

FACULTY SENATE DRAFT
POST-TENURE REVIEW POLICY

1.1 Principles and Goals

The faculty at Southeastern are engaged in a wide variety of scholarly activities, including teaching, research and service. Tenured faculty are among the most important intellectual resource at Southeastern and are central to the realization of the university mission. The university can fulfill its mission only when its faculty have academic freedom, that is, freedom to pursue the truth without fear or pressure from sources inside or outside the institution.

All faculty members at Southeastern (tenured and non-tenured) participate in an annual performance evaluation. The annual evaluation considers the faculty member's performance in the areas of teaching, research, service, and professional development. Southeastern uses the evaluation process to review the performance of its faculty, and also as an opportunity to improve the performance of its faculty. Non-tenured faculty who are on a tenure track are expected to view the process as an opportunity to find out if they are on the right track for being granted tenure and to obtain the advice, counseling, and support which will lead to the granting of tenure. Tenured faculty are expected to view the process as an indication of whether or not their performance is meeting the standards expected of them and also as an opportunity to obtain the counseling and support which is necessary to improve performance and productivity.

Relevant RUSO Board of Regents Policy: RUSO Board Policy (3.3.5 Procedure for Granting Tenure and Reviewing of Tenured Faculty—Section b., p. 3-12) stipulates the following with regard to post-tenure review:

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.

The American Association of University Professors ([AAUP Minimum Standards](#) for Good Practice of Post-tenure Review) serve as a basis for Southeastern's post-tenure review process and policy with careful consideration of the following:

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 e 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.

In addition to the AAUP minimum standards, the Southeastern Oklahoma State University Faculty Senate has endorsed the following principles for post tenure review:

- 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, RUSO 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.

Developmental Emphasis: In keeping with the RUSO Board of Regents Policy, the AAUP Minimum Standards and the Faculty Senate Post-Tenure Review Principles, it is recognized that the purpose of post-tenure review is primarily to assist tenured faculty in active and consistent engagement in their discipline over the span of their careers. With this purpose in mind the first priority of the post tenure review process is developmental. Only after two consecutive *unsatisfactory* post-tenure reviews (as described in this policy) would the post-tenure review process become a possible personnel action.

1.2 Post-tenure Review Process

RUSO Board Policy 3.3.5 section b. requires that “The academic and professional performances of each tenured faculty member at each institution must be reviewed at least every three (3) years.” In an effort to fulfill this RUSO policy and attain consistency with the AAUP Minimum Standards as well as the Principles of Post Tenure Review of the Southeastern Faculty Senate, the following process is enacted.

- The dean of instruction will maintain a post-tenure review calendar which includes the schedule of post-tenure reviews for all tenured faculty. The dean of instruction will inform the department chair and the departmental faculty of the need to conduct a post-tenure review by September 15th each year.
- The review will be conducted by a panel of three tenured faculty. The department chair will form the panel by a random selection process according to the following levels of disciplinary proximity: (1) discipline/program (2) department (3) school. The selection process will only extend to the department or school level if there are fewer than three tenured faculty in the discipline/program or in the department, respectively. The department chair will notify the panel members of their selection by October 1. The most senior (in terms of seniority) member of the panel will be designated as the chair of the review panel.
- By October 15, the department chair will notify the faculty member being reviewed, and will formally request that the faculty member prepare a post-tenure review portfolio.
- The faculty member will prepare a post-tenure review portfolio and submit it to the department chair by November 15. The department chair will make the portfolio accessible for review by the faculty review panel. The portfolio will include:
 - a copy of current curriculum vitae
 - copies of the department chair’s annual evaluations of faculty member (three most recent)
 - select student evaluations of instruction from the last three years
 - peer reviews of teaching
 - a concise summary from the faculty member describing accomplishments in the areas of teaching, scholarship/research and service
- The panel will review the portfolio with reference to the faculty member’s performance over the previous three years in the categories of teaching, research/scholarship, and service. The

panel will assign a *satisfactory* or *unsatisfactory* rating in each of the three categories, and also assign an overall rating. An *unsatisfactory* overall rating will only be assigned in the case of *unsatisfactory* ratings in two or more categories. Panel decisions will be made by a majority vote. The panel will make its decision and issue its report by December 1.

