

## Proposed Post-Tenure Review Policy

(Approved Unanimously by the Faculty Senate on September 16, 2015)

### 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 resources at Southeastern and are central to the realization of the university mission. The university can fulfill its mission only when its faculty actively participate in shared governance, have academic freedom, that is, freedom to pursue the truth without fear or pressure from sources inside or outside the institution, and meet their academic responsibilities as defined in RUSO policy 3.3.

All faculty members at Southeastern (tenured and non-tenured) participate in an annual performance evaluation, except as provided in RUSO 3.4.7 “Unless a faculty member will not be reappointed the performance of non-tenured faculty members shall be evaluated on or before March 1, each year, and the results of the evaluation shall be placed in the personnel file of the non-tenured faculty member.” The annual evaluation considers the faculty member’s performance in the areas of teaching, research, and service. While the annual reviews recognize a fourth category (non-teaching or administrative duties), for the purpose of the post-tenure review these activities would fall under the category of service. 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 annual evaluation 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 if a Formal System of Post-tenure Review is Established](#) serve as a basis for Southeastern’s post-tenure review process and policy, which were developed with careful consideration of the Standards.

In addition to the AAUP minimum standards, the Southeastern Oklahoma State University Faculty Senate has endorsed a set of [Principles for Post-Tenure Review](#) (FS Meeting 1/19/2011).

Developmental Emphasis: In keeping with the RUSO Board of Regents Policy, the AAUP Minimum Standards and the Faculty Senate Principles for Post-Tenure Review, 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.

Post-Tenure Review versus Promotion in Rank: Post-tenure review is a process distinct and different from promotion. A satisfactory post-tenure review should not be construed by a faculty member as having met the requirements for promotion in rank. Promotion policy and requirements can be found in the APPM section 4.5.

## **1.2 Post-Tenure Reviews: The Determination of *Satisfactory* or *Unsatisfactory* Findings**

The post-tenure review finding shall be a synthesis of the review panel rating and the department chair's annual evaluations in the three-year period covered by the review panel rating. If the review panel overall rating is *deficient* (as defined in 1.3.2 below) and the faculty member received a "less than proficient" overall rating on at least one of the annual evaluations in the three-year period, then the post-tenure review finding shall be *unsatisfactory*. If the review panel rating is *proficient* or the faculty member received no "less than proficient" overall rating on any of the three annual evaluations in the three-year period, then the post-tenure review finding shall be *satisfactory*.

The faculty member that receives a *deficient* rating shall have the opportunity to appeal that rating on both substantive and procedural grounds (see section 1.5).

## **1.3 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 chair of each academic department will maintain and post a three-year post-tenure review calendar that includes the schedule of post-tenure reviews for all tenured faculty. By September 15th each year, the department chair will inform the departmental faculty of the need to conduct a post-tenure review. The chair will make a formal request of the faculty member to prepare a post-tenure review packet. In regard to the post-tenure review of department chairs, the role and functions of the department chair, as described herein, will be performed by the Executive Dean for Academic Affairs (EDAA).
- The post-tenure review packet is to be submitted by the faculty member to the chair of the department by the end of the first week of class in the spring semester in the same academic year as the request. No additional material may be added once the packet has been submitted by the faculty member.

- The review will be conducted by a panel of five tenured faculty. The currently serving department chair shall not serve on the panel. The department chair will form the panel by a random selection process in the presence of the faculty member 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 five tenured faculty in the discipline/program or in the department, respectively. The department chair will notify the panel members of their selection by the end of the fall semester. The senior member of the panel will call the first meeting of the review panel. The panel will elect its chair at this meeting. Recusal from the post-tenure panel by qualified faculty is not allowed except in cases of nepotism or if the faculty member is involved in a current grievance pending related to the candidate. In these two instances alone the faculty member may choose to recuse themselves from the panel if circumstances would not allow them to make a fair unbiased assessment of the candidate. All participants of the PTR procedure will treat the materials, discussion, and results involved with the level of confidentiality appropriate to personnel matters.
  - The department chair will make the packet accessible for review by the faculty review panel. The packet will include:
    - current curriculum vitae
    - copies of the department chair's annual evaluations of faculty member (three most recent)
    - previous post-tenure review including the narrative evaluation and the decision of any appeals
    - a concise summary from the faculty member describing accomplishments in the areas of teaching, scholarship/research and service during the period covered by the annual evaluations.
  - The panel will review the packet with reference to the faculty member's performance over the previous three years in the categories of teaching, research/scholarship, and service. While the annual reviews recognize a fourth category, (non-teaching or administrative duties) for the purpose of post-tenure review these activities would fall under the category of service. The review panel will not be permitted to interview the faculty member or any additional entities during their review process. The panel will assign a *proficient* or *deficient* rating in each of the three categories, and also assign an overall rating (see 1.3.1 *Proficient Ratings* and 1.3.2 *Deficient Ratings* below). Panel members shall not be permitted to abstain. Panel decisions will be made by a majority vote. The panel will make its decision and issue its report on or before March 1.

