Post-Tenure Review policy

New Board of Regents policy
(www.wisconsin.edu/regents/download/tenure_policy_task_force/FINAL---RPD-20-9-(approved-3-10-2016).pdf)

The new policy includes some requirements in how we present our policy (items 1 and 2), a summary of our merit process (item 3), a schedule for post-tenure review (items 4 and 5), a provision for flexible evaluation criteria (item 6), a delineation of responsibilities and processes (items 7 and 8), a listing of categories of performance (item 9), stipulation of a written report and a response to it (item 10), a possible reward for a good review (item 11), a procedure for a negative review (item 12), a provision for professional development assistance (item 13), a procedure for recording and storing the results (items 14 and 15), and a prohibition against using the grievance procedure to protest a review or remediation plan (item 16) [a faculty member can still file a grievance against any subsequent personnel action].

The UW Madison Post-tenure Review policy can be found at http://www.secfac.wisc.edu/FPP_ch_7.htm#7.17. This policy has not yet been approved by the Board of Regents. It contains a provision of “tangible recognition” of a good review (item C.6) and a procedure for a negative review (item C.7) as well as provision for a second review (item C.8) and an appeal (item C.9). Post-tenure review is admissible evidence for dismissal, but the dismissal for cause policy must be followed (item C.11)

The current policy from UWSP Handbook, Chapter 4B, pp. 20-22 (www.uwsp.edu/acadaff/Handbook/CH4B%2015-16.pdf) is written in black. New additions are green underlined and deletions are red strikeout font.

PROCEDURES FOR POST-TENURE REVIEW AND DEVELOPMENT.

1. **Purpose** The purpose of post-tenure review is the periodic assessment of each faculty member's academic activities and performance, in accordance with the mission of the department, college, and institution. (Please refer to the UWSP Teaching, Scholarship and Service document published by the Provost for more detail.) The review is to be appropriately linked to the merit process (see “Use of Evaluation” below). Review of tenured faculty builds on and complements other aspects of the tenure process in order to develop faculty capacity and strengthen and promote the public benefits of tenure. Post-tenure review is not a reevaluation of tenure and is not undertaken for the purposes of discipline or dismissal. Faculty shall be subject to discipline or dismissal only for just cause (see Handbook Chapter 4A, Section 2, chapter UWSP 4, “Procedures for Dismissal”). Departments, schools, and colleges shall not use post-tenure reviews as the basis for budgetary decisions or for program modification or redirection.

2. **Merit review** Tenured and tenure-track faculty are evaluated annually in a separate process described in the Departmental Merit Procedures described below (see Handbook Chapter 4B, Section 3, “Departmental Merit Procedures”).

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1 This is Madison’s introductory paragraph from FPP 7.17. **Item 2** of the Regent policy RPD 20-9 says “A statement that emphasizes that the overriding purpose of the periodic, post-tenure review is tenured faculty development, and that such review shall not infringe on existing faculty rights and protections, including those of academic freedom.”


3 **Item 3** of the Regent policy RPD 20-9 says, “A summary description of the annual or other more frequent tenured faculty evaluation process that is separate and distinct from the post-tenure review process.”
A definitions section\(^4\) may need to be added here.

Definition 1

Definition 2

Definition 3

**Frequency and Purpose of Evaluation Procedures**\(^5\).

Each tenured faculty member will be evaluated at least once every 5 years for the purpose of general review, development, recognition and merit. This will include evaluating how past individual-based and department-based performance objectives have been met and will set such objectives for the next evaluation period.

**Notice to Faculty**\(^6\) A written notice of post-tenure review must be given to the faculty member three months in advance of the review.

**Interim Meeting**\(^7\).

At least one interim meeting will be held with the faculty member, the department chairperson, and appropriate member(s) of the departmental committee to discuss progress and revise objectives if necessary.

