

A case of ethical dilemmas in an application for faculty promotion

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ABSTRACT

While policies and practices associated with academic promotion and tenure decisions vary across institutions, they all include qualitative and quantitative criteria, analyzed and interpreted through multiple levels of review (e.g. department, school, university, etc.). From a candidate's initial application for promotion through the final recommendation to the highest governing official, each step of the process is capable of creating ethical dilemmas related to objectivity, honesty, fairness, confidentiality, integrity, and timeliness, among other issues. This case enables the user to review several decisions as they unfolded for one faculty member at hypothetical Teacher's University, confident his combined teaching, scholarship, and service records far surpassed the criteria published in the university's policies. At several junctures during the review, however, decisions made by several parties involved in the promotional process provide the basis for further analysis and discussions of the ethical standards involved. Questions and answers associated with six specific concerns are provided to focus the review and discussion.

Keywords: academic, promotions, tenure, ethics, honesty, fairness

Note: This is a fictitious case developed strictly for educational purposes related to ethical dilemmas as they might occur within a university environment. All statements, names, numbers, dates, policies referenced herein were created for the purposes of this case and should not be construed as factual.

INTRODUCTION

As is typical at most colleges and universities, the criteria for faculty promotion from associate professor to full professor at Teacher's University (hereafter TU) also include both quantitative and qualitative assessments. Quantitatively, for instance, a candidate for promotion at TU must have "a minimum of four years of teaching experience as an associate professor." Qualitatively, a candidate must demonstrate a "continuing record of significant scholarly attainment." To reduce the subjectivity in qualitative assessments, promotion policies often include clarifying statements and examples. For instance, to demonstrate "continuing scholarly attainment," the policy provides modest guidance by specifying the minimum threshold as "having had accepted six refereed journal articles or equivalent and three other scholarly activities." Nevertheless, definitions of refereed journal articles, their equivalents, and other scholarly activities often remain vague and open-ended. Therefore, considerable opportunities for ethical dilemmas exist allowing for ethically-questionable interpretations, depending on each candidate's unique qualifications.

On the other hand, criteria for membership on the Faculty Promotion Committee (hereafter F-P-C), the school-level committee responsible for conducting the primary evaluation of a candidate, are typically specific and unambiguous. For instance, the F-P-C committee at TU consisted of one full professor from each department, one associate or full professor at-large, and one full professor from another school on campus. In the case of TU, five schools comprised the university and the School of Business was organized into five departments. If a department had no full professors able to serve, an academically qualified¹ associate professor from that department could serve." Therefore the F-P-C consisted of seven members whose qualifications were clear and where the opportunities allowing for ethically-questionable interpretations should be reduced, if not eliminated.

This case centers on the application for promotion by professor Ronald Sewell, Ph.D., an associate professor in the School of Business at TU who was convinced his professional accomplishments easily surpassed the minimum criteria specified in the school's policies. It highlights several potential ethical dilemmas inherent in the use of any formalized policies, even those seemingly quantified and unambiguous.

BACKGROUND

Dr. Sewell earned his Ph.D. in finance at Monroe University in their AACSB-accredited School of Business. His primary mentor and dissertation committee chair was James Crandall, Ph.D. a tenured, associate professor of finance. After Dr. Sewell received his doctorate, Dr. Crandall resigned his position at Monroe to accept an appointment as chairman of the finance department at TU. His initial contract negotiations resulted in his receiving one of the highest faculty salaries at TU, even as an associate professor.

Through his continuing close association and numerous jointly-authored scholarly works with Dr. Sewell, Crandall successfully recruited him and Dr. Sewell was officially appointed to a tenured, associate professorship. He also successfully negotiated one of the highest faculty salaries at TU. In addition, he successfully negotiated a limited, 3-day-per-week teaching

¹ To be academically qualified at TU, a faculty member must first possess a terminal degree (i.e. Ph.D. , J.D. or its equivalent) in an area appropriate to the primary field of teaching as defined by the current AACSB Standards for Accreditation and then publish a prescribed number and types of scholarship within a specified time period.

schedule as part of his appointment contract. Thus, the university was contractually bound to a limited 3 day per week teaching schedule, while all other faculty were subject to alternating schedules involving various combinations of five days per week.

