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M E M O R A N D U M

To: Deans, Chairs and Directors

From: Robert S. DiPaola, M.D.
Provost

Sue Nokes, Ph.D.
Acting Associate Provost for Faculty Advancement

Subject: Appointment, Reappointment, Promotion and Tenure Procedures for 2022-2023

Date: August 20, 2022

Please forward this memorandum to all faculty employees in your unit.

Decisions to promote faculty and to award tenure are among the most important judgments made by any university. Those decisions determine the future quality of academic programs. As a comprehensive university, our richness is defined in part by the many activities faculty members engage in across the institution. The variety of faculty assignments also contributes to the complexity of evaluating faculty performance. Therefore, the university must provide thoughtful, accurate and thorough guidance to all members of the academic community who participate in the evaluation of faculty for promotions and tenure. This memo is intended to offer such guidance.

The centrality of the educational unit faculty in the evaluation of faculty for appointment, reappointment, promotion, and the granting of tenure cannot be overstated. It is within the educational unit of the individual under review that the criteria for assessing faculty performance are best understood. As a promotion or tenure review dossier moves beyond the home unit and college, academic area advisory committee members and others look to the judgments of the educational unit faculty members, and of the external reviewers they invite to participate in promotion or tenure cases, for their principal guidance. Indeed, considerable deference in tenure cases shall be shown by the Provost to the judgments emanating from the college, especially in cases where those college-level judgments (unit faculty, educational unit administrator, college advisory committee and dean) are nearly unanimous, either for or against the granting of tenure or promotion. Considering this responsibility, educational unit faculties must engage in the evaluation of their members with an unwavering commitment to the objectivity, rigor, and integrity of the evaluative process, fully cognizant of the fact that a judicious and defensible outcome is predicated on the proper application of the university's policies and procedures on faculty evaluation.

Discipline-specific expectations are often articulated quantitatively and qualitatively (e.g., a

scholarly book published by a reputable press, articles in top-tier journals, creative products, professional recognition through grants, invited presentations or performances, evidence of teaching excellence, named inventor on patents). By university regulation (GR VII.E.3.c), all educational units in which faculty appointment is permitted have established statements for use in guiding evaluations for promotion and tenure, describing the evidences of activity in instruction, research and service that are appropriate to the field(s) represented in the unit (see Provost's Policy on the Inclusion of Unit Statements on Evidences).

Such unit-level evidences are useful, although sole reliance on the evidences in a formulaic manner is inadequate. Colleges and departments are advised to periodically review and revise their Statements on Evidences, with special considerations for the value of accomplishments in collaborative team science and the scholarship of engagement, as well as products of intellectual property (e.g., copyrights, patents, discoveries, films, works of art, tangible research property), as broadly defined in AR 7:6.

Furthermore, we expect that a faculty member's Distribution of Effort (DOE) has been assigned in a manner commensurate with promotion/tenure requirements. For faculty in Special Title Series, the source of evidences for the evaluation ought to be the position description and criteria for ranks that were reviewed by the appropriate academic area committee and approved by the Provost. For faculty in Research Title Series, the position description and criteria for ranks were reviewed and approved by the Dean of the Graduate School, Vice President for Research, and Provost. For faculty in Clinical Title Series, these were approved by the Provost.

What is paramount and should be the yardstick by which we evaluate excellence, is the impact of an individual's work during the period in question - on their scholarly community, on students taught or on community members or patients/clients served, or on society through economic development or life-improving outcomes related to innovation and/or entrepreneurial activity. Also important is the professional trajectory of the candidate and evidence that the individual will be able to sustain the required trajectory, as gleaned from the cumulative profile to date. Written evaluations from individual faculty members, external reviewers, advisory committees, educational unit administrators and deans are most helpful if they are candid and balanced, judiciously identifying and discussing areas of strength and weakness in the candidate's record.

