

**A Critical Analysis of the Faculty Senate's Principles for Post-Tenure Review:
An Explanation, Clarification, and Justification with Policy Recommendations**

By
William Lloyd Fridley and the Personnel Policies Committee of the Faculty Senate

For
The Post-Tenure Review Task Force (a committee appointed to make recommendations for a post-tenure
review policy at Southeastern Oklahoma State University)

February 6, 2012

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Sketch of Background Events Related to Post-Tenure Review

2006—2007: At the direction of the Dean of the SEBS and the EIL Department Chair, a faculty committee is formed of EIL faculty who are given the charge of developing a post-tenure review policy for the department. While no official explanation is given as to what is driving this policy initiative, informal comments circulate to the effect that “this is coming from the top” and “the Regents want this.” The EIL committee works from the early fall of 2006 through February of 2007, but are unable to develop a policy that is approved by departmental faculty.

February 14, 2007: In light of the attempt by EIL to develop a post-tenure review policy, the Faculty Senate approves a resolution. “The Faculty Senate opposes any post-tenure review policy that eviscerates, weakens, or is inconsistent with the concept and practice of *tenure*.” (Brett Elliott/David Barnes = [Vote: 17 for, 0 against, 1 abstention]).ⁱ

Fall 2008: University faculty were told that they were no longer to use departmental tenure and promotion criteria when reviewing candidates for tenure and promotion. To the best of our knowledge, there was no written communication from the administration to notify faculty of this change in practice or to explain this policy initiative. In EIL, for instance, the department chair orally notified departmental faculty of this change. The departmental T & P criteria were developed by many academic departments in the 2005-2006 academic year, and were implemented in the fall of 2006. While we have not ascertained the degree to which this was typical of other departments, the T & P criteria for EIL were developed by a faculty committee, approved by a vote of the departmental faculty, approved by the Dean of SEBS, and praised by the VPAA.

January 25, 2010: The Faculty Senate approves a resolution, objecting to the administration’s decision to discontinue use of the departmental T & P criteria. The resolution cites the administration’s actions as a violation of the policies and principles of *shared governance*. The resolution was sent to the administration in a letter dated 1/25/2010.ⁱⁱ

February 23, 2010: Interim Vice President for Academic Affairs, Douglas N. McMillan issues a memorandum in which he responds to the Faculty Senate resolution. Dr. McMillan concludes that the arguments and objections contained in the resolution are without merit. (The memorandum is included in Appendix B)

Spring 2009: The Dean of the SEBS appoints a school wide “Tenure and Promotion Committee,” which is given the charge of developing a post-tenure review policy. The Committee works on developing the policy in the spring and summer of 2009.

September 17, 2009: The Dean of SEBS sends an email to SEBS faculty. The email reports on the status of the Committee’s post-tenure policy draft and requests that feedback on and questions about the attached policy draft be directed to the Dean, who will forward the information to the Chair of the Committee. (The text of the email and attached policy draft are included in Appendix C)

October of 2010: At the request of an SEBS faculty member, the Dean emails the faculty member an explanation of the newly implemented post-tenure review “policy” and attaches the text of the “policy”. These emails and the attached policy are included in Appendix D. A cursory examination of these documents reveals there are significant differences from the post-tenure policy draft of 9/17/2009. The relevance of the SEBS “policy” to our task is further explained in the analysis of Principle Nine. A brief evaluative commentary of the SEBS “policy” is included in Appendix D.1.

Fall of 2010: In lieu of any official publication of the SEBS “policy”, or its adoption as official University policy, discussion and speculation about the policy circulate among faculty. Such talk includes rumors that the School of Arts and Sciences is planning to implement a post-tenure review policy that follows the “precedent” of the SEBS “policy”. Given these developments, the Personnel Policies Committee decides the issue of post-tenure review needs to be addressed. They develop a set of Principles for Post-Tenure Review, the Faculty Senate approves the Principles on 1/10/2011, and the approved Principles are emailed to the administration and to University faculty. The “Principles” document is included in Appendix E.

May of 2011: The Personnel Policies Committee drafts a resolution calling for a moratorium on any **new** (i.e. other than the current Faculty Evaluation Process that is described in the APPM) post-tenure review policy. The resolution is approved by the Faculty Senate and sent to the administration. Resolution:

The Faculty Senate recommends that a moratorium be placed on the implementation of any new (i.e. other than the current Faculty Evaluation Process that is described in the APPM) post-tenure review policy until an official university policy on post-tenure review has been developed, approved, and published. Given the importance and wide ranging effects of post-tenure review, any policy warrants careful, deliberate consideration and must be the product of sufficient and representative (i.e. the Faculty Senate) faculty input, participation, and review. The Faculty Senate also recommends that any proposed post-tenure review policy conform to the Faculty Senate’s “Principles for Post-Tenure Review.”

August 9, 2011: Doug McMillan, Interim V.P. for Academic Affairs, issues a memorandum responding to the Faculty Senate’s recommendation that a moratorium be placed on the implementation of any new post-tenure review policy. Dr. McMillan denies the recommendation for a moratorium, arguing that a moratorium would constitute an unacceptable exception to the requirements of RUSO policy. He apparently misunderstands the intent the resolution, which calls for a moratorium on any new policy, not a suspension of the practice of post-tenure review as required by SEⁱⁱⁱ and RUSO policy.^{iv} In the memorandum, Dr. McMillan grants the Faculty Senate’s request for participation in the development of any new post-tenure review policy, and announces that a task force composed of select administrators and Faculty Senate appointees will be formed to make recommendations for a university wide post-tenure review policy and process. (The memorandum is included in Appendix F)

October 28, 2011: Dr. McMillan sends an email to notify those individuals that have been selected to serve on the Post-Tenure Review Task Force. The Task Force includes members of the Faculty Senate’s Personnel Policies Committee. Dr. Lucretia Scoufos is appointed to chair the Task Force.

November 14, 2011: The initial meeting of the Post-Tenure Review Task Force is held. The Task Force is given its charges (included in Appendix G)

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First, that post-tenure review shall be a process distinct from annual evaluation. To fairly represent the body of a faculty member's work, formal post-tenure review should occur every third year, with more frequent evaluation occurring only if required by accreditation, BOROC policy, or at the request of the faculty member

This speaks primarily to the frequency of post-tenure review. Namely, it should occur no more frequently than every three years. This is consistent with BOROC and Southeastern policy.

Second, that post-tenure review shall encompass the faculty member's entire body of work for the previous three years (i.e. not simply the most recent year).

This speaks to the temporal scope of post-tenure review. Reviewing the faculty member's entire body of work over a three-year span provides a more representative sample of faculty accomplishment than would limiting the scope of the review to a shorter time period. This is especially true of evaluating scholarly achievements, some of which involve a prolonged period from inception to culmination. If this point is granted, we would like to advance a suggestion for the Task Force's consideration. While policy dictates that PT-review be conducted at least every three years, we recommend that faculty be able to cite work from the previous five years in order to demonstrate and document their accomplishments.

Third, that in any formal post-tenure review there is a presumption of proficiency on the part of the faculty member. It is the responsibility of the evaluator(s) to determine sufficient deficiency to lead to and justify an unsatisfactory rating.

This principle is central to the Personnel Policies Committee's position on post-tenure review because the principle is at the heart of any meaningful conception and robust practice of *tenure*. In his document "On Post-Tenure Review," Dr. Charles Matthews makes the argument that post-tenure review must not function to effectively eliminate the protections provided by the practice of tenure:

Post-tenure review should not effectively eliminate tenure. If the post-tenure review process effectively eliminates tenure, then it would be a lie to claim that the university still awards tenure. The post-tenure review process will effectively eliminate tenure if any of the following hold:

- i. The process becomes as involved as the process of achieving tenure.
- ii. It becomes as difficult to receive a satisfactory post-tenure review as it is to achieve tenure.
- iii. The process becomes a method for essentially re-applying for tenure. (Document is included in Appendix H)

Tenure has been earned. It is a *fait accompli*. In short, tenure is not something that one needs to maintain, re-earn, or fear losing. It can only be terminated *for cause* as determined through due processes guided by clearly stated policies.

Tenured faculty have demonstrated a record of excellence in teaching, scholarship and service. According to the APPM, "Tenure is a privilege and a distinctive honor. Tenure is defined as **continuous reappointment** (emphasis added) which may be granted to a faculty member in a tenure-track position,

subject to the terms and conditions of appointment” (4.6.1). The termination of or the failure to reappoint tenured faculty must be *for cause*, and the onus for demonstrating cause is with the administration. To preserve this essential feature of tenure, the AAUP recommends that “In no case should post-tenure review be used to shift the burden of proof from the institution’s administration (to show cause why a tenured faculty member should be dismissed) to the individual faculty member (to show cause why he or she should be retained).” (AAUP document is included in Appendix I)^v

Possible causes for terminating tenured faculty are listed in the APPM (4.6.7) and the procedures for such dismissal are explained in Section 4.6.9. Among the possible causes for dismissal is “[t]wo consecutive unsatisfactory post-tenure performance evaluations” (4.6.7). While this policy is clearly at odds with the AAUP recommendation, we recognize that our University is not bound or obligated to comply with any AAUP dictates—regardless of the wisdom and prudence of doing so. We *are* bound, though, by the policies of RUSO, our governing body. A task for our committee, then, is to make recommendations for a post-tenure review policy that comply with RUSO policy, and at the same time preserve the integrity of tenure without shifting to faculty the burden of showing cause to maintain their tenure. In other words, we are against any policy that serves the purpose of “weeding out” or dismissing tenured faculty. We hope that all members of the task force concur with this point. If there are those that disagree, we would like to hear their reasons.

What we recommend is that we build upon—and tweak where needed—the current system for evaluation of tenured faculty. Taking account of and utilizing existing procedures for the evaluation of tenured faculty is recommended by the AAUP: “Any discussion of the evaluation of tenured faculty should take into account procedures that are already in place for that purpose” (Appendix I, p. 64). Why re-invent the proverbial wheel? To the best of our knowledge, there was no faculty demand for changing the current system of post-tenure review. Rather, the Faculty Senate’s resolutions were in response to the attempts to establish a “new” system of post-tenure review in the SEBS. A system that, in our opinion, lacked sufficient faculty input and review, was instituted without adequate publication or notification of faculty, and that suffered from several weaknesses (see Appendix D.1).

According to University policy and in practice (for the most part), the evaluation of tenured faculty has been done by academic department chairs in accord with the Faculty Development and Evaluation policies and procedures (APPM 4.4). We recommend that this policy and practice be continued (see Appendix J).

Fourth, that an unsatisfactory rating results only in cases in which it is determined there is a sufficient deficiency in at least two of three areas (teaching, scholarship and service). This preserves the parallelism with the Guidelines for Achieving Tenure, which requires noteworthy achievement in two areas (APPM 4.6.5).¹

This principle addresses the conceptual question of “what constitutes an *unsatisfactory* rating,” and the value question of whether a deficiency in one category (e.g. in service) should be sufficient to warrant an “unsatisfactory rating.” Current policy offers us some guidance in answering these questions. For example, “The Faculty Development and Evaluation Summary” calls for evaluation of faculty performance in each of the three categories, and also for an *overall* rating of faculty performance. “The rating on overall performance is a composite of the ratings in the categories.” While the APPM is not explicit on the weight given each category in calculating this composite rating, the immediate context of the policy (4.4.2.1) suggests the weight should be tied to the weights given in the Faculty Development Agreement. These weights are established within the scope of institutional emphases according to

individual faculty members' professional interests and pursuits. Thus, it might be possible to receive an unsatisfactory rating in service or scholarship and yet earn a satisfactory overall rating.