1.2.1 Satisfactory Reviews:

If the panel decides on a *satisfactory* overall rating, they will draft a succinct report in which they describe their review of the faculty member's performance that includes constructive suggestions and advice for improvement and faculty development. By December 1, the review panel chair will send this report to the faculty member, the department chair, and the dean of instruction.

By March 1, the department chair and dean of instruction will meet with the faculty member to discuss the review panel's report. The discussion will include constructive suggestions for improvement and development, and, specific recommendations and arrangements for institutional resources to support the faculty member's improvement and development.

1.2.2 Unsatisfactory Reviews:

To ensure the developmental emphasis of the post-tenure review process and to achieve consistency with the AAUP Minimum Standards and the Faculty Senate Principles, the following policy provisions apply to the assignment of an "unsatisfactory" review decision:

- Because post-tenure review is built upon the department chair's annual evaluation of the faculty member, the post-tenure review panel shall not assign an *unsatisfactory* overall rating unless the faculty member has received a "less than proficient" overall rating on an annual evaluation in the previous three years.
- The post-tenure review panel will only assign an *unsatisfactory* overall rating if there are *unsatisfactory* ratings in two or more categories (i.e. teaching, research/scholarship, service).
- In the post-tenure review process, the presumption is that the faculty member is performing at a *satisfactory* level. Therefore, the onus of justification is on the post-tenure review panel when they assign an *unsatisfactory* overall rating (just as the burden is on the department chair to justify a "less than proficient" rating in the annual evaluations).
- The faculty member that receives an *unsatisfactory* post-tenure evaluation shall have the opportunity to appeal that evaluation on both substantive and procedural grounds (see section 1.3).

If the panel decides on an *unsatisfactory* overall rating, they will draft a report in which they describe their review of the faculty member's performance that includes a reasoned justification of their decision, identification of specific deficiencies in the faculty member's performance, and recommendations on how these deficiencies can be remedied. By December 1, the chair of the review panel will send this report to the faculty member, the department chair, and the dean of instruction. The post-tenure portfolio will be returned to the faculty member. The faculty member may, at this point, choose to appeal the findings of the post-tenure review panel (see section 1.3). If

the faculty member chooses not to appeal (or does not meet the February 1 deadline for filing an appeal), the process will move to the implementation of a professional development plan.

Professional Development Plan: the dean of instruction and the department chair will arrange a meeting with the faculty member to discuss the review panel's report and to sketch an outline of a professional development plan. In consultation with the dean of instruction, the department chair will then draft a professional development plan for the faculty member. The plan will include goals, timelines and institutional resources necessary to support the plan. The department chair will schedule a meeting at which the development plan is given to the faculty member and discussed. If the plan does not reflect the expectations that were established during the meeting with the chair and dean, then there will be opportunity to revise the plan so that it is mutually agreeable and clear. This meeting will take place before April 1. The department chair will then serve in a mentoring and supervisory capacity to monitor the faculty member's progress on achieving the goals and timelines of the development plan in the following academic year.

1.3 Appeal Process for Post-Tenure Review Decisions

Appeals will be heard by the Faculty Appellate Committee for Post-Tenure Review (FAC-PTR). This committee consists of the members of the Faculty Appellate Committee who will be acting here to fulfill a specific function: to hear appeals on post-tenure review decisions. The faculty member may appeal the decision of the post-tenure review panel on substantive and/or procedural grounds. The FAC-PTR shall make a decision on *whether to affirm or to not affirm* the review panel's decision.

- By February 1, the faculty member will file the appeal with the Vice President of Academic Affairs (VPAA). The appeal filing must also include the following items: a document explaining the grounds of the appeal, the post-tenure review portfolio, and the report from the post-tenure review panel. The VPAA will forward these items to the chair of the FAC-PTR. The VPAA will also notify the faculty member's department chair and the members of the post-tenure review panel that the appeal has been filed, and will provide these individuals with a copy of the faculty member's document explaining the grounds of the appeal. Should members of the review panel want to respond to the document, they must-- within a week of receipt of the document--submit their written response to the VPAA. This response must be limited to clarification or correction of statements of fact in the faculty member's document explaining the grounds of the appeal. The VPAA will forward this response to the chair of the FAC-PTR and to the faculty member. The faculty member may submit a written counter-response to the VPAA, who will then forward the counter-response to the chair of the FAC-PTR.
- The chair of the FAC-PTR (chosen by and at a meeting of the FAC in the fall semester) will notify all committee members that the appeal has been filed. Neither the faculty member, the faculty member's department chair, nor any members of the faculty review panel will be eligible to serve on the FAC-PTR or to participate in its deliberations. Any recusals must be done prior to the hearing and that committee member will not participate in the committee's deliberations. If replacements are needed to fill the seven member committee, they will be selected from the membership of the faculty senate by a vote of the faculty senate executive committee. This is intended to ensure that the committee that hears and decides the post-tenure appeal must consist of seven faculty members.

