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“Other-campus” Faculty Participation in the Tenure/Promotion Review Process: External Validation for Internal Decision Making

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RECENTLY, a peer review committee chair from a “Big 8” university speech communication department invited me to serve as one of four “other campus” evaluators for a tenure candidate’s dossier. At first I was flattered, and, of course, accepted the invitation. Upon further consideration, I asked colleagues how common it is to use “other-campus” evaluators (our campus student population approaching five thousand does not use outside evaluators). Initial reactions ranged from “They want to deny someone tenure and are seeking outside support to “It’s pretty common at larger universities.”

Wanting to investigate further, I contacted a friend on the Purdue University faculty (where I received my doctorate) and found out that the inclusion of as many as five “other-campus” evaluators is standard operating procedure for their tenure/promotion reviews. I then called Steve Duck, chair of the Communication Studies Department at the University of Iowa, and learned that, typically, at least three outside evaluators are used for their tenure/promotion reviews. Both Purdue’s and Iowa’s communication studies doctoral programs have been listed among those with “Top Ratings” (Edwards, Watson, & Barker, 1988).

The inquiries further revealed that the use of “other-campus” evaluators for tenure and/or promotion candidates’ dossiers is regarded as somewhat common at larger graduate degree granting institutions. The methodology for generating a list of potential “other-campus” evaluators is similar for Purdue, Iowa, and the “Big 8” university. In each case both the members of the committee and the candidate put forward a list of names of potential evaluators and a combined list emerges that reflects both the committee’s and candidate’s choices. Ultimately, the peer review committee makes the choices regarding the composition of the final list. Professor Duck cautioned that attention must be directed toward ascertaining whether any linkages exist between candidates and preferred “other-campus” faculty that could potentially bias the evaluative process (e.g., previous co-author, co-faculty member, graduate school peer).

Before any institution embarks on the course to include this review dimension as part of its local in-house tenure/promotion decision-making process, some matters of potential controversy must be considered. First, the confidentiality of peer evaluation information was not upheld in a 1990 U.S. Supreme Court Ruling.

In *University of Pennsylvania v. EEOC*, 110 S. Ct. 577 (1990), the Court denied that either the First Amendment or a common law "academic freedom privilege" permitted the university to withhold from a plaintiff alleging sex discrimination in a tenure denial the confidential peer evaluations for her and five male faculty. . . . In *Pennsylvania*, the EEOC had subpoenaed the confidential peer evaluations, and the legal issue posed was whether the subpoena should be enforced. Although the university argued that "collegiality would be destroyed" if no privilege were created, Justice Harry Blackman disagreed. Writing for a unanimous court, he noted that Title VII contained no language excluding peer evaluations from discovery, and the EEOC's need for relevant information was not diminished simply because the defendant in this case was a university "Although it is possible that some evaluators may be less candid as the possibility of disclosure increases, others may simply ground their evaluations in specific examples and illustrations in order to deflect potential claims of bias or unfairness (110 S. Ct. at 588)."

Although the case involved access to this information by the EEOC, rather than by a private plaintiff, it is likely that the case will be interpreted to permit plaintiffs to see letters from outside evaluators, written recommendations of department or other committees, and other information relevant to a negative employment decision" (Kaplin & Lee, 1990, pp. 95-96; see also, Lee, 1990).

An obvious conclusion to be drawn from this litigation is that both in-house and "other-campus" evaluators for tenure and/or promotion candidates' dossiers should be wary of claims that their comments will ultimately be confidential. Some protection may come from candidates signing a waiver of their right to examine such documents, but caution should be exercised when confidentiality is an issue.

"Other-campus" faculty should consider several additional issues before accepting an invitation to evaluate another institution's tenure/promotion candidate's dossier. What you are being asked to evaluate should be a relevant concern. If you are being asked, for example, to assess a person's publications and stature in a scholarly area where you are "widely" regarded to have expertise, most would regard that as reasonable. Questions requiring outside reviewers to make recommendations about candidates' performances in areas that abound with intangibles, however, are a matter for concern. A candidate who served as original author of a grant proposal for corporate funding of a center for reducing speaker apprehension, for example, where the proposal was awarded funding in the neighborhood of fifty thousand dollars annually over a period of five years, has accomplished something. What if the institution where the proposal author serves values published research as the paramount gauge regarding a tenure and/or promotion candidate's prospects? Additionally, what if this candidate produced no publications as an outcome of a half-decade of data gathering from the center? Surely, the outside reviewer can offer an assessment and a recommendation, but one that would require qualifiers, as the intangibles associated with local valuation of acquisition of grant funds versus research publications are beyond the purview of the outside reviewer.

Additional issues that merit consideration involve how many outside reviewers should be invited for a particular tenure/promotion evaluation and what are the departmental and university standard operating procedures regarding the selection and use of "other-campus" faculty. There may be no magic number of outside reviewers required for the evaluative process to be credible, but the number "one" would certainly be suspect. Further, an examination of departmental and university standard operating procedures may be revealing regarding: how lists of desirable "other campus" reviewers are determined (peer review committee members versus candidate involvement); how the final winnowing down to those initially invited is accomplished; what happens when refusals are received (go to the next name on the list?); how reviewer confidentiality is handled; etc.

As the number of university, tenure and/or promotion reviews becomes increasingly concerned with quantitative and qualitative judgments (i.e., scholarship and publication), the elevation of the impartiality of the final "committee" decision through the inclusion of "other-campus" reviewers will become increasingly popular. As with any aspect of the peer review process, alteration of existing standard operating procedures to include this evaluative dimension will require scrupulous examination.

REFERENCES AND NOTES

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Edwards, R., Watson, K. W., & Barker, L. L. (1988). Highly regarded doctoral programs in selected areas of communication: 1987. *Communication Education*, 37, 263-269.

Kaplin, W. A., & Lee, B. A. (1990). *The law of higher education*. National Association of College and University Attorneys.

Lee, B. A. (1990). *Peer review confidentiality: Is it still possible?* National Association of College and University Attorneys.