

MEMORANDUM FOR: Mark Reeder  
President, AFIT Faculty Council

April 20, 2016

FROM: Dr. Kenneth L. Schultz

SUBJECT: Tenure Review for Dr. Kenneth Schultz

1. I ask that a Review Committee be created to review my tenure decision. I am appealing based on both procedural discrepancies and inadequate consideration. My case rests on the following points:
  - a. I was accused of dishonesty in the Department Promotion and Tenure Committee meeting.
  - b. I was not allowed to respond to that accusation before the consideration and vote of the ENS Department Promotion and Tenure Committee.
  - c. The accusation was unfounded.
  - d. Dr. David King was asked to write a letter for my tenure case. According to the Standing Rules, he is not qualified to do so.
  - e. After the meeting I was given insufficient time to prepare a rebuttal and present outside evidence of research and scholarly activity and reputation.
  - f. The accusation of dishonesty biased the considerations of the department committee.

I believe these points alone qualify as sufficient procedural discrepancies to call into question the process of my tenure review. There are additional content issues:

- g. Due to the procedural issues above, I believe the considerations of the committee were unduly biased against my case
2. The tenure and review process relies heavily on the initial consideration of any candidate's case at the meeting of the Department Promotion and Tenure Committee. This is the intent of the standing rules. While review at other levels can overturn the recommendation, the Department Committee carries much of the weight for the review. A bias at the Department level is carried forward throughout the process. If that bias is unwarranted, that problem is also carried forward throughout the process. "Confirmation Bias" is the name given to the strong tendency among humans to seek information confirming prior conclusions and discount information in opposition to prior conclusions. Once that first decision is made, it is very hard to overcome it.

3. Consideration of my case in the department meeting was derailed by unfounded accusations of academic dishonesty. In Dr. Cunningham's letter outlining the results of the department meeting he wrote: "The item of biggest concern to some of the faculty involved the two Journal of Management special issues and the editorials in those issues." and "These concerns pose an academic honesty issue ...." [1 p1-2] If we take the issues in that paragraph in turn we can see how "the item of biggest concern" had no substance.
- a. "Dr. Schultz was listed on a 2005 call for papers in the journal but was not one of the editors when the special issue came out in 2006." I was an editor for the 2006 special issue. The listing was accurate.
  - b. "The reference listing in that 2013 editorial lists a citation to Bendoly and Schultz, indicating they were the editors, leaving off the other two actual special issue editors." This reference is correct; Dr. Bendoly and I were the editors. The assertion that there were two other editors is incorrect.
  - c. "Unfortunately, the title of that reference is the editorial by Bendoly." The reference correctly cites the title of the Special Issue as "Incorporating behavioral theory in OM empirical models."
  - d. "The concern is the editorial narrative and reference implies that (i) Dr. Schultz was an editor of the 2006 issue, ..." The reference correctly states that I was the editor of the special issue.
  - e. "and(ii) he wrote either the editorial or the entire special issue depending upon how you interpret the page count."
    - i. The call out in the 2013 paper says "Six years have passed since the publication of the last JOM special issue on behavior operations (Bendoly and Schultz, 2006)." [2 p1] Clearly the call out is to a *special issue* and not to an editorial in that special issue.
    - ii. The reference accompanying that call out says "Bendoly, E., Schultz, K. (Eds) 2006. Incorporating behavioral theory in OM empirical models. Journal of Operations Management 24 (6) 735-863 (Special Issue)" [2 p 5] – This is the correct citation for a special issue. Clearly "Eds" indicates that I was an editor, not an author, of the special issue and it very clearly refers to the special issue and not to the editorial.

f. The information being considered by the Department Committee was factually incorrect.

These false accusations were the “item of biggest concern to some of the faculty.”

4. At no point before the meeting was I given the opportunity to defend myself against the accusations of academic dishonesty or correct the information the committee considered. No person on the committee asked me about the special issue. No person asked my co-editor about it. Clearing up the issue, had I been allowed to present it, was simple, clear and compelling. After I discovered the issue, I had an email confirming I was the co-editor within half an hour and a letter confirmation within 4 hours.
5. Once the accusations of dishonesty were surfaced, and unanswered, other instances of alleged “misleading entries” were brought forward and discussed. These other items were either factually incorrect, open to reasonable interpretation or not at a level of significance for consideration of tenure. These considerations appear to have dominated the discussion.
6. David R. King does not meet the standards to be an academic reviewer for my tenure case. He is not in my academic discipline. The standing rules state:

The primary purpose of external peer review is to provide an independent, objective assessment of the candidate’s contributions in teaching, research, and service **from individuals within the academic discipline (and specialty) of the candidate.** (1, p25)

(1) Academic Reviewers: An *academic reviewer* is one who possesses a relevant doctoral degree and is or has been a tenured, graduate faculty member at the rank of Associate Professor or Professor **within an academic department with educational and research activities similar, or superior in stature, to those of the candidate’s department. The academic reviewer should hold prominence within the candidate’s particular area of specialty** (1, p26)

Dr. King does not hold prominence within my particular area of specialty. He does not hold prominence within my academic area. He is not even IN my academic area. If I were at his school, or most business schools, we would not be in the same department. To the extent his letter was negative, or positive for that matter, it is another case of information being presented to the committee that the committee should not have considered and which may have further poisoned the well against an unbiased consideration of tenure.