So, in defining *unsatisfactory performance*, we recommend that a deficiency in one category (i.e. in service or in scholarship) not be sufficient to warrant an unsatisfactory overall rating. This is thoroughly consistent with our University's institutional emphasis. Namely, we are primarily a teaching institution.^{vi}

The current ratings used in the faculty evaluation process are: *outstanding, commendable, proficient, needs improvement, and critical*. The FS recommended a change of the definition of these ratings in 2008. Approval of this recommendation is pending (see the list of pending policy recommendations in Appendix K). While we still favor a refinement and clarification of these rating labels, we strongly support the current policy's insistence that "[t]he department chair assumes that the faculty member is functioning at a level of 'proficient' unless there is evidence to the contrary." Note also, that "[f]or a rating lower than proficient, the chair has the responsibility of presenting evidence" (4.4.3). This reflects our position expressed in Principle Three that the onus for justifying an unsatisfactory rating falls upon the evaluator.

Fifth, that the criteria for post-tenure review be developed by the faculty within a given discipline, in a manner consistent with the discipline's standards, the mission of the University, and levels of institutional support.

Sixth, that the faculty within a given field be given the primary responsibility for the review.

One of the guiding principles of the AAUP's position on post-tenure review is that "post-tenure review must be developed and carried out by faculty" (Appendix I, p. 60). Southeastern's policy also expresses this sentiment, listing "faculty status and related matters" (including promotions, the granting of tenure, and dismissal) as being "primarily a faculty responsibility," because "scholars in a particular field or activity have the chief competence for judging the work of their colleagues" (3.7.4).

That colleagues within a given field are in the best position to evaluate "their own" is uncontroversial. But further explanation is needed for *how* this principle will be achieved in post-tenure review. Again, we support the existing practice of conducting the review process as a collaborative effort between a faculty member and her academic department chair. Continuing to use the existing policy for post-tenure review will allow us (the administration and Faculty Senate) to turn our attention to the more pressing and foundational issues of the policies and procedures for tenure and promotion.

Seventh, any post-tenure review process must include specifics about an appeal process for the review itself (as well as the consequences of the review).

Given the AAUP's and Southeastern's position on the priority of faculty expertise in judging colleagues' work as it relates to status, promotion, tenure and dismissal, we recommend (for the purposes of this document) and will formally recommend (through the Faculty Senate), the following measures to clarify and improve University policy as it relates to an appeal process.

For both post-tenure review and the tenure and promotion processes, faculty shall be able to appeal both the decisions and the consequences of these of the decisions. Note that while there is no process in

place that is explicitly designated for appealing post-tenure review decisions, there is a policy that restricts appeal of tenure and promotion decisions to matters of *due process*, and then, only after the VPAA has made his decision (4.6.3, Step 5). We recommend that faculty be able to appeal tenure and promotion, and post-tenure review decisions both in regard to the decisions, consequences of the decisions, and the processes by which the decisions were made.

We recommend that these appeals be heard by the Faculty Appellate Committee, and that the decisions of the Faculty Appellate Committee be final and binding. Moreover, we recommend that these appeal decisions be made by the full membership of the Faculty Appellate Committee (currently seven members) rather than the current practice of having only three members of the FAC make these decisions. Having the full FAC make these decisions offers a greater probability of a decision that is more representative of faculty judgment, and also serves to reduce the probability that administration will be able to “hand-pick” three Committee members that are more likely to side with the administration. Making the decisions of the FAC final and binding would be embraced by faculty as a respectful gesture on the part of the administration; as recognition of faculty competence and professional judgment. Also, this policy change would serve to give operational force to the sentiment expressed in Southeastern’s policy that “faculty status and related matters are primarily a faculty responsibility.”^{vii}

Eighth, in the case of a favorable rating by the post-tenure review committee (evaluators), the rating decision will stand and the review will proceed no further up the administrative chain of command.

Again, we advocate continuing the current system of post-tenure review that is described in the APPM. With this system, the department chair conducts the review with the faculty member, the chair makes her evaluation and sends the completed “Faculty Evaluation Form” to the dean, who then makes comments on the evaluation and returns the form to the chair. There is no mention of the dean having any decisive input in this process, which is to be concluded by October 31. This strikes us as a reasonable time period for post-tenure review to be completed. Should a faculty member receive an unsatisfactory review, the October 31 date allows the faculty member time to remedy identified weaknesses, and/or to pursue other professional options.

Compare the brevity and efficiency of the present post-tenure review system with that proposed for the SEBS (Appendix D), which requires a chain of decisions by the Faculty Review Committee, Academic Department Chair, Dean, VPPA, and the President. While the SEBS policy does not give a deadline for the completion of the process, it will likely extend for weeks—if not months—from the December 1 deadline for the Dean’s decision (Appendix D 1.1.4—1.1.7).

The steps and timeline of the SEBS policy roughly mirror those for tenure and promotion that are included in the APPM (4.6.3). The administration has voiced a willingness to condense the overly-lengthy timeframe for the T & P processes, which we would favor. To institute a post-tenure review policy that includes five decision points (as does the SEBS policy), and virtually spans the entire academic-year, is problematic in several respects. First, the length of the process leaves little time for faculty to take action to remedy performance deficiencies. Second, it creates unnecessary work for administrators who already “have a full plate.” Third, adding these steps creates more possible entry-points for introducing and insinuating concerns that are extraneous to faculty performance on stated criteria (e.g. collegiality or holding views that are unpopular) into the process.

Ninth, any post-tenure review policy must be clearly publicized and communicated to faculty before the policy is implemented.

For at least three years, the clear publication and communication of policy has been a matter of great concern for the Faculty Senate (see Appendix L). We are of the opinion that Southeastern has fallen short of achieving a tenet of its institutional mission that for faculty and staff, Southeastern will “adhere to well-defined organizational structures, policies, and procedures” (1.5.2). The SEBS post-tenure review policy is a case-in-point of the failure to adequately publicize, communicate, or implement a policy through formal and official University channels.

Let’s consider a brief sketch of that policy’s development, implementation and publication. In the spring and summer of 2009, a school-wide committee was formed by the Dean of SEBS. The workings of that committee are murky (access to its Minutes or reports have not been made available to faculty). On September 17, 2009, the Dean sent an email (Appendix C) with the attached post-tenure review policy. Whether the Dean’s email request for faculty feedback constitutes adequate faculty review of the policy is debatable. And, whether this email constitutes a formal communication of policy through official University channels is in doubt.

At the meeting of SEBS faculty at the beginning of the 2010-2011 academic year the Dean indicated that a school-wide post-tenure review would be implemented. No details were given, and to the best of our knowledge, no publication or dissemination of the policy occurred (the last communication of the policy being the email of 9/17/2009). Two months after the school faculty meeting--and then only at a faculty member’s request--the Dean sent the faculty member the policy that was being used (Appendix D). Note, that this policy differs in significant ways from the policy that was attached to the 9/17/2009 email. The fact that faculty were to a great extent “in the dark” about the policy and its workings fueled rumors and faculty anxiety; the unfortunate effects of the failure to adequately publicize and communicate the policy through official University channels.

Tenth, consistent with Southeastern’s stated policies on faculty evaluation (APPM 4.4) post-tenure review must be primarily directed toward faculty development and improvement rather than used as a punitive measure. Toward that end, any review that determines faculty deficiencies must also include a clear explanation of what needs to be done to remedy these deficiencies.

According to Southeastern policy, “The Faculty Development and Evaluation System is designed to improve faculty performance,” and to provide “a critical process for continuous improvement of the University and faculty” (4.4.1). To achieve these principles, clear direction and adequate time are essential to facilitate the faculty member’s development and to remedy identified deficiencies. We have already noted our objections to using post-tenure review as a punitive measure. Yet, an argument might be made that enforcing the connection between post-tenure review and dismissing tenured faculty could serve to improve the University by enabling the removal of “dead wood” faculty and to give a motivational “kick in the pants” to get those stereotypical “tenured slackers” on the ball: or else. Such an argument is at odds with longstanding academic principles (see Appendix I) and might be interpreted as an affront to the hard work, accomplishments, and professional competence of tenured faculty. Furthermore, the argument calls attention to the glaring absence in our discussions of post-tenure review, of any rewards or economic incentives for tenured faculty. Where are the carrots? For the record, we

would welcome the consideration of some type of economic incentive or reward for those faculty that successfully complete post-tenure review.

Eleventh, post-tenure review policies must be subject to periodic review and recommendations by the relevant faculty (i.e. those that are subject to the policy) and/or the Faculty Senate.

We are not aware of any objections to this principle. We would like to request that the review of policy by faculty be accompanied by the release of relevant data from post-tenure review for the purpose of adequately equipping faculty with the material with which to make an informed review of the policy and procedure.

ⁱ FS minutes

ⁱⁱ The FS Resolution is included in Appendix A. FS minutes

ⁱⁱⁱ Review of tenured faculty is mentioned in at least two places in the APPM. "A formal evaluation is conducted for each non-tenured faculty member each year and for each tenured faculty member at least each third year" (4.4.1). And, "The academic and professional performance of each tenured faculty member may be reviewed annually and must be reviewed at least every third year. The results of the review will be placed in the personnel record of the tenured faculty member. The tenured faculty member should be given a copy of the review and an opportunity to respond before it is placed in the personnel folder. An unsatisfactory review will require another review within one year. An unsatisfactory review at that time will be grounds for dismissal as listed under Sections 4.6.7 and 4.6.8 below" (4.6.6).

^{iv} The following is from the RUSO Policy Manual:

3.3.5 Procedure for Granting Tenure and Reviewing of Tenured Faculty

A recommendation for tenure may also come directly from the chief academic officer or from the president of the university without prior recommendation from the division or department. If the president determines to recommend granting of tenure, he or she will make the recommendation to the Board.

b) The academic and professional performances of each tenured faculty member at each institution must be reviewed at least every three (3) years. When the review results in a finding that a tenured faculty member's academic and professional performance is unsatisfactory, the faculty member shall be notified of the deficiencies in performance and must be reviewed again within one (1) year. The results of each review will be placed in the personnel record of the tenured faculty member. The tenured faculty member should be given a copy of the review and an opportunity to respond. Two consecutive unsatisfactory post-tenure performance evaluations may be grounds for dismissal or suspension.

^v This principle is also expressed in Southeastern's current policy on the evaluation of faculty: "[t]he department chair assumes that the faculty member is functioning at a level of 'proficient' unless there is evidence to the contrary." Note also, that "[f]or a rating lower than proficient, the chair has the responsibility of presenting evidence" (4.4.3).

^{vi} We have some ideas for the evaluation of teaching that we believe would be a marked improvement to current practices. We would be glad to share these once we reach a mutual agreement on the post-tenure review policy (which we hope will be soon).

^{vii} In a meeting with President Minks (11/21/2011), the Faculty Senate Executive Committee shared its concerns about the degree of administrative responsiveness to formal recommendations from the Faculty Senate. President Minks indicated that he would look into it (see the minutes of the meeting on the Documents page of the Faculty Senate website, and the 1/23/12 report of the Personnel Policies committee).

Appendices

Appendix A—Faculty Senate resolution on the discontinued use of departmental T & P criteria

Appendix B—Memorandum from Dr. McMillan, responding to the Faculty Senate resolution

Appendix C—September 17, 2009 email from the Dean of SEBS and post-tenure review policy draft

Appendix D—October, 2010 emails and the SEBS post-tenure review “policy”

Appendix D.1—Brief evaluative commentary on the SEBS post-tenure “policy”

Appendix E—Faculty Senate’s Principles for Post-Tenure Review

Appendix F—Administrative response to the Faculty Senate’s recommendation for a moratorium on any new post-tenure review policy

Appendix G—Post-Tenure Review Task Force Charge

Appendix H—Dr. Charles Matthews’ analysis of post-tenure review

Appendix I—AAUP Document on Post-Tenure Review

Appendix J—Recommendations for a post-tenure review policy

Appendix K—Pending Faculty Senate Policy Recommendations

Appendix L—Faculty Senate Resolution on Classroom Policies

Appendix A-- Faculty Senate resolution on the discontinued use of departmental T & P criteria

January 25, 2010

Dear Drs. Minks, McMillan, Scoufos, Gaster, Mawer, and Clark,

In the fall of 2008, department chairs were notified by the Administration that the criteria and indicators in the Academic Policies and Procedures Manual were to be used for all tenure and promotion decisions. Moreover, any tenure and promotion criteria guidelines that had been developed and used by departments were to be discontinued. This change was made without explanation to or consultation with the faculty, and is therefore inconsistent with the spirit and practice of shared governance.*

The Policies that had been developed by the individual departments served to "operationalize" the criteria for tenure and promotion (i.e. the policies were consistent with Policies and Procedures) and to give more clarity and specificity than those included in the Manual. This served the dual purpose of informing junior faculty of what was expected of them, and providing tenure and promotion committees with specific guidelines on which to base their decisions.