COMMITTEE MEMBERSHIP

At the time of his application for promotion, Dr. Sewell was one of five tenured associate professors in the Finance Department of the School of Business² and was also serving as the chairman of the department. A sixth member of the department (Dr. Ambuss) was the only full professor in the department and was serving a term on the Campus-wide Tenure & Promotion Committee (hereafter CT&P). In this role, Dr. Ambuss served alongside six other campus-wide representatives (one from each school) and two at-large members. The CT&P was responsible for evaluating every applicant for tenure or promotion on campus, reviewing and weighing all school-level assessments, and making recommendations to the Provost of the College.

Membership on the F-P-C committee, as stipulated in the school's policy manual, was comprised of one full professor from each department, one associate or full professor at-large, and one outside-the-school senior professor. As a full professor, Dr. Ambuss was technically eligible to sit on both committees, but college policy stipulated he could only vote in one of the roles, not both. In similar cases, the choice of voting role was left up to the individual faculty member to decide. The standard practice on campus was for the F-P-C role to take precedence. When this happened, the faculty member was replaced on the CT&P with another qualified faculty from the same school. Since several departments at TU were quite small, Ambuss' predicament was not uncommon.

With Dr. Ambuss already serving on the CT&P as the representative from the School of Business, Chairperson Sewell unilaterally decided to appoint Dr. Crandall to his own F-P-C committee as the departmental representative. Dr. Sewell announced his appointment of Dr. Crandall through an e-mail addressed to the dean of the school while copying other members of the department. His rationale was simple and seemingly sensitive to Dr. Ambuss. Since he was already serving on the CT&P, he didn't want to further burden him. Thus, he felt justified in his appointment of a qualified alternate without consultation with anyone in the department.

As the ranking senior professor in the department, however, Dr. Ambuss was naturally distressed that he had not been personally consulted or even contacted. Even more importantly, he was alarmed the department did not have any opportunity to meet and discuss this important decision. He felt Crandall and Sewell were essentially strong-arming departmental decisions through the collective strength of their long-standing personal relationship. The remaining members of the department did not share close personal bonds, and for a variety of reasons were very rarely inclined to challenge the pair's actions.

Unsure of his options, Dr. Ambuss made an appointment to visit with his dean to present the facts as he knew them noting especially that the department faculty had not been involved in the selection and that no departmental vote had been taken. From his perspective, he felt it should have simply been assumed that he would serve since the school's rules required a full professor from each department. He also suggested that having one's dissertation chair and frequent co-author as a committee member might be seen as inappropriate by some and therefore potentially detrimental to Sewell. Finally, he pointed out that appointing an associate professor

² The School was AACSB-accredited and working hard to ensure a successful fifth year re-accreditation visit shortly after the events portrayed in this case.

might jeopardize the candidate's chances for promotion given that members from outside the department would be full professors, each carrying long-standing tenure at TU, and sensitive to the contractual and financial agreements negotiated by Crandall and Sewell.

Since Dr. Sewell's e-mail had naturally arrived before Dr. Ambuss' visit with the dean, the dean had already accepted Dr. Sewell's appointment and was preparing to charge the committee as it had been constituted. In fact, the dean's initial response was to defend Dr. Sewell's actions by re-asserting his original logic and adding that Dr. Crandall was the only other academically-qualified member of the department eligible to serve (besides Dr. Ambuss). When Ambuss pointed out the dean's error and that five of the six members of the department were actually academically-qualified, the dean asked Dr. Sewell to vacate his decision and allow the department to meet to recommend the final appointment. Sewell agreed.

