

**Colorado Conference  
of the American Association of University Professors**

and the

**Colorado Committee for the Protection of Faculty Rights**



**Report on the University of Denver's Termination of  
Sharolyn Anderson**

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## CCPFR Report: Termination of Sharolyn Anderson

### *Summary Overview*

Dr. Sharolyn Anderson applied for tenure in the Department of Geography at the University of Denver (DU) during the 2009-2010 academic year. The departmental promotion and tenure committee ruled unfavorably on her application. After various appeals and reconsiderations, Anderson received a final adverse decision from Provost Gregg Kvistad in August, 2011. Dr. Anderson requested that the Colorado Committee for the Protection of Faculty Rights investigate the case and make any appropriate findings and evaluations.<sup>1</sup> We conclude that even recognizing the discretion of faculty committees in tenure cases, the decision-makers in this case failed to articulate coherent and consistent reasons for the denial of tenure. Over a period from February 2010 to August 2011, Anderson challenged the initial rejection of her application. Two faculty review committees found that she was not given “adequate consideration.” Throughout the process, Anderson insisted that there was no persuasive rationale for denial and that her objections were never fully addressed. We conclude that the initial criteria applied to Anderson’s case were idiosyncratic in nature and that her application for tenure was treated in an arbitrary and capricious manner.

### *Background*

The Department of Geography Tenure and Promotion Committee issued its negative recommendation in February 2010. The Committee found that Anderson did not meet departmental expectations in the areas of teaching and research; she did satisfy standards for service. The Committee offered various reasons for its conclusions, which Anderson subsequently challenged as inadequate.

Anderson’s teaching performance was rated heavily on final course evaluations and numerical scores which, in the Committee’s opinion, fell “below average when compared to departmental and university averages.” The report continues that Anderson showed “no evidence of significant improvement, and the issues listed above continue from one year to the next.” Specifically, her teaching in courses that were “integral components” in the undergraduate programs lacked the quality necessary for promotion in the department.

With respect to research, the Committee obtained letters from eight outside evaluators. Four referees were ones suggested by Anderson, and the Committee selected the remaining four reviewers. As summarized by the Committee, the reviewers “were divided in the opinions regarding whether you have achieved national recognition for your research as stipulated in the department’s tenure and promotion guidelines, and whether you have established an agenda for

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<sup>1</sup> Anderson provided AAUP with materials from the case. No documents referred to in this report are marked as confidential or otherwise indicate that the authors intended them to be private.

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individually directed research.” The Committee particularly emphasized Anderson’s lack of first author publications and the perception that she was “an active participant rather than the driving force behind the research” listed in her application. The negative review and lack of first authorship made up the Committee’s rationale for finding that Anderson had not met university expectations.

Following the denial of tenure and promotion, Anderson appealed her case to a departmental review committee. She responded to four areas where she believed the P&T Committee had failed to adequately consider her case. Those points involved personal bias or hostility on the part of some members of the P&T Committee, her compliance with all recommendations made in her mid-tenure review, various procedural irregularities in her case, and the Committee’s reliance on new and previously unmentioned criteria for advancement. Anderson invited the Departmental Review Committee (DRC) to interview her colleagues and other individuals with knowledge of her contributions, including various Ph.D. students in the department with whom she had worked closely during their graduate studies. Last, she urged the committee members to compare her record to faculty previously tenured in the department.

After meeting eleven times in February and March 2010, the DRC found by a majority (4-1) vote that Anderson had not been given adequate consideration in her application. It recommended several remedial steps in the next stage of appeal. The DRC focused particularly on the reasoning, or lack of reasoning, contained in the initial P&T recommendation. Anderson, for example, was criticized for a lack of first-authored articles even though her overall publication record was sufficient and there was no requirement in the Geography Department faculty manual that first or sole-authored articles were a requirement for tenure. Moreover, she had complied with the directive in her mid-tenure review to produce a first-authored publication. The P&T committee similarly failed to explain why it gave more weight to one negative comment from an outside reviewer than it gave to the seven other positive evaluations. With regard to student evaluations, the DRC found that several quotations from student evaluations were presented without proper context and failed to recognize Anderson’s positive impact on student learning. The DRC concluded that Dean Alayne Parson should reconstitute the Department T&P Committee with “at least two additional voting members from outside the Geography Department.”