The Faculty Senate objects to this unilateral move on the part of the Administration. We will be working on guidelines for development of tenure and promotion policies by the academic departments; policies that are consistent with the faculty's role and responsibilities in shared governance, with the University's policies and procedures, and with sensitivity to disciplinary and departmental distinctives. We welcome and look forward to communication with the Administration as we pursue this task.

*The following section of the Academic Policies and Procedures Manual is cited as support for our contention that the administrative decisions on tenure and promotion guidelines are not consistent with the practice or principles of shared governance.

3.7.4 Role of the Faculty

The faculty has primary responsibility for such fundamental areas of curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. On these matters the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty. It is desirable that the faculty should, following such communication, have opportunity for further consideration and further transmittal of its views to the president or board. Budgets, personnel limitations, the time element, and the policies of other groups, bodies, and agencies having jurisdiction over the institution may set limits to realization of faculty advice.

The faculty sets the requirements for the degrees offered in programs, determines when the requirements have been met, and recommends to the president and board the granting of the degrees.

Faculty status and related matters are primarily 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 a primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.

The faculty should actively participate in the determination of policies and procedures governing salary increases.

Respectfully,

Faculty Senate, Southeastern Oklahoma State University

KLC

MEMORANDUM

TO: President Larry Minks

FROM: Douglas N. McMillan,
Interim Vice President for Academic Affairs

RE: January 25, 2010 Letter from Faculty Senate

DATE: February 23, 2010

At your request this memo is in response to the Faculty Senate letter dated 1/25/2010. This letter raises a number of issues with respect to the process and procedure for promotion and tenure decisions. I believe the discussion is probably best served by first focusing on the original directive from Dr. Snowden which started the process of establishing departmental guidelines. I visited with Dr. Snowden recently to confirm my memory of the facts. Dr. Snowden's directive to the departments and deans several years ago was very specific. He encouraged departments to develop their own internal definitions for tenure and promotion. The purpose was to assist the departments in developing discipline specific definitions for service, scholarship and excellence in teaching. Dr. Snowden directed department chairs to make sure that the departmental guidelines met or exceeded both the RUSO Board Policy and our Academic Policy and Procedure Manual requirements. If each department followed the directive then no department should have created an internal process which did not meet or exceed both RUSO and University requirements.

The Faculty Senate has indicated that "the administration decisions on tenure and promotion are not consistent with the practice or principles of shared governance" as described in the Academic Policy and Procedures Manual section 3.7.4 Role of the Faculty. Again, there should be no conflict between the RUSO Board Policy and our Academic Policy and Procedures Manual if the departmental guidelines were constructed correctly as requested by Dr. Snowden. However, a direct conflict arises with other RUSO and University Policies if one interprets the first statement of this policy which reads "Faculty status and related matters are primarily faculty responsibility;" to mean that faculty have sole responsibility for

promotion and tenure decisions. This interpretation directly conflicts with both the RUSO Board Policy 3.2.1 which grants the authority for promotions to the university president and 3.3.3 which indicates that tenure is granted by the RUSO Board of Regents upon recommendation of the university president. In addition, the "sole responsibility" argument also violates The Academic Policy and Procedure Manual section 4.6.3 which provides for independent review of all portfolios by the chair, dean and vice president for academic affairs as well as the president. This review is followed by a recommendation at each level. Our policies clearly indicate that the responsibility for promotion and tenure decisions begins or originates with the faculty but is also shared with administration.

I would like to close by making a statement on where we are now. It is my opinion that the departments can continue to use their definitions for what is appropriate service, scholarship and excellence in teaching as long as these definitions also meet the RUSO Board of Regents Policy and the Academic Policy and Procedures requirements. However, departments must be aware that our University Policy clearly calls for continued independent review and recommendation at the chair, dean, and vice president level. The Academic Affairs Staff will be happy to review any department requirements to determine if they meet RUSO and University Requirements. Please feel free to contact me should you have any additional questions.

William Fridley

From: William Mawer
Sent: Thursday, September 17, 2009 10:22 AM
To: Barbara McClanahan; Blythe Duell; Carol M. Southerland; Carrie M. Schuh; Cathy L. Lightsey; Charla Hall; Dana Clure; Daniel Weigel; Darin Grover; Deana M. Williams; Dennis R. Brewster; Dyanna Bowen; Ed Mauzey; Gail Romer; Gerri Johnson; Hallie Stephens; James Knapp; Jane Elder; Jeffrey Fitzgerald; Jennifer Hicks; Joe Jones; John B. Love; John J. Williams; Jon Reid; Joni Anette; Jordan W. Dreiling; Josh E. Lamberson; Kay D. Collins; Kay Daigle; Ken Elder; Kimberly Donovan; Melanie Price; Michael Kallam; Michael Reed; Mike Metheny; Muhammad Betz; Nancy Hill; Penny Bridwell; Ray D. Richards; Reba J. Criswell; Robert Stewart Mayers; Ron Faubion; Sami Jo Cotton-Black; Scott Courter; Scott Willman; Sheila Barnes; Susan Morrison; Susie Wilson; Toni Stiefer; Tony Robinson; Vicki Hudson; Vivian Guarnera; William Fridley; William Mawer
Subject: Post tenure review committee
Attachments: post-tenureguidelines edited.docx

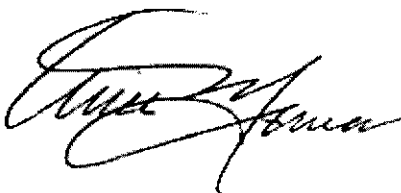
SEBS Faculty,

Attached is the recommendations of the Post Tenure Review Committee for the required 3 year review of tenured faculty members. The 3 year review is not an option; it is mandated by Univ. Policy 4.6.6. Please note that I edited the first paragraph so as to correspond to the present committee structure and added a clarification at the very end of the documents (i.e., 1/3 reviewed each year). All edits are in red.

Please review the attached document. If you have any questions, suggestions, concerns or additions – please direct them to me and I will forward on to the Chair of the Committee. Please have all of the questions, suggestions, concerns or additions to me within the next 10 days so that the committee may finish their charge.

The committee will then return a final draft to me and that will become the Post Tenure Review Policy for the SEBS until it is reviewed or modified in the future.

Thanks,
Will



William T. (Will) Mawer
Dean
School of Education & Behavioral Sciences
Rm. 223 Morrison Hall
1405 N. 4th Ave., PMB 4115
Durant, OK 74701

Ph#: 580-745-2622
Fax# 580-745-7473
Email: wmawer@se.edu

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Post-Tenure Review Committee

The Promotion & Tenure/Post Tenure Review Committee is responsible for the three (3) year review of all tenured faculty members as required by University Policy 4.6.6 titled "Evaluation of Tenured Faculty."

~~A Post-Tenure Review Committee consisting of 4 tenured faculty members (1 from EIL, 1 from HPER, 1 from Behavioral Science, and 1 at-large member from one of the three departments) will be established in the School of Education and Behavioral Sciences (SEBS). Members of the Committee will be appointed by the Dean of the SEBS. Members will serve for three years with the initial group serving staggered terms.~~

The Committee's purpose ~~is~~ will be to review the activities of tenured faculty members in the SEBS every three years. Faculty members to be reviewed will be notified by September 15 of a given year and will be requested to submit a vitae and any supporting documentation to the chair of the Post-Tenure Review Committee by November 15. The Committee will review the material and make a recommendation to the Dean of the SEBS by March 15.

The Committee will confirm the presence of appropriate professional activity across the areas of teaching, scholarship/professional development, and service by using the indicators provided below. At least two indicators from each category must have occurred during the previous three years.

Formatted: Underline

Teaching

A pattern of effective teaching as indicated by an average rating of "proficient" or higher by the department chair

A pattern of effective teaching as indicated by student course evaluation responses

An understanding of technology including, but not limited to, at least one of the following:

*developing a companion Blackboard site for a face-to-face course

*teaching IETV courses

*teaching web-based courses

*requiring students to access articles via the library's electronic database

Mentoring of undergraduate or graduate students that may result in special projects, posters, or presentations

Development of a new course

Significant modification of an existing course

Receiving a Faculty Senate Teaching Award

Scholarship/Professional Development

Presenting a paper/poster/program at a local, state, regional, national, or international conference or workshop

Serving on an editorial review committee for a professional journal

Serving as an officer of a professional organization

Publication of a scholarly monograph

Publication of an academic textbook

Publication of a peer-reviewed chapter in a scholarly book

Publication of an article in a peer-reviewed journal

Publication of a paper in conference proceedings

Publication of an instructor's manual or curriculum materials that do not require a fee or payment by the author

Publication of a reference book entry (e.g. encyclopedia)

Attaining or maintaining professional licensure, certification, or registration

Submission of a research-based internal or external grant proposal

Receiving a Faculty Senate Research Award

Service

Service on at least one Faculty Senate standing committee

Service on at least one SEBS or department specific committee (e.g. search committee, accreditation committee, policy issue committee, etc.)

Service on an ad hoc or special committee established by the Administration, SEBS, or professional group

A pattern of service to students including but not limited to advising, guidance, sponsoring student organizations, etc.

A pattern of service to one's community be it local, state, or regional

A pattern of service in a professional organization or body related to the faculty member's discipline

Receiving a Faculty Senate Service Award

A faculty member may petition the Dean for additional indicators not listed above

If a faculty member is found to be deficient in an area, he/she will have one year to cure that deficiency

This policy will be reviewed every three years

One third (1/3) of the faculty in SEBS will be reviewed each year

William Fridley

From: William Mawer
Sent: Wednesday, February 25, 2009 11:42 AM
To: Charla Hall; James Knapp; William Fridley; Hallie Stephens; Michael Reed
Cc: Dyanna Bowen
Subject: Post-tenure Review Committee

Committee,

Hopefully, you are aware (either by appointment or by discussions with me) that you are being asked to serve on the post-tenure review committee. This committee needs to meet next week to begin the process of developing the policy for the School of Education and Behavioral Sciences. Please contact Dyanna Bowen (dbowen@se.edu) with available time to meet next week. I will need to meet briefly with the committee and they you will begin the policy consideration and elect a chairmen to coordinate. One of the Administrative Assistants will be assigned to your committee to take care of the clerical matters that may arise and coordinate future meetings.

Thanks,
Will

From: William Fridley
Sent: Monday, October 25, 2010 3:41 PM
To: William Mawer
Cc: William Fridley
Subject: Post-Tenure Review?

Dean Mawer,

At the SEBS meeting at the beginning of academic year you mentioned that a post-tenure review procedure would be put into practice this year. Could you please tell me if such a practice is indeed in place? If so, could you please tell me where I might find the policy and or procedure by which this practice is being guided?

Thank you,
Dr. Fridley

William Lloyd Fridley, Ph.D.
Associate Professor, Educational Instruction and Leadership
Southeastern Oklahoma State University
P.O. Box 4204
Durant, OK 74701-0609
(580) 745-2638
Fax: (580) 745-7508
<mailto:wfridley@se.edu>
<http://homepages.se.edu/eil/faculty/dr-william-fridley/>

William Fridley

From: William Mawer
Sent: Tuesday, October 26, 2010 8:46 AM
To: William Fridley
Subject: RE: Post-Tenure Review?
Attachments: Revised PT Review.docx

William,

Attached is the most current copy of the policy that we are following for Post Tenure Review, at least for this year. I made sure that the persons selected for PTR were not going up for promotion also. Charla Hall is the chair of the committee and the committee is test driving this policy and will make changes in it at the end of the process. I keep reading it and find things I do not like and hopefully the faculty committee will address the concerns of the faculty being reviewed as well as the Chairs and the Dean about the process.

