

**REPORT OF THE AD HOC COMMITTEE OF THE UNIVERSITY OF
PITTSBURGH FACULTY SENATE REGARDING**

“Current Guidelines for Evaluating Tenured Faculty and Associated Salary
Decisions”

Submitted September 3, 2015

BACKGROUND

In response to a resolution by the Tenure and Academic Freedom Committee (TAFC), the Faculty Assembly of the University of Pittsburgh created an Ad Hoc Committee in 2014, which was tasked to “Review Current Guidelines for Evaluating Tenured Faculty and Associated Salary Decisions.” The TAFC resolution was prompted by a series of grievances it had received over the years from tenured faculty regarding salary reductions of up to 20% on the basis of criteria that were neither well-defined nor uniformly applied within a school.

The Ad Hoc Committee also was charged with making recommendations for the revision of existing procedures across all Schools regarding performance evaluation of tenured faculty and consequent salary decisions, including how to assure that such guidelines are equitable and reflective of the written criteria for the granting of tenure and the responsibility of tenured faculty (as stated in University-policies) and are applied fairly and transparently. The Committee also was asked to make recommendations about how the principles of shared governance are to be maintained in formulating and executing all University procedures across all Schools that affect the welfare of tenured faculty.

The Co-Chairs of the Ad Hoc Committee met with Provost Beeson on January 22, 2015, to outline the major issues. Provost Beeson then contacted a sample of seven Deans and/or their designees (jointly selected by the Committee Co-Chairs and the Provost) and requested that they meet with the Ad Hoc committee. The deans were advised that the committee’s overall goal was to “review and summarize current performance evaluation and related salary reduction decision policies that pertain to tenured faculty across and within all Schools.” During the Spring of 2015 (between February and May), representatives of the Ad Hoc Committee met with the Deans (and/or their representatives) of the School of Arts & Sciences, School of Engineering,

Graduate School of Public Health, Graduate School of Public and International Affairs, School of Law, School of Medicine, and School of Nursing. A summary of our findings and recommendations follow.

SALARY CUTS FOR TENURED FACULTY IN CONNECTION WITH “UNSATISFACTORY” PERFORMANCE; prevalence, basis, and procedures

The Ad Hoc Committee determined that the proportion of tenured faculty whose salaries have been cut is highly uneven across the Schools, that formal criteria for such cuts are either ambiguous or nonexistent, and that the actual process is highly variable across schools. Additionally, faculty often have limited options for remediating the alleged performance deficits, and genuine appeal procedures are nonexistent.

Unequal rates and unequal amounts of salary cut for tenured faculty across Schools. Salary reduction of tenured faculty is an extremely rare occurrence at the University of Pittsburgh, with the exception of the School of Medicine (SOM). Across all the Schools that our interviews covered (excepting SOM), up to May, 2015 a total of four faculty have had their salary reduced across the past 20 years. Several schools reported that no faculty had been subject to salary cuts in recent memory; one school reported 2 faculty with the outcome in question, and two schools reported one faculty each having received salary cuts. However, SOM reported that as of May, 2015, 31 tenured faculty (out of a total of 440) had their salaries cut during the past 5 years.

There are no standardized rules or guidelines for the amount of salary reduction. In one case example, the salary cut was directly proportional to the “value” of the task to the department that a faculty refused to do. On the other hand, in SOM, the salary cut imposed on a tenured faculty has been generally 20% of the faculty’s salary (covering research activities), and in some instances, this cut was imposed more than once.

Variable criteria for salary reductions for tenured faculty across Schools.

There are no standardized university-wide rules that guide decision making about a tenured faculty’s salary in the case of unsatisfactory performance. However, the Schools (with the exception of SOM) that have implemented this measure appear to have done so in response to evidence of major insubordination, failure to fulfill responsibilities, or a chronic history of

substandard academic performance. The examples provided to the Committee included the following: refusal to teach an appropriately assigned course, failure to heed years of negative feedback about the quality of teaching or other persistent underperformance, fraudulent information provided about academic publications, as well as total absence of publications when such were part of the usual expectations for the given position. In some cases, the underperformance had persisted for a decade or more before salary cuts were initiated.