- The faculty member's portfolio will be placed in a location where it can be reviewed by committee members. The chair of the FAC-PTR will forward all the materials received from the VPAA to the committee members. The chair of the FAC-PTR will call a meeting of the committee, at which the committee will discuss the appeal, and then conduct a secret ballot vote to: (a) affirm the review panel's decision, or (b) not affirm the review panel's decision. A simple majority vote will prevail. In the event of a tied vote, the decision will be to not affirm the review panel's decision. The meeting and vote must be completed by March 1. A notification of the FAC-PTR's decision (to affirm or to not affirm) will be sent to the VPAA, the faculty member, the faculty member's department chair, and the members of the review panel. If the FAC-PTR votes to not affirm the review panel's decision, then the post-tenure review process is complete. If the vote is to affirm the decision, then the post-tenure review process moves to the next step (section 1.2.2 Professional Development Plan), and the Second Year Post-Tenure Review Process.

1.4 Second Year Post-Tenure Review Process

- The department chair will schedule two meetings with the faculty member for the fall semester (one in October and one in November) and one meeting in the spring semester (by February 15) to discuss the degree of progress the faculty member is making on achieving the goals and timelines set forth in the development plan. Prior to each meeting, the faculty member will provide the department chair with a succinct description of the degree of progress on the development plan. And, at each of the two meetings in the fall semester the department chair will provide a succinct report that assesses the faculty member's degree of progress and offers constructive recommendations for improved performance. If, at this third meeting, the department chair decides the faculty member has attained adequate progress on the professional development plan, then this will be explained in a succinct report that is given to the faculty member, and the post-tenure review process is complete. If, at the meeting, the department chair decides the faculty member has not made adequate progress on achieving the goals of the professional development plan, then the department chair will present the justification for this decision in a succinct report that is given to the faculty member, and the post-tenure review process will move to the next step.
- A faculty review panel will conduct this step in the process. The panel will consist of five tenured faculty, selected randomly by the department chair according to the disciplinary proximity schema set forth in 1.2. The most senior member of the panel will serve as the review panel chair. The department chair will send the professional development plan and the six reports from the "second-year" meetings to the members of the faculty review panel. The chair of the review panel will call a meeting of the panel in order to discuss and to vote on whether the faculty member has made satisfactory progress toward meeting the goals and timelines of the development plan. At this meeting, both the department chair and the faculty member (jointly present) will be afforded the opportunity to address the committee in person. The department chair will speak first, and each address will be limited to 15 minutes. The faculty review panel may then ask either individual questions (again, while both are present). The department chair and the faculty member will then be excused from the meeting. The faculty review panel will discuss the information and then conduct a secret ballot vote on

whether (a) the faculty member has made satisfactory progress in fulfilling the professional development plan, or (b) the faculty member has not made satisfactory progress in fulfilling the professional development plan. A simple majority vote will prevail. In the case of a tied vote, the decision will be that the faculty member has made satisfactory progress. The review panel chair will notify the faculty member and the department chair of the panel's decision. This step of the process must be completed by March 15. If the panel decides the faculty member has made satisfactory progress, then the post-tenure review process is complete. If the panel decides the faculty member has not made satisfactory process, the faculty member may choose to appeal the decision.

Please give me your feedback on having another appeal process here. If there is support for that, then we can easily adapt the earlier appeal process to fit this occasion.

However we close this second year review process, I favor a statement along these lines: If, at the completion of the second-year post-tenure review, the faculty member's performance is found to be unsatisfactory, then the dean of instruction and the VPAA will be notified of this finding.