I think the policy is a really good start, but definitely not a final product.

This was developed by a faculty committee the spring and summer of 2009 and was submitted a little too late to test drive in fall 09, so we waited until Fall 2010.

Please feel free to make suggestions also.

Will



William T. (Will) Mawer
Dean
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1.1. Post-Tenure Review

The School of Education and Behavioral Sciences has hereby adopted the following policy and procedures for evaluating tenured faculty teaching within the School of Education and Behavioral Sciences.

The Committee's purpose is to review the activities of tenured faculty members in the SEBS every three years. Faculty members to be reviewed will be notified by September 15 of each year and will be requested to submit a vitae and any supporting documentation to the chair of the Post-Tenure Review Committee by October 15.

The Committee will confirm the presence of appropriate professional activity across the areas of teaching, scholarship/professional development, and service by using the indicators provided below. At least two indicators from each category must have occurred during the previous three years.

Teaching

A pattern of effective teaching as indicated by an average rating of "proficient" or higher by the department chair (see faculty evaluation rubric for ratings and their descriptions).

A pattern of effective teaching as indicated by student course evaluation responses

An understanding of technology including, but not limited to, at least one of the following:

- *developing a companion Blackboard site for a face-to-face course
- *teaching IETV courses
- *teaching web-based courses
- *requiring students to access articles via the library's electronic database

Mentoring of undergraduate or graduate students that may result in special projects, posters, or presentations

Development of a new course

Significant modification of an existing course

Receiving a Faculty Senate Teaching Award

Scholarship/Professional Development

Presenting a paper/poster/program at a local, state, regional, national, or international conference or workshop

Serving on an editorial review committee for a professional journal

Serving as an officer of a professional organization

Publication of a scholarly monograph

Publication of an academic textbook

Publication of a peer-reviewed chapter in a scholarly book

Publication of an article in a peer-reviewed journal

Publication of a paper in conference proceedings

Publication of an instructor's manual or curriculum materials that do not require a fee or payment by the author

Publication of a reference book entry (e.g. encyclopedia)

Attaining or maintaining professional licensure, certification, or registration

Submission of a research-based internal or external grant proposal

Receiving a Faculty Senate Research Award

Service

Service on at least one Faculty Senate standing committee

Service on at least one SEBS or department specific committee (e.g. search committee, accreditation committee, policy issue committee, etc.)

Service on an ad hoc or special committee established by the Administration, SEBS, or professional group

A pattern of service to students including but not limited to advising, guidance, sponsoring student organizations, etc.

A pattern of service to one's community be it local, state, or regional

A pattern of service in a professional organization or body related to the faculty member's discipline

Receiving a Faculty Senate Service Award

A faculty member may petition the Dean for additional indicators not listed above

If a faculty member is found to be deficient in an area, he/she will have one year to cure that deficiency

This policy will be reviewed every three years

One third (1/3) of the faculty in SEBS will be reviewed each year

1.1.1. Selection of Faculty to Be Evaluated

On or before September 15th of each year, the Dean of the School of Education and Behavioral Sciences or the department chair(s), or the chairman of the PTR shall notify each of the tenured faculty chosen for that year's tenure evaluation. The notice shall contain the names of the PTR committee and specifically the name of the Chairperson of the committee. It shall also contain a general request of information that may be requested from the faculty member by the evaluation committee. This information may include, but is not limited to, the following: teaching evaluations, current vita, verification of Journal publications, and verification of service. The notice shall require the faculty to submit the required material by October 15th of that year to the Chair of the PTR committee.

1.1.2. Recommendations of the Committee

The recommendation of the PTR Committee shall be one of the following three recommendations and be in accordance with these standards:

- "Tenure Continued" – Faculty member is qualified, has satisfactory teaching evaluations, and shows substantial service to his or her profession, student, community, School of Education and Behavioral Sciences and the University.
- "Tenure Conditionally Continued" – Faculty member is deficient in one or more areas, i.e., not qualified, unsatisfactory teaching evaluations, or does not show adequate professional performance. The committee shall state with specificity the area(s) of deficiency and make recommendations for curing such deficiencies. This recommendation shall cause the evaluated faculty member to be reviewed the following year to verify that all deficiencies have been cured.
- "Tenure Recommended Not Continued" – Faculty member is deficient in maintaining academic qualifications, satisfactory teaching evaluations and professional performance or was previously evaluated and received a "Tenure Conditionally Continued" recommendation and did not or has not cured any stated deficiencies. A majority vote of the committee, by written ballot, shall determine the recommendation, and individual votes shall not be disclosed.

1.1.3. Delivery of Committee's Recommendations

The Committee will review the material and submit its recommendation to the appropriate department chair and to the faculty member by November 15. A copy of all the materials considered by the committee, as well as any committee narratives shall be submitted with the report to the chair. Based on these materials, the chair prepares a recommendation.

1.1.4. Dean's Recommendation

By December 1, the chair will submit to the Dean his/her recommendation, the committee's recommendation and all supporting materials for the Dean's consideration. The Dean may approve or modify the chair and Tenure Evaluation Committee's report and recommendations, in whole or in part, and change the recommendation in accordance with his/her findings. The Dean must review the recommendations of the committee and the chair, and notify the faculty member of his/her findings and forward a copy of the original committee report and accompanying document to the Vice President of Academic Affairs within 15 days after the receipt of the faculty member's materials.

1.1.5. Vice President of Academic Affairs Recommendation

Any recommendation of the Dean shall be submitted to the Vice President for Academic Affairs for consideration. The said Vice President may approve or modify the Dean's recommendation, in whole or in part, and change the recommendation in accordance with his findings. The Vice President must review the recommendations of the Tenured Faculty Review Committee, the Dean's recommendation and notify the faculty member of his/her findings and forward a copy of the Deans' recommendation, original committee report and accompanying document to the President of the University.

1.1.6. Filing of Recommendations and Decisions

All determinations of the Dean, Vice President and President shall be placed in the personnel file of the faculty member.

1.1.7. Completion of Tenure Review Process

Within thirty days after the completion of the Tenure Evaluation Process, the President shall forward copies of the Committee Report and Recommendation, and copies of the recommendations of the Chair, Dean and Vice President, to the Vice President of Academic Affairs for such further and appropriate action which may be required by the final recommendation.

1.1.8. Forms

Attached hereto and incorporated herein is the form to be used by the Tenure Evaluation Committee in preparing its report and recommendation. This form shall be presented to the faculty member, who shall sign receipt thereof, with a copy being forwarded to the Dean.

1.1.9. Evaluation Rubric

Attached hereto and incorporated herein is an evaluation rubric which contains the essential elements and criteria to be considered in evaluating tenured faculty members. The information contained in the rubric is to be considered a guide and not a limitation on the information the Tenure Evaluation Committee may consider. The evaluation rubric for post tenure review will be reviewed by faculty and the PTR Committee at least every three years.

Appendix D.1—Brief evaluative commentary on the SEBS post-tenure “policy”

At first glance, this “policy” appears to be a relatively easy-to-use checklist of items that constitute a minimal threshold for obtaining a satisfactory rating for post-tenure review. However, the number of procedural steps required in this policy renders a cumbersome and lengthy process and introduces several problems that are described in the analysis of Principle Eight.

Another shortcoming of this “policy” is its focus on *quantity* with little regard to the *quality* of faculty work. The dangers of such a system include the possibility that it “may lead faculty members to pick safe and quick, but less potentially valuable, research projects to minimize the risk of failure or delayed achievement” (Appendix I, p. 63). With this “policy” it is conceivable that a faculty member who published an acclaimed monograph four years before (and yet published nothing in the last three years) could be given an “unsatisfactory” evaluation. A policy that creates such possibilities is unacceptable.

Appendix E

Principles for Post-Tenure Review

OUR MISTAKE - SHOULD SAY
↑ 'REPRESENTATIVE'

Resolved, that it is the opinion of the Faculty Senate as the governing body for all Southeastern faculty that all post-tenure review policies and practices at the University adhere to the following principles in order to comply with the concepts and practices of tenure and shared governance:

- First, that post-tenure review shall be a process distinct from annual evaluation. To fairly represent the body of a faculty member's work, formal post-tenure review should occur every third year, with more frequent evaluation occurring only if required by accreditation, BOROC policy, or at the request of the faculty member.
- Second, that post-tenure review shall encompass the faculty member's entire body of work for the previous three years (i.e. not simply the most recent year).
- Third, that in any formal post-tenure review there is a presumption of proficiency on the part of the faculty member. It is the responsibility of the evaluator(s) to determine sufficient deficiency to lead to and justify an unsatisfactory rating.
- Fourth, that an unsatisfactory rating results only in cases in which it is determined there is a sufficient deficiency in at least two of three areas (teaching, scholarship and service). This preserves the parallelism with the Guidelines for Achieving Tenure, which requires noteworthy achievement in two areas (APPM 4.6.5).
- Fifth, that the criteria for post-tenure review be developed by the faculty within a given discipline, in a manner consistent with the discipline's standards, the mission of the University, and levels of institutional support.
- Sixth, that the faculty within a given field be given the primary responsibility for the review.
- Seventh, any post-tenure review process must include specifics about an appeal process for the review itself (as well as the consequences of the review).
- Eighth, in the case of a favorable rating by the post-tenure review committee (evaluators), the rating decision will stand and the review will proceed no further up the administrative chain of command.
- Ninth, any post-tenure review policy must be clearly publicized and communicated to faculty before the policy is implemented.
- Tenth, consistent with Southeastern's stated policies on faculty evaluation (APPM 4.4) post-tenure review must be primarily directed toward faculty development and improvement rather than used as a punitive measure. Toward that end, any review that determines faculty deficiencies must also include a clear explanation of what needs to be done to remedy these deficiencies.
- Eleventh, post-tenure review policies must be subject to periodic review and recommendations by the relevant faculty (i.e. those that are subject to the policy) and/or the Faculty Senate.

Appendix F—Administrative response to the Faculty Senate’s recommendation for a moratorium on any new post-tenure review policy

Appendix F

MEMORANDUM

TO: President Larry Minks
Diane Dixon, Chair of the Faculty Senate

FROM: Doug McMillan, Interim V.P. for Academic Affairs

RE: Response to Post-Tenure Review Policy

DATE: August 9, 2011

This memo is in response to the Faculty Senate Resolution on Post-tenure Review which was passed in the May 2011 meeting. I have included the wording of the review below for your convenience:

The Faculty Senate recommends that a moratorium be placed on the implementation of any new (i.e. other than the current Faculty Evaluation Process that is described in the APPM) post-tenure review policy until an official university policy on post-tenure review has been developed, approved, and published. Given the importance and wide ranging effects of post-tenure review, any policy warrants careful, deliberate consideration and must be the product of sufficient and representative (i.e. the Faculty Senate) faculty input, participation, and review. The Faculty Senate also recommends that any proposed post-tenure review policy conform to the Faculty Senate’s “Principles for Post-Tenure Review.”

I want to support the general theme communicated in the resolution which is that Southeastern needs a university wide policy on post-tenure review and that the Faculty Senate needs to have substantial input in developing the policy. I also want to express my support for making this a priority issue during the upcoming academic year. There are, however, some parts of the resolution that I would like to discuss further. For example, under RUSO Board Policy we are required to conduct post-tenure reviews (RUSO Board Policy 3.3.5 Procedure for Granting Tenure and Reviewing Tenured Faculty). RUSO Board Policy 3.3.5 requires at a minimum each tenured faculty member must be reviewed every three years. If this review leads to a determination of professional performance that is unsatisfactory then a second review is required within one year. Since post-tenure review is required by the RUSO Board, we (the administration or the Faculty Senate) do not have the authority to suspend the policy or declare a moratorium.