At that meeting, all members of the department were present except Sewell. From the outset, Dr. Crandall passionately asserted his interest in serving on the committee while arguing the department was already well represented at the college-level by Dr. Ambuss. It was also well known that the dean was likely to support both Dr. Sewell's promotion and his original appointment of Dr. Crandall to the F-P-C committee. Trying to avoid further inflaming the situation in the finance department, and because Dr. Sewell was responsible for his annual reviews and salary increases, Dr. Ambuss did not strongly object and assert his right to be on the F-P-C. Since no other department colleagues were interested in serving and did not view the decision with the same critical perspective as Dr. Ambuss, Dr. Crandall was duly elected by the department. Dr. Ambuss not only felt the department had succumbed to the dominance of Crandall and Sewell and their unofficial alliance with the dean, but that peer pressure to keep meetings as short as possible played a role.

THE F-P-C COMMITTEE MEETS

With the finance department's representative officially selected, the F-P-C committee met to receive its charge from the dean, to select its chair, and to schedule its meetings. Immediately after receiving the dean's charge and corresponding deadlines, Dr. Crandall again immediately asserted his interest in chairing the committee. Since it was fairly common practice for school's F-P-C's to be chaired by a full professor, it was a bit unusual for an associate professor to even be considered. Every other member on the committee was a full professor, and more than one offered to be chair in lieu of Dr. Crandall. Nevertheless, Dr. Crandall persisted aggressively, highlighting the length of his close association with the candidate and emphasizing his depth of familiarity with the candidate's professional accomplishments in the same discipline. After much discussion, some of which repeated Dr. Ambuss' previously expressed reservations, he was nevertheless elected to chair the F-P-C. His staunch unwillingness to exhibit any deference to his higher ranking colleagues was noteworthy, but was neither directly confronted nor openly discussed by others on the committee. Needless to say, the committee was not uniformly pleased with his being elected and some felt that subtle repercussions not favorable to the candidate might surface later.

As the committee got down to business, some members who shared concerns associated with Dr. Crandall's chairmanship began to question the quality of the candidate's scholarly production. While the candidate demonstrated authorship of more than the minimum number of refereed journal articles required as one criterion, concerns involving qualitative issues such as characteristics of various publication venues emerged (i.e. overall quality, acceptance rates,

reviewing procedures, etc.). Further, since every article had been co-authored with Dr. Crandall, questions concerning the chair's ability to assess the quality and significance of his own works began entering the discussions. Some felt that Dr. Crandall's role as dissertation chair further confounded his ability to make unbiased judgments about his shared publications. As each publication was scrutinized by the committee, few were viewed as either sufficiently significant or evidence of a continuing record of scholarly attainment to warrant promotion. As the range of doubts grew, relations between the committee and the chair increasingly deteriorated.

Finally, and without authorization from the committee, Dr. Crandall wrote a letter to Dr. Sewell seeking additional information and his reactions to some of the committee's specific concerns. When Dr. Sewell's response was later brought to the attention of the committee, their outrage was unanimous. The extent to which Dr. Crandall apparently divulged confidential information to the candidate was neither authorized by the committee nor permitted by official policies related to confidentiality. From the materials and clarifications later submitted by the candidate, it was alleged that Dr. Crandall actually identified individuals on the committee along with their specific pro/con positions (e.g. characterizing a journal as low in quality compared to one in their discipline).

The relationship between the chair and the committee reached its lowest point when open discussions of specific committee deliberations were occurring in the hallways among non-committee members. The word-on-the-street was the candidate himself had authorized unfettered access to his dossier for anyone to review while correspondingly approaching several faculty allies not on the committee to share his plight and plead his case. As a result, the entire process broke down and some committee members actually abstained from further deliberations and voting.

When the dean learned of the strange, apparently incomplete, and indecisive outcome, he intervened by sending e-mails to committee members asking them to re-vote and change their abstentions to yea's or nay's. Not all members responded to the dean's request, and the final vote remained mixed. However, abstentions were counted in the affirmative (i.e. recommending promotion). Thus, the application advanced to the next step with a majority of positive votes.

Meanwhile, apparently thinking that Dr. Ambuss was growing less and less likely to support his application at the CT&P-level, Dr. Sewell approached him to request he excuse himself from the CT&P's deliberations and eventual vote on his case. Somewhat flabbergasted by the unusual request, he contacted the college attorney. The legal opinion he received was to remain on the committee, participate and vote as he was officially authorized to do. As a result, he remained on the CT&P and preserved his right to vote.

