It is certainly the case that specifically sexist patterns in hiring, pay and promotion are very much institutionalized at UB. That means that those who don't suffer the consequences usually fail to see the patterns themselves and often don't want to hear about it at all from those who do see them. It's difficult for men to understand the problems posed by practices that may benefit them. They are real problems for women, however, and many suffer serious consequences as a result. Ultimately many women, the ones who could easily be chairs and deans, but unrecognized here, leave and go on to distinguished careers elsewhere. Others look at the numbers and say they won't come here to teach, do research or to complete their graduate education. They're not blind to what goes on here. UB is losing a lot by not bringing more women into its faculty and administration.

—UB Law Professor Lucinda Finley
*UB Reporter*, April 1, 1999

June 11, 2009
Table of Contents

Introduction ............................................................................................................... 3
Ann Scott and *The Half-Eaten Apple* ........................................................................ 3
UUP and the Search for Equity .................................................................................. 4
Bernice Noble and the President’s Task Force .......................................................... 6
The Ad Hoc Task Force on Gender Equity in Promotions at UB ............................... 8
Closing Words: Hours and Minutes, Dollars and Cents .......................................... 14
Guide to the CD ........................................................................................................ 16

After presenting a short account of struggles for gender equity at UB in the last forty years, we discuss the work of the Ad Hoc Task Force for Gender Equity at UB in spring semester, 2009, then conclude with a guide to the CD, which contains most of the documents on gender equity referenced in the essay, and quite a few that are not. To help give a sense of history, this guide is organized by date.

For a copy of the CD, please contact Jim Holstun at jamesholstun@hotmail.com.
Introduction
What does it mean when, in one academic year, six UB women attempt to bring themselves up for tenure and promotion, make it all the way through several levels of rigorous internal and external review, then find their cases rejected by the Provost? What does it mean for these women’s careers? Does there exist at UB an academic body willing and able to consider and evaluate these denials of tenure? What do these denials mean for the self-respect of UB faculty? How do they affect UB’s efforts to attain gender equity and build its reputation as a great, twenty-first-century public research university?

In the spring semester of 2009, these questions brought us together as the Ad Hoc Task Force on Gender Equity in Promotions at UB. We are a small group of faculty members from different schools and departments. Nobody appointed us, and we have no official standing. But as scholars and teachers, we have grown accustomed to the idea that arguments and ideas should be evaluated on their own merits, not by who authorizes and sanctions them.

We are therefore particularly grateful today for the opportunity to address the Commission on Academic Excellence and Equity, which was impaneled to evaluate these and other questions related to promotion and tenure. Many of us have been involved in the struggle for gender equity at UB before, so we know that we are not the first to address these sorts of questions. But in the course of meeting, talking, and researching, we in the Ad Hoc Task Force have come to appreciate anew just how much previous energy and intelligence have gone into this quest. Again and again, people have done serious, painstaking, and uncompensated research, out of a deeply-felt desire to improve this university. The results have been mixed. Genuine improvements have been introduced through this movement from below. But all too frequently, they find the same problems and make the same recommendations as their predecessors, then find their recommendations disregarded. This history matters, and we believe it will be of interest to the Commission as it sets about its work.

Ann Scott and “The Half-Eaten Apple”
On May 14, 1970, the UB Reporter published “The Half-Eaten Apple: A Look at Sex Discrimination in the University,” by Ann London Scott, Assistant Professor of English.1 Thoroughly researched and based on carefully-presented data from SUNY Buffalo, its recommendations include calls for curriculum reform; a program of affirmative action in admissions, hiring, and recruitment; free day care for the children of staff, students, and faculty; and an Office to Equalize the Status of Women under a new vice president, which would oversee these matters and issue regular progress reports.

Ann London Scott was born in Seattle in 1929. She earned her BA at Stanford and her Ph.D. at the University of Washington. As a poet and translator, Professor Scott joined the UB English Department in 1965. She joined the National Organization for Women (NOW) upon its inception in 1967, and led the formation of a Buffalo

---

1 Ann Scott. “The Half-Eaten Apple: A Look at Sex Discrimination in the University,” The Reporter (14 May 1970), 3-10. This and all other documents referenced may be found on the CD.
chapter (1969). She was elected to NOW’s national board at its first national convention, held in Chicago in 1970. In 1971 she began three terms as NOW’s Vice-President for Legislation and was responsible for much of the lobbying aimed at ratification of the Equal Rights Amendment. She served on NOW’s Board of Directors from 1970 to 1975.