In addition, I would like to discuss some of the language and concepts in the “Principles for Post-Tenure Review” document further. Just as an example, in the opening of the “Principles of Post-Tenure Review” the Faculty Senate is identified as “the governing body for all Southeastern faculty”. The Faculty Senate, as defined in Article II—Functions and Powers of the Faculty Senate Constitution is the “official representative body of the faculty”. I believe the RUSO Board could possibly take exception to the use of the term “governing body” since the RUSO Board is our governing board and no other entity is recognized as the governing body for Southeastern. Again this is just an illustration. Before we can consider these principles we will need to have a review and discussion of them in light of RUSO and Southeastern policy and practice in the area of tenure and promotion.

I would like to propose that early in the fall semester we form a task force made up of both Faculty Senate appointees and selected academic administrators with the following charge:

1) Review the "Principles of Post-Tenure Review" document with the intention of including the revised document in the Academic Policy and Procedures Manual;

2) Develop a university wide policy that would govern the post-tenure review process. The review of this policy should include a careful examination of RUSO Board Policy and the APPM.

After the task force completes this charge, I would further recommend that we have a period of formal review by the Faculty Senate and the administration before becoming policy with final authority for approval being President Minks. This work will need to be done quickly so that we can conduct a pilot test of the new procedure during the spring semester of 2012. I will be happy to discuss any comments or concerns either of you have concerning this recommendation.

Appendix G—Post-Tenure Review Task Force Charge

Post-Tenure Review Task Force

Task Force Charge

The task force is charged to accomplish the following tasks:

1. Conduct a review of our sister institutions in the RUSO System with regard to their specific policies and procedures regarding post-tenure review.
2. Provide a written summary of the review requested in number one above.
3. Review applicable RUSO Board Policy requirements for post-tenure review.
4. Review and provide a written critical analysis of the Faculty Senate's Statement on Post-Tenure Review.
5. Develop a recommended procedure for conducting post-tenure review at Southeastern.
6. Develop a recommended process that encourages faculty to continue active involvement in their work and discipline beyond tenure and promotion decisions.
7. Provide recommendations for any needed policy modifications or additions for post-tenure review.
8. Obtain a review of the recommended procedure and related policy modifications/additions for post-tenure review from the RUSO legal counsel.
9. Recommend a timeline for implementation of the new post-tenure review process.

Timeline and Task Importance

The Post-Tenure Review Task Force will initiate their work immediately and will present a final report prior to spring break 2012, March 16, 2012. Sincere appreciation is expressed for individuals serving on this very important task force.


Douglas N. McMillan, Ph.D.

Interim Vice President for Academic Affairs

William Fridley

From: Doug McMillan
Sent: Friday, October 28, 2011 2:11 PM
To: Lucretia Scoufos; William Mawer; Bryon Clark; Claire Stubblefield; Jerry Polson; Jane Licata; William Fridley; Dennis R. Brewster; Halet Poovey; George Jacox; Daniel Althoff; Christopher Moretti
Cc: Bridgette Hamill

Each of you have been appointed by either the Office of Academic Affairs or the Faculty Senate to serve on the Post-Tenure Review Task Force. The Task Force will receive a formal charge in its first meeting, which will occur shortly. Generally, the Task Force will assist in developing recommendations concerning policy and procedure for the post-tenure review process at Southeastern. Please let Bridgette Hamill in the Office of Academic Affairs know if you are unable to serve, so that we can appoint a replacement. I expect the task force will begin work this semester and conclude its' work during the spring, 2012 semester. Lucretia Scoufos has most graciously agreed to serve at the temporary chair to get the work of the Task Force started.

Thank You for your participation in this important project.

Douglas McMillan, Ph.D.

Interim Vice President for Academic Affairs

On Post-Tenure Review

Charles A. Matthews
Chair of Mathematics
Southeastern Oklahoma State University
November 16, 2011

What is tenure?

In this paper *tenure* refers to the academic tenure of a university professor. Tenure is a status of a professor indicating that their position is permanent until retirement.

There are guidelines by which tenure can be revoked. Our *Academic Policies and Procedures Manual* lists some causes for the termination or suspension of tenure, including but not limited to committing a felony, moral turpitude, insubordination, incompetence, dishonesty, substantial or repeated failure to fulfill professional duties, behavior preventing fulfillment of professional duties, or two consecutive unsatisfactory post-tenure review evaluations.

What are the purposes of tenure?

Tenure guarantees a faculty member academic freedom. This academic freedom occurs in teaching, scholarly activity, and service. In teaching, academic freedom means that the faculty member can try risky, innovative methods of teaching that they might fear to try if their job depended on its success. The awarding of tenure to the faculty member is an expression of confidence in the faculty member's expertise in teaching, even to an extent that allows them to try uncertain methods. In scholarly activity, academic freedom means that the faculty member can research projects of their own choice, even if the project might not yield any immediately publishable results. The awarding of tenure to the faculty member is an expression of confidence in the faculty member's expertise in research, even to an extent that allows them to attempt projects that might not produce results for years and years. In service, academic freedom means that a faculty member should feel like they can speak their will without fear of termination, even if their point of view is at odds with the administration or faculty or staff.

Tenure provides financial security to the faculty member. Tenure is a benefit similar to health insurance and vacation time.

Without tenure, a university will have to pay higher salaries to compensate for the lack of academic freedom and financial security, especially in mathematics where government and industry pay a mean annual salary of \$107,000¹ to math PhD's.

Guidelines for post-tenure review

¹ Bureau of Labor Statistics, www.bls.gov.

1. Post-tenure review should not effectively eliminate tenure. If the post-tenure review process effectively eliminates tenure, then it would be a lie to claim that the university still awards tenure. The post-tenure review process will effectively eliminate tenure if any of the following hold:

- i. The process becomes as involved as the process of achieving tenure.
- ii. It becomes as difficult to receive a satisfactory post-tenure review as it is to achieve tenure.
- iii. The process becomes a method for essentially re-applying for tenure.

2. Post-tenure review should not reduce academic freedom. Specifically, a post-tenure review should not be unsatisfactory because of any of the following reasons:

- i. The faculty member tried a method of teaching that was not successful.
- ii. The faculty member has not published results because their research has not yet yielded publishable results. Some activities that might not be enough to grant tenure but could be enough to get a satisfactory post-tenure review include writing unpublished research; attending appropriate professional conferences; and writing grant proposals that are not funded.
- iii. The faculty member made people mad or uncomfortable because of the professional point of view they expressed.

3. Post-tenure review should be used to document how a faculty member is fulfilling their professional duties. The professional duties of a professor include the continuation of effective teaching, scholarly activity, and service.

4. Post-tenure review should be conducted by faculty. According to the *Academic Policies and Procedures Manual*, "faculty status and related matters are primarily a faculty responsibility....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 a primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail."

5. Post-tenure review should be conducted only as often as required by the regents. Every three years seems too often to me; and every year is unreasonable. It takes time to develop research in mathematics. Even after submission of a research paper in mathematics, the time to acceptance in a journal can be more than 2 years. If it takes 2 years to write a paper and 2 years for a journal to consider it for publication, then many years can pass before a faculty member can count a publication based on the research that

has been performed. If a faculty member feels the need to be published immediately, they will much more likely submit the paper to a less significant journal, when at times it would be better to take a chance and submit the paper to a top-rated journal.

Post-Tenure Review: An AAUP Response

The following report, approved in June 1999 by the Association's Committee A on Academic Freedom and Tenure, was adopted that month by the Council and endorsed by the Eighty-fifth Annual Meeting.

Introduction

The Association's existing policy on post-tenure review, approved by Committee A and adopted by the Council in November 1983, is as follows:

The Association believes that periodic formal institutional evaluation of each postprobationary faculty member would bring scant benefit, would incur unacceptable costs, not only in money and time but also in dampening of creativity and of collegial relationships, and would threaten academic freedom.

The Association emphasizes that no procedure for evaluation of faculty should be used to weaken or undermine the principles of academic freedom and tenure. The Association cautions particularly against allowing any general system of evaluation to be used as grounds for dismissal or other disciplinary sanctions. The imposition of such sanctions is governed by other established procedures, enunciated in the 1940 *Statement of Principles on Academic Freedom and Tenure* and the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings* that provide the necessary safeguards of academic due process.

By the mid-1990s, new forms of post-tenure review were appearing: a significant number of legislatures, governing boards, and university administrators were making such reviews mandatory; others were in various stages of consideration. For this reason it has become necessary not only to *reaffirm* the principles of the 1983 statement, but also to provide standards that can be used to assess the review process when it is being considered or implemented. This report accordingly offers practical recommendations for faculty at institutions where post-tenure review is being considered or has been put into effect.

The principles guiding this document are these: Post-tenure review ought to be aimed not at accountability, but at faculty development. Post-tenure review must be developed and carried out by faculty. Post-tenure review must not be a reevaluation of tenure, nor may it be used to shift the burden of proof from an institution's administration (to show cause for dismissal) to the individual faculty member (to show cause why he or she should be retained). Post-tenure review must be conducted according to standards that protect academic freedom and the quality of education.

Definition of Terms

Because post-tenure review is used to mean many things, it is important to define our understanding of the term. Lurking within the phrase are often two misconceptions: that tenured faculty are not already recurrently subject to a variety of forms of evaluation of their work, and that the presumption of merit that attaches to tenure should be periodically cast aside so that the faculty member must bear the burden of justifying retention. Neither assumption is true. Although it would perhaps be best to utilize a term other than post-tenure review, most alternative expressions (such as periodic evaluation of tenured faculty) do not clearly enough dispel the misconceptions, and the more familiar term has become so widely adopted in academic parlance that it would only create additional confusion were it not used here.

Post-tenure review is a system of periodic evaluation that goes beyond the many traditional forms of continuous evaluation utilized in most colleges and universities. These traditional forms of evaluation vary in their formality and comprehensiveness. They include annual reports for purposes of determining salary and promotion, reviews for the awarding of grants

and sabbaticals, and reviews for appointment to school and university committees, graduate faculties, interdisciplinary programs, and professorial chairs and learned societies. More narrowly focused reviews include course-by-course student teaching evaluations, peer review and wider public scrutiny of scholarly presentations and publications, and both administrative and collegial observation of service activities. Faculty members are also evaluated in the course of the program reviews required for regional or specialized accreditation and certification of undergraduate and graduate programs.

What post-tenure review typically adds to these long-standing practices is a formalized additional layer of review that, if it is not simply redundant, may differ in a number of respects: the frequency and comprehensiveness of the review, the degree of involvement by faculty peers, the use of self-evaluations, the articulation of performance objectives, the extent of constructive "feedback," the application of innovative standards and principles, and the magnitude of potential sanctions. At its most draconian, post-tenure review aims to reopen the question of tenure; at its most benign, it formalizes and systematizes long-standing practices. In this report, we use the term post-tenure review to refer to the variety of practices that superimpose a more comprehensive and systematic structure on existing processes of evaluation of tenured faculty.

Post-Tenure Review and Academic Freedom: A General Caution

Post-tenure review should not be undertaken for the purpose of dismissal. Other formal disciplinary procedures exist for that purpose. If they do not, they should be developed separately, following generally accepted procedures.¹

Even a carefully designed system of post-tenure review may go awry in a number of ways of serious concern to the Association. Many, though not all, proponents of post-tenure review purportedly seek to supplement preexisting ways of reviewing the performance of tenured faculty with a system of managerial accountability that could ensure faculty productivity, redirect faculty priorities, and facilitate dismissal of faculty members whose performance is deemed unsatisfactory. Despite assurances by proponents that they do not so intend, the substitution of managerial accountability for professional responsibility characteristic of this more intrusive form of post-tenure review alters academic practices in ways that inherently diminish academic freedom.

The objectionable change is not that tenured faculty would be expected to undergo periodic evaluation. As noted here, they generally do—and they should. Nor is there any claim that tenure must be regarded as an indefinite entitlement. Tenured faculty are already subject to dismissal for incompetence, malfeasance, or failure to perform their duties, as well as on grounds of bona fide financial exigency or program termination. Nor is the issue, as many faculty imagine, simply who controls the evaluation. Faculty members as well as administrators can and do err.

