

**1994-95 Annual University Committee  
on Tenure and Promotion Report**

Lowndes F. Stephens, Chair

Actions regarding the following activities of the University Committee on Tenure and Promotions (UCTP) were summarized in a four-page memorandum to the Faculty Advisory Committee dated November 6, 1994. The memorandum is included as part of the report of the Faculty Advisory Committee (see *Faculty Senate Minutes, November 18, 1994*):

- Assistance in Preparing Guidelines, Tenure and Promotion Files
- Explaining Rationale for Proposed Changes (Tenure and Promotion) in Faculty Manual
- Responding to Faculty Concerns About UCTP

That report was a mid-year report to the faculty and this report covers actions of the committee during the spring and summer 1995.

**Summary of Tenure and Promotion Voting Record, 1994-95**

UCTP's consideration of candidates for tenure and promotion is reflected in the ballots completed by panel members and by each eligible UCTP member who attends the meeting of the committee of the whole at which a case is discussed. These ballots and the justification statements on the ballots collectively reflect the votes of UCTP members.

The UCTP considered a total of 98 cases for tenure and promotion during the year. In 98% of those cases the vote of UCTP ("Yes," defined as one more "yes" than "no" vote, or "No," defined as one more "no" than "yes" vote), the Provost and the President was the same. In two cases the UCTP supported candidates not supported by the Provost or the President. The level of agreement between UCTP and the Deans was 83% and between UCTP and the Unit (faculty votes) 72%.

**General Faculty Vote on T & P Changes in *Faculty Manual***

UCTP brought three recommendations to the general faculty for first "reading" on May 3, 1994, and explained its rationale at the September 7th general faculty meeting (see minutes dated April 21, 1995). Letters were written to deans and T&P chairs inviting a dialogue on these recommendations; members of UCTP attended several departmental faculty meetings during the year to discuss these recommendations and proposed amendments. The Faculty Advisory Committee recommended a process for getting faculty input which involved filing amendments with the Office of the Secretary to the Faculty. After extensive consultation with members of UCTP, the Provost, the Faculty Advisory Committee, the Parliamentarian, Deans and Department Chairs, and several faculty members, the UCTP chair wrote a letter November 15 to President Palms requesting that he call a special faculty meeting to consider the UCTP recommendations and amendments to them. President Palms called

a Special General Faculty meeting for April 3, 1995. The Secretary to the Faculty sent a memorandum to all faculty on February 24 announcing the special meeting. His memorandum included the recommendations of the UCTP and amendments submitted to the Secretary to the Faculty. The faculty met in the Law School auditorium on April 3 for three hours and voted on these recommendations and amendments. The results of that vote are summarized in the minutes circulated to the faculty April 21, 1995.

Recommendation 1 was approved with the following replacing paragraph four:

The University is committed to achievement in all three areas of its mission. Collectively, the faculty profile of the University and of any academic unit should reflect a record of high quality teaching, research, and service,, but because it is recognized that the strength of any university lies in its diversity of talents, not every faculty member need demonstrate exemplary achievements of promise in each of them. Promotion and tenure will generally be awarded, as long as the evidence presented shows that a candidate's research/scholarship/performance accomplishments are excellent and the candidate's teaching and service is also strong, or if a candidate's teaching accomplishments are excellent and the candidate's research/scholarship/performance and service accomplishments are also sufficiently strong to meet the requirements for promotion.

It will be unusual and exception to award promotion and tenure merely on the basis of strong performance in only one of these areas. In every instance, the record of teaching, research (scholarship or creative performance), and service shall be thoroughly documented in compliance with UCTP guidelines, with unit criteria regarding what constitutes high quality to serve as the basis for such decisions.

Several methods of evaluation should be used, and the record should be thorough enough to indicate not just past performance, but a reasonable likelihood of continued excellence.

Recommendation 2 was approved without change. It recommended deleting the "relevant data" list on page 30 of the *Faculty Manual* and inserting there this paragraph:

A candidate and the academic unit should follow UCTP guidelines for putting files together. These guidelines include among other things that the unit is responsible for 1) providing a synthesis of evaluations of the candidate's teaching performance and a summary of supporting evidence in the file; 2) providing assessments of the candidate's performance from appropriate referees employed outside the University.