The *New York Times* described “The Half-Eaten Apple” as “one of the first attempts to examine alleged discrimination in the academic world,” adding that Scott attributed her failure to receive tenure to its publication. In 1972, she began working full-time as a lobbyist for NOW. She died of breast cancer in Baltimore, Maryland, on February 17, 1975, at the age of forty-five. In memoriam, NOW created the Ann London Scott Award for Legislative Excellence, which is awarded annually to a woman legislator.²

**Buffalo UUP and the Search for Equity**

Any effective effort to work for gender equity on campus will need to address both faculty governance issues associated with Faculty Senate and University committees, and collective bargaining and workplace issues associated with United University Professions (UUP), the statewide union of SUNY academics and professionals. The Ad Hoc Task Force has focused primarily on questions regarding promotion and tenure, but questions of gender equity in salaries are just as important. We can see this in Ann Scott’s study, which calls for the University to correct inequities in salaries and benefits (p. 10). The statewide officers of UUP and the officers of the two campus chapters (UB Center, UB Health Sciences) have frequently conducted studies of women’s status in SUNY as a whole, and at UB in particular, focusing on questions of representation, working conditions, and salary equity.

And they have attempted, with some success, to correct inequities. In the nineteen eighties, UUP conducted a statewide study of equity in salaries for women and racial minorities. It found sub-

---
stantial inequities statewide, and UB had high rates of disparity in salary based on gender and race, at all levels of employment. Article 21.1 of the 1985-88 UUP contract set aside $3,000,000 for adjustments of salary based upon past discrimination on the grounds of gender and race. UUP and the State negociated for years on how to interpret the data and address the problem. Finally, in early 1993, SUNY announced it would distribute statewide baseline increases for female and minority academics and professionals. This distribution provided only one quarter of the average recognized disparity between men and women. It wasn’t enough, and it wasn’t complete, but it was something. And it only came from committed struggle from below—from the efforts of union chapters statewide, and from the UUP leadership in Albany.

Among others, UUP UB Center Chapter President Paul Zarembka, the chapter’s Gender Equity Committee, and the chapter’s Affirmative Action Committee (chaired by Bertha Laury) continued to communicate with the UB Administration and with the membership about salary disparities. UUP statewide is just completing a pilot study of current salary inequities in SUNY, including UB. The draft report documents both notable progress and continued salary inequities, with UB tending to fall more into the latter category. On certain other SUNY campuses where the campus leadership has worked closely with UUP campus chapters, gender-based salary ineq-


6 See Paul Zarembka, President UUP SUNY-Buffalo Chapter, “Salary Disparities and Increases for Women and Most Minorities at UB” (Buffalo: 18 February 1993); and Bertha S. Laury, Chair, Affirmative Action Committee, UUP SUNY Buffalo Chapter, “Academic Women on Staff at SUNY Buffalo vs. Women Graduating with Ph.D.s Nationally” (Buffalo: 28 January 1994). Both included in 1993c. See also Zarembka’s exchanges with UB President William Greiner in “Letter to President Greiner and circulated to UUP membership with tables for the numbers of persons and average salary, by race, for positions filled by the full-time academic and professional employees at UB (excluding Health Sciences),” (Buffalo: 1993); Women’s Concerns Committee, UUP Buffalo Chapter, “Academic Bargaining Unit Members by Department and Gender”; “Women Assistant, Associate and Full Professors at SUNY Buffalo in 1996 with the Number of Women to be Hired in Order to Meet the Proportion of Women Available in the National Pool”; “Academic Women on Staff at SUNY Buffalo in 1996 vs. Women Graduating with Ph.D.’s Nationally” (Buffalo: 1997); Women’s Concerns Committee, UUP Buffalo Chapter, “SUNY Buffalo Faculty by Gender,” “Comparison of Academic Women at SUNY Buffalo in 1992 and 1996 vs. the Percentage of Women Available in the National PhD Pool,” “Net Change in the Number of Women Faculty between 1992 and 1996” (Buffalo: 1997).
Utilities have been virtually eliminated. The UB campus leadership, on the other hand, has failed to work with UUP on resolving this issue. UUP expects to release its analysis this summer.

**Bernice Noble and the President’s Task Force on Women**

In 1994, the UB UUP Women’s Concerns Committee received a growing number of complaints from women over salary and promotion issues. Along with other colleagues, they decided to petition then-President William Greiner to form “The President’s Task Force on Women at UB.” The Task Force, co-chaired by Professors Bernice Noble and John M. Staley, issued its report in 1996. In their Introduction, they thanked their predecessor:

> The greatest inspiration for this project came from the work of the late UB Professor Ann Scott, the author of “The Half Eaten Apple,” probably the most significant study of the status of UB women for its time in the University’s history. Dr. Scott’s study personified a bold, fearless spirit of women and men who seek gender justice in our American society.