Ironically, when Dr. Sewell's application eventually came under review by the CT&P and before any substantive or qualitative evaluation had begun, it was determined to be "significantly out of conformance" with the standard Guidelines for Promotion File Preparation set forth in the college's long-standing policies manual. In other words, the dossier simply did not adhere to the prescribed standards for file preparation. Facing this unusual circumstance, the CT&P committee sought the opinion of the Provost. When he concurred with the committee's determination, Dr. Sewell was given the option of voluntarily withdrawing his application rather than risking its rejection by the CT&P. He chose to exercise the option and voluntarily withdrew his application from any further consideration.

QUESTIONS FOR DISCUSSION

- (1) As chairman, Dr. Sewell needed to identify a member of his department to serve on the school's F-P-C committee. Do you agree with his initial decision to unilaterally appoint Dr. Crandall to the F-P-C committee? Is there anything unethical about his dissertation chairman and frequent co-author serving on the committee as one of his professional reviewers and voting on his promotion?
- (2) When Dr. Crandall successfully pushed to become chair of the school's F-P-C committee even though he was the lowest ranking member, other members felt "subtle repercussions" might jeopardize the candidate's chances for promotion. What might some of these repercussions be and how would they impact the candidate's chances? Are they unethical?
- (3) Was it ethical for Dr. Sewell to allow unfettered access to his application and all supporting documents when he learned that not all committee members viewed his application favorably?
- (4) Was it ethical for the dean to request and expect F-P-C committee members to re-vote and change their original votes? Why?
- (5) When the finance department met to elect their representative to the school F-P-C committee, most members of the department were not "inclined to challenge" Crandall and Sewell's initiatives and decisions. What might reasons be for their apparent lack of interest or involvement? Are these reasons ethically justified?
- (6) What should be done when a committee chairperson divulges information about the committee's confidential deliberations and positions before the committee has completed its deliberations?

TEACHING NOTES FOR DISCUSSION

(1) The School's policies stipulated that one full professor from each department serve on the F-P-C committee. Since Dr. Crandall was not a full professor, Dr. Sewell should not have appointed him to the F-P-C committee. Dr. Sewell should have first consulted with Dr. Ambuss about whether he planned to serve on the F-P-C committee. If Dr. Ambuss did not wish to serve on the F-P-C committee, Dr. Sewell then should have asked the finance department to submit nominations from the eligible faculty and vote for the committee member. Dr. Sewell tried to justify his appointment and lack of a vote for the F-P-C member as a way of being efficient (e.g. avoiding a meeting). In fact, Dr. Sewell and Dr. Crandall often made many of the decisions for the department without consulting other department members. Appointing any member to your own F-P-C committee could be viewed as a possible conflict-of-interest and unethical. The fact that Dr. Crandall was his dissertation chairman and frequent co-author, although not against any rules, might also be viewed as unethical since Dr. Crandall would not be an unbiased reviewer, but actually have a stake in the outcome of Dr. Sewell's promotion.

(2) When Dr. Crandall was recruited to TU, he successfully and legitimately negotiated the highest faculty salary on campus. Nevertheless, and despite whatever he did to perform at a very high level, his output (whether exhibited in scholarly production, or teaching, or service) was always viewed in the context of being among the highest paid faculty. That he was neither the highest ranking nor longest tenured faculty member in the school or his department, only served to magnify whatever shortcomings he unavoidably brought to his position and further heightened sensitivities among the large number of senior faculty in the school. Thus, his "pushiness" to become chair of the F-P-C committee and his lack of deference to the other members who outranked him and held longer tenure only prompted further disdain from them. When coupled

with his close personal friendship with Dr. Sewell, most committee members became resentful of his seeming complete lack of professional sensitivities. The subtle repercussions about which members were increasingly concerned were the many opportunities for qualitative assessments of Dr. Sewell's productivity to actually be reflections of their views of Dr. Crandall. For example, despite having met the quantitative criteria for publishing refereed journal articles, all were published with Dr. Crandall as a co-author. Thus, any negative perceptions of Dr. Crandall could easily lead to a diminished view of Dr. Sewell's work. A guilt-by-association type of reaction. Such reactions might be completely ethical and wholly defensible if it were honestly judged that Sewell's and Crandall's work represented insufficient scholarly attainment. On the other hand, jealousy, retribution, and disdain for Crandall's salary and less-than deferential demeanor could easily induce some members to take-it-out on Sewell and purposely (but undetectably) lower his productivity rating. Any attempt to "even the score" with Crandall would be an example of a subtle, but totally unethical repercussion.

