Report of the Committee on Post-Tenure Review Policy
(Approved, April 19, 2013)

I. INTRODUCTION

At its meeting on December 19-20, 2012, the Kansas Board of Regents amended its Policy Manual to require the university to adopt a policy for periodic post-tenure review of faculty. This Regents policy elaborates:

The primary purpose of this post-tenure review process is to assist faculty members with identifying opportunities that will enable them to reach their full potential for contribution to the university. Such review is intended to provide a longer term perspective than is usually provided by an annual review. The expectation is that each tenured faculty member will be assessed five to seven years after award of tenure, and reviews will continue at intervals of five to seven years unless interrupted by a further review for promotion. This review shall be in addition to, not in lieu of, annual evaluations.

Kansas Board of Regents Policy Manual, II.F.12.d(4), available on line at http://www.kansasregents.org/policies_procedures. To implement this mandate, the university must have a policy in place by April, 2014.

The Committee on Post-tenure Review Policy was formed by the Provost and Executive Vice Chancellor, Jeffrey Vitter (the provost), in consultation with university and faculty governance. The committee was constituted in February, 2013, and its members include:

- Chris Crandall, Professor, Department of Psychology, CLAS (Committee Co-chair)
- Stuart Day, Associate Professor and Chair, Spanish and Portuguese, CLAS
- Judith Emde, Librarian, Libraries
- Elizabeth Friis, Associate Professor, Mechanical Engineering, School of Engineering
- Susan Harris, Hall Distinguished Professor, English, CLAS
- Mary Lee Hummert, Vice Provost for Faculty Support (Ex Officio)
- Elizabeth Kozleski, Professor and Chair, Department of Special Education, School of Education
- Richard Levy, J.B. Smith Distinguished Professor of Constitutional Law, School of Law (Committee Co-chair)
- Scott Murphy, Associate Professor, School of Music
- Andrew (Town) Peterson, University Distinguished Professor, Department of Ecology and Evolutionary Biology, CLAS, and the Biodiversity Institute
- Jennifer Roberts, Associate Professor, Geology, CLAS
- Stacey Swearingen White, Associate Professor and Chair, Urban Planning, School of Architecture, Design, and Planning

The provost charged the committee with developing a draft policy for consideration by administrators and governance, campus-wide discussion and input, and eventual adoption through appropriate processes. The draft policy developed by the committee is only the first step in the process, and the committee welcomes the full and open discussion of the policy in the months to follow.
This committee report represents the results of the committee’s deliberations. In addition to this introduction (Part I), which describes the committee process and discusses general principles that guided the committee’s deliberations, the report includes the draft policy (Part II), and an explanation of the policy’s provisions (Part III). Development of a plan for phasing in the policy, which is also part of the committee’s charge, is ongoing.

Committee Process

The provost charged the committee to produce the draft policy for consideration by governance and the deans by April 15, 2013. To facilitate compliance with this deadline, the co-chairs created a committee website on Blackboard and posted a number of relevant documents there. The committee had a total of four meetings. Notice of the time and place of the meetings was provided on request and an observer was present at each of the meetings. At the initial meeting on March 13, 2013, the co-chairs provided general background and the committee members discussed the principles that should govern the policy. In view of this discussion, Co-Chair Levy prepared a Discussion Draft that was posted on the Blackboard site for comment. The Discussion Draft, and the comments provided by committee members, formed the basis for discussion at the next committee meeting on March 27, 2013, and additional written comments and suggestions were invited. Drawing on the comments, concerns, and suggestions expressed at and after this meeting, Levy prepared a Working Draft that provided the basis for discussion at the third meeting on April 8, 2013. This meeting was an extended evening session at which the committee reviewed the Working Draft with care, discussed and agreed upon the language of key elements of the policy, and reached consensus on most issues.

