

B30F

Based on CPT report, President offers Visiting Lecturer position to faculty member “to provide you some accommodation and to permit you more adequate opportunity to secure other employment.”

K31J

CPT found that tenure candidate “was not given the departmental hearing before the tenured faculty called for” by the department’s rules document. Based on CPT recommendation that “the tenured members of the Department of _____ be asked to consider another hearing” for the tenure candidate [and] if they agree, our report should be made available to them as well as whatever other materials” the candidate and the department chair care to submit., President directs that tenured members of faculty be asked to provide a hearing opportunity to tenure candidate, “conducted in such a way as to permit Professor _____ and any other appropriate tenured faculty to present their cases orally as well, and that any vote taken should be by secret ballot.” CPT recommends that if the tenured faculty refuse to provide the opportunity for the hearing, then the tenure candidate has standing to take the matter to the Senate Hearing Panel (Privilege and Tenure).

M31G

CPT determined that department faculty and chairperson had unanimously supported award of a two year reappointment contract to politically activist untenured faculty member who had declared his intent to cease publication of “the more traditional, quantitative variety popular in refereed journal” and instead publish in “more policy-oriented, dare I use the term ‘relevant,’” outlets. The dean of the college denied the recommendation, instead deciding for nonreappointment. Faculty member appealed that he should have a right to use the outlets for his research which will achieve the greatest impact and reach the widest audience. CPT interpreted that “If an appointment is to be terminated before the end of the maximum probationary period, we should expect that the individual’s record to that point will be such as to not be indicative of an eventual tenure appointment...we are concerned about possible disruptive effects which may arise when a studied recommendation of a reputable department is reversed.” CPT recommended, and the President agreed, that the CV and supporting material be submitted to an Academic Area Advisory Committee for its judgment on the potential of the untenured faculty member for eventual tenure, and its recommended be directed to the Vice President who will make a recommendation to the President for final decision on whether there will be nonreappointment or a new untenured reappointment. (This case is the root of the procedure, similar to above, now codified as Administrative Regulations _____ and _____).

Villarino

B32J

Where the CPT committee determined that an untenured “Lecturer” had for 8 years performed teaching loads and assignments similar to other full time tenure track faculty, and where the University Governing Regulations prescribed that after a 7 year probationary period full time tenure track faculty shall be either terminated or awarded tenure, the CPT committee recommended, and the President concurred, that the faculty member be awarded “de facto tenure” at the level of assistant professor.

S35I

The CPT found that where the untenured faculty member with three years prior experience had reached the end of an additional 3 years of probationary period in service at UK, the faculty member was entitled to a consideration of overall qualifications for promotion and tenure, rather than a consideration to either renew or terminate her contract. The CPT also found that most unit tenured faculty were not familiar with the faculty member’s overall accomplishments, and neither her personnel file nor here publications were reviewed by most of the tenured faculty; that different tenured faculty were consulted in different ways by the chairperson (e.g., some at a meeting, others by mail), yielding “discrepancies in ... the interpretations of ‘what was being voted on’ and in the basis for the judgment made”; that the tenured faculty “seemed more preoccupied with [her] personality and behavior than with her merit as a teacher and scholar,” because as the Chairman wrote “she is not the kind of person we want to have in this Department, we can’t live with her. She keeps the Department in turmoil.” President accepted CPT’s recommendation that the

Department be charged to assemble an up to date file of “evidences” on her teaching, scholarly productivity and University-public service for a promotion/tenure review, that each tenured faculty member would “examine these evidences in terms of the University’s criteria for promotion and tenure, and that the chairman would review the faculty members’ recommendations and forward them and his own to the Dean.

F37A

Where untenured Associate Professor charged he had not received notice of termination until after the Dec. 15 deadline prescribed by the University regulations, and where the department chairman could not prove that such notice had reached the faculty member by that date and both the chairman and dean had spoken with the faculty member on other matters shortly before Dec. 15 but did not reveal that termination notice had been sent, the CPT committee recommended, and the President, agreed that the individual be awarded a year of terminal reappointment (CPT also recommended that in the future notices of termination be sent by registered letter with return receipt requested).