(3) Dr. Sewell had every right to offer to share his complete dossier with any faculty in the school. Making public his accomplishments, even while the F-P-C committee was deliberating, was certainly his prerogative. However, his intentions in doing so and expectations that non-committee members would thereby judge him favorably and both directly and indirectly pressure the committee to support his candidacy, was totally unethical. Above all, it was evidence that the confidentiality of the committee's deliberations had been breached. How else would Dr. Sewell have been aware that the deliberations were not going as favorably as he had hoped? Secondly, it was the committee's recommendation that would be forwarded for further review, not the informal support he might garner from non-committee colleagues. Any colleague approached by Sewell would also be placed in an untenable and probably uncomfortable position. Imposing on colleagues and friends for self-advancement, personal gain, and placing them in unwanted situations is unethical.

(4) Despite what were probably good intentions to clarify whatever recommendation was arrived at by the committee, the dean's decision to ask the F-P-C committee to re-vote could be considered unethical. First, it unnecessarily calls into question the legitimacy and autonomy of the F-P-C's deliberations and eventual recommendation and thereby diminishes perceptions of the quality of the committee's hard work. It is a common and general practice for abstentions to attach to the affirmative vote (YEA's). In this case, the committee originally reached a non-unanimous, but affirmative recommendation supporting Dr. Sewell. If the dean's intervention was to burden the committee so as to influence the "appearance" of the vote (i.e. would a mixed vote count negatively against the candidate), the dean's decision to ask for a re-vote was dishonest in its intent. Second, unlike the college-level policy, there was no official policy outlawing abstentions at the school level. Had there been such a policy at the school-level, the dean's decision would have actually been mandated, and therefore wholly ethical. On the other hand, the dean's decision was not supported by any policy and the committee's vote should have been accepted on its face, regardless of the nature of the final tally. Finally, since the dean was generally thought to have exhibited subtle signs of favoritism toward both Sewell and Crandall in the past, the decision to ask for a re-vote appeared to add fuel to the argument. Was he inclined to support the candidate's promotion irrespective of the committee's qualitative assessments, and before he fully deliberated and/or discussed the reasons for the abstentions? The answer will never be fully known but his motives to support the candidate appeared to out-weigh his

professionalism and good judgment. While he may have felt justified in his decision for good and ethically defensible reasons, it didn't appear that way to the committee, nor members of the faculty they represented.

(5) Members of the finance department were not inclined to challenge any decisions made by Dr. Sewell or Dr. Crandall. One or the other of them had been chair of the department since Dr. Crandall first started at TU. Chairs are responsible for assigning courses and course schedules, annually reviewing department faculty, and recommending merit pay increases. The close alliance between Sewell and Crandall made it difficult for the finance department to feel they could challenge either of them without the likelihood of some form of subtle retribution. Dr. Ambuss had often expressed this concern to the dean but without any results. It is unethical for the dean and department chair not to provide the department members with a non-hostile workplace.

(6) When the evidence strongly suggested that a breach of confidentiality had occurred, the dean should have met with the committee and openly discussed his concerns. If there was sufficient evidence to suspect that a breach occurred and was attributable to only one committee member, that committee member should have been immediately removed from the committee and brought up on formal charges of ethics policy violations for adjudication by the appropriate college governing body (e.g. faculty senate, the provost's office, or others). If the evidence suggested multiple breaches had occurred, he could have disbanded the entire F-P-C committee and had the departments re-elect/appoint new members and started the process all over again from scratch. He could have also levied charges of ethics violations against any members of the committee thought to be involved in the breach of confidentiality.