In its final report in August 1996, the Task Force, like Professor Scott, called for a program of affirmative action, salary parity, childcare facilities for all UB constituencies, and support for Women’s Studies. Above all, it asked that the life of the Task Force be continued long enough for it to turn into a permanent Office for Women that would encourage, guide, and monitor the university’s progress in addressing questions of gender equity and improving the workplace climate at UB for women. The proposed office would maintain relevant statistics for UB and comparative statistics for other universities, and would issue regular reports on the success of efforts to attain gender equity. Such an office would allow the expertise worked up by the Task Force over several years to be preserved and developed, rather than simply dissipated. This was the Task Force’s “overall recommendation,” the key to making its other recommendations permanent and effective.7

UB President Greiner dismissed the Task Force with thanks and put its report into a drawer until someone leaked it to The Buffalo News the following year. Then he released it and began instituting some of its secondary provisions, while ignoring its primary recommendation of an Office for Women.8 When President Greiner ignored the Task Force’s request that he convene a group of Women Full Professors, the group convened itself. It is currently chaired by Professor Susan Udin. In May 1997, the Faculty Senate’s Affirmative Action Committee recommended that a Task Force on Racial Minorities be formed on the model of the Task Force on Women.9

---


summer 1998 issue of UB Today, Professor Noble reported that there had been some improvements at UB, including the the Institute for Research and Education on Women and Gender and a (for fee) daycare center. But she added, “Women at UB are still awaiting concrete plans to regularly monitor the demographics of employment, with an emphasis on the retention-promotion record, and the introduction of clearly stated policies to ensure accountability for improving the circumstances in which UB women work and study.”10 We in the Ad Hoc Task Force suspect that, in addition to symbolic measures and assurances of good will and consultation, the University Administration will need a permanent equity office for review and reform. An office like Professor Scott’s “Office to Equalize the Status of Women” or the Task Force’s “Office of Women”—an office jointly appointed by the two UUP chapters, the Senate and the Administration—might normalize the process of review and reform rather than encouraging periods of inattention followed by periods of ad hoc advocacy like our own.

Bernice Katz Noble was born in Philadelphia in 1940. She graduated magna cum laude from Bryn Mawr College in 1962. She went on to receive a master’s degree from Brandeis in 1964 and a Ph.D. in Microbiology from UB in 1975. Two years later, she joined the UB faculty as a professor of Microbiology and Immunology. As a nationally recognized researcher in her field, she received many grants to support her work and published over one hundred journal articles relating to her research in immunologic damage with functional impairment and the relations between autoimmunity and gender. She also took time to advance women’s careers at UB, working to increase the number of female students and tenure-track faculty in the sciences. And she was well known on campus for her work in her union, serving as Vice President for Academics in the Buffalo Health Sciences Chapter of the United University Professions. Bernice Noble died on 8 November 2003, in Veterans Affairs Medical Center, after a lengthy illness.11 Friends tell us she was greatly disappointed by the UB Administration’s failure to follow through adequately on the Task Force’s recommendations.


The Ad Hoc Task Force on Gender Equity in Promotions at UB

Many of the problems analyzed by Ann Scott, by the UUP, and by the President’s Task Force are still with us. There is still no established UB office to monitor and publicize the demographics of employment and to advocate for UB women on a regular basis. The absence of information and transparent review mechanisms means silent grievances and suspicions tend to fester silently. For instance, many faculty have long suspected there might be discrimination at UB against women in the process of tenure and promotion to the rank of associate professor, which is the crucial decision in the life of an academic. But the Administration would not release regular information about votes and decisions, so we had no hard data to back us up.

In summer 2008 UB UUP Grievance Officer for Academics Paul Zarembka began to hear about cases of women being denied promotion and tenure after receiving positive recommendations from the President’s Review Board (PRB). He sent a query out to the UUP membership to learn if such cases were more widespread. Among others, the case of Kathleen McCormick came forward. After being denied promotion and tenure by the Provost and President, she entered a complaint with the New York State Division of Human Rights and received a judgment of “probable cause.” In response to her attorney’s subpoena, SUNY and UB provided data on tenure and promotion cases from AY2003-2004 to AY2007-2008, with information on the age and gender of the candidates, the votes at all levels, and the final determination by the President and Provost. Her eventual settlement contained no non-disclosure clause, so she was free to share these SUNY data.