Dean Parson followed the DRC’s recommendation. The reconstituted committee submitted its report on May 5, 2010. The report noted that the committee had conducted a review of Anderson’s publications, evaluated her teaching and mentoring roles, considered her service activities, and evaluated the letters from outside reviewers. The committee further examined the original promotion and tenure package. After reconsideration, the committee reached a conclusion upholding the initial denial: “By majority vote, the Reconstituted Promotion/Tenure Committee does NOT recommend Dr. Anderson for promotion or tenure.” Despite a request, the Reconstituted Committee declined to provide reasons for its decision, and it also declined to

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provide disclosure of interview data showing that all outside references considered her research to be original and substantive contributions.<sup>2</sup>

Shortly after the DRC report, the department chair issued his recommendation in the case. His recommendation, dated May 9, was that Anderson should be granted promotion and tenure. The chair said that he had read and analyzed all relevant documents in the case, including the initial report and the DRC report. While Anderson did not meet departmental expectations for excellence in teaching, she did satisfy the criteria for research and service. Moreover, he continued, “Dr. Anderson’s contributions to the Geographic Information Science programs have been critical to the programs’ success, and that denial of tenure and promotion for Dr. Anderson would have a deleterious short-and long-term effect on our programs in geographic information science and the Geography Department overall.” Despite the chair’s recommendation, a division level committee voted to deny tenure, and Dean Parson agreed with that conclusion.

The next stage of the process involved a university Faculty Review Committee (FRC). This committee convened in February 2011 and issued its report to Provost Kvistad on April 27. The FRC took up the issue of whether Anderson had received “adequate consideration” and found that she had not. Among its other findings, the FRC noted that Anderson had not been given an opportunity to respond to the initial P&T decision before it went to the next level. The lack of procedural fairness violated both university and unit guidelines, according to the FRC. The second failing was a reference in the Dean’s communication to the Provost mentioning an irrelevant and immaterial matter as part of the decisional process.

The Provost responded to the FRC report on May 26 by directing the Natural Sciences and Mathematics Divisional Promotion and Tenure Committee (NSM T&P) to reconvene and consider additional information, including Anderson’s response to previous decisions. Further, he instructed the dean of the division to reconsider the recommendation of the committee and write a new recommendation on the case.

Dean Parson informed Anderson on July 8 that the NSM T&P Committee had reached a decision in her case. Dean Parson said that the committee had considered all of the material in the dossier, including Anderson’s appeal letter. Parson wrote, “After extensive deliberations, the committee voted by secret ballot not to support the promotion of Dr. Anderson to Associate Professor with tenure in the Department.” The dean paraphrased the committee’s findings by pointing out that DU strives for excellence in research, teaching, and service. Anderson “struggled consistently with the teaching of undergraduate courses without substantial improvement in evaluations.” She also “failed to demonstrate that she was shaping a unique research program as an individual

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<sup>2</sup> Memo from Professor Saitta on behalf of AAUP to Dean Parson pointing out that under university guidelines, Anderson had a right to a statement of the Review Committee’s reasons for its denial.

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investigator.” As to comparisons with male colleagues granted tenure, the comparison was “not in her favor because of substantial mistakes in the data for her tables comparing scholarly performance.”

Provost Kvistad, as previously noted, informed Anderson on August 1, 2011 that he agreed with the denial of tenure. He wrote that he was “gratified by the care and conscientiousness that have informed the redrafted recommendation of the Divisional Promotion and Tenure Committee and the recommendation of the dean.” He continued that he had reviewed the documents “very carefully” and found them to be “lengthy, nuanced, and informative.” As a result, he agreed with the decision that “tenure and promotion should not be granted to you at the University of Denver.” Anderson’s service was to conclude at the end of the 2011-2012 academic year.

### *Procedural Dimensions of Tenure Decisions*

The University of Denver is a private institution not subject to the statutes regulating state institutions of higher education or the federal constitution. Its obligations to employees are in the nature of contractual commitments found in policies, handbooks, and other documents. Among the more pertinent documents are the tenure and promotion policies which set forth procedures for deciding tenure and promotion cases. We base our analysis on those documents.

The university strives for excellence in teaching, research, and service. It follows from that general proposition that the university should be capable of articulating specific standards by which to evaluate applicants for tenure. The irreconcilable disagreements between various decisional levels in this case establish that there is no consensus about the standards applicable to Anderson. If there were, they could be objectively articulated and applied without disagreement among reasonable individuals. The points of conflict generated by this case raise broad concerns about how tenure is administered in the university setting. We adhere to the notion that shared governance means cooperative working relationships between faculty and administrators. When neither faculty nor administrators can reach agreement on a given set of facts in a tenure case, it suggests that procedures have failed. We examine below some illustrative examples from Anderson’s case.

#### A. The Research Criteria

University faculty are expected to produce innovative scholarly research that helps to advance knowledge in the field. Evaluation of this standard occurs within the department by a scholar’s peers, judgments from outside experts, and some general consensus within a division or college about what constitutes high-quality publication.

In Anderson’s case, a major criticism of her research focused on authorship of articles. There was no dispute that she had published an acceptable number of articles, but she was faulted because she was not a sole author, or listed as first author, on a sufficient number of publications.