Based on this discussion, an “Approval Draft” was circulated to the committee members on April 12, 2013. With respect to some issues that had not been resolved at the meeting, the draft included options for members to consider. Members were asked to vote by email on whether additional time was needed to discuss outstanding issues, their preferred resolution of outstanding issues, and whether they approved the draft as a whole (and whether that approval was contingent on the particular resolution of any outstanding issue). This process produced a consensus on a final draft, which was sent to the provost on April 15 for preliminary review. Levy then finalized the policy draft and this report, which was considered and formally approved (without dissenting vote) at the committee’s fourth meeting, on April 19, 2013. The draft is included as Part II of this report.

In addition to the committee meetings, the provost hosted committee members for dinner at his house on April 17, 2013, to thank them for their work on the policy. This dinner included some general discussion of the policy. The provost indicated his general approval of the committee’s work and described the draft policy as thoughtful, committee members stressed the principles underlying the draft, and the group discussed the need for an open process for university-wide discussion of the draft and some of the issues surrounding implementation.

General Principles

From the outset, committee members recognized the sensitive and important issues surrounding the adoption and implementation of a post-tenure review policy. In its initial
discussion of the policy, the committee reached consensus on certain basic principles that guided the development of the draft policy—principles that are also reflected in the Regent’s Policy, the “Statement of Principles on Post Tenure Review” adopted by the Faculty Senate, and the AAUP Response on Post-tenure Review. These principles include the following:

- Post-tenure review should be a means to promote faculty development, achievement, and excellence through a collaborative and consultative assessment of a faculty member’s long-term career path.
- While the possibility of corrective action is a necessary part of post-tenure review, the focus of the process should be constructive, and outcomes should include recognition of excellence and achievement, the provision of necessary support for career development, and other positive interventions.
- The policy should recognize the full range of diverse faculty activities necessary for the university’s mission, including differences across disciplines, the variety of contributions that faculty may make in keeping with their individual interests and strengths, and the evolution of a faculty member’s focus at different stages in his or her career.
- The policy must ensure that faculty rights are protected, including academic freedom and tenure, and must preserve the safeguards for tenured faculty subject to dismissal or other negative employment actions by the university.
- The process should be designed so as to provide a thorough and fair assessment, while avoiding excessive demands on those who implement post-tenure review.

The draft policy proposed by the Committee is intended to reflect these principles in several ways. First, to accommodate diversity across units (while ensuring that all units meet university standards), the policy follows the model of current promotion and tenure procedures (see Article VI of the Faculty Senate Rules and Regulations) and the Faculty Evaluation Policy. Units that conduct promotion and tenure reviews and annual faculty evaluations would adopt criteria stating the unit’s performance expectations and procedures for conducting review within the unit, subject to general requirements laid out in the policy. Second, the draft provides general requirements for criteria, procedures, and outcomes designed to ensure that these aspects of the policy reflect the principles outlined above. Criteria are linked to expectations for faculty in the Code of Faculty Rights, Responsibilities, and Conduct and guided by the units’ existing criteria for promotion and tenure and annual evaluations. Units are directed to develop criteria that respect the diversity of faculty contributions. Procedural requirements permit variation among units, but include safeguards to protect the rights of faculty. Recommendations based on the results of the evaluation are implemented pursuant to existing standards and procedures, including those in the Faculty Evaluation Policy; the Code of Faculty Rights, Responsibility, and Conduct; and the Faculty Senate Rules and Regulations. Third, the draft contains explicit provisions to protect academic freedom and tenure and preclude reliance on the policy to alter faculty responsibilities or standards and procedures for adverse employment actions.

Many features of the policy reflect careful committee consideration of weighty competing considerations on issues where reasonable people might disagree, and these issues should be fully aired and discussed in the further consideration of the policy. To assist in that process, the committee has prepared explanatory comments that elaborate on the rationale for particular features of the draft policy. Those comments are included as Part III of this Report.
II. DRAFT POLICY ON POST-TENURE REVIEW

1. Preamble: In recognition that an outstanding faculty is essential to the accomplishment of its teaching, scholarship, and service mission, and in accordance with Kansas Board of Regents policy, the University of Kansas has adopted this post-tenure review policy.