Questions of promotion and tenure fall largely outside review by the union, and the responsible Senate committees were inactive, so a number of interested faculty came together as the Ad Hoc Task Force early in spring semester 2009 to discuss what to do with the data provided by Dr. McCormick. We drew up spreadsheets and summarized the data. After that, our first effort was to contact President Simpson’s office to request a meeting and a discussion. He did not respond to this request, or to our two follow-up attempts. We asked to meet with the Faculty Senate Executive Committee (FSEC). They agreed, but demanded that the meeting be held in “Executive Session,” with no notes taken and silence about the contents of the discussion imposed on all in

---


12 Paul Zarembka, “Recommendations for Denial of Tenure by the Provost against PRB Recommendation?” email to Buffalo Center UUP Notification List (5 August 2008; follow-up 27 August 2008).


14 Ad Hoc Task Force. “Spreadsheets Derived from 2008a SUNY&UB” (Buffalo: 2009), Microsoft Excel spreadsheet; Ad Hoc Task Force, “UB Tenure Cases without Asst to Assoc.” (Buffalo: 2009), Microsoft Excel spreadsheet.
attendance. This was foreign to our idea of an open and democratic university, but we complied.
We also met with Vice Provost Lucinda Finley, who contradicted our findings and told us we were
getting a bad reputation on campus. We spoke with Ms. Barbara A. Burke, Interim Director of
Equity, Diversity, and Affirmative Action Administration, who told us she has no authority
over tenure decisions, and that she does not believe we have a gender equity problem at UB.

In the course of our efforts to bring this information to the university community, we drew up a
short document presenting our data and suggesting a modest corrective course of action.\textsuperscript{15} We
tried various ways to distribute it, but found ourselves hampered by the absence of an open dis-
cussion list for all faculty. On March 4\textsuperscript{th}, 2009, Provost Tripathi issued a statement disagreeing
with our document and announcing that he and Faculty Senate Chair Professor Robert Hoeing
would be forming a Commission on Academic Excellence and Equity.\textsuperscript{16} On March 5\textsuperscript{th}, Professor
Hoeing circulated Provost Tripathi’s response to our document on a list for Senate voting mem-
bers but would not circulate our document itself. In a message accompanying Provost Tripathi’s
response, Professor Hoeing said the Faculty Senate Executive Committee “has found no merit to
the allegations claimed by the ‘Ad Hoc Task Force,’ and does not support its proposals. The
members of the FSEC are confident that the President and Provost regard tenure and promotion
decisions extremely seriously as an integral part of their commitment to academic excellence.”\textsuperscript{17}

We continued to seek out discussion. On March 16\textsuperscript{th} and 17\textsuperscript{th}, we held two town hall meetings
for faculty on the North and South Campuses. We contacted Dr. Pedro Cabán, SUNY Vice Pro-
vost for Diversity and Educational Equity. He advised us to contact Dr. Risa Palm, Provost and
Vice Chancellor for Academic Affairs for SUNY System. We did. She advised us to speak with
Provost Tripathi. We tried to; he declined. We contacted and asked to meet with the UB Council;
they declined. On April 10, Provost Tripathi announced the membership and the charge of the
Commission on Academic Excellence and Equity.\textsuperscript{18} With more than eighty petition signatures
from faculty in hand, we attempted to convince Professor Hoeing to allow a free discussion of
our findings in a Senate meeting. He refused. On May 5\textsuperscript{th}, along with about forty members of the
University community, we conducted a demonstration outside the final Faculty Senate meeting
of the year, asking the Senate to remember its core mission of providing an open forum for fac-
ulty to discuss matters of vital interest.\textsuperscript{19}

\textsuperscript{15} Ad Hoc Task Force, “Data Suggesting Gender Bias in Promotions to Tenured Associate Professor
at the University at Buffalo, State University of New York” (Buffalo: 2009).
\textsuperscript{16} Satish K. Tripathi, “Building a Culture of Success” (Buffalo: 2009), downloaded 31 May 2009,
\texttt{<www.buffalo.edu/ubreporter/2009_05_13/files/Building_a_Culture_of_Success_3_09.pdf>}.
\textsuperscript{17} Robert Hoeing, “Gender Equity and Provost’s Report” (Buffalo: 2009).
\textsuperscript{18} Satish K. Tripathi, “University at Buffalo’s Commission on Academic Excellence and Equity”
(Buffalo: 2009).
\textsuperscript{19} Stories on May 5 2009 Protest (Buffalo: 2009). The PDF includes stories from WKBW Channel 7,
WBFO, Artvoice, Buffalo News, UB Reporter, Chronicle of Higher Education. See also WKBW, “Is
There Gender Bias at UB?” (Buffalo: 5 May 2009), downloaded 4 June 2009,
In our document we reported our findings on all decisions on assistant professors applying for promotion and tenure. We found a bias against women and in favor of men: women were turned down at a rate 2.3 times that of men (p. 2). This gender bias does not appear at the level of the departments, the colleges and schools, or the President’s Review Board (PRB). It appears only with the decision of the Provost, for two reasons: because he reverses significant numbers both of PRB recommendations against promoting and tenuring male candidates and of PRB recommendations for promoting and tenuring female candidates.

