded by his second-in-command, Stanley Wall, as the Vice President of the Community College System. In Oct. 1970, President Otis Singletary called a press conference⁵⁵ on his appointment of an advisory task force to examine and recommend to him on issues concerning the Community College System.



Earlier in the year, the Community College Council anticipated from the developing Self Study report that new ranks and title were in the offing. Brooks Major urged at the April 1970 meeting of the CC Council that a special committee be established to “*develop criteria for titles.*”⁵⁶ This “Personnel Policies Committee” began its work on this charge, but made such slow going over the summer of 1970 that the CC Council requested that the committee provide a report by the Annual Meeting.⁵⁷ By that fall, the

“the guidelines for tenure an rank series were incomplete... Dr. Wall expressed optimism concerning the possibilities for a title series for the community college faculty. He said that recommendations concerning tenure and title series from the Council will be sent to the task force[that had been just established by President Singletary] will make”⁵⁸

At the March 1971 meeting of the Community College Council, the committee submitted its completed draft of criteria for the four ranks, and there was much discussion and proposed amendments to it. It was decided that an *ad hoc* committee should be appointed to further “*collect recommendations from the faculties and prepare a revised document to come again before the Council.*”⁵⁹

Two months later the task force submitted to President Otis Singletary its recommendations including that a new four-rank title system be established for the Community College System, to replace the two rank title system of Instructor and Senior Instructor.⁶⁰ The new ranks were recommended to be: Instructor in the Community College System, Assistant Professor in the Community College System, Associate Professor in the Community College System, and Professor in the Community College System. President Singletary hand wrote on the report his approval and that the basis in regulation for establishment of these new professorial ranks was that the distinctive duties of the community college could be covered as a “special title series,” [being “specially” distinguished from the regular title series “Professor” title by the suffix “in the Community College System.”] President Singletary wrote to the committee a response that he would propose these new ranks and special title to the Board as soon as it was approved by the Community College System faculty.

The following month, the report of the *ad hoc* committee was submitted to the Community College Council:

“under Faculty Assignments, it was recommended that the first sentence be changed to read ‘Normal teaching load for faculty in community colleges is 15 hours.’ After further discussion, Mrs. Kemp moved that the report be accepted, with revision in the Faculty Assignments as indicated. The motion was seconded and carried unanimously.”⁵⁸

A month later at the August meeting of the Board of Trustees Executive Committee, President Singletary presented proposed changes to the Board's Governing Regulations that would establish the new title series for the Community College System.⁶² The authentic, official tape recording of the meeting contains Paul Sears' (the Special Assistant to the President for Academic Affairs) description to the committee of the Board of Trustees of the meaning of the recommended changes to the Governing Regulations to establish a new title series for the Community College System. At the meeting of the full Board of Trustees the following month,

the Board finally adopted these Governing Regulations and, officially, the Community College faculty had finally obtained a professorial faculty title.⁶³

Although the amended Governing Regulations provided for a professorial title for the Community College faculty, it did not specify the criteria for appointment or promotion to the four ranks that had also been approved by the Community College Council. However, when President Singletary first arrived in fall of 1969, he encountered that an effort initiated by President Oswald in 1965 to collate all the in-force presidential policy memos into a readily accessible administrative manual had not been completed, and, actually, had not been really initiated. Thus, with respect to the various faculty personnel policies that applied to the University System faculty, Oswald (as Chair of the University System Senate) assigned an advisory committee of the Senate to draft such a collation of the policy memos. That committee completed and submitted its work product in March of 1971,⁶⁴ providing a template which President Singletary (with the aid of Special Assistant for Academic Affairs Paul Sears) issued in March 1972 nearly verbatim as the first “Administrative Regulation” for faculty appointment, promotion and tenure procedures and criteria in the University System (AR II-1.0-1). On the Community College System side, once the Community College Council in June 1971 had approved the criteria for appointment to the four ranks, CC System VP **Stanley Wall** directed that Larry Stanley, in the CC System Central Office at UK, assemble the collation of those criteria along with the procedures that had become established for processing CC System cases. In November 1971, VP Stanley Wall submitted the draft document to President Singletary,⁶⁵ noting by cover letter:



“This document has been prepared by Mr. Larry Stanley of my staff who has worked closely with Dr. Sears so as to insure compatibility with the Governing Regulations and the procedures of the University System. The document has been reviewed by directors and the Faculty Council. In fact, much of the material in the document originally came to me in the form of recommendations from the Community College Council last spring.”

This document then, is what became issued the following year, 1972, as the first UK Administrative Regulation AR II-5.0-2, as we know it today --- the appointment, promotion and tenure regulations for the Community College System faculty.⁶⁶

Epilogue In Saga of Community College System Faculty Title Series

By way of House Bill 1 of the 1997 Special Session of the General Assembly, the responsibility for personnel management all of the Community College System faculty (except those employed at Lexington Community College) was transferred from the University of Kentucky to the Kentucky Community and Technical College System (KCTCS). By way of a second legislative action in the spring of 2004, the similar responsibility for management of Lexington Community College faculty was transferred to KCTCS. According to the language of both enactments, faculty in the UK Community College System may choose to either become employees of the KCTCS, or continue to be UK CC System employees who are managed by KCTCS. Those who choose to continue as members of the UK CC System, although managed by KCTCS, are still subject to the UK regulations pertaining to faculty as those regulations existed at the time of their community college’s transfer to KCTCS management, including UK Governing Regulations and UK Administrative Regulations concerning the UK CC System Faculty Title Series of Ranks. Should a personnel issue arise for such faculty while under KCTCS management, in which the origin and meaning of the UK CC System faculty ranks is material, the above history of the origin of those ranks may be useful toward resolution of the issue.