In SOM, it appears that the primary criterion for salary cuts for tenured faculty has been the failure to procure extramural financial support for the percent of the salary that is being allocated to research (even in the presence of satisfactory scholarly activity). For example, if a faculty member spends 90% of his/her time in research activities, then (according to a memo posted on the web by the Dean of SOM, dated January 30, 2013) the optimal goal is to have external funding for 75% of that effort (that is, ~65% of that faculty's full time salary). Based on the examples provided to the Committee, salary cuts in SOM have been implemented in cases of a shortfall in external funding and inability to secure even 25% of salary coverage.

Lack of uniformity in the procedure of imposing salary cuts. Based on case examples that were provided, one supervisory response to unsatisfactory faculty performance has been to recommend 0% salary increase for the year(s) in question. Indeed, some Deans appear to have preferred that response above all others. In any case, the process of salary reduction for a given faculty has to be initiated by the Chairperson of that faculty. The subsequent steps of administrative approval differ somewhat across schools: in some Schools, the Chair directly consults with the Dean (or appropriate representative), while in SOM, the Faculty Affairs committee and then the Vice-Dean and the Dean are involved. Very early in this process, the Deans of Schools outside of SOM typically consult the Office of Legal Counsel and the Office of the Provost for advice.

The Committee was repeatedly told that the process of salary reduction gets initiated only after "years of feedback" to the faculty in question about "unsatisfactory performance." But this temporal window appears to have been as long as more than a decade in some Schools but only about 2 years in some other Schools. The feedback is usually part of the yearly performance evaluation of faculty, but that process itself also varies across Schools. In at

least one School, the evaluation involves reviews of the given faculty by senior colleagues and/or peers, while in other Schools, the evaluation is primarily in the hands of the faculty's Chairperson. The contents of the evaluations also differ somewhat and seem to be tailored to the ratio of teaching, research, and service activities (with varying degrees of detail) that reflects the mission of the given School and the nature of the given faculty's departmental affiliation.

Limited options for remediating performance shortcoming of tenured faculty. After a faculty is provided negative feedback, it is generally up to him/her to remediate the noted deficiencies. If improvement is not forthcoming, one administrative response in non-SOM schools has been to assign the faculty a larger teaching load. Increasing the teaching load has not been a viable corrective option in SOM, given the relatively small size of the student body compared to the number of faculty, and the nature of the medical education process.

Lack of genuine appeal procedures. The Committee was advised that the aggrieved faculty can appeal to his/her Chairperson, followed by the Dean, and then the office of the Provost. Since the Chair and/or Dean initiate the salary cut, this is not a legitimate appeal process. Further, faculty are discouraged from filing a grievance with TAFC or any other standing Committee of the Faculty Assembly because a salary dispute has been specified by administration as outside the purview of such committees.

Summary. The information obtained by this Committee, and the considerable variation in the use of salary cuts as punitive measures across the various Schools of the University of Pittsburgh, clearly suggest that both the evaluative criteria for unsatisfactory performance and the nature of punitive measures imposed on tenured faculty are School-specific. This also is supported by the variable prevalence rates of salary cuts across Schools. Further, with the exception of SOM, this Committee was unable to identify any set of rules or procedures (in print or digitally) which specify the conditions under which a tenured faculty may face a cut in salary. Additionally, given the information that was shared with this Committee, it was impossible to determine whether the formal or informal rules are being applied uniformly across all cases that may exemplify the performance shortcomings in question in a given Department or Division.