Rather, the most objectionable feature of many systems of post-tenure review is that they ease the prevailing standards for dismissal and diminish the efficacy of those procedures that ensure that sanctions are not imposed for reasons violative of academic freedom. Some proponents of post-tenure review, motivated by a desire to facilitate the dismissal of tenured faculty, seek to substitute less protective procedures and criteria at the time of post-tenure review. But demanding procedures and standards are precisely what prevent dismissal for reasons violative of academic freedom.

If the standard of dismissal is shifted from "incompetence" to "unsatisfactory performance," as in some current proposals, then tenured faculty must recurrently "satisfy" administrative officers rather than the basic standards of their profession. In addition, some forms of post-tenure review shift the burden of proof in a dismissal hearing from the institution to the tenured faculty member by allowing the institution to make its case simply by proffering the more casually developed evaluation reports from earlier years. Effectively the same concerns arise when the stipulated channel for challenging substantively or procedurally unfair judgments in the course of post-tenure review is through a grievance procedure in which the burden of proving improper action rests with the faculty member.

Academic freedom is not adequately protected in any milieu in which most faculty members bear the burden of demonstrating a claim that their dismissal is for reasons violative of their academic freedom. The heightened protection of the tenured faculty is not a privilege, but a responsibility earned by the demonstration of professional competence in an extended probationary period, leading to a tenured position with its "rebuttable presumption of professional excellence."² It chills academic freedom when faculty members are subjected to revolving contracts or recurrent challenge after they have demonstrated their professional competence.

When post-tenure review substitutes review procedures for adversarial hearing procedures, or diverse reappointment standards for dismissal standards, it creates conditions in which a host of plausible grounds for dismissal may cloak a violation of academic freedom. Innovative research may be dismissed as unproven, demanding teaching as discouraging, and independence of mind as a lack of collegiality. The lengthy demonstration of competence that precedes the award of tenure is required precisely so that faculty are not recurrently at risk and are afforded the professional autonomy and integrity essential to academic quality.

We recognize that some tenured faculty members may, nonetheless, fail to fulfill their professional obligations because of incompetence, malfeasance, or simple nonperformance of their duties. Where such a problem appears to exist, "targeted" review and evaluation should certainly be considered, in order to provide the developmental guidance and support that can assist the faculty member to overcome those difficulties. Should it be concluded, however, that such developmental assistance is (or is likely to be) unavailing, the remedy lies not in a comprehensive review of the entire faculty, nor in sacrificing the procedural protections of the tenured faculty member, but in an orderly application of long-standing procedures such as those in the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure* (Regulations 5-7) for the imposition of sanctions up to and including dismissal.

In other cases, faculty members may voluntarily agree to redirect their work or to accept early-retirement incentives as a consequence, for example, of a decision to redirect departmental priorities. But the use of sanctions pursuant to individual reviews to induce the resignation of programmatically less "desirable" faculty members or to redirect otherwise competent faculty endeavors may well have deleterious consequences for academic freedom. The prohibition of the use of major sanctions to redirect or reinvigorate faculty performance without a formal finding of inadequacy does not mean that administrators and colleagues have no less demanding recourse to bring about improvement. Although academic acculturation will ordinarily have provided a sufficient incentive, the monetary rewards or penalties consequent on salary, promotion, and grant reviews can and do encourage accommodation to institutional standards and professional values.

Even on campuses where there is not thought to be a problem with so-called "deadwood" or incompetent faculty members, many proponents of post-tenure review, as well as those who adopt it in the hope of forestalling more comprehensive and blatant attacks on tenure, sometimes envision such review as a means for achieving larger management objectives such as "downsizing," "restructuring," or "reengineering." Individual faculty reviews should, however, focus on the quality of the faculty member's work and not on such larger considerations as programmatic direction. Downsizing may be properly accomplished through long-term strategic planning and, where academically appropriate, formal program discontinuance (with tenured faculty subject to termination of appointment only if reasonable efforts to retrain and reassign them to other suitable positions are unsuccessful).

It might be thought that the untoward impact on academic freedom and tenure may thus be eliminated by implementing a system of post-tenure review that has no explicit provision for disciplinary sanctions. Even here, however, where the reviews are solely for developmental ends, there is a natural expectation that, if evidence of deficiency is found, sanctions of varying degrees of subtlety and severity will indeed follow, absent prompt improvement. Hence, even the most benign review may carry a threat, require protections of academic due process, and inappropriately constrain faculty performance. This point warrants further elaboration.

A central dimension of academic freedom and tenure is the exercise of professional judgment in such matters as the selection of research projects, teaching methods and course

curricula, and evaluations of student performance. Those who have followed recent attacks on faculty workloads know that the issue rapidly shifted from the allegation that faculty did not work enough (which, it turned out, they plainly did) to the allegation that faculty did not do the right sort of work. Some proponents of post-tenure review will thus not be content with the identification of the few "slackers" already known to their colleagues by other means, nor even with the imposition of a requirement of faculty cooperation and institutional loyalty. They also want faculty members to give back some portion of their ability to define their own work and standards of performance. For example, increased emphasis on students' evaluations of teaching may lead to the avoidance of curricular experimentation or discourage the use of more demanding course materials and more rigorous standards. Periodic review that is intended not only to ensure a level of faculty performance (defined by others than faculty) but also to shape that performance accordingly, and regardless of tenure, is a most serious threat to academic freedom.

Another consequence of the misapplication of the managerial model to higher education is the ignoring of another important dimension of academic freedom and tenure: time, the time required to develop and complete serious professional undertakings. Shortening the time horizon of faculty, so as to accord with periodic reviews, will increase productivity only artificially, if at all. More frequent and formal reviews may lead faculty members to pick safe and quick, but less potentially valuable, research projects to minimize the risk of failure or delayed achievement.

By way of summary, then, of the Association's principal conclusions, well-governed universities already provide a variety of forms of periodic evaluation of tenured faculty that encourage both responsible performance and academic integrity. Those forms of post-tenure review that diminish the protections of tenure also unambiguously diminish academic freedom, not because they reduce job security but because they weaken essential procedural safeguards. The only acceptable route to the dismissal of incompetent faculty is through carefully crafted and meticulously implemented procedures that place the burden of proof on the institution and that ensure due process. Moreover, even those forms of post-tenure review that do not threaten tenure may diminish academic freedom when they establish a climate that discourages controversy or risk-taking, induces self-censorship, and in general interferes with the conditions that make innovative teaching and scholarship possible. Such a climate, although frequently a product of intervention by trustees or legislators, may instead regrettably flow on occasion from unduly intrusive monitoring by one's faculty peers.

Comprehensive post-tenure review is thus a costly and risky innovation, which may fail either to satisfy ill-informed critics on the one hand or to protect professional integrity on the other. If managerially imposed, it may be a poor substitute for the complex procedures colleges and universities have crafted over the years to balance professional responsibility and autonomy. On the other hand, if designed and implemented by the faculty in a form that properly safeguards academic freedom and tenure and the principle of peer review, and if funded at a meaningful level, it may offer a way of evaluating tenured faculty which supports professional development as well as professional responsibility. To that end, we offer the following guidelines and standards.

Guidelines for Deciding Whether to Establish a Formal System of Post-Tenure Review

1. It is the obligation of the administration and governing board to observe the principle, enunciated in the Association's *Statement on Government of Colleges and Universities*, that the faculty exercises primary responsibility for faculty status and thus the faculty is the appropriate body to take a leadership role in designing additional procedures for the evaluation of faculty peers. Faculty representatives involved in the development of those procedures should be selected by the faculty according to procedures determined by the faculty.³

2. Any discussion of the evaluation of tenured faculty should take into account procedures that are already in place for that purpose: e.g., annual merit reviews of teaching, scholarly productivity, and service; comprehensive consideration at the time of promotion to professor and designation to professorial chairs; and programmatic and accreditation reviews that include analyses of the qualifications and performance of faculty members in that program. The discussion should elicit convincing data on what it is that existing procedures fail to address. The questions for faculty bodies include:
 - a. What are the problems that are calling for this particular solution? Are they of a degree that requires more elaborate, or more focused, procedures for enhancing faculty performance?
 - b. If the answer to the latter question is yes, would it be possible to devise a system of post-tenure review on the basis of existing procedures—for example, a five-year review that is “piggybacked” onto the annual reviews? It should be noted that this system may serve a constructive purpose for those departments that do not do an adequate job in their annual review.
 - c. Is the projected post-tenure review confined to developmental purposes, or is it being inappropriately projected as a new and easier way of levying major sanctions up to and including dismissal?
3. If the institution does not already have in place standards for dismissal-for-cause proceedings, it should adopt such procedural standards as are set forth in existing Association policy statements rather than move to post-tenure review as an alternative dismissal route.⁴
4. Just as the Association has never insisted on a single model of faculty governance but only on the underlying premises that should guide a college or university in respect to that governance, so here any particular form of post-tenure review will depend on the characteristics of the institution: its size, its mission, and the needs and preferences of the faculty, as well as on the resources that the institution can bring to bear in the area of faculty development. Again, the questions to be asked include, but are not necessarily limited to:
 - a. whether the review should be “blanket” for all tenured faculty or focused on problematic cases;
 - b. whether a review can be activated at the request of an individual faculty member for purposes that he or she would regard as constructive;
 - c. whether a cost-benefit analysis shows that institutional resources can adequately support a meaningful and constructive system for post-tenure review without damage to other aspects of the academic program and to the recognition of faculty merit, since the constructiveness of such a system depends not only on the application of these standards but also on the ability to support and sustain faculty development.
5. Any new system of post-tenure review should initially be set up on a trial basis and, if continued, should itself be periodically evaluated with respect to its effectiveness in supporting faculty development and redressing problems of faculty performance, the time and cost of the effort required, and the degree to which in practice it has been effectively cordoned off—as it must be if it is to be constructive—from disciplinary procedures and sanctions.

Minimum Standards for Good Practice If a Formal System of Post-Tenure Review Is Established

1. Post-tenure review must ensure the protection of academic freedom as defined in the 1940 *Statement of Principles*. The application of its procedures, therefore, should not intrude on an individual faculty member’s proper sphere of professional self-direction, nor should it be used as a subterfuge for effecting programmatic change. Such a review must not become the occasion for a wide-ranging “fishing expedition” in an attempt to dredge up negative evidence.

2. Post-tenure review must not be a reevaluation or revalidation of tenured status as defined in the 1940 *Statement*. In no case should post-tenure review be used to shift the burden of proof from the institution's administration (to show cause why a tenured faculty member should be dismissed) to the individual faculty member (to show cause why he or she should be retained).
3. The written standards and criteria by which faculty members are evaluated in post-tenure review should be developed and periodically reviewed by the faculty. The faculty should also conduct the actual review process. The basic standard for appraisal should be whether the faculty member under review discharges conscientiously and with professional competence the duties appropriately associated with his or her position, not whether the faculty member meets the current standards for the award of tenure as those might have changed since the initial granting of tenure.
4. Post-tenure review should be developmental and supported by institutional resources for professional development or a change of professional direction. In the event that an institution decides to invest the time and resources required for comprehensive or "blanket" review, it should also offer tangible recognition to those faculty members who have demonstrated high or improved performance.
5. Post-tenure review should be flexible enough to acknowledge different expectations in different disciplines and changing expectations at different stages of faculty careers.
6. Except when faculty appeals procedures direct that files be available to aggrieved faculty members, the outcome of evaluations should be confidential, that is, confined to the appropriate college or university persons or bodies and the faculty member being evaluated, released otherwise only at the discretion, or with the consent of, the faculty member.
7. If the system of post-tenure review is supplemented, or supplanted, by the option of a formal development plan, that plan cannot be imposed on the faculty member unilaterally, but must be a product of mutual negotiation. It should respect academic freedom and professional self-direction, and it should be flexible enough to allow for subsequent alteration or even its own abandonment. The standard here should be that of good faith on both sides—a commitment to improvement by the faculty member and to the adequate support of that improvement by the institution—rather than the literal fulfillment of a set of nonnegotiable demands or rigid expectations, quantitative or otherwise.
8. A faculty member should have the right to comment in response to evaluations, and to challenge the findings and correct the record by appeal to an elected faculty grievance committee.⁵ He or she should have the same rights of comment and appeal concerning the manner in which any individualized development plan is formulated, the plan's content, and any resulting evaluation.
9. In the event that recurring evaluations reveal continuing and persistent problems with a faculty member's performance that do not lend themselves to improvement after several efforts, and that call into question his or her ability to function in that position, then other possibilities, such as a mutually agreeable reassignment to other duties or separation, should be explored. If these are not practicable, or if no other solution acceptable to the parties can be found, then the administration should invoke peer consideration regarding any contemplated sanctions.⁶
10. The standard for dismissal or other severe sanction remains that of adequate cause, and the mere fact of successive negative reviews does not in any way diminish the obligation of the institution to show such cause in a separate forum before an appropriately constituted hearing body of peers convened for that purpose. Evaluation records may be admissible but rebuttable as to accuracy. Even if they are accurate, the administration is still required to bear the burden of proof and demonstrate through an adversarial proceeding not only that the negative evaluations rest on fact, but also that the facts rise to

the level of adequate cause for dismissal or other severe sanction. The faculty member must be afforded the full procedural safeguards set forth in the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings* and the *Recommended Institutional Regulations on Academic Freedom and Tenure*, which include, among other safeguards, the opportunity to confront and cross-examine adverse witnesses.

