

SUMMARIES OF PROMOTION AND TENURE FILES

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Did you know you have the contractual right to discover what is contained in the confidential portion of your Promotion and Tenure File?

While most faculty are aware that the UNH Chapter of the AAUP strives to negotiate fair and equitable salary and benefits for faculty, many are not aware of the other rights the contract provides. The right of a faculty member to request a summary of his/her Promotion and Tenure File is among the most important and helps assure that faculty receive a fair assessment of their tenure and/or promotion cases.

Although materials in a candidate's promotion and tenure file are considered confidential, candidates may access the contents of their files by requesting a summary of these materials.

The contract 13.10.3 states:

13.10.3 Once during the promotion and tenure process, the candidate may request a summary of the confidential materials. The summary will be prepared by a member of the faculty, other than the candidate, selected by the following procedure. The candidate will propose a list of at least three members of the faculty and the Department Chair will choose one of them. This summary must include the names of individuals whose evaluations are in the file, but they should not connect any particular idea or quote with any particular individual. Candidates (and only candidates) shall be entitled to submit a rebuttal to the summary statement of confidential material. If a rebuttal is submitted, the summary upon which it is based becomes a part of the promotion and tenure file. If the candidate does not submit a rebuttal, the summary does not become a part of the promotion and tenure file.

The importance of a candidate's right to request a summary of the confidential materials in the promotion and tenure file is illustrated by 13.10.4 of the contract:

13.10.4 Any material in the file which the candidate can demonstrate to the university to be inaccurate or untrue shall be immediately removed.

Without a summary of the confidential materials in the promotion and tenure file, a candidate cannot determine whether or not the file contains any inaccuracies that may affect the outcome of his/her case. While the contract provides for appeals in negative outcomes of promotion and tenure cases, overturning them is difficult. Therefore, requesting a summary is essential for a candidate to have removed from his/her file any inaccurate materials *before* the case is considered by the College Promotion and Tenure Committee.

Taking into consideration that confidential materials in a candidate's promotion and tenure file include evaluations from outside reviewers, departmental colleagues, students, and possibly other colleagues inside and outside UNH, there are ample opportunities for misunderstandings, including honest mistakes, which lead to factual errors. However, it is also important to recognize that UNH and academia in general are not immune to the types of malfeasance that can occur in any workplace, and it is up to the candidate to ensure any inaccurate information in the file is removed. Candidates have a right to request a summary and should not be criticized or questioned for choosing to exercise rights guaranteed by the contract.

What should be included in the summary?

It is important that the member of the faculty writing the summary keeps in mind that the primary purpose of the summary is to provide an accurate description of the assessments of the candidate's work by outside and internal evaluators. Beyond providing the names of the individuals whose evaluations are in the file while ensuring confidentiality by not attributing evaluations and comments to a particular individual, there is no template for preparing the summary. However, we have several recommendations for writing this document.

- Include all important comments, both positive and negative
- For each area, teaching, scholarship and service, indicate whether the overall assessment of the candidate's work is positive, negative

or mixed. Indicate the number of positive, negative, and mixed evaluations so the candidate can address evaluations appropriately; for example, one negative evaluation within an overall positive assessment of a candidate's work is not as significant as multiple negative assessments

- Indicate whether a given assessment of scholarship, either positive, negative or mixed, has been provided by an outside evaluator or a member of the candidate's department
- If the assessment for scholarship was mixed, indicate whether the outside evaluators and members of the candidate's Department concurred
- If the assessment for teaching was mixed indicate whether both the faculty and students provided mixed comments; if appropriate, indicate whether the assessment was more or less the same for major courses, graduate courses, and non-major courses **Writing an effective rebuttal** If the overall assessment of a candidate's work is positive and the information contained in the file is accurate, a candidate is unlikely to write a rebuttal. It follows, then, that a candidate who decides to write a rebuttal will do so because there is inaccurate information in the file and/or an unsubstantiated negative assessment of the candidate's work. Once again, there are no instructions regarding the format and content of the rebuttal, but we have some suggestions we believe will help the candidate write an effective rebuttal.
- The candidate will be best served by providing a concise, clear explanation of why an assessment is inaccurate or untrue followed by *concrete facts* that support the candidate's contention
- Keep in mind that any minor factual errors may be a result of honest mistakes so it is probably best to rectify any inaccuracies with a straightforward presentation of facts that verify the candidate's claims

- Rebutting an evaluation based on the *opinion* of the evaluator will require a persuasive argument refuting the evaluator's point of view or an explanation of how competent, accomplished academics might have valid disagreements on aspects of the candidate's field
- If the candidate believes an outside evaluator and/or a member of the candidate's department is not an expert in the candidate's field and therefore not qualified to evaluate the candidate's work, information supporting that assertion should be provided
- Because a candidate cannot be sure of the identity of an evaluator or evaluators who provided negative evaluations of the candidate's work it is probably best to avoid speculating on the motivations of such evaluators
- Any documented evidence of discord between the candidate and any of the outside evaluators and/or members of the candidate's department should be included in the rebuttal; it is important for the College Promotion and Tenure Committee to have this information in order to evaluate the validity of a negative assessment from any evaluators whose evaluations may be tainted by personal discord

While we hope any candidate who requests a summary of the confidential material in his or her file will discover a fair evaluation of his/her work by qualified and ethical evaluators, we are here to answer your questions or help you in other ways if you need assistance.