Post-tenure review provides an opportunity to assess the long-term trajectory of a faculty member’s career, including both past accomplishments and future directions. It is a formative and developmental review that facilitates and encourages professional vitality through collaborative discourse between the faculty member and the unit concerning his or her role in the unit, the college or school, and the university, as well as in the discipline or field. Post-tenure review promotes faculty development and achievement by recognizing and rewarding contributions and accomplishments, identifying the support needed to facilitate faculty success, and addressing areas of performance that need improvement. In some cases, post-tenure review may indicate the need for corrective action if the faculty member has failed to satisfy the unit’s stated criteria.

2. Post-tenure Review: Post-tenure review provides a summative assessment of a faculty member’s teaching, scholarship, service, and/or professional performance for a seven-year review period, viewed in the context of the faculty member’s overall career.

   a. Requirement of Review: Each faculty member with tenure shall undergo post-tenure review once every seven years. Any year that would be excluded from time in rank pursuant to university or Regents policy shall not be included in determining this period. Evaluation for promotion or the appointment to a distinguished professorship will substitute for post-tenure review and restart the seven-year period. This requirement does not apply to faculty members with an administrative appointment at .75 or greater FTE, or to faculty members on phased retirement or whose retirement date has been approved by the university. At the start of each spring semester, the provost and executive vice chancellor (provost) shall notify faculty members who will undergo review in the coming academic year.

   b. Criteria and Procedures for Review: Except as otherwise provided in this policy, each unit that conducts an initial or intermediate review for purposes of promotion and/or tenure shall conduct post-tenure review in accordance with criteria and procedures adopted by a vote of the faculty pursuant to the unit’s bylaws and approved by the dean and provost. Copies of the unit’s approved criteria and procedures for post-tenure review shall be provided to faculty members in the unit and posted in the university’s policy library.

   c. Relation to Annual Evaluation: Post-tenure review is a summative periodic review of a faculty member’s performance conducted in addition to annual evaluation. However, in any year when post-tenure review is conducted, that review may take the place of the annual evaluation.
3. **Criteria:** Each unit responsible for conducting post-tenure review shall adopt criteria that state the expectations of the unit for tenured faculty in the areas of teaching, scholarship, service and/or professional performance (as appropriate to the unit and position). The College of Liberal Arts and Sciences (the college) and schools with multiple departments may adopt criteria expressing expectations for all units within the college or school, to which departmental criteria must conform. In developing such criteria, units may draw on statements used in their current faculty review procedures.

   a. **General Requirements:** A unit’s criteria shall reflect the responsibilities of faculty as stated in the Code of Faculty Rights, Responsibilities, and Conduct, describing expectations for teaching, scholarship, service, and/or professional performance in light of disciplinary practices and the overall mission of the unit as part of an international research university. Criteria shall be consistent with the summative character of post-tenure evaluation and establish expectations that encourage continuing faculty development, including promotion from associate to full professor. The criteria shall provide for the assessment of whether a faculty member’s performance in each area (1) meets expectations; (2) exceeds expectations; or (3) fails to meet expectations.

   b. **Flexibility:** Criteria should be sufficiently flexible to accommodate faculty with differing responsibilities and interests and the variation in a faculty member’s activities over time. Criteria should recognize that innovative work may take time to reach fruition and may sometimes fail. The application of the unit’s criteria must account for an individual faculty member’s job description and, when applicable, differential allocation of effort.

4. **Procedures for Initial Review:** Each unit responsible for conducting the post-tenure review shall adopt post-tenure review procedures for the evaluation of a faculty member’s performance in light of the unit’s criteria. In the college and schools with multiple departments or programs, however, smaller units may elect to have the college or school conduct the initial review. The college or schools with multiple departments may develop general procedures for all units to follow. While the procedures adopted by the unit may reflect the distinctive circumstances and practices of the unit, each unit’s procedures shall include the following elements:

   a. **Preparation of a dossier:** Procedures for the initial review shall provide for the preparation of a dossier that includes a current curriculum vitae, annual evaluations covering the period under review, and other evidence of the faculty member’s relevant accomplishments and contributions during the review period. Although the post-tenure review covers the same time period as prior annual reports and references the same documents and information, annual reports should not be included in the dossier. The faculty member shall provide a brief narrative statement outlining goals for professional development and describing past accomplishments and future objectives specific to those goals, and may submit appropriate letters or other evidence of accomplishment. Multiple sources of information, including student evaluations, must be used to evaluate teaching, including, where appropriate, supervision of graduate students and advising activities.
b. **Post-tenure Review Committee:** A unit’s procedures shall provide for the formation of a committee of tenured faculty to conduct the review. The committee may function as an initial review committee if it conducts the initial review on the basis of the dossier, or as an intermediate review committee if it is a college or school committee reviewing the initial review conducted by a department or program. The unit may elect to conduct post-tenure reviews using the same committee that conducts other faculty evaluations, such as annual evaluations or consideration for promotion and tenure. The unit’s procedures shall specify the composition and selection of the committee and any additional qualifications for serving on the committee. Procedures shall also include a means of addressing conflicts of interest. No individual scheduled for post-tenure review in a given academic year or whose spouse or partner is scheduled for post tenure review shall serve as a member of a post-tenure review committee at any level during that year.

c. **Evaluation by the Committee:** The post-tenure review committee shall provide a written evaluation of the faculty member’s performance in light of the applicable unit criteria and university standards. The evaluation shall be a summative review that considers the trajectory of the faculty member’s performance during the review period in light of his or her overall career. While annual evaluations during the review period should be consulted for relevant information, the review is conducted separately from the annual evaluations and may not simply aggregate their results. The review shall include a narrative description of the faculty member’s teaching, scholarship, service and/or professional performance (as appropriate to the unit and position), the committee’s ratings in each category, as well as an overall evaluation and rating, and recommended outcomes (as described in paragraph 5, below). A unit’s procedures may include an opportunity for a faculty member to meet with the committee for a collegial and collaborative discussion of the faculty member’s career, in terms of both the faculty member’s accomplishments during the review period and future plans and career development. A committee conducting intermediate review may accept the initial review or prepare its own evaluation of the faculty member’s performance.

d. **Consideration by the Chair/Director or Dean:** The initial review committee shall forward its final evaluation to the chair of the department or program director, or in the cases in which the college or schools conduct the initial review, the dean. The committee shall provide a copy of the evaluation to the faculty member, who may file a written response with the chair/director or dean. The chair/director or dean shall indicate his or her agreement or disagreement with the determinations of the committee. In the event the chair/director or dean disagrees with the committee’s determinations, he or she shall explain the reasons for the disagreement in writing and provide a copy to the faculty member and the committee.

e. **Consideration by College or School:** If the department or program conducting initial review is part of the college or a school that conducts intermediate review, the chair/director shall forward the review (along with his or her agreement or disagreement) to the post-tenure review committee of the college or school conducting intermediate review. The intermediate review committee shall evaluate the dossier in accordance with the approved procedures.
f. **Response to Negative Evaluation:** If the initial or intermediate review includes a rating of “fails to meet expectations” in any category, or if the chair/director or dean disagrees that the faculty member has met expectations in any category, the faculty member may submit a written response for inclusion in the dossier. In any such case, the faculty member may request that outside letters evaluating his or her scholarship be solicited in a manner that provides adequate assurances that reviewers are qualified and unbiased.

g. **Consideration by the Provost:** The dean of the college or school shall forward the review to the provost. If a review was conducted at both the departmental and the college or School level, the Dean shall forward both reviews. The provost may accept the review or determine that review by a university level post-tenure review committee is required. Any such review shall be conducted using the criteria and ratings adopted by the unit, in accordance with procedures adopted by the provost in consultation with the Faculty Senate. These procedures shall protect the procedural rights of faculty members as outlined in this policy, including the opportunity to submit additional information, receive a written copy of the evaluation, and respond to a negative review.