**Promotion Review as Substitute**\(^8\).

A faculty member seeking promotion in rank may use review and evaluation for promotion in place of post-tenure review. The substitution is permissible only when promotion is sought in the same year as or sooner than the faculty member’s scheduled post-tenure review. When review and evaluation for promotion is used in place of post-tenure review, the next post-tenure review will be scheduled five years after the promotion review.

**Criteria for Evaluation Process**\(^9\).

The evaluation shall address each of the three criteria (Teaching Ability, Scholarship, General Educational Service) outlined detailed in the section above titled "Performance Objectives (Criteria) for Evaluating Faculty," and any individually-based objectives\(^10\). The evaluation shall include consideration of activities

\(^4\) Item 1 of the Regent policy RPD 20-9 says, “A definitions section, as needed, that is consistent with the defined terms as they are used in related law and policy.”

\(^5\) This section may satisfy item 4 of Regent policy RPD 20-9, which says, “Provision for review, at least once every five years, of each tenured faculty member’s activities and performance. The post-tenure review period begins in the academic year following the granting of tenure. The review may be deferred, only with the approval of the provost, for unusual circumstances such as when it may coincide with an approved leave, promotion review, or other appointment. In such cases, the provost will specify the new review cycle that applies to the faculty member. The periodic, post-tenure review may substitute for annual review in the year a faculty member is scheduled for such review.” Madison’s FPP 7.17 (item C.1) does not include the commencement and deferral information mentioned above.

\(^6\) RPD 20-9 9 item 5 says, “Provision for notice of the intent to review at least three months before the review is conducted. However, failure to meet this notice deadline does not obviate the requirement to conduct and participate in the review.” Madison’s FPP 7.17 (item D.2) says notice is to be given at the beginning of the academic year.

\(^7\) This seems unique to UWSP. It seems to require an interim meeting whether the previous PTR was good or bad. Maybe move this to the remediation section and only require an interim meeting for bad reviews?

\(^8\) This is consistent with RPD 20-9 item 4 and Madison’s FPP 7.17 (item C.1), but contains a bit more detail than either.

\(^9\) The seems consistent with RPD 20-9 item 6, which says, “Identification of criteria by which to evaluate the tenured faculty member’s performance that are effective and consistent with the mission and expectations of the department, school or college, and institution, as applicable, and sufficiently flexible to permit shifts in professional emphasis. However any criteria must fall within the three categories of teaching, scholarship/research/creative activity, and service.” Madison’s FPP 7.17 (section B) contains more detail than ours.

\(^10\) We have an opportunity here to strengthen this part and allow faculty to negotiate personalized performance objectives, such as an emphasis on teaching over research, or vice versa.
done in support of undergraduate education. If applicable to the individual, the evaluation shall also include consideration of activities done in support of graduate education.

**Evaluators**

This evaluation shall be conducted by a significant number of the faculty member's tenured colleagues committee of tenured members of a faculty member’s department, (or outside the department if needed).

**The evaluation shall include:**

- analysis of student evaluations;
- peer observations and evaluations of instruction; and
- review of professional accomplishments.
- analysis of other material presented by the faculty member, such as a cover letter, course syllabi, letters of support, etc.;

The review of evidence, discussion with the department chair, decision whether the faculty member meets the expectations for each criteria, and the writing of the required reports shall be completed within 60 days of the established review date.

**Result of Evaluation**

The review will identify which of the following applies to the faculty member:

**Meets expectations** This category applies to those tenured faculty members whose performance reflects the expected level of accomplishment.

**Does not meet expectations** This category applies to those tenured faculty members whose performance reflects a level of accomplishment below the expected level. All reviews resulting in “does not meet expectations,” unless overturned upon further review, will result in a remediation plan as described in the “Plan of Action” section below.

**Plan of Action.**

Where suggestions for improvement are indicated, the departmental reviewing body, in conjunction with the faculty member, shall establish a plan of action for responding to those suggestions.

If the faculty member receives a review in the category of “does not meet expectations,” the following must occur:

- Areas for improvement must be described in writing and provided to the faculty member.