This university's approach to faculty tenure and promotion is based on an underlying assumption of enlightened recruitment, appropriate support and mentoring, and a presumption of success. It is also based on the expectation of significant achievement appropriate to a flagship, land-grant, research university of high ranking. These expectations must be well articulated, communicated, and consistently applied. As the *Administrative Regulations* make clear, time in rank is not an appropriate evaluative measure. A faculty member should be considered for promotion or tenure as soon as their educational unit faculty and administrator believe that the individual's record of professional accomplishments across all areas of assigned activity has met or surpassed the appropriate criteria as codified in university regulations and spelled out in the unit's written statements on evidences and/or the position description (but not later than the sixth year for probationary faculty being considered for the granting of tenure).

By listening to our faculty, our faculty leaders (both from within the University Senate and faculty administrators), my Chief Academic Officer peers, and national higher education forums, I am urging deans, associate and assistant deans, and chairs and directors responsible for faculty merit reviews and promotion and tenure evaluations to consider inclusion of a personalized "COVID Pandemic Impact Statement" into all faculty member's performance evaluation documentation leading up to a promotion and/or tenure decision, as well as into the promotion dossier itself. This

will assist faculty members' explanations of how their work had to be shifted and adjusted to respond to the work demands during the COVID-19 pandemic.

Distribution of this Memo and Availability of Regulations and Policies

To maintain an atmosphere of transparency in the promotion and tenure process, I ask that all educational unit administrators (chairs and directors) circulate this policy memo among their unit faculty. Deans shall also share this memo with the members of their college advisory committee.

I strongly encourage everyone involved in the evaluation process to review *AR 2:1* and *other regulations related the appropriate faculty title series* under Chapter 2 - Academic Appointment (Faculty). The website address for the *Administrative Regulations* is https://www.uky.edu/regs/administrative-regulations-ar. This memo and additional information on faculty appointment, promotion and tenure can be found at the website maintained by the Office for Faculty Advancement.

Preparation of the Review Dossier

The educational unit administrator, working closely with the dean's office, is responsible for preparing a thorough and accurate dossier in a timely manner. The Dossier Checklist enumerates the items to be included in the dossier and the order in which those documents shall appear. In addition, the faculty candidate is responsible for submitting in a timely manner those documents identified in *AR 2:1 Appendix II (Matrix of Dossier Contents*), including the candidate's teaching portfolio (see attached *Appendix I* from AR 3:10). When done correctly, preparing the dossier is straightforward, since it largely consists of materials accumulated during the probationary period by the candidate and educational unit administrator. The educational unit administrator, in accordance with University regulations and any applicable policies in the educational unit's *Rules,* shall solicit written judgments from consulted individuals on matters of promotion and/or tenure. A candidate under review may also submit to the educational unit administrator a list of University of Kentucky faculty employees who are not members of the candidate's primary appointment unit from whom the educational unit administrator shall request letters of evaluation on behalf of the candidate. No evaluative letters, with of course the exception of those required from qualified unit faculty, are to be included in the dossier without the expressed written consent of the candidate (this consent, however, need not be included in the dossier but rather should be maintained in departmental records).

I strongly encourage educational unit administrators to give a candidate the opportunity to review all materials in the dossier *before* the external evaluative letters are added to the dossier and the dossier is submitted to the appropriate unit faculty members for their evaluation. If there is a dispute about the inclusion or exclusion of some documents, the matter shall be referred to the appropriate college-level administrator, who shall consult with the Office for Faculty Advancement. It is the responsibility of the educational unit administrator and dean to ensure that no procedural errors occur in the evaluative process.

It is not appropriate to add information to the dossier after it has been reviewed at any level, if that information was available at the time the dossier was assembled and reviewed. If a significant error is discovered after the fact, and the dossier needs to be corrected, the Acting Associate Provost for Faculty Advancement must first be consulted as to the proper action to be taken. More information on the terms and timing of dossier updates can be found in the Provost's policy statement.

