

Two American U. professors say they didn't get tenure due to their age

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Does American University have an age discrimination problem when it comes to tenure? That's what two former assistant professors over 50 are alleging. One is already suing the university and another plans to file a suit soon, after an unsuccessful mediation session last week.

A Faculty Senate committee also has expressed concern, saying it has found statistical evidence of possible age discrimination in recent tenure decisions. The university, meanwhile, denies the claims and says it plans to defend its decisions in court.

Loubna Skalli-Hanna, a former assistant professor in American's School of International Service, says she did everything right to earn tenure: got rave teaching reviews, published in esteemed journals and received a contract for her third book, from Columbia University Press. And her colleagues apparently agreed. Skalli-Hanna's bid was approved by peers at the program, school and university level, as well as her dean -- leading her to believe the provost, Scott Bass, would sign off on their recommendations.

But the provost rejected her bid, saying in an April 2014 letter that her research volume wasn't up to par and lacked sufficient impact. Bass also said she hadn't made enough demonstrable progress on her new book in the three years since she'd received a contract. Skalli-Hanna's previous book, *Through a Local Prism: Gender, Globalization and Identity in Moroccan Women's Magazines* (Lexington Books) was published just before she earned a tenure-track position at American.

Skalli-Hanna was stunned.

No Red Flags

"When I started the tenure process in 2008, I was told, 'If you do X, Y, and Z, you'll get tenure,'" she said. "So I did X, Y, Z and more all along the way with no problems, no warning and no smoking gun -- nothing to tell me that things would go wrong." In fact, she said, colleagues told her she already was functioning as an associate professor and that she was exceeding expectations.

Skalli-Hanna said Bass's reasoning rang hollow, since few assistant professors have a contract in hand for their third book while applying for tenure, not to mention numerous additional articles and book chapters. Beyond her research, Skalli-Hanna said she also was hired in part for her professional experience -- some 15 years teaching in her home country of Morocco and working on women's rights, including with UNESCO.

Skalli-Hanna's colleagues balked, too. Summarizing the findings of its investigation into her appeal, the Faculty Senate Committee on Faculty Grievances wrote to President Neil Kerwin that it was "troubled."

"[S]he received very positive previous internal evaluations at all levels that did not signal performance concerns in teaching, scholarship or service," the committee wrote in November 2014. "The fact that she had a third book under contract during her fifth-year review was deemed 'icing on the cake' by [several reviewers]."

Students also protested the decision, with some wearing "Save Loubna" T-shirts.

The faculty grievance committee noted that Skalli-Hanna had made significant additional progress on her book project and other scholarship, but did not include it in her tenure portfolio because she hadn't been advised to by any of her mentors. Moreover, it noted, no one from the provost's office had approached Skalli-Hanna to ask her about the status of her book -- even though the office had asked for such information from another candidate up for tenure that year.

Provost Bass's letter of rejection also stated that Skalli-Hanna, whose work centers on gender in the Middle East, only had published in one high-impact journal. But the committee wrote that Bass failed to take into account the interdisciplinary nature of Skalli-Hanna's work in selecting his impact metric.

"Standard Journal Citation Reports (JCR) regularly fail to include journals that are interdisciplinary and instead focus on mono-disciplinary journals," the committee wrote, saying that Skalli-Hanna in her bid had submitted alternative metrics for Bass's review.

In the coming months, additional colleagues appealed to Bass and Kerwin. The chair of the School of International Service's Faculty Actions Committee, for example, wrote to Bass asking him to meet so that he could explain the Skalli-Hanna decision, as well as that regarding another faculty member who failed to earn tenure last year.

"[Y]our decisions were at odds with every previous level of evaluation of these cases," wrote the committee chair, Sharon K. Weiner, associate professor and director of doctoral studies. "It is essential to the faculty who reviewed and voted on these files hear your rationale."

Moreover, Weiner said, "[W]e are deeply concerned about the consequences of your decisions for our ability to hire, mentor, retain and promote a faculty of multi-disciplinary excellence."

All Too Familiar

For Maria Ivancin, the Skalli-Hanna case felt all too familiar. Ivancin, a corporate communications executive with 25 years' experience, was booted from American's Professional Achievement Track by Bass in 2012, under similar circumstances. (Ivancin does not have a Ph.D., but assistant professors on the professional track are hired largely for their professional experience.)

