



United Educators

The Goal is Fairness:

A Workshop for Improving Tenure Evaluation

Goals of Workshop

- Generate dialogue about fair tenure evaluation
- Increase attentiveness to existing procedures
- Encourage improvements in policies
- Avoid litigation

Foundation for Workshop:

Good Practice in Tenure Evaluation

- A report jointly published by AAUP, ACE, and UE
- More than 10,000 copies in circulation
- Very clear and easy to read

Four C's of Good Practice

- **C**larity in standards and procedures for tenure evaluation
- **C**onsistency in tenure decisions
- **C**andor in the evaluation of tenure-track faculty
- **C**aring for unsuccessful candidates

Clarity

- Policy clearly states criteria for tenure
- Evaluators at all stages know and apply appropriate criteria
- Rules explain how to deal with positive and negative information received after tenure application submitted
- Rules address weight given to unsolicited opinions about candidates

Consistency

- Tenure decisions consistent over time among candidates with different personal characteristics
- Reviewers scrupulously follow established tenure procedures
- Tenure dossier includes required materials and excludes items not used for other candidates

Candor

- Clear explanation of requirements for tenure
- Candid, periodic evaluations that assess progress
- Evaluations written in plain English with specific examples
- Constructive criticism outlining areas for improvement
- Practical guidance without promises institution may not be able to honor

Caring

- Convey disappointing news with decency and compassion
- Assist unsuccessful candidates with relocation

Legal Background

- Courts generally defer to academic decision-making
- Red flags include discrimination and failure to follow procedure
- Juries ask, “Was the process fair?”

Monetary Costs of Litigation

- Trial costs up to \$500,000 in legal fees if institution wins
- Damage awards of seven figures not unusual
- Plaintiffs can often recover their own attorney fees
- Litigation can last five years or more

Non-Monetary Costs of Litigation

- Lost productivity
- Stress and anxiety
- Exposure of “confidential” evaluations
- Divisiveness on campus
- Long-lasting negative effects