References

- ¹ 05-31-63 Minutes of the Board of Trustees
- ² 10-18-63 Minutes of the Board of Trustees
- ³ 10-15-63 Minutes of the Faculty Council
- ⁴ 10-28-63 Memorandum sent to all university faculty by President Oswald
- ⁵ Transcript of President Oswald's 10-15-63 meeting with the Faculty Council
- ⁶ 10-24-63 Minutes Faculty Council
- ⁷ 09-24-64 Letter from Ellis Hartford to President Oswald
- ⁸ Spec Asst to President ca. Oct 1964 memo to President re draft Associate, Instructor definitions
- ⁹ Draft Associate policy definitional statement 10-26-64 by President Oswald to Deans³¹ Draft Instructor policy
- ¹⁰ Spec Asst to Pres Lewis' third draft to Faculty Council of Lecturer definition 10-24-64
- ¹¹ Draft definitional statement 10-26-64 by President Oswald
- ¹² were circulated to deans
- ¹³ were circulated to faculty council
- ¹⁴ 11-04-64 letter from Ellis Hartford to President Oswald (The members of the committee were:
The members of the committee were: Mr. Charles Talbert, Northern CC; Mr. John Walthall, Ashland CC;
Miss Linda Alvey, Elizabethtown CC; Mr. Tom Gaston, Fort Knox CC; Mrs. Dorothy Tapp, Henderson CC;
Dr. Doris Berry, Prestonsburg CC; Mr. Walter Gerlach, Southeast CC; Mr. A. J. Hauselman, CC System,
Secretary
- ¹⁵ 11-16-64 Minutes of Meeting of Special Committee on Rank and Tenure Community College System
- ¹⁶ 12-09-64 letter from Charles Talbert to Ellis Hartford
- ¹⁷ 01-08-65 Minutes, Business Meeting, UK CC System Faculty
- ¹⁸ 03-10-65 cover letter from Ellis Hartford to President Oswald; "Recommendation for Board Action –
Organization of Community College System Faculty."
- ¹⁹ Document appended to 03-10-65 letter from Hartford to Oswald; document entitled "Community College
System Organization of Faculty"
- ²⁰ 01-12-65 draft "NonResearch Series" from Special Assistant Tom Lewis to President Oswald
- ²¹ 04-28-65 Memorandum from President Oswald to Deans establishing new "Special Title Series" policy
- ²² Senate Council Minutes April 2, 1965
- ²³ Senate Council Minutes April 2, 1965
- ²⁴ 04-28-65 Memorandum from President Oswald to Deans establishing new "Lecturer" policy
- ²⁵ Early May 1965 draft "Suggested Title System for Community Colleges"
- ²⁶ Hartford handwritten provided by Oswald to Hartford
- ²⁷ 05-18-65 memo from Lewis Cochran to President Oswald
- ²⁸ 09-02-65 Minutes Senate Council
- ²⁹ 09-26-65 Minutes Board of Trustees
- ³⁰ 04-11-66 Minutes University Senate
- ³¹ Board of Trustees Governing Regulations, 1960, Section XI.3
- ³² 04-02-64 Minutes Board of Trustees
- ³³ 09-15-64 Minutes Board of Trustees
- ³⁴ 01-15-65 Minutes Board of Trustees
- ³⁵ Draft of preparation of tenure actions for 01-15-65 Minutes of Board of Trustees (in "Board packet")
- ³⁶ 03-17-66 Minutes Board of Trustees
- ³⁷ 03-24-66 letter Ellis Hartford to President Oswald
- ³⁸ 12-XX-65 memorandum from President Oswald to College Deans
- ³⁹ 06-03-65 letter from Ellis Hartford to President Oswald
- ⁴⁰ President Oswald's handwritten note of response on the letter in reference 36
- ⁴¹ 06-04-65 letter from Ellis Hartford to President Oswald
- ⁴² President Oswald's handwritten note of response on the letter in reference 38
- ⁴³ CPR Form dated May 20, 1966