Selection of Evaluators

Educational unit administrators are responsible for asking all evaluators to make a substantive, professional judgment of the value and significance of a candidate's performance. All evaluators should also be reminded that a university must be one institution in society where professional judgment of a colleague's work is offered without malice and without fear of retribution. The courts have made clear that judgments that are professionally rendered and free of personal bias are protected. When selecting letter writers external to the university for participation in tenure and promotion cases, an educational unit administrator must apply the policies and procedures enumerated in *AR 2:1-1 Section VII.G.*

The educational unit administrator shall assure all evaluators that their letters will be handled in a confidential manner. However, the educational unit administrator must inform all evaluators that, upon request, the candidate has the right to review all letters placed in the individual's dossier. Please ensure that all letters received from external reviewers, those external to the university and those external to the educational unit, are included in the dossier, and are made available to the consulted unit faculty before their evaluative letters are due. Also note that an external reviewer's letter that arrives after the consulted unit faculty letters are due shall not be included in the dossier unless that dilatory letter is shared with the appropriate unit faculty and those faculty are given the opportunity to revise their previously submitted evaluative letters.

In addition, I offer the following considerations for the selection of, and guidance conveyed to outside evaluators:

- they are recognized experts in their disciplines.
- they are at peer or benchmark research institutions.
- they stand at arms-length from the candidate (e.g., not dissertation advisor or post-doctoral supervisor).

Former teachers, advisors, mentors, and current faculty colleagues are not considered to be at "arm's length." Co-authors and major research collaborators and former faculty colleagues are also not "arm's length" unless the most recent association occurred 3-5 years prior to the promotion. We do not consider letters from persons who have served on a candidate's thesis or dissertation committee to be "arm's length." While these kinds of letters can be especially helpful because these letter writers can be presumed to have a good sense of the candidate's work, it is also true that their own reputations are involved in the work being evaluated. If such letters are included, they must be in addition to the minimum requirement of six "arm's length" letters (four selected by the educational unit administrator and two recommended by the candidate). Letters from persons who do not know the candidate, but who may have a clear sense of the significance of the candidate's qualifications, are of greater value.

I encourage educational unit administrators to ask candidates beforehand if there are external reviewers whom they wish to avoid for justifiable concerns about conflicts of interest or potential bias. The unit/college is free to discuss and decide whether to accept any or all of the restrictions offered by a candidate. Some educational unit administrators report difficulty in obtaining external reviewers willing to write, so identifying these evaluators early is highly recommended. Most educational unit administrators report greater success when reaching out to prospective external evaluators no later than the spring prior to dossier submission in the fall.
More so than ever before, and perhaps exacerbated by the COVID pandemic disruption, requests to external reviewers need to be made very early in the promotion cycle.

The educational unit administrator (and perhaps the dean) must explain in their letter any deviations from the expected norms identified above (e.g., the leading expert in the world within the candidate's field happens to be at a four-year college, or the inclusion of outside evaluators

from prestigious baccalaureate institutions is appropriate for a review candidate whose research focuses on the scholarship of pedagogy).

Promotion and Tenure Procedures for Teaching STS Faculty:
In choosing external reviewers, chairs might need to do a bit more diligence than this process typically requires in order to ensure that the external reviewers are faculty who are known to be pedagogically advanced in their field. The reviewers may have published pedagogical oriented pieces, for example. They might not necessarily be faculty at R1 universities. Instead, the chair may need to look for reviewers from institutions that specialize in undergraduate education. External reviewers should be sent the teaching statement and all evidence of teaching excellence (e.g., the complete teaching portfolio) in addition to the research statement and materials. Please advise candidates to include as much evidence of teaching excellence as possible in their portfolios.
The chair should also be sure to educate the external reviewers about what the STS title series means in our university and what the faculty member is actually being judged on with regards to promotion and tenure. In other words, explicitly ask the reviewers to address the candidate's teaching to the best of their ability. Similarly, internal writers in the department should be reminded of this as well.

