

## Post-Tenure Review: A Recommended Policy and Procedure

Formal post-tenure review will occur every third year, and only more frequently if required by accreditation or BOROC policy.

Formal post-tenure review shall encompass the professor's entire body of work for the previous three years.

The annual review process is a separate process from post-tenure review and is not affected by this policy. The information provided by annual review should serve to foster faculty development in preparation for post-tenure review, and can provide the professor a starting point for post-tenure review documentation.

For post-tenure review, the professor will provide the academic department chair with documentation of her previous three years' work in the categories of teaching, scholarship, service, and where applicable non-teaching administrative duties. The professor will also provide a self-evaluation in each category and an overall rating. For all self-evaluation ratings above *proficient*, the professor must provide a justification.

The academic department chair will then conduct the post-tenure evaluation using the rating labels of *critical*, *needs improvement*, *proficient*, *commendable*, and *outstanding*. These terms are used as defined in the APPM 4.4.3 Procedural Principles and Guidelines. The ratings will be made for each category and there will be an overall rating. For all evaluation ratings below *proficient*, the chair must provide a detailed justification.

The professor must be proficient in at least two of the three required areas with TEACHING as a required area in the post-tenure review. *Proficient* is the assumed level of performance. The burden of proof shall fall on the professor if rated above *proficient* and with the department chair if below *proficient*.

If the department chair's overall evaluation of the professor is *proficient* or above (i.e. satisfactory), then the post-tenure review process is complete.

If the department chair's overall evaluation of the professor is below *proficient* (i.e. unsatisfactory), he must provide a detailed written explanation and justification of the overall rating and for each category that has been rated as *less than proficient*. This document will then be given to the professor. Should the professor wish to appeal the evaluation, the appeal will be heard and decided by a departmental review committee of tenured faculty. The appeal process will include the review of both substantive and procedural issues pertinent to the department chair's evaluation.

This review committee will consist of all tenured professors—regardless of rank—in the academic department and must consist of at least five members. A faculty member may decline to sit on the committee due to conflicts of interest. If there are fewer than five tenured professors eligible to sit on the committee then the requisite number of professors will be randomly selected from a pool of tenured professors within the school.

**Comment [w1]:** Language in this policy: we use the term *professor* rather than the more unwieldy *faculty member*. We use the feminine pronoun in reference to the professor and the masculine pronoun when referring to the academic department chair.

**Comment [w2]:** Placement in the APPM: because this policy builds upon and is consistent with existing policy on faculty development and evaluation, placement is relatively easy. We recommend placing this policy at 4.4.5.1 and titling the section **POST-TENURE REVIEW POLICY AND PROCEDURES**.

**Comment [w3]:** Timeline: we recommend brevity for the processes with the departmental faculty review (should it be necessary) completed by October 31, and the Faculty Appellate Post-Tenure Review Committee's work (should it be necessary) completed by the end of the Fall semester.

**Comment [w4]:** Academic department chairs and other hybrid faculty (e.g. in EIL The Director of Teacher Education) still teach classes. We will need procedures to address these special cases. The PTR policy needs provisions to cover these "special cases."

**Comment [w5]:** We again recommend that the pending Faculty Senate policy legislation of November 12, 2008 be adopted. Namely, that the definition of *Commendable* be changed to *performance is above the expectations for similar appointments in similar institutions in the respective field*. And that the definition of *Outstanding* be changed to *performance is among the best of colleagues in similar appointments in similar institutions in the respective field*.

**Comment [w6]:** We suggest something like this: At the beginning of each academic year, the Dean of Instruction will compile a list of tenured faculty in each school. The list will be alphabetical (according to the professor's last name) with each name given a number according to the alphabetical order. Each school's list will be distributed to the department chairs within the school. The Dean of Instruction will prepare a "lock-box" for each of the three schools with numbered "chips" that correspond to the number of tenured faculty in each school. The professor that is initiating the appeal will draw numbered chips from his school's lock-box until there are enough eligible professors to sit on the review committee.

This example may be laborious. We are not wedded to this particular mechanism but recommend that any process employed achieve a random selection.

The review committee will be given the chair's explanatory document that was given to the professor and the documentation that the professor provided the department chair for the post-tenure review. The department chair shall not participate in the deliberations or the vote of the review committee.

The professor will be afforded the opportunity to address the full review committee at the beginning of the meeting at which the review committee votes. She may present the committee with a one page written explanation of her appeal and shall be allowed 20 minutes to address the committee.