Two points of clarification. First, we have limited our analysis to assistant professors seeking tenure and promotion to associate professor. We do not analyze librarians, qualified rank associates being promoted to tenured associates or fulls, or new outside hires being appointed as associates and fulls with tenure. This point has been the object of some confusion. For instance, Provost Tripathi has said that, in focusing on the first grouping, we draw on “incomplete, thereby misleading, information about a partial subset of tenure cases during the years 2003 through 2008.”20 We certainly trust that our information is complete, since the Provost’s Office itself provided it, in response to a properly-served subpoena. But the main thing is this: we gain no insight by collapsing highly diverse items into a single data set—by creating a mish-mash of librarians, deans appointed from outside, and assistants. So we have decided to stick with the largest group: assistants seeking tenure and promotion to associates. Of course, the other group, containing all the other tenure candidates, is available for anybody who wants to examine it. But we’re afraid it doesn’t provide much good news for advocates of gender equity: women from this group are granted tenure at equal rates, but only 28% of these candidates (25 out of 90) are women.21

Second, we have counted “withdrawals” as denials of promotion and tenure. Provost Tripathi does not. He says that “Without introducing specific cases, reasons for withdrawals (while varying with each individual) may include the candidate’s decision to accept another position, or a decision by the candidate to stop the tenure clock with the intent to be considered for tenure in

20 Satish K. Tripathi, Building a Culture of Success (Buffalo: 2009), downloaded 31 May 2009, <www.buffalo.edu/ubreporter/2009_05_13/files/Building_a_Culture_of_Success_3_09.pdf>. One example of genuinely incomplete, and therefore misleading, information is Vice Provost Finley’s claim that “tenure denials for men and women have been about equal for at least the past eight years.” See Kevin Fryling, “Budget Crisis Serious Chore for UB, UB Reporter (5 November 2008), downloaded 31 May 2009, <http://www.buffalo.edu/ubreporter/2008_11_05/votingfaculty>. Finley overlooks the fact of “withdrawals” (which we will discuss in a moment), and the fact that only 37% of assistant professors applying for tenure and promotion to associate and receiving a PRB vote from AY2003-2004 to AY2007-2008 were women, so that an equal number of denials would suggest significant gender bias against women. Finley skillfully makes one sort of gender inequity (the much lower percentage of women candidates) cover up another (the much higher percentage of women who are not promoted). See Ad Hoc Task Force, “Data Suggesting Gender Bias in Promotions to Tenured Associate Professor at the University at Buffalo, State University of New York” (Buffalo: 2009), p. 3.

21 Ad Hoc Task Force, “UB Tenure Cases without Asst to Assoc.” (Buffalo: 2009), Microsoft Excel spreadsheet.
the future.” This is less than candid. We know that, from AY2003-2004 to AY2007-2008, every single candidate applying for promotion from assistant to associate with tenure who received a positive PRB vote and then withdrew did so only after learning of the Provost’s negative judgment: five through a formal letter from the Provost (as his own data reveal), one through contact from the Provost’s Office before mailing of the formal letter (as we learned from speaking with the candidate in question). In several cases, the candidate was assured that the President never overrules the Provost, and the Administration’s data confirm this. Frequently, the Provost’s Office offered special bridge benefits, such as appointment on a Research Foundation or a qualified rank line, but only if the candidate agreed to withdraw. We do not understand why candidates deserving such benefits become undeserving when they decide to pursue their right to a full tenure review. And we do not wish to speculate on the Provost’s reasons for repackaging these de facto denials as withdrawals. But evidence, common sense, and solidarity force us to count them as denials of tenure, plain and simple.

In our statement of February 25th, we made three very modest suggestions for encouraging gender equity at UB. They might be introduced in an afternoon with no fuss and no bother. They require no admission of guilt, no new committees or surveys. Indeed, they make good sense all by themselves, whether or not there has been any discrimination. The proposals themselves are in bold, with comments in regular type:

1. **Review**: the President and Provost will review 2007-2008 withdrawals from candidacy and denials of tenure and promotion with these data in mind, then make any appropriate adjustments.

During AY2007-2008, the Provost and President denied promotion and tenure to six women who received positive votes—two of them unanimous—from the PRB. This is such a striking fact that it deserves some acknowledgment and double-checking. There’s no need for embarrassment or intransigence. Particularly in a university, all knowledge, all decisions, should be subject to review, with no blame attached. None of us is in the infallibility business.