Notes

1. These procedures are set forth in the 1940 "Statement of Principles on Academic Freedom and Tenure," the 1958 "Statement on Procedural Standards in Faculty Dismissal Proceedings," and the Association's "Recommended Institutional Regulations on Academic Freedom and Tenure." These documents appear in AAUP, *Policy Documents and Reports*, 10th ed. (Washington, D.C., 2006), 3–11, 12–15, and 22–31.

2. See William Van Alstyne, "Tenure: A Summary, Explanation, and 'Defense,'" *AAUP Bulletin* 57 (1971): 328–33, and Matthew W. Finkin, "The Assault on Faculty Independence," *Academe: Bulletin of the AAUP* 83 (July–August 1997): 16–21.

3. Here, and in other guidelines and standards set forth below, the procedures, in addition to conforming with established AAUP-supported standards, should also conform to the applicable provisions of any collective bargaining agreement.

4. For the applicable policy statements, see note 1.

5. See Regulation 15, "Recommended Institutional Regulations," *Policy Documents and Reports*, 29–30.

6. See Regulations 5–7, "Recommended Institutional Regulations," *ibid.*, 26–28.

Appendix J—Recommendations for a post-tenure review policy

As indicated at several points in this document, we favor the use of the existing policy and processes for post-tenure review. While some minor modifications might be in order, the Faculty Senate is on the record as only supporting modifications that would function to achieve closer compliance with the “Principles for Post-Tenure Review” (Appendix E).

Appendix K—List of Pending Faculty Senate Policy Recommendations

These policy change recommendations have been approved by the Faculty Senate. The dates listed refer to the Senate meetings and the texts of the policy recommendations are copied from the Meeting Minutes or the Summary Report sent to the administration.

February 16, 2011

The committee looked over the membership statements of the University standing committees and considered if any changes were needed. The committee considered whether committees needed to not have more than one member from a given department. Also some changes were made because of the consolidation of departments making it difficult to not have more than one member from a given department. The following recommendations were made:

3.5.7 Institutional Assessment Committee

3.5.7.2 Membership (Faculty Senate revised 02/11)

The committee will be comprised of the Director of Assessment (ex officio), two faculty members from the School of Arts & Sciences, one faculty member from the School of Education & Behavioral Science, one faculty member from the School of Business, one at-large faculty member (rotated through the schools), one student representative, and one representative from the Staff Association. There should be no more than one faculty member from a given academic department.

3.5.11.2 Membership (Faculty Senate revised 2/11)

The Human Subjects Research Review Committee will be composed of eight faculty members, one member of the community, the Associate Vice President for Academic Affairs, and one upper-division student. The appointments will be for three years. The Faculty Senate will appoint two faculty member from the School of Business, two faculty members from the School of Education and Behavioral Sciences, and four faculty members from the School of Arts and Sciences, such that there is not more than one member from a given academic department (if not possible – not more than one member from an academic major program). To allow for continuity of committee functioning, the chair must have at least one year's experience on the Human Subjects Research Review Committee. The community member will be solicited by the Human Subjects Research Review Committee for membership in the committee. The community members will serve for one year. Service may be renewed for another year by mutual agreement of the committee and the community member. The Associate Vice President for Academic Affairs will be an ex officio member of the committee. The upper-division student member will be appointed annually by the Student Senate and approved by the President.

3.5.14.2 Membership (Faculty Senate revised 2/11)

The Honors Committee will be composed of eight faculty members, The Faculty Senate Committee on Committees will appoint two faculty members from the School of Business, two faculty members from the School of Education and Behavioral Sciences, and four faculty members from the School of Arts and Sciences, such that there is not more than one member from a given academic department (if not possible – not more than one member from an academic major program). A faculty Chair and Vice Chair will be elected by the current committee members by May of the academic year and serve for two years. Faculty members will serve for four year staggered terms with two committee members to be appointed each year. Since continuity is important to the Honors Committee, special consideration will be

given to members who wish to serve for additional terms. The student member will be the President of the Honors Student Advisory Council. The Honors Program Director and the Vice President for Academic Affairs' appointee and a representative from Academic Advising and Outreach Center will serve as ex officio members of the committee.

Motion to Approve Senator Duell, 2nd Sen. Fridley
Unanimous Approval

January 19, 2011

**Motion—Make the following amendments to the Faculty Senate Constitution:
Article II, Section E.**

The Faculty Senate will review, evaluate, and make recommendations for changes in undergraduate academic policies, such as calendar changes, grading policies, attendance policy, advanced standing and placement policies, admission requirements, and other appropriate matters.

Change to:

(revised 12-2010) The Faculty Senate will review, evaluate, and make recommendations for changes in undergraduate **and graduate** academic policies, such as calendar changes, grading policies, attendance policy, advanced standing and placement policies, admission requirements, and other appropriate matters.

Article III, Section E.

(revised 10-2008)

The senators shall be elected as soon as possible after the election of the chair/chair-elect. The School of Arts and Sciences shall have 10 senators, the School of Business shall have 4 senators, the School of Education and Behavioral Sciences shall have 6 senators, and the library shall have one. All senators shall serve three-year terms, with the terms staggered so that each school elects only two new senators each fall. (The first year, terms shall be for one, two, and three years, and three years for the library senator. Those receiving the most votes shall serve three-year terms; those receiving the next highest total shall serve two-year terms, etc.)

Change to:

(revised 12-2010) The senators shall be elected as soon as possible after the election of the chair/chair-elect. The School of Arts and Sciences shall have 10 senators, the School of Business shall have 4 senators, the School of Education and Behavioral Sciences shall have 6 senators, and the library shall have one. All senators shall serve three-year terms, with the terms staggered so that each school elects **approximately 1/3 of its senators each fall.**

Article III, Section G.

The chair of the Senate shall have the power to appoint ad hoc committees as needed, establishing their specific duties in advance. In addition, the chair's role is to facilitate the operations of the Senate. The chair shall call meetings to order, recognize speakers, and call for votes after motions have been made. In consultation with other officers and committee chairs, the chair shall prepare the agenda for each meeting. Effective summer semester 2001 and upon assuming office, the Chair of the Faculty Senate will be provided a three-hour reduction in teaching load each semester, including summer, compensation will be 3/8 pay for the two summer months. The Faculty Senate Chair's Department Chair is responsible for initiating the necessary paperwork.

Change to:

(revised 12-2010) The chair of the Senate shall have the power to appoint ad hoc committees as needed, establishing their specific duties in advance. In addition, the chair's role is to facilitate the operations of the Senate. The chair shall call meetings to order, recognize speakers, and call for votes after motions have been made. In consultation with other officers and committee chairs, the chair shall prepare the agenda for each meeting. **Upon assuming office, the Chair of the Faculty Senate will be provided a three-hour course equivalent reallocation time each semester, including summer (in accord with the Revised Interim and Summer School Policies—4.7.5).** The Faculty Senate Chair's Department Chair is responsible for initiating the necessary paperwork.

And,

The archivist shall maintain a depository for all documents (e.g., minutes, memos, and letters) produced by the Faculty Senate, Faculty Senate committees, and all University committees (standing and ad hoc) under the oversight of the Faculty Senate. The archivist will also maintain a depository for all written responses to memos and letters submitted by the entities listed above. The archivist also will serve as the web master for the Faculty Senate home page. It is the responsibility of the chair of each committee to forward all written documents to the archivist. Effective fall semester 2000, the Archivist of the Faculty Senate will be provided a three-hour reduction in teaching load each semester, including summer, compensation will be 3/8 pay for the two summer months.

Change to:

(revised 12-2010) The archivist shall maintain a depository for all documents (e.g., minutes, memos, and letters) produced by the Faculty Senate, Faculty Senate committees, and all University committees (standing and ad hoc) under the oversight of the Faculty Senate. The archivist will also maintain a depository for all written responses to memos and letters submitted by the entities listed above. The archivist also will serve as the web master for the Faculty Senate home page. It is the responsibility of the chair of each committee to forward all written documents to the archivist. **The Archivist of the Faculty Senate will be provided a three-hour course equivalent reallocation time each semester, including summer (in accord with the Revised Interim and Summer School Policies—4.7.5).**

Motion to Approve Senator Dixon, 2nd Senator Frinkle

Discussion: none

Paper vote is required to amend constitution.

Motion Approved

Motion--eliminate the following inactive University Committees from the APPM:

Computer Technology Committee (3.5.10)
Bachelor of Applied Arts and Sciences Coordinating Committee (3.5.12)
Bachelor of General Studies Coordinating Committee (3.5.13)

A related question is whether these should be eliminated from the SE University Committees webpage (they are listed as "Inactive Committees")

Motion to Approve Senator Frinkle, 2nd Senator Dixon

Motion Approved

Motion—that each of the following recommendations (considered separately) for amending the APPM be forwarded to the Administration:

Amendment One

In compliance with the United States Department of Education's Office for Civil Rights' *Colleague Letter* of 26 October 2010, the Faculty Senate recommends the following amendment to Southeastern's *Nondiscrimination, Equal Opportunity, and Affirmative Action Policy* (section 1.8):

1.8 Nondiscrimination, Equal Opportunity and Affirmative Action Policy

To indicate institutional compliance with the various laws and regulations that require a Nondiscrimination, Equal Opportunity and Affirmative Action Policy, the following statement is intended to reflect that Southeastern Oklahoma State University shall, in all manner and respects, continue to be an Equal Opportunity Employer, and offer programs of Equal Educational Opportunity. This institution, in compliance with Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other federal laws and regulations does not discriminate on the basis of race, ethnicity, color, national origin, sex, sexual orientation, transgender identification, age, religion, disability, or status as a veteran of the Vietnam era, special disabled veteran, or any status protected under applicable federal, state, or local law or ordinance in any of its policies, practices or procedures. This includes, but is not limited to, admissions, employment, financial aid, and educational services.

Note: Underlined portions indicate change.

Motion to Approve

Motion Unanimously Approved

Amendment Two

In compliance with the United States Department of Education's Office for Civil Rights' *Colleague Letter* of 26 October 2010, the Faculty Senate recommends the following amendment to Southeastern's *Sexual Harassment Policy* (section 7.4.1):

"Title IX recognizes gender-based harassment as a form of sexual harassment that occurs when a person is subject to discrimination for failing to conform to stereotypical notions of masculinity and femininity."

The document "Colleague Letter" will also be sent with the recommendation(s), as will the document with suggested placement of wording.

