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### **PRACTICAL TIPS on FACULTY EVALUATIONS for Chairs**

- KNOW your ROLE, DUTIES and AUTHORITY (vis a vis evaluations committee; other members of the department; dean; provost); understand your responsibilities at various stages of the process and details as to timing of process and file preparation
- NO PROMISES during evaluations (Remember the limits of your authority)
- See that department (through Chair) COMMUNICATES CLEAR EXPECTATIONS upon hiring and throughout evaluation period, including post-tenure reviews
- Understand and communicate INSTITUTIONAL AND DEPARTMENTAL EVALUATION CRITERIA –
  - Teaching
  - Research/Scholarship
  - Service/Collegiality
  - (AND let's not forget adherence to institutional policies)
    - Different weighting among the three?
- Are there “ESSENTIAL” FUNCTIONS within each criterion?
  - Teaching - weighting of student vs. colleague evaluations
  - Research/Scholarship – quality and quantity of publications; placement; outside evaluators (and process for choosing same)
  - Service/Collegiality—shared governance requires collaboration and positive interactions with colleagues and institution; “FIT” -- THIRD RAIL of faculty personnel matters - ADDRESS UP FRONT
- IDENTIFY underperforming faculty and underlying causes –
  - In what area(s) is performance unsatisfactory?
  - Are there ways you, department, and/or the institution can help?
  - MENTORING - Develop a process and document
    - Focus on optimizing faculty development individually and collectively (dept) for long-term benefit of institution
  - (i) Lack of knowledge or skills: likely can be improved with mentoring, improvement plan, access to professional development opportunities - - either internal or external
  - (ii) Personal/medical situations: underperformance may involve family issues, substance abuse, mental or physical health issues, or other personal problems - - might be resolved through leave, possible referral to university employee assistance program, reasonable accommodation of a qualifying disability (important to bring in HR resources or legal counsel before jumping off into these waters)

- BE careful not to create a “regarded as disabled” situation (Americans with Disabilities Act)
  - (iii) Attitude - - entrenched indifference, years of apathy - - establish ‘expectations’ in writing and monitor; salary leveling; collaborate with dean or provost and make institutional decision that this will not be tolerated
- CRITICAL, OPEN, AND HONEST ONGOING EVALUATIONS -
  - ANNUAL and ongoing (heavy on 3rd or 4<sup>th</sup> year reviews)
  - Must deliver good and bad news- give unvarnished, accurate, and constructive criticism, including suggestions for improvement; have courage for tough conversations and decisions
  - Do not delay inevitable IF professor does not satisfy institutional criteria – don’t reappoint – early action is most fair for the professor and institution and least likely to result in hard feelings/litigation
- SUFFICIENTLY DOCUMENT EVALUATIONS -
  - Know what should be (AND not be) in the “file”
  - FILES: performance reviews based on institutional criteria vs. conduct/disciplinary
  - Observe institutional policies for reappointment, promotion and tenure files
    - Assist in compilation
    - Outside letters
    - Confidentiality
    - Student reviews on teaching
    - Record retention
- There should be NO SURPRISES to faculty during evaluations and tenure/promotion process
- NOT-SO-UNIQUE ISSUES -- Know how to address relative to performance evaluations
  - Collegiality (lack thereof . . .)
  - Probationary appointments
  - Leaves of Absence (medical, parental, etc.) – impact on evaluations and tenure process? Tenure extension requests? Be sure committees do not prejudice these leaves
  - Grievances/Appeals – Follow Procedures
  - Clear guidelines to determine annual pay increases related to evaluations
- OTHER
  - Policy violations
  - Department view contrary to dean and faculty evaluation committee
  - Keep files of material information for successors
  - Seek advice of counsel and dean/provost if you believe a difficult or controversial case is on the horizon
  - Understand what you say and write as a representative of the university matters and can create legal issues

# THE CHRONICLE

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April 8, 2010

### 10 Suggestions for a New Department Chair

*By Michael C. Munger*

On June 30, just three months from now, I will finish my third term as a department chair at Duke University. When people ask if I might continue, I paraphrase Chief Joseph: "I will chair no more forever." Of course, one of my law colleagues responded with a paraphrase of Chief Justice Holmes: "Three chairmanships of an imbecile are enough."

