

The Sutherland Case: Why Is Tenure Needed?

Background: Professor William R. Sutherland's UK Employment

Hired: Assistant Professor (of Public Speaking) 9/26/23

Reappointed: Assistant Professor 1926-1929

Reappointed: Assistant Professor 1929-1932

Reappointed: Assistant Professor (of English) 1932-1933

Reappointed: Assistant Professor 1933-1934

Reappointed: Assistant Professor (of Public Speaking) 1934-1935

Reappointed: Assistant Professor 1935-1938

Reappointed: Assistant Professor (of English) 1938-1941

Reappointed: Assistant Professor 1941-1944

Reappointed: Assistant Professor 1944-1945

Reappointed: Assistant Professor 1945-1946

Sutherland Testifies at Feb. 1946 KY Legislative Hearing Concerning University of Kentucky

Testifies about Wenner-Gren Laboratory

Background:

- Lab was given before WWII to UK by Axel Wenner-Gren, Swedish millionaire**
- Administrated through College of Engineering; Dean Graham**
- Wenner-Gren was blacklisted during WWII because of his Nazi sympathies**
- On account of the blacklisting, the lab was investigated by KY state government, and the Attorney General wrote that the lab could not be named after Wenner-Gren**

April 4, 1944 - President Donovan Addresses the Board of Trustees Concerning Public Perception of Cover-up Surrounding Graham

"H. Dean James H. Graham and the University of Kentucky Aeronautical Research Laboratory

(President Donovan to the Board:)

"There are five new members on the Board of Trustees. They have not had an opportunity to learn any of the facts regarding Dean Graham's work in the College of Engineering during the war, except possibly what they have read in the columns of the newspapers or hear over the radio. They probably have not had an opportunity to learn anything about the Wenner-Gren Aeronautical Research Laboratory about there has been so much rumor, gossip, and controversy since Mr. Axel L. Wenner-Gren was placed on the **black list** by the State Department about two years ago. I shall with truth and candor give you my evaluation of Colonel Graham's work for the University during the war, as well as tell you what I know about the Wenner-Gren Laboratory."

Sutherland Testimony to KY Legislative Committee 02/27/46

Professor Sutherland reported to the Legislative Committee that punitive action had been started against him by UK after he prepared for delivery to the FBI of a letter and notes on “strange relationships” between the University and Wenner-Gren interests, and that several faculty had tried to reveal that the actual relationships were not what President Donovan publicly reported the relationships to be.

Professor Sutherland Publicly Testified:

“I wish to say that the false report to the public concerning the nature of the relationship between certain University officers and the Wenner-Gren interests are evidences of a shameless bad faith”

Controversy Spills Outside Kentucky Border;

April 1, 1946 UK Alumni Asso Urges BOT "sever the employment" of Sutherland for His Opinions Expressed to the KY Legislative Hearing

Be it further RESOLVED, that the Executive Committee urges the Board of Trustees of the University of Kentucky to request the resignations of Professor W. R. Sutherland and Professor L. S. O'Bannon and if said resignations are not forthwith tendered that the Board of Trustees of the University of Kentucky take immediate steps to sever the employment of Professor Sutherland and Professor O'Bannon.

The Executive Committee of the University of Kentucky Alumni Association representing 2000 Alumni after due deliberation and serious consideration and discussion unanimously passed this resolution because they sincerely believe that the action of Professor Sutherland and Professor O'Bannon before the Legislature of the General Assembly of Kentucky was unwarranted and prejudiced and unfounded.

In consideration of all existing circumstances the Executive Committee requests the Board of Trustees to give serious consideration to this resolution and the Executive Committee of the Alumni Association sincerely believes that this unfortunate incident brought about by Professor Sutherland and Professor O'Bannon absolutely terminates their usefulness to the University of Kentucky and in the best interests of the University of Kentucky this action on the part of the Alumni Association has been taken.

June 4, 1946, Two Months After the Alumni Association Letter to the Board Concerning Severing Sutherland's Employment

Board Minutes

"G. Appointments and Other Staff Changes

President Donovan reported that he was submitting a list of appointments and othe staff changes, and that the name of Professor W. R. Sutherland did not appear, and that the Head of the Department of English, the Dean of the College of Arts and Sciences, and he, as President of the University, were not recommending the reappointment of Dr. Sutherland."

At the Next Board Meeting, Sutherland Makes Appeal to the Board

Board Minutes July 19, 1946

"Z. Request of William R. Sutherland

President Donovan read a letter which had been received by Professor Dantzler, head of the Department of English, and Dean Boyd, in which Professor Sutherland requested terminal leave with full pay for the year 1946-1947. The members hear the letter read and, after due consideration, took the following action:

"22. Upon motion duly made, seconded, and carried the request of Professor Sutherland is denied."

Epilogue: Upon the abrupt severance of Professor Sutherland's appointment on the UK faculty, he spent the last 15 years of his life selling antiques in downtown Lexington.

Additional Epilogue: After a 15 year Process, the Gov. Regs. Were Revised in 1961 to Require for DeFacto Tenure of Asst. Professors

1961 UK Tenure Regulations:

“Each person in the following categories shall also have continuous tenure ...following a probationary period of employment on a year-to-year basis, the total probationary period to be from one to five years...: (1) all persons at the rank of assistant professor or higher...”

2003 UK Tenure Regulations Regulations For DeFacto Tenure:

“The total non-tenure period, however, shall not exceed seven years... Following appropriate probationary periods not exceeding in duration those described above... all persons of assistant professor rank (or equivalent as adjudged by the President) shall be promoted to associate professor with tenure or their appointments shall not be renewed.” GR X.B.2

(From 1970-1977, 4 faculty were defacto tenured under the above regulation, one of who was still on the UK faculty as a tenured assistant professor Jan. 2003

.....and now you know the rest of the story)