5. **Recommendations:** Based on its evaluation of the faculty member’s teaching, scholarship, service, and/or professional performance, the committee shall make recommendations to administrators concerning outcomes. These recommendations are not binding and the responsibility for determining appropriate steps remains with the responsible administrator in consultation with the affected faculty member. Possible recommendations include, but are not limited to the following:

   a. **Recognition of Achievement:** When a faculty member’s performance in one or more areas has exceeded expectations, the post-tenure review committee may recommend steps to recognize the faculty member’s accomplishments. Such recommendations may include nomination for promotion and/or a distinguished professorship (when one becomes available), nomination for awards or grants, and other forms of recognition appropriate to the circumstances.

   b. **Career Development:** The post-tenure review committee may identify support that would leverage a faculty member’s development and promote excellence in teaching, scholarship, service, and/or professional performance. Such recommendations may include faculty development opportunities (such as intra-university professorships or additional training), differential allocation of effort to concentrate on areas of strength, and other forms of support that will facilitate a faculty member’s career objectives.

   c. **Improvement of Performance:** The post-tenure review committee may recommend steps to address aspects of a faculty member’s performance that require improvement. Such recommendations may include a performance improvement plan with timeline, access to a center for improvement of instruction or scholarly effort, or differential allocation of effort or reallocation of department assignments to concentrate on areas of strength. Such steps should follow procedures consistent with the university’s Faculty Evaluation and Differential Allocation of Effort policies.
d. **Recommendation for Dismissal:** If the review reflects a sustained failure to meet academic responsibilities, the committee may recommend that the dean and provost take steps to dismiss the faculty member in accordance with the provisions of the Faculty Evaluation Policy and the procedures for removal of tenured faculty.

6. **Relation to Other Policies:** The post-tenure review policy shall be interpreted and applied consistently with other university policies.

   a. **Academic freedom and tenure:** Post-tenure review does not affect tenure rights or academic freedom, and must be conducted in conformity with those principles.

   b. **Faculty rights and responsibilities:** Nothing in this policy alters the rights or responsibilities of faculty members or the policies and procedures governing the imposition of sanctions, including dismissal, on faculty members.

   c. **Confidentiality:** Post-tenure review is a confidential personnel matter and those responsible for conducting review shall take appropriate steps to protect the confidentiality of the dossier and evaluation.
III. EXPLANATORY COMMENTS

1. Preamble

The preamble declares the purposes of the post-tenure review policy. The committee considered it important to emphasize that, although it should lead to corrective action where appropriate, the primary focus of post-tenure review is faculty development.

2. Post-tenure review

The introductory language of this paragraph describes post-tenure review, highlighting two key features (1) it is a summative review; and (2) it covers a seven year period that is viewed in the context of the faculty member’s career as a whole. The remaining provisions in this paragraph set forth the basic requirement of post-tenure review and address three key aspects of the review.

Paragraph 2a: This paragraph sets the requirement for review at a seven year period, and addresses several features of that requirement. The committee believes that periods in which a faculty member would have his or her “tenure clock” stopped should also stop the post-tenure review clock, and it incorporated those rules by reference. The committee also believed that the post-tenure review clock should restart when there has been another evaluation that serves a similar summative assessment function. This paragraph also addresses the scope of the requirement in relation to faculty with administrative functions, requiring review unless administrative functions make up 75% or more of the faculty member’s effort. Finally, the committee believed that faculty should be notified of their pending review in the same manner as they are notified that they are up for promotion and tenure prior to their mandatory review year.

Paragraph 2b: The committee believes that post-tenure review must take into account the wide variety of disciplines and units that make up the university. To accomplish this purpose, the committee followed the model of current policies on promotion and tenure and on faculty evaluation. The policy contemplates that units will adopt their own criteria (i.e., statement of expectations), consistent with their current criteria for promotion and tenure and faculty evaluation, but that these criteria must conform to university standards. Similarly, units should adopt procedures consistent with the customs and practices of the unit, but these procedures must follow certain basic requirements to ensure a fair and accurate review that protects faculty rights. Later paragraphs address the requirements for both criteria (Paragraph 3) and procedures (Paragraph 4) in greater detail.