Few academics get a Ph.D. looking to go into administration, most likely because we would be terrible at it. I took a Myers-Briggs test back when I was an assistant professor, in the 1980s, and have never forgotten the result: "Dear INTJ: You are poorly suited for management." But there was a footnote: "Unless you are a university professor. You may be qualified for academic management because your colleagues are worse."

Universities are not very intentional or coherent in training administrators. Most of the rewards, and all of the prestige, go for publication and securing grants. And raises are more likely to reward those who receive outside offers, not the person who redesigned the undergraduate curriculum.

Nonetheless, the department chair's job is a crucial one. Our best hope, in a world where the position rotates, is to be able to pass on folk wisdom, to help the next generation avoid the mistakes that the old folks made. In that spirit, here are 10 things I wish I had known before I became a department head:

**1. You will never have more friends than you have right now.** When you first take over as chair, you should connect with members of the department you may not know well, or have considered aloof or even unfriendly. Don't make enemies by assuming they are not friends. Once you have lost a friend, it's hard

to get that person back. Above all, never choose short-run gains at the cost of making enemies.

**2. It's just lunch.** Have lunch (or some other extended gathering) with every member of your department once a year, even with the ones who don't like you. If you want them to rise above petty dislikes, you need to do the same.

**3. How can I help?** Ask questions, and listen to the answers. Some of the responses will be simple kvetching, but even there your faculty will appreciate the fact that you listened. After you listen, ask, "What one thing could I do to make your work better, and your life easier?" There are lots of little problems that you as chair can fix in less than five minutes. There is a reason why successful politicians spend resources on constituency service.

**4. Pay with honor.** Most of us want respect from our colleagues. Giving out honors, rewards, and simple recognition has a bigger effect than it would in a more money-focused environment. Recognize book prizes, significant grants, or even interesting opinion essays written by your faculty members. Cultivate an atmosphere in which contributions to the collective good are honored, and you will get more contributions to the collective good.

**5. If you take the job, do the job.** If you can't make yourself do the right thing, resign. If you don't resign, do your job. That might mean firing that toxic staff person, the one who knows all the rules and constantly makes everyone miserable. Sure, firing someone can take six months of concentrated work, keeping track of things and talking to administrators. But the second biggest contribution I made to my department (faculty hiring was the first), in 10 years, was firing four toxic staff members at different times.

**6. Never, ever say, "I am the chair, you know."** Because they do know. You become the chair by acting like the chair. Departments that use a chair system are democracies. You cannot force through policies that faculty members oppose, and it's a mistake to try. If you are calm in the face of criticism, and run meetings fairly and transparently, you are likely to get people to vote the way you want because they want to have a leader who can get things done.

**7. Think like a farmer.** I grew up on an orange farm. It took six to seven years between planting young trees and harvesting fruit. At the end of each day of work, thinking about how much work was left would be depressing. That's why farmers never think that way. Instead, look back and think how much you accomplished (and make sure you did achieve something). Structure your day, and priorities, so that you accomplish many small things and at least one large thing every day.

**8. An urgent matter is not necessarily an important one.** And an important one is not always urgent. Naturally, your top priority as chair is to deal with matters that are both urgent and important. Find a way to delegate issues that are neither urgent nor important to make sure they still get done. Use your discretion to delegate matters that are urgent but unimportant.

Finally, and critically, make time for tasks that are important but not urgent: Guiding junior faculty members, coordinating grants, working with the development office to explain your long-term plans for fund raising, and other executive functions are the heart of your job. Do your job, and do not get distracted by minutiae.

**9. We should talk.** Extinguish e-mail flame wars. Somebody has to be the grown-up; why not you? Some days I get 250 new e-mail messages. More than a few of them make me angry, and I often type an angry response. Then I delete it and write, "We should talk." This is an invitation, as well as a demonstration of authority. Few people will say in person the horrible things they say in an e-mail message. Furthermore, angry e-mails are written records of your mistakes. Don't get trapped into an angry, poorly thought-out response you will regret two minutes after you hit send.