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Anderson claimed that she complied with the mid-tenure review suggestion that she produce a first-authored publication. Moreover, from the time of hire Anderson explicitly self-identified as a “*collaborative* scientist.” The initial committee decision provides little explanation of the requirement for sole- or first-authored publications, and there appear to be no written guidelines on this criterion. We would suggest that, at a minimum, any requirement of a sole or first-author article be specified in tenure and promotion documents such that all candidates are aware of the requirement. In addition, we suggest attaching some rationale for the evaluative standard, such as the following:

- If sole authorship is required, what is the purpose of the requirement?
- If first authorship is required, what is the connection between this requirement and academic achievement? Some collaborators may, as Anderson said, prefer to give priority to another participant. Is an explanation of how first authors are designated on a work sufficient?
- What relationship does authorship have to research quality? Is it required on only one article, or are several articles needed?
- Is authorship related to the quality of the journal or the article? Presumably, some original research would appear in less well-known journals because it is new and not widely accepted.
- Does publication in a “prestigious” journal weigh more heavily than authorship? Given that much research is now conducted by teams, should faculty strive for publication in a highly respected journal and will that carry more preference for tenure than sole authorship in a less well-known journal?
- If research reputation is based to a substantial degree on outside evaluations, how should those evaluations be used? By all accounts, scholars from other institutions were overwhelmingly positive about her work. The reviewers were Anderson’s peers in the relatively new, highly technical, and evolving field of Geographical Information Science. In contrast, the members of various committees who evaluated her work were not experts in this academic specialization. One letter was interpreted to contain a negative evaluation, but Anderson and her supporters disagreed about that interpretation. There is no dispute that most letters were unequivocally positive. A fair process would generally explain why outside evaluations are solicited, how they will be read, and what weight they will be given in the overall process. None of this appears in Anderson’s case.

Other questions might be raised, but the sample is illustrative of the point. Even without explicit and promulgated policy statements on disputed issues, Anderson deserved some guidance by means of annual reviews and the tenure reviews. The departmental Handbook did not list first or sole authorship as a criterion for tenure; when she was informed during her mid-tenure review that it was a performance standard, she met the standard. Indeed, her final two annual evaluations referred to her “quite impressive” research output and noted that she had exceeded minimum

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expectations for scholarship. All outside letters, with one exception, supported her application, but the negative comment was given priority. Such treatment did not meet basic standards of procedural fairness.

### B. Teaching Evaluations

Similar shortcomings are apparent in the evaluation of Anderson's teaching. The departmental committee appeared to give determinative weight to Anderson's undergraduate ratings. She claimed that she had a heavier teaching load than "the most recently tenured males" in the department, that she devoted a great deal of time and attention to graduate teaching, and that some student comments were biased by the activities of other persons in the department. Anderson raised the further argument that she was never given course releases provided to other program directors in the department and consequently had heavier teaching loads than her colleagues. Based on systematically collected and identified student evaluations, Anderson received strong support for her tenure application. We suggest that procedural fairness on teaching evaluations would involve guidance, either by promulgated policies or formal evaluation, on the following areas:

- What weight will be given to anonymous student ratings at the end of a course? Should the nature of the course be taken into consideration, along with any other contextual matters? Anderson argued, for example, that female science teachers are evaluated differently from male colleagues. Would a departmental review take that matter into consideration?
- Is undergraduate teaching more highly valued than graduate teaching? Can the two be evaluated in the same way? To what extent are personal relationships an issue in graduate education, such as the working relationship of an advisor to a graduate assistant?
- How should student comments be used? Should the person under evaluation be permitted to give a written response to those comments?
- Anderson was deemed not to be an "excellent" teacher. What precise standards are articulated to differentiate "excellent" teachers from "good" ones? Are good teachers to be awarded tenure or not?
- How will improvement in teaching, or lack of it, be measured over time? Since the student population changes with each course, can improvements be determined by end of course surveys? Are cumulative data available for comparison?

Again, such observations are not exhaustive but merely illustrative of the particular case.

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### *Conclusion*

After reviewing the documents available to us, we conclude that the failure of due process in Anderson's case contributed to the adverse outcome. Committees at two different stages of the review process found that she had not received adequate consideration in her tenure application. In our view, the procedural shortcomings arose at the outset from defects in the departmental tenure process. Research and teaching expectations were never clearly articulated prior to the actual tenure decision and they were not explained with sufficient clarity to provide the basis for an adequate review. As a result, there are fundamental disagreements about Anderson's suitability for tenure. Those disagreements suggest that the criteria applied in Anderson's case were idiosyncratic in nature and that her application for tenure was treated in an arbitrary and capricious manner.