2. **Discuss**: henceforth, UB provosts will meet with the PRB on a case-by-case basis if they plan to reverse PRB recommendations or advise candidates to withdraw.

The PRB is a body of distinguished senior professors with nationally-recognized expertise in their fields, nominated by the FSEC, the Provost, and the Vice President. They review all documents in the dossiers of candidates, including the previous reviews by outside

---


23 Ad Hoc Task Force, “Data Suggesting Gender Bias in Promotions to Tenured Associate Professor at the University at Buffalo, State University of New York” (Buffalo: 25 February 2009), p. 3.

evaluators, departments, colleges, and deans. In its *Statement on Government of Colleges and Universities*, the American Association of University Professors (AAUP) suggests what the PRB’s powers should be, as the ultimate faculty body determining promotion and tenure:

Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues; in such competence it is implicit that responsibility exists for both adverse and favorable judgments.

Likewise, there is the more general competence of experienced faculty personnel committees having a broader charge. Determinations in these matters should first be by faculty action through established procedures, reviewed by the chief academic officers with the concurrence of the board. The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.25

This seems like a reasonable, conservative approach. While emphasizing the primacy of the faculty in making decisions on faculty status, it allows provosts and presidents to step forward on those few occasions when extraordinary circumstances demand they do so. Indeed, in his October 2004 address to the FSEC, President Simpson seems to concur with the AAUP: “You cannot and should not ever let the quality control reside with anyone but your faculty. You do not want the dean or the provost or the president making your decisions for you.”26 By encouraging full and forthright discussion of planned reversals, the AAUP also suggests a way in which UB provosts and PRBs could educate each other about their standards and mutual expectations. Regrettably, the Ad Hoc Task Force has heard from PRB members that, in recent years, the Provost has seldom or never explained his intended reversals of the PRB. If this is true, then current practice leaves everyone in the dark.

3. *Share*: henceforth, UB presidents and provosts will provide the Faculty Senate and the UUP chapter boards of UB Center and UB Health Sciences with full yearly data for appointment, tenure, and promotion, including votes, recommendations, withdrawals, and decisions at all levels, from the department to the president, and all relevant ac-


companying data for all candidates, including race and ethnicity, age, gender, disability, and other protected category statuses.

Compared to corporate management, university governance is a shared and relatively egalitarian activity. For instance, the Bylaws and Charter of the UB Faculty Senate describe the faculty’s necessary and substantial share in appointment, promotion, and tenure:

The Voting Faculty shall either initiate or approve all University policies or standards regarding . . . appointment, promotion, and tenure of faculty. . . . The Senate shall act for and represent the Voting Faculty in all matters pertaining to the adoption, promulgation, and implementation of general University-wide standards and procedures regarding the appointment, promotion, and tenure of faculty. To the extent that any of these matters fall within the jurisdiction of a collective bargaining agent which represents the faculty, the Senate shall consult with the bargaining agent, and shall advise the bargaining agent regarding the impact of appointment, promotion, and tenure procedures and standards on the academic program of the University.27

To exercise this responsibility for appointment, promotion, and tenure, the UB Faculty Senate and UB-UUP must have access to yearly statistics in a regular and collegial way, not through the unhappy fluke of a subpoena. The “Policies, Procedures, and Criteria for Faculty Personnel Actions” included in the Faculty/Staff Handbook are an important guide to this process. Unfortunately, they appear not to have been reviewed and approved by the Senate: “As approved by the President, June 1988. Note: The policies, procedures, and criteria for faculty promotions are currently under consideration of the Faculty Senate. Updates and modifications will be published as soon as they are approved.”28

Either this webpage needs some updating, or the Faculty Senate needs to shake a leg: twenty-one years seem adequate for shaping and deciding on these vital procedures of faculty governance. The Senate might begin restoring its atrophied powers by requesting yearly statistics on appointment, promotion, and tenure for the Faculty Tenure and Privileges Standing Committee, which the Charter of the Faculty Senate describes as follows: “This committee shall review, report and recommend to the Senate matters concerning standards within the University regarding appointment, promotion and tenure of faculty, and matters concerning faculty rights and privileges.”29 Unfortunately, this standing (not ad hoc) committee has been completely inactive for at least three years, with no designated


chair and some listed members, at least, being unaware that they are nominally still on it.\(^{30}\)
It would be good to see it up and running again. Our colleagues’ careers may depend on it.

The Gender Equity Committees of the UB Center Chapter and the Health Sciences Chapter
would also be logical recipients of these statistics. The prospect has sometimes been
broached that sharing these statistics might constitute a violation of confidentiality. This is a
red herring. Faculty Senate and UUP committees handle confidential information all the
time, and they are just as accustomed to academic privacy protocols as the various commit-
tees evaluating candidates for tenure and promotion. Sharing information in this way would
help us help each other build a University defined by discussion, transparency, and respect
for proper governance.