**10. Histamines.** One of the problems of being a chair is that you are bombarded by messages, calls, and visitors, all of which are saying the same thing: "You must care about this matter that I care about!" The burden of having to care will build up, like histamines in your bloodstream. Histamines cause a cumulative inflammatory response, and all that caring has the same effect.

Hearing about one more parking problem or conflict in next semester's schedule may inflame you: "I don't care! I just don't

care." The problem is that you have to care; that's most of the job. If you really don't care at this point, reschedule the meeting for tomorrow. If you can't reschedule, take notes and practice active listening ("Yes?" "Ah, OK." "That must have been hard for you!" "Well, I see what you mean.")

In closing, I would quote James Brady, President Reagan's press secretary, who was shot in the Hinckley assassination attempt in 1981. Later, after a reception in which Brady was retiring as press secretary, he turned to leave. One of the members of the press yelled out, "We'll miss you!"

Brady turned back to the microphone in his wheelchair, and with a huge grin said, "I'll miss some of you!" I think every retiring chair knows that feeling.

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# Academe Online

## Does Collegiality Count?

*While academics debate the importance of collegiality in faculty personnel decisions, the courts have spoken. They won't protect truculent professors.*

By Mary Ann Connell And Frederick G. Savage

Although most colleges and universities do not specify collegiality as a distinct criterion for tenure or promotion, many have teaching or service requirements that demand that candidates "work well with colleagues," "demonstrate good academic citizenship," or "contribute to a collegial atmosphere." Through these requirements, collegiality has increasingly become an indirect criterion in faculty evaluations.

As members of the academy ponder the appropriate role of collegiality in decisions about promotion and tenure, they face many difficult questions: should the ability to "get along," "fit in," or "work well with colleagues" be a requirement for tenure? Should collegiality be a separate criterion in tenure decisions, or should it be a part of the evaluation of teaching, research, and service? Are academic freedom and free speech stifled, or even threatened, by an emphasis on civility and cordial working relationships among faculty? Does the use of collegiality as a criterion for tenure serve as a means for concealing discriminatory treatment of women and minorities?

Faculty members who have been denied tenure, not renewed, or terminated from a tenured position because of a lack of collegiality have frequently gone to court. They have sued their college or university, claiming that such negative actions violated their rights. As a result, courts have carefully scrutinized collegiality as a criterion in faculty evaluations—and they have consistently upheld its use.

Despite this legal consensus supporting institutional demands for collegiality, many in the academic community oppose reliance on it. In 1999 the AAUP adopted *On Collegiality As a Criterion for Faculty Evaluation*, in which it recognizes that collegiality is an important aspect of faculty performance. (The text of the statement was published in the September–October 1999 issue of *Academe*.) The AAUP maintains, however, that isolating collegiality as a distinct criterion for tenure poses a potential danger to academic freedom. Faculty plaintiffs have argued that considering collegiality in tenure and termination decisions constitutes a breach of contract when it is not identified specifically as a distinct criterion in the employment contract or the institutional tenure policy. Courts and legal scholars have entered the debate by cautioning that the subjective nature of collegiality permits its use as a pretext for discrimination.

### A Cooperative Effort

Strong reasons exist for considering collegiality in faculty evaluations. To begin with, colleges and universities have legitimate and long-recognized expectations that professors will cooperate with their colleagues in the best interests of the institution. Faculty members do not operate in isolation from their departmental colleagues or from those in related disciplines. They must make decisions as a group regarding the curriculum, the scheduling and teaching of classes, the advising of students, and the allocation of resources and space. These responsibilities require cooperation and collegial interaction. None of them can be carried out successfully if each faculty member acts solely in his or her own personal interest.

Courts have consistently supported these institutional expectations of cooperation among faculty. In *Chitwood v. Feaster*, for example, the U.S. Court of Appeals for the Fourth Circuit upheld the nonrenewal of several nontenured faculty members whose own affidavits reflected a pattern of "bickering and running disputes with the department heads." In the 1972 decision, the court found that "a college has a right to expect a teacher to follow instruction and to work cooperatively and harmoniously with the head of the department."