M37F

Where University regulations (AR II-1.0-1.III.I) require that “Whenever a recommendation to promote and/or grant tenure is disapproved at any level, this fact shall be reported back to the preceding level(s) with supporting reasons and an opportunity provided for a thorough discussion of the recommendation among the concerned parties,” the CPT committee confirmed that the Vice President “after receiving the recommendation from the Area Committee, did indeed interact with and report back to” the Dean, “before arriving at his final decision,” and that the Dean “was asked for any additional supporting input to offset the negative recommendations...”

L38A

C39M

In case where Dean had denied promotion and tenure following negative chairperson’s letter and majority negative letters from department faculty, CPT wrote that because “Personality conflicts within the [unit] have been usually sharp ... it has become difficult to obtain objective promotion and tenure decision ... obtaining evaluations from people removed from these internal pressures would be in the best interest of the University.” CPT recommended that the “promotion files ... be referred to the appropriate Academic Area Advisory Committee for evaluation.” President rejected the recommendation.

C39M

CPT confirms that “work in progress” is to be considered in promotion/tenure cases, and that there is not to be included either “personality considerations” or choosing to “exercise your right to speak out against [unit] policies.”

K39F

CPT committee recommended that the faculty member be provided “an opportunity to include in her file a statement concerning possible influences of knowledge of the initial negative evaluation of her file on a subsequent re-evaluation of her file containing a corrected teaching record.” President confirmed that the faculty member’s “memorandum to Dean ... contains such a statement and that this memorandum was included in her file prior to re-evaluation of her file and credentials by the concerned tenured faculty members. “

G39J

Where CPT committee heard case of female faculty member’s appeal of her specific salary level, President decided “I do not consider the Advisory Committee on Privilege and Tenure an appropriate body to consider or make recommendations on specific salary matters...I consider these matters of salary review to be within the scope of [the] Vice President ... responsibilities.”

R39H

Where Associate Professor had unsuccessfully appealed denial of promotion to Professor, President confirmed “Your appeal to the Committee on Privilege and Tenure and other activities associated with that appeal will in no way prejudice any evaluation of your qualifications for promotion” in the future.

D41K

Where Assistant Professor in Special Title Series who had a portion of his D.O.E. assigned 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. The CPT unanimously agreed that the (1) “regulations and the statement on criteria for the special title series in English 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 CPT 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.” President adopted the CPT findings and recommendation.

M41P

Where a Special Title Series assistant professor with DOE assignments in part in one program and in part in a second program, was denied promotion and tenure, she appealed that “she was not evaluated by criteria established for the special title series of the medical center.” The CPT decided that “The criteria for the special title series in which she holds a position clearly contemplates that she must be fairly evaluated on the totality of her effort and not merely on the part of that occurred in [one program].” The CPT also found that the dossier “was not sufficiently complete to allow for a proper evaluation of her performance under the criteria established for the special title series of the medical center” because it did not contain the “written annual evaluations of her work” and “little effort had been made through the years of her service to gather written information about the quality of her teaching performance [so that] there was inadequate information on this subject in the file... Without this kind of information the faculty member did not receive the kind of careful evaluation of her performance to which she is entitled.” Finally, the CPT found “The work of [the individual] ... was primarily centered outside of the College... Yet the crucial evaluation of her performance was done by the advisory committee of that college. We believe that there would be value in avoiding such a situation in future cases.” The CPT recommended to the President the remedies (1) “that you appoint a special ad hoc committee to provide a complete evaluation of her performance; (2) that a dossier be prepared for the committee with the complete information on all aspects of [the individual’s work]; (3) that she be given an opportunity to submit information to the committee that is pertinent to the performance of her duties; and (4) that the committee be instructed to evaluate her performance solely on the basis of the criteria established for the special title series of the medical center.” The President adopted and implemented the recommendations.