

Dear Chancellor Bernadette Gray-Little,

The University of Kansas Chapter of the American Association of University Professors (AAUP) has ratified the statement below. Because it is evident that nontrivial errors were made in advising you as to the applicable procedures, rules and regulations, we sincerely hope that you will reconsider the denial of promotion and tenure to Professor Albert Romkes.

Respectfully,

-Professor Mohamed El-Hodiri, President

The University of Kansas Chapter of the American Association of University Professors

UNIVERSITY OF KANSAS CHAPTER OF THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS (KUAAP)
STATEMENT ON DENIAL OF PROMOTION AND TENURE TO PROFESSOR ALBERT ROMKES

The KU AAUP is concerned about violations of due process in the denial of promotion and tenure to Professor Albert Romkes. Here are some relevant AAUP policies, along with reasons why we find that they have been violated:

1. *“The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.”* (“1940 Statement of Principles on Academic Freedom and Tenure,” adopted by the Kansas Board of Regents in 1947) *“Any subsequent extensions or modifications of an appointment, and any special understandings, or any notices incumbent upon either party to provide, will be stated or confirmed in writing and a copy will be given to the faculty member.”* (“Recommended Institutional Regulations on Academic Freedom and Tenure,” 1.a)

We judge these to have been violated inasmuch as Prof. Romkes was not informed of a supposed departmental requirement that he be a Principal Investigator on a research project (as distinct from a Co-Investigator) until he was already within the promotion process.

Furthermore, there is a procedural problem that affects the basis for a negative decision: the supposed Principal Investigator requirement was never approved as policy by the Committee on Standards and Procedures for Promotion and Tenure, as required by FSRR 6.3.5.1-2. There is thus a violation of due process in invoking it as a reason--the sole one--for denial of tenure.

2. *“Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues; in such competence it is implicit that responsibility exists for both adverse and favorable judgments.”* The paragraph goes on to provide for review by the chief academic officers and concurrence of the governing board. It further states, *“The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.”* (“Statement on Government of Colleges and Universities.”)

We judge this to have been violated on several counts. The Chair and Dean overruled the department and school faculty committees, invoking a “requirement” that the candidate have been a Principal Investigator in a funded research project. The committees judged that this was not an absolute requirement but could be outweighed by other evidence of Prof. Romkes’ research accomplishments. The statements by the Chair and Dean gave a very few sentences of explanation to dispute the committees’ judgments. The Chancellor’s decision, communicated in a letter from the Provost (not even the Chancellor herself) stated no reasons at all. (Although it might be argued that the Chancellor was simply following the negative recommendation by the University Committee on Promotion and Tenure and therefore did not need to give justification, the Faculty Senate Rules and Regulations 6.9.1 indicate that she is to base her decision on the whole record, including the initial and intermediate levels. Therefore she should have addressed the judgments of the departmental and school committees whose recommendations she was overturning.)

Unfortunately the UCPT failed to consider the proper role of the faculty departmental and school committees, and accepted their overruling by the administrators. (However, they could not have been expected to know that the criterion was unapproved.)

Unfortunately also, Prof. Romkes did not learn of the use of an unapproved criterion until after the period for appeal to the Faculty Rights Board had expired. It took invocation of the Kansas Open Records Act to pry loose the history of departmental and school records. Prof. Romkes is a victim of the unreasonably short time (twelve days) in which to file an appeal. With due regard for the time demands on the various committees, the procedures should be modified to allow a reconsideration by the FRB and the Chancellor in the event that new evidence comes to light.

It is unclear whether the District Court will confront all the evidence, based on the limitations on evidence in a judicial review. The University’s attorney has consistently fought against the introduction of evidence (which may be her right).

It is certain, though, that from a combination of circumstances the evidence was not fully confronted in the proceedings within the University. It would have been better to give Prof. Romkes a full hearing, rather than have the matter go to court and to public controversy.

We therefore think that the University, or certain of its personnel, seriously erred in their treatment of Prof. Romkes’ case. A reconsideration would be very much in order. We call for such a reconsideration to enable fair consideration of Prof. Romkes’ candidacy.