### **1.3.1 Proficient Ratings:**

If the panel decides on a *proficient* 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. On or before March 1, the review panel chair will send this report to the faculty member, the department chair, and the EDAA.

No later than April 1, the department chair will meet with the faculty member to discuss the review

panel's report. The EDAA may opt to attend the meeting. In the case of a successful appeal (as described in 1.5), this meeting will occur after the conclusion of the appeals process.

### **1.3.2 Deficient Ratings:**

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 a deficient rating:

- The post-tenure review panel will assign a *deficient* overall rating if there are *deficient* ratings in two or more categories (i.e. teaching, research/scholarship, service).
- If the panel has assigned a rating of *deficient* in the teaching category and *proficient* in the other two categories, it will decide whether to assign a *deficient* or *proficient* overall rating. This decision will be made by majority vote with no abstentions allowed. The panel can take into account the severity of currently perceived deficiencies in the teaching category, the relative weight given to the teaching category in the annual evaluations (APPM 4.4.2.1), as well as, any teaching deficiencies identified in the results of the previous PTR cycle that continue to be an area of concern.
- In the post-tenure review process, the presumption is that the faculty member is performing at a *proficient* level. Therefore, the onus of justification is on the post-tenure review panel when they assign a *deficient* overall rating (just as the burden is on the department chair to justify a "less than proficient" rating in the annual evaluations, APPM 4.4.3).
- The faculty member that receives a deficient overall rating shall have the opportunity to appeal that rating on both substantive and procedural grounds (see section 1.5).

If the panel decides on a *deficient* 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. On or before March 1, the chair of the review panel will send this report to the faculty member, the department chair, and the EDAA. The post-tenure packet 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 1.5). If the faculty member chooses not to appeal (or does not meet the April 1 deadline for filing an appeal), and the faculty member received a "less than proficient" overall rating on at least one of the annual evaluations in the three-year period, the process will move to the implementation of a professional development plan.

Professional Development Plan: the EDAA 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. This is not to be confused with the annual Faculty Development Agreement utilized by departments for the annual faculty evaluations. In consultation with the EDAA, the department chair will then draft a professional development plan for the faculty member. The plan will include goals, timelines and institutional resources available 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 EDAA, then there will be opportunity to revise the plan so that it is mutually agreeable and clear. This meeting will take place on or before April 15. In the case of an unsuccessful appeal, this meeting will occur after the conclusion of the appeals process and by the end of the semester. 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.

#### **1.4 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 (no later than 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. 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 the 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 members, selected randomly by the department chair in the presence of the faculty member, according to the disciplinary proximity schema set forth in 1.2. The senior member of the panel will call the first meeting and the panel will elect a chair at this meeting. The department chair will send the professional development plan and the six reports (three from the faculty member and three from the chair) 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, only the department chair and the faculty member (jointly present) will be afforded the opportunity to address the panel 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. Panel members shall not be permitted to abstain.

A simple majority vote will prevail. 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 on or before March 15. If the panel decides the faculty member has made satisfactory progress, then the post-tenure review process is complete. Upon completion of the review process a new three-year review cycle is begun and the department chair's calendar shall be updated. If the panel decides the faculty member has not made satisfactory process, the faculty member may choose to appeal the decision using the appeals process described in 1.5 of this policy (with the timeline of the appeal process adjusted to follow the preceding steps of the second-year process).

### **1.5 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.

- No later than April 1, the faculty member will file the appeal with the Vice President for Academic Affairs (VPAA). The appeal filing must also include the following items: (1) a document explaining the grounds of the appeal and a statement setting out the remedy being sought, (2), the post-tenure review packet, and (3), 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 seven calendar days 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. The committee that hears and decides the post-tenure appeal must consist of at least seven faculty members. If replacements are needed to fill the seven-member committee, they will be selected from the faculty by a vote of the Faculty Senate Executive Committee.
- 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. Committee members shall not be permitted to abstain. A simple majority vote will prevail; and a tied vote will be in favor of the faculty member. The meeting and vote must be completed on or before May 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 1.3.2 Professional Development Plan), and the Second Year Post-Tenure Review Process.

- For appeals of the Second Year Post-Tenure Review Process: 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 decision is sent to the VPAA.

#### **1.6 Review of the Post-Tenure Review Policy and Process**

The post-tenure review process will be subject to periodic and ongoing review. The administration and the Faculty Senate will work cooperatively 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.