Six external reviewers endorsed Ivancin's tenure bid in 2011, with one calling her application "a most impressive portfolio." Another said Ivancin was better than the majority of professional-track candidates he'd seen in three decades as a university professor. Tenured faculty in her division voted unanimously in favor of her advancement in the tenure process, as did a university-wide committee. Her division director and the dean of the School of Communication also approved her bid.

In early 2012, however, Bass denied Ivancin tenure on the grounds that she had satisfied requirements for service and teaching, but not scholarship. He said he based his decision on the professional track expectation that a candidate's work have "significant impact on the profession or society as a whole," while Ivancin's work was "advisory" rather than entirely her own. He also asserted that outside reviewers had "incorrectly inferred" the impact of her work and that she had not published in "top-tier venues."

Ivancin's colleagues protested the decision in a letter to Bass. Her division director stepped down as a result.

"When you have an entire senior faculty unanimously supporting her and when you have the dean supporting her and you have six distinguished external reviewers saying she should be granted tenure, and the Committee and Faculty Relations supporting her," the director, Leonard Steinhorn, said in a [2013 interview](#) [1] with *Inside Higher Ed*, "that's the judgment a university should go on – the judgment of those who know the field and those who know the work."

Ivancin filed an internal appeal that triggered a grievance investigation; although it revealed a flawed evaluation process, the committee found insufficient evidence of wrongdoing to force a reversal.

But Ivancin decided to challenge Bass's judgment in court, alleging age discrimination in a civil suit. The case is pending.

"The provost seems to have an image of the kind of professor he wants, and [Skalli-Hanna] and I don't seem to fit that image," Ivancin said. She said she knows of two other tenure candidates over age 50 who were denied tenure despite the backing of faculty colleagues in recent years.

That could not be independently confirmed, but a faculty grievance committee memo to Kerwin from March suggests statistical evidence of age discrimination against candidates over 50.

Evidence of Bias?

The committee wrote that it did not have complete data, because the university would not provide all tenure review files from the last six years. But based on all but two of the tenure denial grievances filed between 2008 and 2014, along with other records, the committee determined a statistically significant discrepancy between the overall tenure denial rate for the university (13 percent) and for candidates over 50 (33 percent). That's 16 out of 128 denied university-wide, versus 6 of 18 denied among older candidates.

The committee says its analysis would be helped greatly by full access to the tenure cases it has requested, especially in the face of age discrimination complaints.

American has fought Ivancin's lawsuit, and denies claims of age bias in tenure decisions.

Kelly Alexander, a university spokeswoman, said via email that American is an equal opportunity and affirmative action employer and "did not deviate from those principles in the promotion and tenure process involving these two professors."

She continued: "Individuals not unlike these two professors have done very well in the promotion and tenure application process at American, rendering it inconceivable that these professors were denied promotion and tenure for an unlawful reason. Moreover, the provost is an unlikely target for these allegations; the focus of his career has been on the rights and interests of older people." (Bass is a psychologist who specializes in aging.)

As "disappointed" as Ivancin and Skalli-Hanna may be, Alexander said, no laws were broken and the university "looks forward to presenting all the facts in a court of law."

Ivancin's and Skalli-Hanna's lawyer, Lynn Bernabei, rejected the idea that Bass's works as a gerontologist would inoculate him from ageism. And the similarities between each of the women's cases greatly strengthens the other, she said.

"With one, maybe it's an issue where the provost has bias toward one school," Bernabei said. "But now we have two schools where he rejected all evaluations throughout the tenure process and all outside evaluations from those who know the field, and he has no basis for it."

Skalli-Hanna said she participated in unsuccessful mediation with the university, and is now moving on to litigation. There's some recent precedent for age discrimination complaints, but both cases, from 2014, involved [adjuncts who had been passed over for tenure-track jobs](#) [2] in favor of younger candidates. And while adjunct advocates have worked to raise awareness of age bias against non-tenure-track faculty, there's much less talk about older tenure-track candidates - probably because they are fewer in number.

Skalli-Hanna said she wants "justice" -- whatever the courts determine that to be. But her case is about much more than just her own place at American, she said.

“Discrimination at [American] happens, and the leadership has done nothing to right the wrong,” she said.

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[1] <https://www.insidehighered.com/news/2013/06/10/former-american-u-professor-charges-institution-age-discrimination-and-lack>

[2] <https://www.insidehighered.com/news/2014/09/24/recent-legal-cases-point-link-between-anti-adjunct-bias-and-age-bias>