Indeed, most of the courts that have addressed the issue of a faculty member's working relationship with colleagues in tenure, promotion, or termination decisions have concluded that collegiality is an important factor to take into account. I do not know of a single case in which a court rejected consideration of collegiality in the absence of evidence of discrimination or a violation of free speech or academic freedom. It is unusual to find such unanimity of opinion from so many courts, which are frequently the final arbiters of what is "fair" in our society.

Many people in and outside the academy also believe that professors must be good colleagues; many of those same people are genuinely concerned about the increased emphasis on collegiality in faculty employment decisions. Even though the AAUP recommends against the identification of collegiality as a distinct criterion for tenure, it counsels faculty members in its *Statement on Professional Ethics* to have due respect for the opinions of others. Other AAUP policy statements also refer to the need for faculty to demonstrate respect for one another.

### Breach of Contract

In defending the use of collegiality in faculty evaluations, some argue that faculty employment is sufficiently similar to other forms of employment that the normal expectations of civility and cooperation should apply. They assert that a person's ability to work with others in a civil and positive manner is taken into account in almost all hiring and promotion decisions outside the academy,

and the college campus should be no different. Collegial behavior in one's professional life in no way implies mindless conformity or the absence of dissent, according to this point of view.

Faculty plaintiffs who have been denied tenure or promotion because of a lack of collegiality raise as their most persistent argument that the university's consideration of their personality or ability to "fit in" with colleagues violates either the employment contract or the tenure policy, when those factors were not defined specifically as criteria for tenure. Courts have overwhelmingly rejected this argument.

A typical example of the cases in which courts have rejected this breach-of-contract argument is *University of Baltimore v. Iz*. Peri Iz, an assistant professor in the university's Business School, was reviewed for tenure in 1993. The institution's tenure and promotion policies defined the criteria for tenure and promotion as teaching effectiveness; research and scholarship; and service to the university, the profession, and the community. During Iz's review, concerns about her collegiality were raised. The department chair described her as inflexible, defensive, and unwilling to take constructive advice. A faculty colleague said that he worried about "her attitude and collegiality." The dean, the provost, and the president all decided against tenure, basing their decisions largely on Iz's difficulties with her departmental colleagues.

Iz sued. She based her breach-of-contract claim on the assertion that the university was required to evaluate her solely upon the three stated criteria (teaching, research, and service) and was prohibited from taking into account her collegiality, since it was not specifically included as a tenure criterion. The university contended that the concept of collegiality was inherently included in teaching, research, and service and was therefore an appropriate consideration.

After a three-week trial, the jury determined that the university had breached Iz's contract and awarded her \$425,000 in compensatory damages. The university appealed, and the Maryland Court of Special Appeals agreed with it, writing, "We are persuaded that collegiality is a valid consideration for tenure. Although not expressly listed among the School's tenure criteria, it is impliedly embodied within the criteria that are specified. Without question, collegiality plays an essential role in the categories of both teaching and service."

Another good example of the views of the courts on breach-of-contract claims concerning collegiality is *Bresnick v. Manhattanville College*. Robert Bresnick sued when he was denied tenure in the college's dance and theater department. The college bylaws stated that tenure was to be awarded on the basis of teaching excellence, scholarship, and service. Neither collegiality nor working well with colleagues was mentioned. Bresnick contended that his contract was breached when the provost and the president denied him tenure partly because of his difficulty working with colleagues in a sufficiently collegial and collaborative manner. Bresnick maintained that since the criteria in the college's tenure documents did not include collegiality, or working well with colleagues, the college could not consider these factors in his tenure evaluation.

The court decided in favor of the college. It held that nothing in Bresnick's contractual relationship with the college prevented the institution from considering his collegiality as it evaluated his service to the college. The court wrote: "It is predictable and appropriate that in evaluating service to an institution, ability to cooperate would be deemed particularly relevant where a permanent, difficult-to-revoke long-term job commitment is being made to the applicant for tenure."

## Discrimination Claims

Many people who oppose reliance on collegiality in faculty employment decisions argue that its use can easily become a mask for discrimination based on race, gender, age, religion, national origin, or disability. They also claim that "collegiality" is such a vague and amorphous term that, even in the absence of intentional discrimination, its use can subtly and adversely affect the chances for tenure of women and minorities.