RECOMMENDATIONS

The recommendations of this Ad Hoc Committee are based on the premise that, because the granting of tenure is vested in the University (and not in individual Schools), it is prudent to have university-wide policies and procedures regarding major decisions that influence the welfare and functioning of **tenured faculty**. Academic freedom does not exist in a vacuum. Indeed, it could be argued that administrative responses that entail punitive measures affecting the financial well-being of faculty constitute a potential threat to academic freedom. Therefore, it behooves the University to establish minimum and uniform criteria across all Schools to justify salary reductions of tenured faculty. Our specific recommendations follow:

- 1) While it is not feasible or wise to expect every School of the University to have the same set of specific criteria for “unsatisfactory” faculty performance, it should be feasible to formulate ***broad guidelines*** at the level of the overall institution. Given the three-fold mission of the University, the broad guidelines should take into consideration each mission in defining and evaluating faculty performance, and thus **consider the balance of scholarship, teaching, and service**. The relative weights of these areas then can be determined by each School given its particular mission and the task of a specific faculty.

The broad university-wide guidelines also should include a standardized temporal window both with respect to the history of unsatisfactory performance and its remediation. For example, a 3-year period may be a reasonable time-frame within which a faculty would be expected to correct unsatisfactory performance. Standardized criteria for the size of a salary reduction also should be noted.

Failure to generate external funding for one’s salary ought not to be the sole criterion for an overall “unsatisfactory” performance rating of tenured faculty. Although this Committee recognizes the financial constraints facing higher education, it is unclear if a faculty’s ability to generate income (via external funding) equates with academic scholarship or research excellence over time. It is equally unclear if weakness in securing external funding for one’s salary merits punishment, particularly if such a contingency has not been explicitly

spelled out in the faculty's letter of appointment or notification of tenure. As well, it is unclear if cutting tenured faculty's salaries is an appropriate approach to fiscal management of any given School.

- 2) The university-wide guidelines should include recommendations about ways to remediate unsatisfactory performance. For example, if low publication rate is a major issue, a sabbatical leave involving a specific publication plan may provide a path for some faculty to become more productive. The guidelines also should specify the conditions under which salary cuts will be restored.

Indeed, the Committee was concerned that options for remediating "unsatisfactory" performance currently are unclear or not well justified. For example, one administrative response to poor performance in non-SOM schools has been to assign the faculty in question additional teaching (a potentially income generating solution). However, faculty with unsatisfactory performance in these Schools were often considered to be marginal or poor teachers, and thus, assigning additional teaching to them does not appear to be an appropriate corrective action. In SOM, there appear to be no alternatives to remediate an "unsatisfactory" performance evaluation, except by securing external funding of salary. However, it is well known that funding for research has been curtailed both on a federal level and across nonprofit foundations, and that lines of federal funding have become increasingly "thematic" reflecting a given federal agency's or institute Director's particular research or public health agenda at a given point in time. Thus, it is entirely possible for a creative, original, or productive researcher not to be able to receive external financial support. Solution of this problem will require assistance and input on a University-wide level, including the possible provision of service options to the faculty in question, whenever appropriate.

- 3) Specific Schools should be asked by the Office of the Provost to formulate their guidelines that reflect implementation of the University-wide broad guidelines. Such guidelines should be publically available.
- 4) The university-wide guidelines should include an "Appeal Procedure" outside the administrative chain that was involved in the adverse evaluation and salary decrease of the given faculty. Reasonable options

include the nomination of a committee of peers to adjudicate the appeal process, or a formal referral to TAFC.

The goal of an appeal process would be to determine whether the published criteria and procedures for a salary reduction have been met and applied uniformly within the School in question. The Office of the Provost will be able to facilitate the appeal process by verifying the financial status of faculty with evaluations that were similar to that of the aggrieved faculty within the given School.

- 5) The development of new policies and procedures should involve the participation of and feedback from Standing Committees of the University Senate, given that these committee members were selected by their peers to serve. Collaboration by administration and members of the University Senate on both the university-wide AND School-specific documents, and in the drafting of new policies and procedures, would be in line with, and exemplify, **the principles of shared governance**. Such collaborations could remedy an historic absence of faculty input into School-based decisions concerning the management of **tenured faculty**, which has led to potentially avoidable conflicts and dissatisfaction. It is the position of the present Ad Hoc Committee that actively abiding by the principles of shared governance will result in faculty-related policies and procedures that are more equitable and fair and also reflect the long-term interests of the entire university community.

Respectfully submitted

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