Paragraph 2c: This paragraph makes explicit that the post-tenure review is in addition to and separate from annual evaluations. Nonetheless, the committee believed that it would be unnecessary and duplicative to conduct the annual evaluation in a year in which the faculty member undergoes post-tenure review.
3. Criteria

This paragraph provides greater detail on the criteria that units must adopt, which state the unit expectations for performance by tenured faculty. As noted above, the committee believed that unit-based criteria were essential to accommodate the differences among units and disciplines. At the same time, the committee recognized the importance of ensuring that all units of the university adopt high standards that promote the pursuit of excellence, and that it may be beneficial for the college and schools with multiple departments or programs to adopt criteria that apply to all units.

Paragraph 3a: Although unit-based criteria permit the unit to articulate its expectations in terms of disciplinary and unit practices, those expectations must be consistent with university standards. This paragraph sets forth several general requirements for unit criteria. First, they must reflect the expectations for faculty described in the Code of Faculty Rights, Responsibilities, and Conduct. The committee believed that post-tenure review policy is not intended to and should not alter the expectations for tenured faculty. This provision therefore referenced the current statement of university-wide expectations. Second, criteria should be summative and encourage continuing faculty development. This principle reflects the purposes of post-tenure review, as outlined in the preamble. Third, the criteria must provide for rating a faculty member’s performance in terms of whether it meets, exceeds, or fails to meet expectations. The committee considered adopting the ratings currently used in promotion and tenure evaluations (which includes excellent, very good, good, marginal, and poor), but after discussion determined that there would be little to gain from having five rating categories instead of three and that it would be useful to maintain the distinction between post-tenure review and evaluation for promotion and tenure.

Paragraph 3b: One of the committee’s primary concerns throughout its deliberations was the need to recognize that faculty members make a wide variety of contributions to the university. This paragraph was added to underscore the need for units to adopt criteria that reflect this principle, and it references several specific concerns. One is the need for flexibility across units, in recognition that teaching, research, and service activities and expectations vary across disciplines—at times even within a department or unit. Faculty members should be evaluated according to criteria that are appropriate to their work. A second concern is the variation in a faculty member’s focus, activities, and productivity over time. A faculty member’s scholarly productivity may wane as a result of developing new course or teaching methods or because of intensive service involvement (or vice versa). The long view of faculty members’ careers contemplated by post-tenure review means that this natural ebb and flow must be respected and accommodated. Finally, some projects take time to reach fruition and in some cases high risk research may fail. One of the critical functions of tenure is to give faculty members at the peak of their career the security necessary to undertake major projects that will not bear fruit immediately (and whose results may be less than expected).

4. Procedures

This paragraph provides greater detail on the procedures that units must follow. Although some variation in procedures should be permitted to accommodate differences among
units and disciplines, the committee firmly believed that all units must follow certain essential procedures designed to ensure a full and fair evaluation and to protect the rights of faculty members under review. In addition to stating this principle, the introductory material for paragraph 4 indicates (1) that all units that conduct promotion and tenure evaluations should conduct review, except that small units should be allowed to elect for review to be conducted by the college or school; and (2) that the college or schools with multiple units may establish general procedures.

The committee first determined that, as a general principle, responsibility for conducting post-tenure review should rest with the unit that conducted the promotion and tenure evaluation. Although this principle makes sense, the committee was concerned about the difficulty of conducting review within small units, which may not be able to put together committees with qualified faculty to conduct the review. Although there are other options that small units might pursue consistent with the procedures (such as including faculty members from similar departments or even establishing joint committees with other departments in related disciplines), the committee thought the option of having the larger unit conduct the initial (rather than intermediate) review should be available.

The committee also concluded that while individual units should have flexibility in relation to procedures, there were also benefits to be achieved from having consistent procedures across units, especially within a single larger unit such as the college. This sort of approach may simplify the implementation processes by reducing the procedural issues for departments to resolve and help to ensure that all procedures meet basic requirements. The committee discussed whether this approach might deprive units of the necessary flexibility, but ultimately determined that any such procedures would have to be approved by faculty within the college or school in the usual manner, which would provide a check against that possibility.