Our focus in the Ad Hoc Task Force has been on gender equity, but of course, that’s not the
only area of concern. For instance, the data provided by UB and SUNY in response to the
subpoena raise some concerns about age discrimination. And since these data do not even
take up race and ethnicity, there may well be other problems. We believe that the additional
categories of data we have requested, along with a general increase in discussion and ex-
planation, will also help nip other sorts of inequity in the bud.

Closing Words: Hours and Minutes, Dollars and Cents
Our arguments thus far have focused on academic excellence and equity, but there’s also an im-
portant point to be made about sheer practicalities—about hours and minutes, dollars and cents.
A great deal of work goes into preparing a candidate for the final review of the provost and
president: from search committees to department mentoring, from in-department reviews of the
candidate’s scholarship to expert extramural review, from college-wide evaluation to the PRB. If
the final decision remains unexplained, perhaps even capricious, it’s difficult to see why people
should continue serving faithfully in these rigorous and laborious activities. The First Com-
mandment of Academic Governance is \textit{Thou shalt not disrespect thy colleagues’ time}. When
people find their time chronically wasted in one sort of activity, they will invest it elsewhere, for
time is finite and precious.

So, for that matter, is money. It’s not clear yet what the current economic crisis will mean for
UB’s future, but it’s a safe bet that we will not have large pots of spare money to squander on
replacement searches for colleagues who should not have been let go and on wrongful termina-
tion settlements. When push comes to shove, a transparent and integral multi-tiered evaluation
process would be a powerful ally for the UB Administration in the NYS Division for Human
Rights, the EEOC, or state or federal court. But more important, this kind of process is the best
way to see that push seldom comes to shove in the first place, leaving us all more time and
money to read, teach, research, write, learn, and publish.

We’re grateful to the Commission on Academic Excellence and Equity for this opportunity to
speak with you, and we hope to speak with you again. We thank you for all the work you’ve
done and for the work you’ll be doing. It appears to us that you’re now addressing some of the

\(^{30}\) UB Faculty Senate, “Committees,” downloaded 31 May 2009, <http://faculty-
senate.buffalo.edu/committees senateCommitteeRoster.htm>.
problems diagnosed by Professor Ann Scott in 1970, by the President’s Task Force in 1996, by UUP committees and officers at various times, and by the Ad Hoc Task Force. Because we know that your time, too, is finite, we hope you will find their work and ours worth building on. There are also some encouraging precedents for equity reform on other campuses. In any large corporate body like a university, there’s a danger that processes of review become ends in themselves rather than a means to an end. But it would be good to think that there will be no need for another commission or task force to address these problems, yet once more, in ten or twenty or forty years.

The Ad Hoc Task Force on Gender Equity in Promotions at UB
Mary Bisson, Professor of Biological Sciences
Jim Holstun, Professor of English
Ruth Meyerowitz, Associate Professor of American Studies
David Shucard, Professor of Neurology, Pediatrics, and Psychology
Malcolm M. Slaughter, Professor of Physiology and Biophysics
Paul Zarembka, Professor of Economics

Guide to the CD

The following provides the contents of the CD distributed to the University at Buffalo’s Commission for Academic Excellence and Equity by the Ad Hoc Task Force on Gender Equity in Promotions at UB on June 11, 2009. The CD contains all the items mentioned in the body of the text. If you want a copy, please contact Jim Holstun at jamesholstun@hotmail.com.

This document you are reading now appears as ^2009n, at the beginning of the CD.

^2009n GUIDE, Ad Hoc Task Force on Gender Equity in Promotions at UB, The Struggle for Gender Equity at UB: A Documentary History Presented to the UB Commission on Academic Excellence and Equity (Buffalo: 11 June 2009), PDF.


1975 “Ann L. Scott Dies; Feminist Leader; Officer of NOW, a Poet and Teacher,” New York Times (19 February 1975), PDF.

1978 Charter of the Faculty Senate, 10-10-78, downloaded 31 May 2009, <http://faculty-senate.buffalo.edu/bylaws/indexBylaws.htm>, PDF.


1993a John M. Reilly, UUP President, Women and Minority Disparity Rosters and Report (Albany: UUP, 8 January 1993), PDF.

1993b Paul Zarembka, President UUP SUNY-Buffalo Chapter, “Letter to President Greiner and Circulated to UUP membership with tables for the numbers of persons and aver-
age salary, by race, for positions filled by the full-time academic and professional employees at UB (excepting Health Sciences),” (Buffalo: 1993), PDF.