- ⁴⁴ 07-11-66 letter from Ellis Hartford to President Oswald
- ⁴⁵ 07-11-66 letter from Ellis Hartford to President Oswald
- ⁴⁶ 08-04-66 letter from Ellis Hartford to Lyman Ginger
- ⁴⁷ 06-28-66 “Memorandum to the Faculty” from Ginger stating “an announcement has been made by the President relative to my relinquishing the Deanship of the College of Education...”
- ⁴⁸ 03-16-66 Memorandum of committee appointment and charge from President Oswald to committee members; The committee membership was Robert Drennon, Assoc. Dean Arts and Sciences; Robert Rudd, Professor of Agricultural Economics; “Miss” Mary Ann Clark, Assistant Professor of Nursing, Northern CC, “Mr.” Henry Jackson Daily, Assistant Professor of Engineering, Ashland; Dr. Edna Miller, Associate Professor of Modern Foreign Language, Northern CC; Dr. Charles Talbert, Chairman, Associate Professor of History, Northern CC
- ⁴⁹ Personal communication from Frank Stanger, University Archives
- ⁵⁰ 03-28-67 letter from Exec VP A.D. Albright to members of Area Committee
- ⁵¹ 04-26-67 letter from committee Chair George O’Brien (Ashland) to Dean Ellis Hartford
- ⁵² 03-19-68 letter from Dean Ellis Hartford to President Oswald
- ⁵³ 03-19-68 handwritten note of President Oswald to his administrative assistant Ann Wilson, written on the 03-19-68 letter to him from Dean Hartford
- ⁵⁴ Fall 1970 “Community College System of the University of Kentucky ... University of Kentucky Self-Study
- ⁵⁵ Reported in the Oct. 14, 1970 Herald Leader
- ⁵⁶ 04-10/11-70 Minutes CC Council
- ⁵⁷ 07-31/08-01/-70 Minutes CC Council
- ⁵⁸ 10-08-70 Minutes CC Council; Appendix B to the minutes was an early stage draft of criteria for “technician,” “instructor,” “assistant professor,” “associate professor,” and “professor.”
- ⁵⁹ 03-26/27-71 Minutes Community College Council (Members, appointed by Brooks Major: Desmond Harris, Chairman; John Brown, Effie Kemp; Hazel Bolan; George Livingston; Alternate Ray Reed; ex officio Stanley Wall or his delegate).
- ⁶⁰ 05-06-71 Report submitted by task force to President Singletary
- ⁶¹ 06-28/29-71 Minutes Community College Council; page 8 and appendix W).
- ⁶² Minutes, Board’s August 17, 1971 Executive Committee
- ⁶³ Minutes Board of Trustees September 17, 1971
- ⁶⁴ “Procedures for Appointment, Promotion, Tenure and Termination of Faculty,” March 31, 1971
[Univ. Senate Adv. Comm. on Appt., Promotion and Tenure Mar. 31, 1971](#)
- ⁶⁵ 11-05-17 letter from VP Stanley Wall to President Otis Singletary
- ⁶⁶ As phrased in the draft amended Governing Regulations that were presented to the Board of Trustees Executive Committee in August 1971, and approved in September 1971 by the full Board, there was an error in phrasing that caused an unintended outcome for the names of the four ranks. As described above, President Singletary had intended that the title for Community College System faculty would be a form of the “Special Title Series.” Under the Special Title Series policy, promulgated by President Oswald in April 1965,^{13a} it was the title that was intended to contain a unique descriptor that identified the individual as having an academic rank in the Special Title Series as distinct from the Regular Title Series. For example, shown below are examples from that April 1965 Special Title Series policy on how the nomenclature was to work.

<u>Rank</u>	<u>Title</u>	<u>Title Series</u>
Assistant Professor	Assistant Professor of Medicine	Regular Title Series
Assistant Professor	Assistant Professor of Music	Regular Title Series
Assistant Professor	Assistant Professor of English	Regular Title Series
Assistant Professor	Assistant Professor of Clinical Medicine	Special Title Series
Assistant Professor	Assistant Professor of Applied Music	Special Title Series
Assistant Professor (or Associate Professor) (or Professor)	Assistant Professor of Freshman Rhetoric	Special Title Series

Had the nomenclature for the “Community College System Special Title Series” followed the format prescribed by the April 1965 policy, then the ranks and titles *would have been*

<u>Rank</u>	<u>Title</u>
Assistant Professor (or Associate Professor) (or Professor)	Assistant Professor <i>in the Community College System</i>

However, the language drafted in August 1971 for Governing Regulation GR VII.A.2 did not state that the phrase “in the Community College System” modified the professorial title, but instead stated that this phrase modified the rank. Thus, taking the rank “assistant” as an example, the University unintentionally came to possess a new and third equivalent rank (the second being the already existing equivalent Librarian rank of “III”). It also created a confusion over what is the “title” of CC System faculty as different from “rank” (in the way that it is clear “Librarian” is the title and “III” is the rank). As of the 2004 separation of Lexington Community College from the University of Kentucky, the rank and title system of the University of Kentucky was as follows:

<u>Title of Rank Series</u>	<u>Example Rank</u>	<u>Faculty Member’s Title</u>
Regular	Assistant	Assistant Professor of Medicine
Special	Assistant	Assistant Professor of Clinical Medicine
Extension	Assistant	Assistant Extension Professor
Librarian	III	Librarian III
Research	Assistant	Research Assistant Professor
Clinical	Assistant	Clinical Assistant Professor
Adjunct	Assistant	Assistant Professor (Adjunct)
Community College	Assistant Professor in the Community College System	Assistant Professor in the Community College System(?)

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