Tenure Evaluation Challenges

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Today’s Speakers

- Monica Barrett
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Agenda

- UE Tenure Claims Study
- Discrimination Claims
- Medical and Other Leaves of Absence
- Other Issues Impacting Tenure Reviews
Tenure Claims Study

- Released July 2017
- 78 Tenure Denial Claims
- January 2011 - December 2015
- 18% of claims alleged Breach of Contract
Tenure Claims Study

Allegations

Due Process/Breach of K: 10
Discrimination and Related: 90
Other: 20
Unknown: 0

Discrimination-Related Claims

- Other: 10
- Pregnancy: 20
- Age: 30
- Disability: 40
- National Origin: 30
- Race: 30
- Gender: 30

Retaliation claims: 31%
Tenure Claims Study

Forms of Litigation

- State/EEOC Charges: 49%
- State/Federal Lawsuits: 27%
- Atty. Demand Letters/Notice Only: 24%
Tenure Evaluation Challenges

The Four Cs

- Clarity
- Candor
- Consistency
- Caring
Tenure Claims Study

REASONS FOR TENURE DENIAL

- Inadequate Scholarship: 33%
- Inadequate Teaching: 27%
- Combination: 27%
- Poor Collegiality or Service: 13%
Discrimination Claims

- Allegations by candidate during tenure process
  - Who is the alleged bad actor?
  - Potential to impact tenure review
  - Need to conduct an investigation
  - How quickly can you adequately investigate?
- Should you stop the tenure review process?
- What does your policy say?
Discrimination Claims

- Allegations made against the tenure candidate.
- Place a hold on or stop the tenure review?
- What does your policy say?
- Obtain candidate agreement
Questions & Answers

Session #1
When Candidates Take Leave

- Medical or Family Leave
- AAUP *Statement of Principles on Family and Academic Work*, updated 2014
- Approval of Leave
- ADA Implications: interactive process
- Honest evaluations
When Candidates Take Leave

- Stopping or Extending the Tenure Clock
  - Automatic
  - By Request
  - Pros/Cons

- Limits on Leave
Questions & Answers

Session #2
Other Issues Impacting Tenure

- Collegiality
  - What is Collegiality?
  - Often not articulated in tenure policy
Other Issues Impacting Tenure

- Collegiality
  - Defending a legal case with “collegiality” as a deciding factor
  - AAUP position on Collegiality

On Collegiality as a Criterion for Faculty Evaluation

(2016 Revision)

The statement that follows was approved by the Association’s Committee A on Academic Freedom and Tenure and adopted by the Association’s Council in November 1999. Committee A revised the statement in 2016.
Other Issues Impacting Tenure

- Confidentiality
  - What is confidential in the process?
  - Records retention
  - Tracking information without personal identifiers

- #MeToo & #Time’sUp Movements
Tenure Evaluation Challenges

Questions & Answers

Session #3
Conclusion

- The Goal is Fairness - 2017

About This Learning Program

The Goal Is Fairness includes the resources necessary to have a hands-on tenure evaluation workshop emphasizing the importance of clarity, consistency, candor, and caring. A short video, PowerPoint presentation, and facilitator's guide make it easy for you to deliver this session to those involved in the tenure review process at your institution. Optional scenarios can be used to spur further discussion on applicability of these concepts to your specific situation.
Please visit
www.EduRiskSolutions.org
for more information on tenure
and other risk management topics.