William R. Greiner, response to Zarembka, PDF.

Paul Zarembka, response to Greiner, PDF.

1993c Paul Zarembka, President UUP SUNY-Buffalo Chapter, “Salary Disparities and Increases for Women and Most Minorities at UB” (Buffalo: 18 February 1993), PDF.


1994a Bertha S. Laury, Chair, Affirmative Action Committee, UUP SUNY Buffalo Chapter, “Academic Women on Staff at SUNY Buffalo vs. Women Graduating with Ph.D.s Nationally” (Buffalo: 28 January 1994). Included in 1993c, PDF.

1994b Bertha S. Laury, Chair, Affirmative Action Committee, UUP SUNY Buffalo Chapter. Documents related to a race and ethnicity equity task force.


“UB Professor, Denied Tenure, Continues to Make Great Strides,” *The Challenger* (20 February 1991), PDF.

Pia Sarkar, “Moore Clearing up Fuzzy Future of Women at UB,” *Spectrum* 42.42 (29 January 1993), PDF.


1997b Faculty Senate Executive Committee, “Report of the President’s Task Force on Women, Minutes of the Faculty Senate Executive Committee” (5 February 1997), downloaded 31 May 2009, <http://facultysenate.buffalo.edu/minutes/executivecommittee/february51997.htm#item3>, PDF.


1997f  Faculty Senate Executive Committee. *Standing Orders of the UB Faculty Senate (Revised 2/18/97)*, downloaded 31 May 2009, <http://faculty-senate.buffalo.edu/bylaws/standord.htm>, PDF.


1997h  Women’s Concerns Committee, UUP Buffalo Chapter, “Academic Bargaining Unit Members by Department and Gender”; “Women Assistant, Associate and Full Professors at SUNY Buffalo in 1996 with the Number of Women to be Hired in Order to Meet the Proportion of Women Available in the National Pool”; “Academic Women on Staff at SUNY Buffalo in 1996 vs. Women Graduating with Ph.D.’s Nationally” (Buffalo: 30 May 1997), PDF.

1997i  Women’s Concerns Committee, UUP Buffalo Chapter, “SUNY Buffalo Faculty by Gender,” “Comparison of Academic Women at SUNY Buffalo in 1992 and 1996 vs. the Percentage of Women Available in the National Ph.D. Pool,” “Net Change in the Number of Women Faculty between 1992 and 1996” (Buffalo: 2 May 1997), PDF.


1998b  Sharon Leder and Patricia Sandberg, “Interim Report on the Results of the Questionnaire-Survey on the Status of Women Faculty in SUNY,” *UUP Bulletin* (Buffalo: January, 1998). Also includes Jim Holstun’s exit interview with Liz Kennedy, including her reflections on UB Women’s Studies, PDF.


Robin Wilson, “An MIT Professor’s Suspicion of Bias Leads to a New Movement for Academic Women. Faculty members at other universities seek to apply her approach to promote gender equity,” *Chronicle of Higher Education* (3 December 1999), downloaded 4 June 2009, <http://chronicle.com.gate.lib.buffalo.edu/weekly/v46/i15/15a00101.htm>, PDF.


2008a SUNY and UB, Items Provided in Response to Subpoena Duces Tecum. McCormick v. SUNY at Buffalo. Case No. 10117862 (Buffalo: 2008), PDF.

2008b Paul Zarembka, “Recommendations for Denial of Tenure by the Provost against PRB Recommendation?” email to Buffalo Center UUP Notification List (5 August 2008; follow-up 27 August 2008), PDF.


2009c Ad Hoc Task Force. “Spreadsheets Derived from 2008a SUNY&UB” (Buffalo: 2009), Microsoft Excel spreadsheet.


2009e Ad Hoc Task Force, “Data Suggesting Gender Bias in Promotions to Tenured Associate Professor at the University at Buffalo, State University of New York” (Buffalo: 25 February 2009), PDF.


2009g Robert Hoeing, “Gender Equity and Provost’s Report” (Buffalo: 4 March, 2009), PDF.

2009h Paul Zarembka and Jim Holstun, “Announcement of Faculty Town Hall Meetings on Gender Equity in Promotions” (Buffalo: 6 March 2009), PDF.


2009j Satish K. Tripathi, “University at Buffalo’s Commission on Academic Excellence and Equity” (Buffalo: 10 April 2009), PDF.


^2009n GUIDE, Ad Hoc Task Force on Gender Equity in Promotions at UB, The Struggle for Gender Equity at UB: A Documentary History Presented to the UB Commission on Academic Excellence and Equity (Buffalo: 11 June 2009), PDF. See beginning of CD and this listing.