Even though academic critics of collegiality have expressed serious concerns about the possible discriminatory misuse of collegiality, the courts have decided in favor of universities in almost every discrimination case in which collegiality was raised. In *Babbar v. Ebadi*, Sunil Babbar, an assistant professor in the management department at Kansas State University, was denied tenure because of inadequacies in his research and a lack of collegiality. The department faculty and chair described him as a "two-faced" person with "zero collegiality" who "will say one thing and do another." The college's advisory committee on promotion and tenure described Babbar's research as weak and found him to be a poor colleague within his department. The dean, the provost, and the president agreed, denying him tenure.

Babbar sued, alleging reverse discrimination based on sex, religion, and national origin. The court, however, found that Babbar presented no evidence showing that his denial of tenure stemmed from his national origin or religion. It further held that the record was replete with evidence that the university denied him tenure because of perceived deficiencies in his research and his inability to get along with his colleagues.

*Stein v. Kent State University* is another case in which a court upheld reliance on collegiality, finding that it was not a pretext for discriminatory treatment of a faculty member. The plaintiff, Ramona Stein, alleged that her contract as an assistant professor of audiology was not renewed because of gender discrimination and in retaliation for her having filed an internal grievance and an external charge with the Equal Employment Opportunity Commission (EEOC). The university maintained that Stein was not reappointed because she demonstrated only average performance in teaching and research, and because she lacked collegiality, which was exhibited by her filing charges and suits that the EEOC and the courts consistently judged as frivolous.

The district court granted summary judgment for the university, writing, "The ability to get along with co-workers, when not a subterfuge for discrimination, is a legitimate consideration for tenure decisions." The U.S. Court of Appeals for the Sixth Circuit affirmed, also finding the university's reasons for nonrenewal to be legitimate and nondiscriminatory.

Courts have long deferred to the decisions of colleges and universities regarding who should teach, and they have continued to do so even when issues of collegiality and the termination of tenured faculty have been involved. In *Jawa v. Fayetteville University*, for example, the court upheld the termination of a tenured professor who sued, claiming that the university had dismissed him because of his race and national origin. The court found, however, that Manmahon Jawa, a professor of education and psychology, was a poor teacher unwilling to prepare for class; that he had difficulty interacting with students; that he was uncooperative with his colleagues; that he was unwilling to follow appropriate directives of his superiors or to comply with university policies and procedures; and that he recklessly, and with little regard for the truth, accused his superiors of incompetence and discriminatory practices against him.

In particular, Jawa demonstrated unprofessional conduct toward his department chair when he stopped speaking to the chair except in meetings, where he frequently caused a disturbance. On one occasion, he burst into the chair's office; on another, he called the chair a liar; and on yet another, he refused to come to the chair's office when requested to do so, responding that he "was not an office boy." These incidents, said the court, "clearly reflect unprofessional conduct and a continuing pattern of noncooperation on the part of the plaintiff."

### Stifling of Dissent

Many people believe that use of collegiality in faculty employment decisions is most dangerous in its potential effect on academic freedom and free speech. These critics worry that relying on collegiality in such decisions chills faculty debate and stifles dissent on campus. One such critic, Edgar Dyer, professor of politics and university counsel at Coastal Carolina University, has argued that the term is so vague and ambiguous that it does little to provide specific guidelines for behavior. Furthermore, he says its subjectivity makes it impossible to evaluate whether it is being used fairly or to punish faculty who disagree with those in control of the tenure process. He suggests creating a new judicial standard of academic free expression for faculty at public institutions that would provide them greater protection than currently exists when collegiality is used in performance evaluations.

Another critic, Perry A. Zirkel, professor and former dean of education at Lehigh University, questions whether colleges and universities have equated collegiality with personality. He notes that using personality as a criterion in tenure evaluations would be a serious threat to individual academic freedom: overemphasis on a pleasing personality could be used as a smokescreen for punishing unpopular ideas or behavior.