Chairs may also rely more heavily than is typical on reviewers/letter writers who are external to the department but internal to the university. For example, faculty members in other departments who have collaborated with the tenure candidate or who are familiar with their work. Remember, these individuals *may only be asked to write letters if the candidate approves*.

In cases involving the initial appointment of a senior faculty member already holding tenure at the rank of Associate Professor or Professor at an institution comparable to UK, the university has established an expedited review process. The modified procedures and policies for expedited reviews can be found at the OFA website. This process begins with the vetting of a candidate's curriculum vitae (CV) and recommendation letters well in advance of negotiating an offer. This pre-vetting normally is handled by the Associate Provost for Faculty Advancement on behalf of the Provost.

Solicitation of Letters

To ensure consistency and fairness throughout the process, the educational unit administrator shall solicit all letters from external evaluators. The educational unit administrator shall be responsible for:

- Sending the candidate's CV, personal statements about the individual's major areas of assignment, and samples of work (e.g., publications or other products as appropriate). As delineated in Appendix II (Matrix of Dossier Contents) of AR 2:1, the educational unit administrator and the candidate under review have a shared responsibility for the assembly of the review packet that the educational unit administrator sends to the outside evaluators.
- Enclosing a copy of the appropriate statements of evidences, when those statements are a required item for inclusion in a dossier (see Provost's policy memo on the inclusion of unit statements of evidences) and university criteria for promotion and tenure (see AR 2:2:2-1, AR 2:3, AR 2:4 and AR 2:7).
- Asking the evaluator to describe any professional or personal relationships they have/had with the candidate.
- Requesting a brief biographical sketch (not a CV) of the evaluator. (Note: If an external evaluator submits his or her CV, please use it to prepare a brief biographical sketch for

inclusion in the dossier).

- Asking the evaluator to analyze the candidate's contributions in the appropriate work areas (e.g., instruction, research, and service); and to indicate the extent to which the candidate's accomplishments have contributed to the candidate's scholarly field.
- Asking the evaluator to evaluate the significance of the venues in which the candidate has published and the grants/awards they have received.
- Asking the evaluator whether the candidate's work in the areas that the outside reviewer has been asked to evaluate meets or exceeds the unit's statements of evidences for promotion and/or the granting of tenure. Since institutional expectations differ, *the educational unit administrator should not ask the evaluator whether the candidate would receive tenure at the evaluator's institution.*
- A recommended template for letters to external evaluators may be found here.

Educational Unit Administrator's Letter

- The educational unit administrator shall produce a thoughtful, balanced and comprehensive evaluation of the candidate's record, informed by the letters from outside reviewers and unit faculty and guided by the unit's statements on evidences, when those statements are required for inclusion in a dossier. The educational unit administrator's letter shall also address, where appropriate, the following matters: The significance of the candidate's DOE in judging the quality and quantity of the individual's record of accomplishment in each area of assignment;
- Split views for and against promotion and/or tenure, as reflected in the letters submitted by the unit faculty; or,
- The evidences that speak to excellence within the candidate's interdisciplinary area for those individuals whose work is highly interdisciplinary or transdisciplinary.

The educational unit administrator should remember that a dossier will be evaluated by university colleagues from other academic departments. Therefore, the educational unit administrator is responsible for educating faculty reviewers outside of the candidate's home department whose disciplines share equally rigorous but different evaluative measures for judging excellence and impact. The educational unit administrator's responsibility goes beyond a summary of the opinions of the unit faculty to include the perspective of the administrator and any additional information that helps to explain key issues related to the faculty.

Documenting the Procedural Steps in the Conduct of the Review

The educational unit administrator shall include in the dossier an outline of the procedural steps that were followed in the conduct of the unit-level review process. When the educational unit administrator is advised by a unit-level faculty committee, the members of such an advisory committee shall be identified in the dossier by the educational unit administrator. In addition, if member(s) of a committee have a conflict of interest, they must be excused from all deliberations of the committee discussions about the candidate. Furthermore, the committee should explain who was recused and why; and the educational unit administrator should document this as well.

