

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

Contents

I. Background Introduction.....	1
II. Hayse Tenure Case Legal Backdrop: Long-Practiced Custom Does Not Trump the Written Regulations..	2
III. STS Regulations, as Written, Do Not Permit “Research, Scholarship” to be Assigned for Use as a Promotion/Tenure-Determining Criterion	2
IV. STS 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	4
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.....	5
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..	8
VII. Policy-Role of the Area Committees in Approval of Position-Specific Evaluation Criteria.....	9
VIII. Current Status of the Special Title Series.....	10
IX. What is “Broken” With the Special Title Series as Currently Practiced?.....	13

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 ambience 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 ambience 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

(c) Davy Jones, April 13, 2005 Acknowledgements: The author wishes to express his great appreciation to Frank Stanger, University Archives; Rebecca Scott, University Senate Council Administrative Coordinator, for facilitating this author’s access to documents containing historical information utilized in preparing this writing.