According to these critics, the perceived "uncollegial" behavior of faculty members who are denied tenure is often unpopular conduct, such as supporting teacher organizations, holding Marxist beliefs, or participating in other "anti-establishment" causes. They suggest that instead of affording almost unbridled deference to institutional autonomy, the courts should treat universities like other employers and require them to provide legitimate nondiscriminatory reasons for their decisions not to grant tenure.

The AAUP advances such concerns in *On Collegiality As a Criterion for Faculty Evaluation*. It asserts that to isolate collegiality as a distinct dimension of evaluation poses a "potential danger to academic freedom" and "should not be added to the three traditional areas of faculty performance." According to the Association, in the heat of making important decisions regarding hiring, promotion, and tenure, it would be easy to confuse collegiality with the expectation that a faculty member display "enthusiasm" or evince "a constructive attitude" that "will foster harmony." In the AAUP's view, such expectations are contrary to basic principles of academic freedom and will contribute to a college or university "replete with genial Babbitts." The Association takes the position that collegiality should not be assessed independently of teaching, research, and service but should be understood instead as a "virtue whose value is expressed in the successful execution of these three functions."

### Legal Green Light

Despite such concerns within the academic community, the courts have affirmed at every turn the use of collegiality as a factor in decisions concerning faculty employment, promotion, tenure, and termination. They usually perceive collegiality as important to the ability of colleges and universities to fulfill their missions. In most of the cases that have arisen, collegiality has not been specified as a separate evaluative criterion. Still, the courts have concluded that it is a relevant consideration in assessing teaching, research, and service. Given the strength and unanimity of the case law, institutions of higher learning can feel confident from a legal standpoint in considering collegiality in faculty employment decisions, even if it is not specified as a separate and distinct criterion.

The posture of the courts is really not that far philosophically from the position of the critics of collegiality, particularly the AAUP. The AAUP itself recognizes a need for collaborative and constructive cooperation among faculty members. Its criticism focuses on the use of collegiality as a separate fourth criterion in the evaluation of faculty members. Many of the court decisions are completely consistent with this view. Furthermore, the courts have also agreed with critics that collegiality may not be used to engage in covert discrimination or to punish the exercise of academic freedom. In most of the cases they have considered, the courts have simply concluded that no such improper actions have taken place.

The academic community, particularly the faculty, remains divided about the wisdom of incorporating collegiality as a factor in evaluating faculty performance. Although little has been written on the subject, debate over the issue, especially between faculty members and administrations, is ongoing and, at times, contentious. In the legal realm, however, consideration of collegiality in

higher education employment decisions appears to be valid as long as institutions exercise the same caution against misuse of collegiality that they apply to any other subjective evaluation.

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## 'Collegiality' as a Tenure Battleground

By TAMAR LEWIN

For generations, professors seeking tenure at colleges and universities have been evaluated on three factors: teaching, research and service to the institution.

But a number of young professors, especially women, have recently contended that their bids for lifetime academic appointments were derailed by a more slippery fourth factor: collegiality.

"More and more cases are coming up on some version of the collegiality issue," said Martin Snyder, director of planning and development at the American Association of University Professors. "We just saw three cases simultaneously that all came down to the same thing. They're all male-dominated departments that hadn't tenured a woman in a long time, or ever, and there's some language about how the woman 'just doesn't fit in.' What comes through is the sense that these are aggressive women who are seen as uppity."

Male professors, too, have complained about being penalized for perceived disagreeable personality traits. But some academics say collegiality evaluations can be a particular obstacle for women who are self-promoting, hard-edged or otherwise outside female social norms.

In recent years, several women who have been denied tenure after clashing with their colleagues have filed suit, charging discrimination or breach of contract. But almost without exception, courts have refused to become enmeshed in personnel decisions, ruling that universities have broad discretion to consider collegiality. Among the cases are these:

\*In Nevada, Marcella Ann McClure, a biologist who raised more than \$1 million in grants for research on viral ecology, sued the University of Nevada in Las Vegas when she was turned down for tenure after her department, for the first time, added collegiality as a category for evaluation, and solicited letters from faculty and staff members on how well she got along. In March, the State Supreme Court ruled against her, finding that universities had the discretion to consider collegiality.