The review committee will then cast its vote by secret ballot. The vote shall be on whether the department chair has met the burden of justifying the *less than proficient* evaluation of the professor. Committee members may vote that the chair has not met the burden because of (a) substantive reasons or (b) procedural reasons. A simple majority vote will be decisive. The most senior member of the review committee will immediately email the committee's decision and the vote count to the professor and to the department chair. If the review committee decides the chair has not met the justificatory burden, then the post-tenure review process is complete. In the event of a tied vote, then the department chair's decision stands.

Should the review committee vote to affirm the department chair's evaluation, then the department chair will meet with the professor and provide her with a specific explanation of what needs to be done to remedy the identified deficiencies.

The post-tenure review process is then repeated the next year.

Should the professor receive two consecutive *less than proficient* post-tenure reviews, then the professor may appeal the second review decision to the Faculty Appellate Committee for Post-Tenure Review. The professor may file an appeal of the post-tenure review on substantive and/or procedural grounds. The professor shall file her appeal by giving a written document explaining the grounds of her appeal to the Vice President of Academic Affairs. The VPAA will notify the department chair that the appeal has been initiated. The department chair will then forward the following documents to the VPAA: the department chair's written plan to remedy deficiencies (from the first review), the chair's explanatory document for the second evaluation, and the documentation that the professor provided the department chair for the second post-tenure review. All four of the aforementioned documents, in addition to the original evaluation will then be given to each member of the Faculty Appellate Committee for Post-Tenure Review.

The Faculty Appellate Committee for Post-Tenure Review shall consist of all members of the Faculty Appellate Committee. The department chair shall not participate in the deliberations or the vote of the committee. If the professor is a member of the Faculty Appellate Committee, then she shall not be able to participate in the committee's deliberations or to vote.

Each member of the committee will review the documents. The committee will then meet to deliberate and cast its vote by secret ballot. The vote will be on whether the department chair has met the burden of justifying the *less than proficient* evaluation of the professor. Committee members may vote that the chair has not met the burden because of (a) substantive reasons or (b) procedural reasons. A

**Comment [hgp7]:** Should the committee be allowed to query the chair for clarification.

**Comment [w8]:** I don't favor that. I think the chair has adequate opportunity to present his case in the detailed explanation of his review. Also, this is a point where the timeline needs to give adequate time for the committee to review the material.

**Comment [w9]:** I favor doing this in order that the committee members can make an informed decision on whether they have a conflict of interest.

**Comment [hgp10]:** With the exception of those with conflicts of interest.

**Comment [w11]:** The problem here is who decides if a conflict of interest exists. We favor leaving the decision to the committee member. *If a committee member believes he has a conflict of interest or is not able to render a fair and impartial decision, then that committee member will recuse himself from the process.*  
We favor having a bank of alternative FAC members to replace any FAC that recuse themselves.

**Comment [hgp12]:** This would be covered by conflicts of interest

simple majority vote will be decisive. If the review committee decides the chair has not met the justificatory burden, then the post-tenure review process is complete. In the event of a tied vote, then the department chair's decision stands. The most senior member of the Faculty Appellate Committee for Post-Tenure Review will immediately email the professor, the department chair, and the VPAA of its decision and the vote count.

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#### **ADDENDUM**

We believe that for the most part (the minor exceptions can be readily identified), this policy is consistent with SE policy, BOROC policy, the Faculty Senate's "Principles for Post-Tenure Review," AAUP principles, and the "Post-Tenure Review Recommendations" made by the department chairs of Arts and Sciences.

The "Recommendations" document is a superb piece of work. It covers a host of eventualities with exceptional brevity. However, we have one serious reservation about the document. Our concern is with the ambiguity of the phrase "specific guidelines." In one sense, "guidelines" might refer to procedures. If that is the intent, we are of the opinion that a variety of procedures amongst departments is unacceptable. We need procedural consistency across the university. If, on the other hand, "guidelines" refer to departmentally specific performance criteria, that is also problematic. That would open the door to a quantitative "checklist" approach for post-tenure review (should a department so decide), when there are not departmentally specific criteria for tenure and promotion. We recommend that no departmentally specific guidelines/criteria be developed for post-tenure review until and unless specific criteria are first developed for tenure and promotion. We believe that the procedures we have set forth cover all the department specific concerns that have been raised.