

# Case Closed

## Does the closed file tenure review leave room for discrimination?

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**I**N THE PAST 30 YEARS, faculty of color and white women faculty have entered in increasing numbers into the traditionally white male terrain of California universities. Despite some increase in hiring, most remain stuck at the bottom of the academic hierarchy in non-tenured positions. Under current University of California promotion practices, few faculty of color and white women faculty ever attain the rewards of a tenured professorship—job security prestige, the highest university salary level available reduced teaching load.

Critics charge that discrimination in the tenure review process keeps many men of color and women at the bottom of the academic ladder. UC's closed file peer-review process is intended to ensure that a tenure candidate is judged solely on his or her scholastic achievements, teaching, and university service.

Supporters of the closed file system say confidentiality in the review process fosters candor and honesty. "My personal belief is that if one had to put one's name forward, no one would be very frank because they don't want to hurt the feelings of their friends or colleagues," said UCSC Academic Senate Chair William Domhoff.

nity Commission investigation found major procedural violations in Wang's tenure review including the insertion of illegal documents and the reporting of several instances of sex stereotyping.

Jenny Harrison also faced gender discrimination in the UC Berkeley Department of Mathematics which she claims resulted in her denial of tenure. Harrison held faculty positions at Princeton, Yale and Oxford (where she was tenured). At Berkeley, she endured comments from her male colleagues such as "We all know women's brains are biologically inferior" and "married women belong at home, in the kitchen, and should not work." Another professor in Harrison's department said that if it were up to him, he would never hire a female professor.

### Discrimination Takes Subtle Forms

According to Paul Wortham of the California Faculty Association, discrimination pervades the tenure review process, although it often takes subtle forms. As the collective bargaining representative for California State University faculty, Wortham sees the tenure review records when faculty members file

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Opponents say confidentiality leaves room for bias, inconsistency and a lack of accountability. "There have been unbelievable violations of rights under the cloak of secrecy," said Marcy Li Wang, a former associate professor of architecture at UC Berkeley. "As long as there is secrecy about the pervasiveness of discrimination, it will continue to flourish."

Marcy Li Wang was the second Asian American in her department and the first woman ever to teach structural technology and design at UC Berkeley. Despite her popularity among students and her extensive research, Wang was denied tenure in 1986 after eight years as an associate professor.

An Equal Employment Opportu-

discrimination grievances against the university. Unlike UC, the Cal State system has an open file tenure review process which allows faculty more access to their files. Nonetheless, discrimination persists.

"Not surprisingly, most of the comments are written with some subtlety," said Wortham. "We see frequent examples where Asian faculty are criticized for their language and culture."

"We consistently see the undervaluing of work that is being done in African American and Latino studies," said Wortham. He added that another consideration in the peer review process is "fitting in—there are instances where faculty have been blatantly told that because of lifestyle they're not

'collegiate' and should not be kept on the faculty."

Female faculty face similar problems. According to a report from the American Association of University Women, women often have a harder time completing the research required for tenure because they are far less likely to receive research fellowships than male scholars. Moreover, the report said peer tenure reviewers typically devalue women's research and teaching styles, especially in interdisciplinary areas like women's studies and ethnic studies.

### The Stoller Case

Community Studies Associate Professor and Acting Kresge Provost Nancy Stoller was initially denied tenure because of her community-based work on the health of poor women and women of color in hospitals and the criminal justice system.

In 1980, Stoller went up for tenure in the UCSC Community Studies Program. The Division of Social Sciences, Oakes College and other reviewing committees voted unanimously to promote her, but in 1982, Chancellor Robert Sinsheimer vetoed her tenure because she "was too concerned with social amelioration."

"My research was clearly feminist in its values, commitment and its strategies," Stoller said. "For example, other things being equal, I accord an equal weight to a prisoner's point of view as to that of a guard or administrator."

After losing seven years, her pension, her privacy and \$60,000,

Stoller finally won her tenure battle in 1987. Like many other UC faculty, Stoller says the closed file system veils discrimination in the tenure process. "The university is supposed to be based on truth. To have the evaluation system based upon secrecy betrays that," she said.

### Confidentially Speaking

Since 1974, the University of California tenure files have officially been confidential. Not only are letters of recommendation confidential, but so are the decisions of the deans, board chair, and ad-hoc committees which review a department's request to grant or deny tenure.

The candidate is also excluded from the tenure committee deliberations, when prejudices and biases are more likely to surface than in written evaluations.

Upon request, the tenure candidate can see a "comprehensive summary" of the letters of recommendations, but the identity of the letter writer is deleted. Because the information is summarized and rearranged and identities are deleted, some faculty say the comprehensive summary is incomprehensible.

"Mine was shredded," said Stoller. "They reorganize the information in the sentences so it not only protects identity of reviewers but makes it impossible for the person to understand what is in his or her file."

The University of California is exempted from state laws which guarantee employees access to their personnel files, but faculty do have

some legal recourse. Last year, the US Supreme Court ruled that universities must turn over confidential files to government officials during a federal investigation. However, an investigation is usually an arduous and expensive process.

In order to open up the tenure process, the UC system-wide Academic Counsel would have to make a recommendation to the Regents. Academic Counsel spokesperson David Krogh said a change in policy is unlikely because of the counsel's record of favoring confidentiality.

Short of a completely open file system, there may be ways to prevent discrimination in the tenure process. Some say that disclosing the decisions of the board chair or dean would increase decision making accountability. Others argue that faculty should be able to see letters of recommendation with only the identities deleted.

A 1989 UC Davis report on the status of women faculty suggested hiring of women as administrators to ensure greater diversity in the decision making ranks. The report also suggests a formal study to insure all faculty are held to the same standards of teaching, university service, and research. Without additional discrimination safeguards, however, it is likely that men of color and women will continue to face discrimination in the tenure process. ▲