Recommendation 3 called for changing the last sentence of the first paragraph in *Amendments and Transitional Provisions* on page 32 and adding a paragraph between the first and second paragraphs in this section. The last sentence of the first paragraph was approved with this amendment:

No change shall be made in the University-wide tenure and promotion regulations except by vote of the full voting membership of the University faculty or by direction of the Board of Trustees. In no event shall any change in tenure and promotion regulations be made retroactively for faculty hired before January 1, 1995, unless the faculty member chooses otherwise.

The additional paragraph recommendation was approved without change:

Faculty members hired into the tenure track after January 1, 1995, will be responsible within their probationary period for meeting the unit tenure and promotion criteria and University standards in effect at the time of their hiring. For all subsequent promotions the faculty member will be responsible for meeting unit criteria and University standards in effect at the time of their application for that promotion.

### **Subcommittee Actions**

UCTP approved minor revisions in the tenure and promotion guidelines of one unit, recommended additional changes in guidelines submitted by two other units, and visited with two other units concerning their proposed guideline revisions. UCTP received proposed revisions from one other unit and will work with the unit on those revisions next year. Timely review of revised guidelines submitted to UCTP is a problem the Subcommittee on Criteria and Procedures is working on over the summer. Bob Oakman, chair of the subcommittee in 1994-95, is working with Jeanna Luker of the Faculty Senate Office, to schedule meetings with units that have not yet had any feedback from UCTP (School of Music and Department of Educational Leadership and Policies). The UCTP wrote a letter to each unit T&P chair on September 15 asking that s/he send a copy of the unit's current T&P guidelines to Jeanna (so we could compare what is in UCTP files with what the units regard as their most current guidelines) and to let us know if they were awaiting feedback from UCTP (a tracking form was included). This year we assigned 12 members to the criteria and procedures subcommittee. Next year, the intention is that each subcommittee member will be assigned five or six units to contact to determine if they need any assistance from UCTP.

The Subcommittee on Internal Rules, chaired by Nancy Wolfe, brought several recommendations to UCTP this year which the committee of 24 accepted. One recommendation called on the chair to notify the Provost, Deans, Chairs and Unit T&P chairs that UCTP would delay voting on files that lacked evidence needed to determine if the candidates meet unit standards and criteria for tenure and/or promotion, until that information could be obtained. This year three units were asked to provide evidence and a synthesis of evidence on teaching effectiveness. They did so and the files in question were reviewed and voted on two weeks later. The procedure calls for the panel chair (files are initially reviewed by three panels) to notify the UCTP chair if panel members vote to delay review of a file on grounds of insufficient evidence. The panel chair clarifies what kinds of documentation are missing and requests that the UCTP chair contact the unit directly to determine if the evidence can be provided.

The subcommittee also recommended that UCTP advise the Office of the Provost not to request age and place of birth on any tenure and promotion forms. UCTP accepted the recommendation, advised the Provost and he has accepted the recommendation.

The subcommittee also coordinated requests from unit chairs for three general counsel opinions on tenure and promotion matters. These opinions are attached to this report. In one opinion counsel concludes that the "goldenrod" booklet (*A Guide to USC-Columbia Tenure and Promotion Procedures* (last revised

November 1, 1990) is indeed interpretive, not a controlling authority. In another opinion counsel concludes the Ethics, Government Accountability and Campaign Reform Act of 1991 precludes a faculty member from voting on the promotion or tenure application of his or her spouse. Three faculty units asked UCTP for an opinion on this issue. In another opinion, counsel argues that the *Faculty Manual* precludes allowing just full professors to vote on the adoption of criteria for promotion to full professor.

UCTP voted at its March 29 meeting to establish an ad hoc committee next year to revise the so-called "goldenrod" booklet to reflect changes in internal rules, the vote of the General Faculty (on April 3) to change the language in the *Faculty Manual* on tenure and promotion, and to include the three opinions from general counsel this year.

### **Grievance Hearings**

The chair of the Faculty Grievance Committee invited written response to faculty grievances of tenure and promotion decisions and attendance by the chair of UCTP at grievance hearings during the summer 1995. The chair has responded in writing to each of these grievances and has attended one hearing to date.

### **Leadership and Committee Membership in 1995-96**

Tom Borg, Medicine, was elected chair of UCTP for 1995-96.