Motion to Approve

Motion Unanimously Approved

November 10, 2010

New motion: Proposed Amendment to the Faculty Senate Constitution (see Article VI—Amendments, Sections A and B for this procedure)

The committee description of the Personnel Policies Committee:

This committee shall consist of at least one senator from each school, selected from the Faculty Senate. Its duties shall involve all matters which directly affect the well-being of the faculty

member at the institution. These matters shall include, but not be limited to salary, insurance, teaching, and travel to professional meetings (Article V, Section B., #3).

Shall be changed to

This committee shall consist of at least one senator from each school, selected from the Faculty Senate. Its duties shall involve all matters which directly affect the well-being of the faculty member at the institution. These matters shall include, but not be limited to salary, insurance, teaching, **post-tenure review** and travel to professional meetings (Article V, Section B., #3).

Reasoning: At the time the constitution was written, there was no "separate" (i.e. other than evaluations by the academic department chair) post-tenure review. As a regularly occurring process, post-tenure review directly affects the well-being of tenured faculty and we should make it explicit that this falls under the committee's purview.

Motion to Amend Constitution from committee, 2nd Senator Moretti

Discussion: Is P & T under the purview of the Personnel Policies Committee

Paper vote is required to amend constitution.

Twenty votes in favor

Amendment approved.

October 13, 2010

Modification of Campus Sustainability Committee function statement:

Campus Sustainability Committee

This committee shall be comprised of the following members: (a) at least one faculty member from each school, selected by the Faculty Senate; (b) one member of the staff, appointed by the Staff Association; (c) one representative from the Student Government Association; (d) the Vice President for Business Affairs; and (e) the director of the Physical Plant, with all non-administrative members serving two year terms. The Campus Sustainability Committee shall be required to meet at least twice per academic year. The function of this committee shall be as follows: (a) investigate all information gathered in regards to issues, complaints, violations, etc., directly related to the quality of the physical environment of the University; (b) place emphasis on all aspects of the campus that reflects an attitude of stewardship with the community and environment, such as, but not restricted to, the inclusion of environmentally smart and sound concepts into current and future building and renovation project; (c) **as an advisory committee communicate closely with the administration and schedule a meeting to present an annual report by March 31st of each year that prioritizes projects (grounds and facilities) with cost estimates and identifies any alternative funding sources. The administration is encouraged to use the committee as a resource in the development of the annual budget and in the communication to faculty/staff/students on decisions that affect the learning and work environment.**

Campus Sustainability Committee met and agreed to the modified description.

Motion to Approve Senator Frinkle, 2nd Senator Dixon

Unanimous Approval

March 10, 2010

Personnel Policies Committee proposed a motion to change the timeline in section 4.6.3 (Step 5) of the Academic Policies & Procedures Manual. Specifically, that the statement “The Faculty Appellate Committee must complete action on an appeal by March 20,” be changed to “The Faculty Appellate Committee must complete action on an appeal by March 31.” The change is due to the fact that under the current timeline the Spring Break renders an insufficient amount of time for the Faculty Appellate Committee to adequately tend to its charges.
Motion to approve: Senator Fridley; 2nd Senator Betz; motion carried unanimously

November 12, 2008

Personnel Policies: Chris Moretti (see report)

- o **1st change:** Tenure Promotion Committee votes
- o **2nd change:** in outstanding and commendable ratings, take out references to state and nation
- o **Friendly amendments:** Ken Chin—for promotion/tenure, most important is recommendations, then numerical vote, then portfolio; add Department Chair John Hendricks: Time frame is important—add within one work week
 - **Motion to approve following statement, William Fridley, 2nd Muhammad Betz,**
The Promotion and Tenure Review Committee shall then send their recommendations to grant or to deny promotion and/or tenure, the numerical vote, and the portfolio to the department chair. The department chair will notify the candidate of the numerical vote to grant or deny promotion and/or tenure within one week.
 - **Passed unanimously**

(Cited Above)Personnel Policies Committee
Report to the Senate for November 12th, 2008

The Personnel Policies Committee would like the Senate to recommend two changes to the Academic Policies and Procedures Manual:

First: Tenure and Promotion Committee votes.

Last year we changed section 4.6.3 to read “The Promotion and Tenure Review Committee shall then send the portfolio, the committee’s vote, and their recommendation to grant or to deny to the department chair.” The intention was to have the candidate made aware of the vote tally of their Promotion and Tenure review committee. To make this more explicit, we recommend this be changed to “The Promotion and Tenure Review Committee shall then send the portfolio, the committee’s vote, and their recommendation to grant or to deny to the department chair. In addition, the candidate will be notified of the numerical tally of the committee’s vote as well as the recommendation to grant or deny promotion and/or tenure.”

Second: “Outstanding” and “Commendable” ratings.

In Section 4.4.3 of the Academic Policies and Procedures manual, the ratings “Outstanding” and “Commendable” as they related to tenure and promotion are:

Outstanding:

Performance is among the best of colleagues in similar appointments in similar institutions in the respective field nationwide. On applicable criteria faculty member has recognition beyond the state.

Commendable:

Performance is among the best of colleagues in similar appointments in similar institutions in the respective field statewide. On applicable criteria faculty member has statewide recognition. There have long been complaints that these are definition are unrealistic and never applied. We would like the Senate to recommend that they be changed to the following:

Outstanding:

Performance is among the best of colleagues in similar appointments in similar institutions in the respective field.

Commendable:

Performance is above the expectations for similar appointments in similar institutions in the respective field.

On How Changes to the Policy Manual are Made

As indicated by the following references, the issue of developing and including in the APPM a policy on how policy is made has been a perennial concern.

October 13, 2010

From the Report Summary to the Administration

Hyper-links in Academic Policies and Procedures Manual

We request that **Academic Affairs repair and make operable all internal hyper-links in the online version of the Academic Policies and Procedures Manual**. We request that this be completed by **November 22** and that the Chair of the Faculty Senate be notified when this task is completed. Members of the Personnel Policies Committee will help to identify which links don't work. (list of specific inoperable links is attached separately)

May 12, 2010

Personnel Policies charges for 2010-2011

Pursue administrative clarification on how changes to the Policies and Procedures Manual are made, communicated to faculty, and documented. Build upon the response from administration and the Request sent by the FS (4/14/2010) on these matters.

April 14, 2010

The Faculty Senate approved the following resolutions:

A request for clarification of procedures for making changes to the Southeastern Academic Policies and Procedures Manual

The Faculty Senate requests that:

- The Administration clearly set forth the processes by which changes to the Manual are made and the process by which the decisions are made.
- The Administration notifies the faculty, via email, in a timely manner, when changes to the Manual are made. And, the Faculty Senate is notified in a timely manner when a Faculty Senate request for changes in the Manual are not approved.
- All changes in the Manual are dated (in the Manual).

- All changes to the Manual cite the origin pg the change (e.g. Faculty Senate, Teacher Education Council, and Academic Council).
- When a particular policy in the Manual has been modified, a hyper-link is inserted to provide access to the previous edition of said policy.
- A new policy is added to the Manual that explains the processes by which the Manual is changed.
- An annually updated hard copy of the Manual is placed in the Library

March 10, 2010

Again, the issue concerning what the procedure is for changing the P & P Manual: 2 cases noted; one was Section 6.7.2 Faculty Training within 1 year—no date or who changed it.

March 20, 2009

W. Fridley inquires into the procedure for changing the Policies and Procedures manual. When changes are requested, what happens from there? Suggestions from the November meeting have still not made their way into the manual. It was voiced that there is no reason for the lag time on updates. Again, the issue concerning what the procedure is for changing the P & P Manual: 2 cases noted; one was Section 6.7.2 Faculty Training within 1 year—no date or who changed it.

Furthermore, a log of changes should be kept in the manual itself. W. Jones and C. Moretti will meet with L. Minks to discuss this.

May 13, 2009

Personnel Policies – Dr. Moretti: year-end report (see handout of report) with four charges for 2008-09: 1) Meet with VP Minks to discuss his views on tenure and promotion; 2) Follow developments in post-tenure review in the School of Education; 3) Work on a policy to cover revisions to the Academic Policies & Procedures Manual; 4) Discuss/revise the “war measure” clause in the manual (giving students called to duty full credit after 2/3 semester).

September 12, 2007

Ken Elder convened a summer meeting to discuss the Faculty Forum on Shared Governance. The forum will be held Tuesday, October 9, 2007 at 1:00 pm in the Union Auditorium. It was noted that the forum would be earlier in the day to generate faculty interest in the forum.

Jones distributed a document outlining the issues to be addressed at the 07 faculty forum. The issues included: Issue #1 Administrative announcements/rationale of changes to the Academic Policies and Procedures Manual.

2007 Shared Governance Forum (October 9, 2007)

Issue #1

Given below is one of the Faculty Senate's issues and the Administrative response from the 2003 Forum on Shared Governance:

Faculty Senate:

The Faculty Senate would like to request that whenever the on-line Academic Policies and Procedures Manual is updated a Mailbox Broadcast be sent informing everyone of the change, who made the change, and the rationale for the change.

Administrative Response:

This is a reasonable request and we will do our best to implement it.

It does not seem that this was done and we would like to make this request again. This time we would also like to request that up-to-date hard copies be kept in several locations on campus. We would suggest the Deans' Offices, the Faculty Senate Chair's office, the Office of the Vice President for Academic Affairs, and the library. We also feel it would be helpful for someone to address exactly how changes get made to the manual, who has the authority to make changes to the manual (and which sections of the manual), and who physically makes the changes to the manual.

Issue #1 Response:

Dr. McMillan responded that the Academic Policies and Procedures Manual is updated annually, that departments received an updated manual this morning (October 9, 2007), and that Dr. Weiner and Jenny Jones had accepted responsibility for distribution, updating the document, and providing regular emails with attachments when modifications are necessary. Additionally, it was noted that the Academic Policies and Procedures Manual is currently online at www.sosu.edu/academic-policies-and-procedures/.

Dr. McMillan stated that "formatting issues had slowed the process, and I think we are on the right track and meeting our obligations".

President Snowden offered that the process took "far longer than it should have, but the formatting issues have been resolved and we are now in a position to make instantaneous changes when needed. E-mailing changes will act as a safeguard".

When asked about changes to the Academic Policies and Procedures Manual, Dr. McMillan explained that the manual is changed through three methods: 1.) faculty senate recommendations, 2.) Dean's Council recommendations, or 3.) Regional University System of Oklahoma (RUSO) Board declarations. When and if RUSO implements a change in Board policy, then Southeastern's policies must be "reconciled" with the new RUSO policy. Further, Dr. McMillan stated that rationales for changes would be included in releases, but stated that the administration "may not have specificity or the reasons for the Boards' mandates". President Snowden explained on occasion the Board reacts to legislative issues or concerns, such as ENR. H. B. 2103 concerning textbook policies which goes into effect November 1, 2007. President Snowden noted that it is "likely that this will make its way into policy" in the future and that the issue applies to both the comprehensive and regional universities.

Appendix L—Faculty Senate Resolution on Classroom Policies

(A resolution to be emailed to Dr. McMillan, the 3 Academic Deans, all Academic Department Chairs, and cc to President Minks)

We, the Faculty Senate, affirm the right and freedom of individual faculty to establish and implement classroom policies (e.g. on attendance, grading, and the use of electronic devices in the classroom) as long as these policies are consistent with and conform to official University policies. We object to any attempt to interfere with this freedom, or to undermine the principles of *the independence of academic departments* (APPM 4.10.1), *the role of faculty in shared governance* (APPM 3.7.4), and/or *academic freedom* (APPM 4.3). Moreover, we affirm our support for Southeastern Oklahoma State University's stated commitment to "adhere to well-defined organizational structures, policies, and procedures" (APPM 1.5.2, point 3). Additional support for the Faculty Senate's right and standing in making this resolution can be found in the Faculty Senate's Constitution (Article II, Sections A and E).

Motion to Approve Senator Moretti, 2nd Senator Fridley

18 in favor, 1 opposed

Motion approved

From the minutes of the Faculty Senate meeting of November 10, 2010