\*In Maryland, Peri Iz, a Turkish woman with a Ph.D. who was teaching at the University of Baltimore's business school, was denied tenure after her department found that she was "inflexible" and reluctant to take criticism or advice. After a faculty appeals committee said she was a victim of "personality discrimination," Dr. Iz sued the university, and won \$425,000 in damages. But the judgment was reversed on appeal, with the court finding that collegiality was an implied part of tenure criteria and that there was no contractual right to tenure.

\*In California, Gail Gottfried, a psychology professor, sued Occidental College last year after being denied tenure, based on reviews that spoke of her "perceived absence of collegiality" and of positive contributions outweighed by a "negative atmosphere." Her case is pending.

Despite the courts' reluctance to intervene, there have been efforts to confine tenure reviews to the traditional three categories. In 1999, the American Association of University Professors adopted a statement urging that colleges not use collegiality as a category.

"Historically, collegiality has not infrequently been associated with ensuring homogeneity, and hence with practices that exclude persons on the basis of their difference from a perceived norm," the statement said. "An absence of collegiality ought never, by itself, to constitute a basis for nonreappointment, denial of tenure or dismissal for cause."

Still, the ability to work productively with colleagues is an important qualification in any job, especially in what amounts to a lifetime academic appointment. Many academics say personality problems significant enough to become an issue in a tenure decision are likely to reflect extreme and disruptive behavior, not just lack of charm.

"The vast majority of people are able to carry out their work with a reasonable level of civility and without creating great levels of animosity toward them," said Derek Savage, deputy general counsel at Johns Hopkins University. "When a wide variety of people find someone difficult to work with, it's usually not that they're all wrong, it's that there's a problem."

Because tenure reviews are confidential, and based so deeply on personal judgment, it is often difficult to assess precisely what went wrong with a particular candidate.

A case in point was that of Dr. Carol Stepien, an aquatic biologist who was denied tenure at Cleveland's Case Western Reserve University in 1999 -- the same year she received national attention for her use of DNA analysis to debunk the idea that the blue pike, a Lake Erie fish declared extinct in 1975, had somehow made a comeback.

In seven years at Case Western, Dr. Stepien published widely, co-edited a well-received textbook and brought in hundreds of thousands of dollars in grant money -- but also had run-ins with colleagues and graduate students.

Dr. Stepien filed a grievance after her tenure denial, and the faculty panel that reviewed the case said her male colleagues -- there were no tenured women in the department then -- might not have been comfortable with Dr. Stepien's "demanding and assertive" style.

Neither Case Western administrators nor professors still at the university would discuss the Stepien case. But Dr. Suzanne Ferguson, who retired two years ago after serving as chairwoman of the English department and as an adviser to Dr. Stepien, said she was appalled at the treatment Dr. Stepien got from her male colleagues.

"Because Carol looks rather sweet and compliant, they thought they were hiring the good daughter," Dr. Ferguson said. "But she wasn't the good daughter. She was abrasive, she was pushy, and she didn't consider people's feelings about their pet projects. I was shocked by the tenure file the department created. It was clear they were trying to put together things they could use against her. I had no idea anybody would dare put together a file like this."

Dr. Stepien reapplied for tenure, was turned down and filed two more grievances. The faculty panels again sided with her, in one case recommending that a dean write her a letter of apology for having mishandled her case, by allowing a disgruntled graduate student to remove data from Dr. Stepien's laboratory. No apology came, and in 2000, Dr. Stepien moved to Cleveland State University -- and sued Case Western.

Dr. Stepien settled her case in May; neither she nor Case Western would discuss the terms. But her new employer made public part of the settlement: On May 6, Case Western wrote to Mark Tumeo, the dean of Cleveland State's graduate school, announcing a \$10,000 grant to Dr. Stepien's laboratory, in recognition of her teaching, research and service at Case Western.

"She is stellar," Dean Tumeo said, adding that while he did not know what had happened at Case Western, his experience elsewhere had been that women who came up for tenure in the sciences were often criticized as being pushy and aggressive.

"In the academy," he said, "there is unfortunately a strictly enforced orthodoxy, which doesn't necessarily accommodate diversity."

Photo: Dr. Carol Stepien sued Case Western after she was denied tenure. (Haraz N. Ghanbari for The New York Times)