More than 300 colleagues cast ballots in the election of members to the 1995-96 UCTP. The chair of UCTP notified each candidate of the results in a memo May 11. The five candidates with the highest number of votes will serve three-year terms beginning in 1995-96. They are:

- Professor Susan Cutter (Geography)
- Professor John V. Skvoretz (Sociology)
- Professor Robert J. Feller (Biological Sciences)
- Professor William T.E. Mishler (GINT)
- Professor J. Stanley Fryer (Business Administration)

The President has appointed two members who were on the ballot this year (Professor Matthew Miller, Mathematics, and Professor Ralph White, Chemical Engineering) and another colleague who was not on the ballot (Professor Laury Christie, Music).

Three other members who were on the ballot this year stood for a UCTP election to fill a seat vacated by an elected member. Ron Wilder (Economics) was elected by mail ballot (to 1994-95 UCTP members) to complete the last year of Ann Bowman's (GINT) term. Professor Bowman received a Fulbright Award and will be in Denmark next year. Each candidate for this vacant seat was notified of the election results on July 11.

The *Faculty Manual* (p. 29) says "No more than three elected members may be from any single college or school except the College of Humanities and Social

Sciences (Liberal Arts now) which may have up to six elected members." The following table reflects the college affiliations of the 24 members who will be on the UCTP in 1995-96:

Year	College/School	Elected	Appointed
96	Business Administration	1	0
97	Business Administration	1	1
98	Business Administration	1	0
96	Applied Professional Sciences	1	0
97	Education	1	0
96	Engineering	0	1
98	Engineering	0	1
96	Liberal Arts	1	0
97	Liberal Arts	1	2
98	Liberal Arts	3	0
96	Law	1	0
96	Medicine	1	0
98	Music	0	1
97	Nursing	1	0
96	Public Health	0	1
97	Public Health	1	0
98	Science and Mathematics	1	1
96	Social Work	0	1
Totals		15	9

Respectfully submitted,



Rick Stephens, Chair UCTP 1994-95



THE UNIVERSITY OF SOUTH CAROLINA

System Legal Department

Columbia, SC 29208

803-777-7854

FAX 803-777-9500

MEMORANDUM

TO: Dr. Lowndes F. Stephens, Chairman  
University Committee on Tenure and Promotion

FROM: Walter H. Parham *WHP*  
General Counsel

DATE: March 21, 1995

SUBJECT: Faculty Member's Vote on Promotion or Tenure Application of Spouse

Dr. Nancy T. Wolfe has asked if it is appropriate for a faculty member to vote on the promotion or tenure application of his or her spouse. It is my opinion that the Ethics, Government Accountability and Campaign Reform Act of 1991 ("Act") precludes such action if the promotion or award of tenure would result in a salary increase of fifty dollars or more, or if the faculty member supervises or manages his or her spouse.

Section 8-13-700(A) of the Act provides in part: "No ... public employee may knowingly use his ... employment to obtain an economic interest for himself [or] a member of his immediate family ...." The Act defines "economic interest" as "an interest ... in a ... transaction or arrangement involving ... services in which a ... public employee may gain an economic benefit of fifty dollars or more." I have been advised by Gary Baker, Executive Director of the South Carolina Ethics Commission, that this provision of the Act has been construed broadly by the Ethics Commission and would encompass employment arrangements. Accordingly, Mr. Baker advises that faculty members should refrain from voting if the promotion or award of tenure would result in his or her spouse receiving a salary increase of fifty dollars or more.

Additionally, Section 8-13-750(A) provides in part: "No ... public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a ... position in which the ... public employee supervises or manages." Thus, for those situations in which a faculty member supervises his or her spouse, the Ethics Act clearly precludes the faculty member from voting on his or her spouse's promotion or tenure application

Should you have further questions about this matter, please do not hesitate to contact me.





**THE UNIVERSITY OF SOUTH CAROLINA**

System Legal Department


Columbia, SC 29208

803-777-7854

FAX 803-777-9500

**MEMORANDUM**

TO: Dr. Lowndes F. Stephens, Chairman  
University Committee on Tenure and Promotion

FROM: Walter H. Parham   
General Counsel

DATE: March 22, 1995

SUBJECT: Unit Vote on Criteria for Promotion to Full Professor

You have asked if it is permissible for an academic unit to allow only full professors to vote on the adoption of criteria for promotion to full professor. It is my opinion that such a practice is precluded by the provisions of The Faculty Manual.