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11 This contains a little less detail than seems to be required by RPD 20-9 item 7, which says “Delineation of the roles and responsibilities of those who will conduct or contribute to the review.” The *Departmental Procedures* section below has more information about responsibilities. Madison’s FPP 7.17 (items C.2 and C.3) is a little clearer, in my [KLM] opinion.

12 UW La Crosse included a statement about professional ethics that may/may not be included in UWSP’s Handbook of expectations: “In addition, the department may also draw on foundational expectations in terms of professional ethics such as those articulated in the AAUP’s statement on professional ethics [https://www.aaup.org/report/statement-professional-ethics].” However, after talking a bit, we realized that academic misconduct is not a matter normally considered during a post tenure review procedure, and we decided to leave this out.

13 This section is required by RPD 20-9 item 8. The corresponding section in Madison’s FPP 7.17 might be items C.2 and C.3. Item C.4 says the review will be finished by the “end of the academic year” so it doesn’t take the “60 days” approach I [KLM] have suggested.

14 The two categories are stipulated by RPD 20-9 item 9, and the language is copied from that document. The policy allows UWSP to add a third category, “Exceeds expectations,” which is to be awarded to those tenured faculty members whose performance reflects a significant level of accomplishment beyond what is normal for the institution, college or school, or department.

15 The language here is copied from RPD 20-9 item 12. The corresponding section in Madison’s FPP 7.17 is item C.7.
b. The dean, followed by the chancellor (or designee), must review the report. The faculty member may provide a written statement to accompany these reviews. Following the chancellor or designee’s review, the faculty member will be informed by the chancellor or designee that the faculty member either “meets expectations” or that a remediation plan must be developed.

c. In the event of a “does not meet expectations” result, the faculty member shall have the right to request a second review, following the above procedures except that the reviewers (which may include external peers) shall be selected by mutual consent of the faculty member and the dean. If the second review gives a “does not meet expectations” result, a remediation plan must be developed.

d. Any remediation plan must be developed by the faculty member in consultation with the department chair to assist the faculty member in addressing those deficiencies identified in the review(s).

i. The remediation plan shall provide opportunity for professional growth and include appropriate support from the department or dean as applicable.

ii. The remediation plan must establish how and when the faculty member will have satisfied the expectations of the plan within a reasonable time period, not to exceed three academic semesters. In those few remediation plans related to a performance shortfall in scholarship where more than three academic semesters may be necessary to correct identified deficiencies, an extension of one academic semester shall be permitted only with the approval of the dean.

iii. The remediation plan must list the actions to be taken when the faculty member fails to meet the expectations set forth in the plan, including reference to existing faculty complaint processes, and which permit the imposition of discipline, as appropriate, up to and including dismissal for cause under Chapter UWS 4.

iv. The department procedures shall indicate that if the faculty member's performance does not show satisfactory improvement within the time frame specified in the plan of action, the departmental reviewing body will notify the chairperson and dean of the remaining areas in need of improvement.

Lack of Improvement.
Thereafter, the chairperson and dean will develop a plan for improving these remaining areas. If the faculty member's performance does not improve according to the specifications of this plan, appropriate action will be taken.

Offer of support Regardless of the results of the faculty member’s post-tenure review, assistance shall be made available to all faculty members to support their professional development at any time in their careers.

16 Madison’s FPP 7.17 item C.9 says, “The faculty member shall have the right to challenge the findings of reviews and correct the record through the appeal procedure in section 7.18. below.” However, RPD 20-9 item 16 says, “The reviews conducted and remediation plans developed in accordance with this policy are not subject to the grievance process set forth in Chapter UWS 6.02, Wis. Admin. Code.” I don’t know if “complaint process” and “grievance process” are the same; if they are, the Regent policy appears to contradict itself. The Madison FPP 7.18 might be something different from their regular grievance policy; it is entitled “Appeal of Post-Tenure Reviews”.