7. The standing rules indicate, “Research will be evaluated primarily by the quality of the faculty member’s work that has been published or formally accepted for publication.” The department

committee considered was only peer reviewed articles within the last 4 years. Apparently other evidence of research or scholarly activity, including other published work, was not considered or discounted. I recently had a book chapter accepted for publication. It apparently was not considered. I had a journal article in one of the top 5 journals in our field. Although published, in an excellent journal, and already having over 40 citations, it was not counted because it was reviewed by the editors rather than anonymous reviewers.

8. The standing rules also indicate that the performance metrics are intended to serve as guidelines. The stated guideline is the quantity of published articles, but the goal is research and scholarly activity. Other evidence of scholarly activity was apparently not considered. I have a revise and resubmit for one of the top two journals in our field, but there is no evidence that was considered. No attempt was made to consider working papers or my current research in the area of energy. My work in trying to build a Center for Energy Innovation was not mentioned. I believe my letters of recommendation spoke to the quality of my research. Quality was mentioned but there is evidence this was not seriously considered. I have an international reputation as a leader in my area, but this too was apparently not discussed. What was discussed instead was things like my research funding being fall-out funding. What was discussed in the Department P&T Meeting does not appear to meet the standards of consideration called for in the Standing Rules.
9. After the department meeting, I was given insufficient time to prepare my rebuttal. The Standing Rules indicate that the package, including the Head's letter, is supposed to go to the School Committee by 28 February. I received the results of the Department P&T Committee on the afternoon of 22 March. As of 10:00 am, March 28<sup>th</sup>, the scheduled time for the School P&T Committee meeting, I had not received a copy of the Department Chair letter. The School P&T Committee meeting had a series of delays, each one of rather short duration, providing insufficient time to prepare the level of support I wished to present. If time had permitted I would have presented outside evidence of the quality of my research, the quality of my scholarly activity, and my reputation in my field. I believe that I could demonstrate quality research and scholarly activity had I been given time to do so.
10. The process used in my tenure review violated the standards appropriate for a matter of this importance. During the Department P&T Committee meeting I was accused of academic dishonesty. Those accusations were wrong. I was not allowed a chance to respond to those accusations before considerations were made and the vote was taken. Dr. King, one of the people asked to write a

letter for tenure consideration, did not meet the qualifications to do so. These issues led to a biased consideration of my tenure case by the Department P&T Committee. Due to basic human nature and the importance of the Department P&T Committee in the process, that bias had a strong influence on all further deliberations. I was given insufficient time after the Department P&T Committee to properly respond. Due to these issues, research and scholarly activity beyond peer reviewed journal articles was not properly considered.

11. Beyond all that, there are potential issues of an even more serious nature. I find it odd that I was not given a chance to respond to allegations of dishonesty before the department committee met. I do not understand why the committee could not ask me for clarification. I do not understand why the committee did not ask Dr. Bendoly for clarification. I find it odd that Dr. King, a researcher clearly not in my academic discipline, was asked to write a letter for my recommendation. I think it possible that someone on the Department P&T Committee was aware well in advance that they intended a discussion of academic dishonesty and that person held that intention quiet until it was too late to do handle the issue before the committee met. I think it is possible that Dr. King was suggested as a reviewer specifically with foreknowledge in order to introduce the accusation of dishonesty into my tenure review. Independent of other actions, I ask that the Review Committee recommend an investigation into this question.
12. For the reasons outlined above, I ask the Review Committee to recommend a completely independent review of my tenure. I believe that current process has been unintentionally but irrevocably biased. I ask that that review include a complete consideration of the research goals for faculty members, a discussion of how those goals could be independently assessed, a plan for that assessment, and a consideration of the results.

Kenneth L. Schultz

Associate Professor of Logistics

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#### References:

- [1] Cunningham, W. A., undated. Memorandum for AFIT/EN (Promotion and Tenure Committee), Subject: Tenure Request for Ken Schultz, PhD.
- [2] Croson, R., K. Schultz, E. Seimsen, and M. L. Yeo, (2013). "Behavioral Operations: The state of the field." *Journal of Operations Management* 31(1): 1-5.