Under the heading, "Tenure and Promotion Procedures," The Faculty Manual provides: "The primary responsibility for the operation of all tenure and promotion procedures shall rest with the tenured members of the faculty of each department or nondepartmentalized school or college." The Faculty Manual further provides:

*Guidelines for Departmental and College Policy.* The tenured members of each department or other appropriate academic unit formulate specific criteria and procedures for tenure and promotion.... Tenured faculty within departments or schools may elect to operate as a committee of the whole or through select committees, based on the entire unit or significant academic subdivision (e.g., programs). No select committee may have fewer than five members and, where possible, all committees shall have representation at both the rank of professor and associate professor.

These provisions appear to preserve the right of all tenured faculty in an academic unit to participate in the formulation of criteria and procedures for promotion and tenure. Accordingly, it is my opinion that an academic unit may not preclude tenured faculty members from voting on the adoption of criteria for promotion to full professor.

Dr. Lowndes F. Stephens

March 22, 1995

Page 2

Should the University Committee on Tenure and Promotion wish to amend the University's tenure and promotion regulations to allow such a practice, The Faculty Manual provides the following guidance:

*Amendments and Transitional Provisions.* No change shall be made in the University-wide tenure and promotion regulations except by vote of the voting membership of the University faculty or by direction of the Board of Trustees. In no event shall any change in tenure and promotion regulations be made retroactively if it is disadvantageous to the faculty member.

Should you have further questions about this matter, please do not hesitate to contact me.

c: Dr. John M. Palms  
Dr. James C. Moeser





THE UNIVERSITY OF SOUTH CAROLINA

System Legal Department

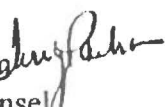
Columbia, SC 29208

803-777-7854

FAX 803-777-9500

**MEMORANDUM**

TO: Dr. Rick Stephens, Chairman  
University Committee on Tenure and Promotion

FROM: Terry Parham   
General Counsel

DATE: February 9, 1995

SUBJECT: Goldenrod Book

You have asked for my opinion on the legal effect, if any, to be given the pamphlet entitled "A Guide to USC-Columbia Tenure and Promotion Procedures," the revised edition of which was issued November 1, 1990. For the reasons set forth below, it is my opinion that this publication, commonly known as the Goldenrod Book, is not controlling authority with respect to the tenure and promotion process and should be considered as advisory or interpretive in nature.

The Faculty Manual (p. 29) describes the function of the University Committee on Tenure and Promotion, in part, as follows:

**Functions.** The University Committee on Tenure and Promotion publishes general guidelines for criteria and procedures for the operation of tenure and promotion policies at the departmental level. These are submitted to the University Faculty and the Board of Trustees for approval. The committee formulates procedures for the operation of these regulations.

I have been advised that the Goldenrod Book has not been submitted to or approved by the USC-Columbia faculty or the Board of Trustees. I further note that the introduction to the Goldenrod Book contains the following statement of purpose:

It must be recognized that this guide to procedures for the operation of the tenure and promotion process at USC-Columbia is intended to be interpretive rather than a controlling authority. In the event of any inconsistency between the tenure and promotion procedures published in The Faculty Manual and/or duly promulgated departmental criteria as they may be amended from time to time, such

inconsistencies shall be resolved in favor of these latter authorities. Great care has been taken to ensure accuracy but since this is an interpretive Guide rather than a controlling authority, the official rules should be consulted in all doubtful matters.

Thus, it seems clear that the Goldenrod Book was not intended and should not be construed to supersede the tenure and promotion procedures set forth in The Faculty Manual; The Faculty Manual remains the controlling authority.

Should the University Committee on Tenure and Promotion wish to amend the University's tenure and promotion regulations, The Faculty Manual (p. 32) provides the following guidance:

Amendments and Transitional Provisions. No change shall be made in the University-wide tenure and promotion regulations except by vote of the voting membership of the University faculty or by direction of the Board of Trustees. In no event shall any change in tenure and promotion regulations be made retroactively if it is disadvantageous to the faculty member.

Should you have any additional questions about this matter, or if I may be of any further assistance, please do not hesitate to contact me.

c: Dr. John M. Palms  
Dr. James C. Moeser