17 This statement is consistent with RPD 20-9 item 12.c.iii, and corresponds roughly to Madison’s FPP 7.17 item C.10.

18 This section might incorporate into any new language we write in the Plan of Action section above. Or, the entire remediation plan (paragraph “c” above) part could be moved under this heading.

19 This is copied from RPD 20-9 item 13.
The department shall develop procedures and policies for conducting evaluations and for actions to be taken as a result of the evaluations.

Relative Importance of Criteria.
Department procedures shall indicate the emphasis to be given to activities done in support of undergraduate education in the context of the mission of the department, college, and university.

Accountability.
The department procedures shall clearly indicate the method by which strengths, as well as suggestions for improvement, will be brought to the attention of the faculty member being reviewed. Subsequent performance objectives shall be based on the evaluation.

Summary Written Report.
The department procedures shall provide a brief written summary of the review, a list of any recommendations, the faculty member’s written response to the review, including any remediation plan (developed in consultation with the department chair), and a statement of completion of the review to the appropriate dean with a copy to the faculty member and the department chair.

Use of Evaluation.
The outcome of the evaluation may be used as one basis for determining institutional support from the department, college, and division for professional development proposals submitted by individual faculty. The support may be used to correct deficiencies or advance goals.

Use of Post-Tenure Review File for Merit.
Following the completion of the review, the review file may, at the discretion of the reviewed faculty member, serve as the merit file for that faculty member for that year only. The faculty member may elect to add additional information to the file for merit purposes.

Use of Post-Tenure Result for Reward
Faculty members who receive a review in the category of meets expectations (see “Result of Evaluation” below) are eligible to receive additional compensation, subject to the availability of resources.

Records.
The department may release review materials only as required for faculty-initiated personnel actions or as specified above under ”Summary Written Report.” The full written record of the review shall be kept in the department personnel file, and a summary of the results of the review shall be forwarded to the dean. A faculty member's individual performance objectives for the next evaluation period shall become a part of the faculty member's yearly merit file.

Record Keeping.

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20 This section was modified to comply with RPD 20-9 item 10. The corresponding section in Madison’s FPP 7.17 is items C.4 and C.5. Item C.7 also mentions the faculty member’s right to provide a written response.

21 Item C.5 in Madison’s FPP 7.17 includes a statement of confidentiality.

22 This section is required by RPD 20-9 item 11. We can add other forms of reward (like professional development or research support) if we want. The corresponding section in Madison’s FPP 7.17 is C.6, which reads, “Every effort should be made to offer tangible recognition to those faculty identified as exceptionally good, including but not limited to, nomination for university, national, and international awards.”

23 It’s not clear whether this section complies with RPD 20-9 item 14, which says, “Provision for a full, written record to be created containing the results of a faculty member’s periodic, post-tenure review and any ensuing actions, as described above, and for the written record to be provided to the dean and chancellor (or designee). Information and documentation relating to the review shall be maintained by the appropriate department, college or school, or university personnel or bodies, and disclosed otherwise only at the discretion, or with the explicit consent, of the faculty member, unless required by business necessity or by law.” It would seem to me we aren’t permitted to keep the full reports in the department only. Madison’s FPP 7.17 section D corresponds to these two paragraphs.
The vice chancellor shall be informed by the deans of all completed reviews and shall ensure implementation of the review process by maintaining completion records and informing deans when individual faculty members have not been reviewed within the required time period.

Notice that RPD 20-9 item 10 says the vice chancellor “should” receive a copy of the written report; the permissive language suggests our current policy of simply informing the provost about a completed review may be sufficient. Otherwise this language seems to correspond to RPD 20-9 item 15, which says, “Provision that department chairs or their organizational equivalent be required to report annually to the dean and chancellor (or designee) that all periodic, post-tenure reviews for tenured faculty in that annual cycle have been completed, and that the chancellor (or designee) has responsibility for ensuring the reviews are completed on schedule.”