

Bruce Harvey  
Spring 2006 TENURE WORKSHOP

Grievance Chair:

### TWO GENERAL POINTS ABOUT THE CONTRACT

1. Contract cannot get a tenure decision reversed. Tenure decisions are evaluative assessments--the prerogative of your Chair, the T&P Committee, your dean, the Provost. Those assessments per se cannot be interfered with or reversed (even via a lawsuit).

2. However, your contractual rights are violated if you are not given an "equitable" opportunity to meet the requirements for tenure or if the tenure decision is discriminatory.

A) If, say, you were turned down because of sexism or racism, you could not expect an arbitrator or court to grant you tenure.

--But you could expect the bias to be filtered out and for you to be re-assessed fairly. In such cases, you would want to contact the Employee Equal Opportunity Office in addition to a grievance representative.

--You would need to assemble concrete, comparative evidence of discrimination: that the decision violated the norm for your unit or school. That can be difficult to do.

--But it can be done, and one or two faculty have settled positively with the university on charges of discrimination in the last decade or so. Of course, might have settled to avoid drawn-out lawsuit.

B) If your assignments are unfairly burdensome that is violation.

--If you could establish a pattern of unfair assignments, an arbitrator might, hypothetically, give you an extra year with a compensatory appropriate assignment, allowing you to come up for tenure again. But political realism = not really viable.

C) If a procedure has been violated—incorrect vote in a department-- that can be remedied.

### THREE PRACTICAL MEASURES TO HELP THE CONTRACT HELP YOU

1) Be aware of the rules. Get to know your contract and university policy statements.

2) Be Pro-Active--but politically sensible--in getting equitable assignments.

--Assignments should be equitable both yearly and in the span of years before you come up for tenure.

--If you are not getting the department norm for junior faculty--say, as in my department, 3/2 except for two years--you need to raise that as an issue with your chair or director.

--Keep in mind that different units have their own norms. History department, for instance, has more typically 2/2 load for junior faculty.

--If the expectations/requirements change in your unit for tenure, adjustments should be made in assignments.

3) Evaluations are written in stone.

--So don't be casual about your evaluations.

--If your chair or director omits significant information about your achievements or has errors of fact in your annual evaluation letter, you need to have discussion. That is your right, and if is not resolved at the chair/director or dean level, you have the right to file a grievance.

--This is important because you cannot, after two or three years go by, go back and correct tainted evaluations. Your file gets solidified, in effect, annually.

--Keep in mind you have a right to append a statement to any evaluative letter.

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T&P Committee:

--Politics and partisanship are left at the door, or at least are supposed to be.

--Everybody works hard to read the files well, to get over area bias and naiveté (Humanities prof. not knowing what mathematicians do) and sort out the quantity and quality of productivity

--But, as nobody has infallible omniscience:

1) Monitor what your chair or personnel committee writes in their contributions to your file:

--Your Chair or Personnel Committee should clarify anything that could be misconstrued (i.e., extent of primary authorship in shared publications, stuff published while at FIU vs. carry over from a previous university job, etc.)

--Nice when Chair references the expectations for particular discipline

--Nice when Chair or candidate clarifies relations of outside letters (problem of letters written by former advisors/mentors/lab partners getting discounted)

2) Make it easy for the committee to categorize: what was published at FIU, what was published someplace else; 1st author and 2nd author; what is refereed, what isn't

3) Don't make it hard for the committee to find key information

--Bad when outside letter recommendations get buried in outside recommenders' CVs

--Bad when any section doesn't adhere to the format/sequence guidelines of the College manual

4) Aesthetics/overall appearance

--Good when file has overall tidy not-too-bulk appearance (make good use of supplemental file, clearly labeled)

5) Do all you can to insure that good, comprehensive letters by a chair, backed by good comprehensive outside letters, get into the file.