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Documenting and Explaining Differences of Practice and Opinion

Faculty activities in instruction, research and service vary considerably across colleges, departments, disciplines, and subfields. While the custom in one discipline might be for the lead author to be the most junior, in another it might be an alphabetical list. While a student evaluation score below the unit's overall norm might be typical for teaching a notoriously difficult or large introductory course, it might be seen as problematic in other courses. The educational unit administrator and dean have a joint responsibility to identify and carefully explain those differences in their evaluative letters. Such explanations become particularly critical when the candidate works in an emerging or highly interdisciplinary field. In dealing with collaborative work, the educational unit administrator should solicit specific comments about the *role* of the candidate in the collaboration and the significance of the candidate's contributions. Educational unit administrators may also consider how performance evaluations, progress reviews, and other evaluative measures (e.g., teacher course evaluations, patient satisfaction scores) are contextualized for women and for underrepresented minority faculty members.

Furthermore, in contentious cases that are characterized by a mix of favorable and unfavorable judgments at the unit and college levels, the educational unit administrator and dean must include in their letters of evaluations balanced and thoughtful commentaries on the strengths and weaknesses of the case.

Good Practices in Promotion and Tenure Evaluation: Clarity, Consistency, Candor, and Confidentiality

- The judgments from all evaluators should provide a balanced analysis.
- The educational unit administrator is expected to explain the reasoning behind divergent opinions among the unit faculty. Similarly, it is incumbent upon the dean to explain (1) the college advisory committee's response to negative or mixed evaluations expressed in letters from unit faculty and (2) a negative response from a college advisory committee to a positive evaluation emerging from the unit.
- Unit faculty, college and Provost advisory committees and faculty administrators must strive for unerring fidelity to the policies and processes on promotion and tenure evaluation as articulated in *Governing Regulations*, *Administrative Regulations* and established unit/college procedures.
- The contents of the tenure dossier must contain the proper information as specified in the university regulations, and those contents must be retained after the decision as described by the regulations.
- An institution will likely create a more positive environment for faculty retention by providing tenure-eligible faculty with clear explanations of the requirements for tenure and clear advice about their progress.
- Letters solicited by the educational unit administrator in addition to those for which consultation and written judgments are required by regulation should only be included with the documented concurrence of the candidate and should be placed under a separate tab in the dossier. Examples include letters from collaborators from other UK educational units or from entities external to the university, emeritus faculty members, faculty with a

secondary appointment in the candidate's home department, etc.

Pursuant to *Kentucky Revised Statutes KRS 61.878(3)*, the written judgments of persons consulted in connection with appointments, promotions, and tenure decisions are handled in a confidential manner. However, under the Kentucky Open Records Law, a faculty employee undergoing a personnel action (e.g., tenure, promotion, reappointment, etc.) is entitled to inspect at any time the entire contents of a dossier that was compiled for the purpose of conducting an evaluation of the faculty person's performance, including all letters of evaluation submitted by faculty reviewers. Against this backdrop of access granted by law to the candidate under review, all persons who are asked to participate in the review of an individual must be diligent in maintaining confidentiality with respect to the materials and conversations related to that review. After the decisional process on a tenure and/or promotion case is complete, all letters of evaluation must be placed in the candidate's Standard Personnel File. A faculty employee must have unimpeded access to his or her Standard Personnel File.

2022-2023 Calendar of Process

April -July 2022	Obtain agreement from external reviewers to write opinions
Fall 2022	Colleges review dossier and make recommendations for promotion and tenure
December 16, 2022	Dean's letter added to dossier
January 13, 2023	Recommendations for promotions and tenure due in the Office of the Provost
January 23, 2023	Recommendations sent to the respective University Academic Area Advisory Committee
March 10, 2023	University Academic Area Advisory Committees submit recommendations to the Provost
April 14, 2023	Letters to deans notifying them of final decisions

RSD/sen/jnh