We also need to include a policy provision along these lines:

The post-tenure review process will be subject to periodic and ongoing review. The administration and the faculty senate will work co-operatively in this review. The administration will provide the faculty senate—when requested—with data on the results and workings of the post-tenure review process.

Related Considerations and Timeline

The timeline for the annual faculty evaluations overlaps the post-tenure review timeline and might present some conflicts and redundancies. I suggest that we waive the annual evaluation for the year(s) the faculty member is undergoing post-tenure review.

If we do this, we will need to clarify the temporal scope of the contents of the post-tenure review portfolio. For example, the faculty member would include the annual evaluations of the previous two years. For the other contents in the portfolio, it should include the faculty member's work from the previous 3+ years (i.e. work done during the year of the previous post-tenure review and work done in the summer and early fall, prior to post-tenure review).

If this policy is implemented next fall, the previous considerations will not apply. However, we will face the issue of inconsistencies amongst the departments in how the annual evaluations were administered (e.g. some departments did not perform an annual evaluation if a faculty member was applying for promotion). We should insist that any failure to administer the annual evaluation should in no way have a negative effect on the faculty member.

I'm assuming that approximately one-third of faculty will participate in post-tenure review each year. We will need some principled method of deciding the rotation and especially for deciding the first group of faculty to undergo post-tenure review.

I still like the idea of recommending some type of university-wide system of peer reviews for teaching (see Comment 12 in the McMillan Draft with [Comments](#)).

Because of the reliance on the annual evaluations, I recommend that we re-visit the "pending" faculty senate policy recommendation on the evaluative labels used in the annual performance evaluations. Here is the policy recommendation:

Second: "Outstanding" and "Commendable" ratings. (November 12, 2008)

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 definitions 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.

I think it is important to change these definitions. While I think this policy recommendation is an improvement on the existing definitions, I would suggest a further modification because it is perhaps "unrealistic" to suppose that department chairs are able to accurately gauge the performance or expectations for faculty in similar institutions. Therefore, I suggest we change the reference to "our university" or better yet, the academic department. We have learned from our meeting with Charlie Babb that the need for clearance by legal counsel for policy changes is perhaps less requisite than we have been told. And, we have seen that policy can be changed without waiting for a comprehensive change of the APPM or for entire-chapter changes. I think it might be a good "test" to propose a policy change on this at the September 19 faculty senate meeting and see how well the new "policy on changing policies" (APPM Chapter 1) works.

Timeline

- **By September 15:** Dean of instruction notifies university faculty and department chairs of those professors that are scheduled for PTR

Comment [w1]: Problems arise with the standardization of student evaluations, the weight they are given, and the reliability of the data collected.

The idea of a campus-wide system of peer reviews of teaching has been suggested. A sketch of such a process goes like this: All faculty are in the peer review pool. Peer reviews will be conducted in teams of 3 (two in department and one out-of-department/in School). A standardized rubric and process for the peer reviews is developed. Each junior faculty will be peer reviewed each year. Each tenured faculty will be reviewed every third year as part of PTR. It could be designed so that each faculty member serves on one peer review team a year. This would be useful for mentoring junior faculty, would foster improved teaching by tenured faculty, and provide opportunity for growing awareness of (and learning from) what our peers are doing.

- **By October 1:** Department chairs will select and notify the members of the faculty review panel(s)
- **By October 15:** Department chairs will contact the faculty that will be reviewed and request that they prepare a PTR portfolio
- **By November 15:** PTR portfolio is submitted to the department chair
- **By December 1:** Review panel(s) meets, makes a decision and sends the report
- **By February 1:** Appeals of the review panel's decision must be filed.
- **By March 1:** The Faculty Appellate Committee for PTR will make its decision on the appeal
- **By March 1:** Department chair and the dean of instruction will meet with faculty members to discuss satisfactory review reports
- **By April 1:** Department chair will meet with faculty that received unsatisfactory reviews and will implement the professional development plan

Second-Year PTR

- **In October:** Meeting between department chair and faculty member to discuss progress on the professional development plan
- **In November:** Second meeting between department chair and faculty member to discuss progress on the professional development plan
- **By February 15:** Third meeting between department chair and faculty member, and department chair's decision on whether adequate progress has been made
- **By March 15:** Faculty review panel meets and makes its decision
- **By April 15:** Appeal decision by the FAC-PTR (if we decide to have it)