**Paragraph 4a:** This paragraph focuses on the content of the dossier for review, which raised several issues that the committee discussed. First, the committee debated at some length the extent to which annual reports and evaluations should be included in the dossier. Committee members were very concerned that post-tenure review maintain its character as a long term, summative review, and that inclusion of annual reports and evaluations would invite the post-tenure review committee simply to aggregate the annual reports and evaluations. On the other hand, the committee also believed that it would be inappropriate to simply ignore the annual evaluations during the review period. In the end, the language adopted was a compromise between these two competing concerns. Annual evaluations are included in the dossier, but language was added in paragraph 4c to specify that the committee may not simply aggregate those evaluations. Annual reports are not included in the dossier, although paragraph 4a acknowledges that the same information included in those reports will be included in the dossier.

Second, the committee believed that a faculty statement is an essential part of the dossier, both as a means of providing the faculty member essential input and protection, and as a means of placing his or her activities into the context of his or her larger career. Likewise, this provision explicitly recognizes the right of faculty members to include letters or other evidence of accomplishment.
Third, the paragraph specifies that “[m]ultiple sources of information, including student evaluations, must be used to evaluate teaching.” The committee discussed this language at some length, particularly the specific language concerning student evaluations. The committee recognized that student evaluations of teaching may not always be reliable indicators of teaching quality and that there is an unfortunate tendency to rely too heavily on the raw numbers produced by these evaluations. At the same time, however, the committee believed that student evaluations often contain essential information and that it would be improper to ignore them. One possibility considered as a means of counterbalancing the possibility of excess weight was to require inclusion of peer evaluations, but the committee ultimately concluded that this requirement would place onerous new burdens on many units, and so rejected that option. In the end, the committee settled on the language in the draft as the best option on this issue.

Finally, the committee considered and debated at some length the possibility of including outside evaluations of scholarship (like those used for promotion and tenure). The committee concluded early on in this discussion that outside reviews were not ordinarily needed in every case and that the burden of requiring outside letters in every case was unreasonable. Nonetheless, some early drafts included language specifying that units could require outside letters as part of the unit procedures. After further discussion, this language was deleted. The committee concluded that units could decide to include these letters if they so choose (nothing in the policy would preclude it), but that specific language authorizing it might be misread as endorsing the inclusion of outside letters. The committee did determine, however, that a faculty member who receives a rating of “fails to meet expectations” should be given the option of requesting outside letters evaluating his or her scholarship (see Paragraph 5f).

Paragraph 4b: This provision addresses the post-tenure review committee’s composition, selection, and functions. The same general provisions apply whether the post-tenure review committee conducts the initial review or the intermediate review. The initial review will ordinarily be conducted by the unit that conducts the initial promotion and tenure review, with the intermediate review conducted by the college or schools with multiple departments or programs. But the college or school might conduct the initial review if the department or program elects not to do so (see paragraph 5) or if the school does not have departments or programs.

The provision includes some basic requirements regarding the post-tenure review committee’s composition. It must consist of tenured faculty. It must provide a means of addressing conflicts of interest. It may not include faculty members who will be undergoing post-tenure review or whose spouses or partners will be undergoing review. Other than these essential requirements, the provision leaves units considerable discretion concerning the size and composition of the post-tenure review committee, which is necessary to accommodate variations among units. For example, some units may wish to specify that only full professors may serve on committees reviewing full professors, but that requirement would be unworkable for many smaller units. Likewise, some units may want to have a relatively large committee (e.g., five members), while that size committee might be unworkable for others. In addition, while some units may want to assign the review function to a pre-existing committee that conducts other faculty evaluations, others will want to have a separate committee. In some units, it may even be appropriate to have different committees to address faculty members with different emphases.
Whatever approach the unit uses, it is important for the unit’s procedures to specify the committee, its composition, and membership.

**Paragraph 4c:** This provision is among the most important provisions in the policy, insofar as it specifies what the post-tenure review committee’s evaluation must include. The committee considered these elements very carefully, both to ensure that the evaluation be consistent with the purposes of and principles governing post-tenure and to promote reviews that would be comprehensive and fair. First, and most directly, the provision requires that the committee produce a written evaluation that applies the unit criteria and university standards. Second, the provision emphasizes the summative character of the review and the need to consider the faculty member’s career trajectory during the review period in light of his or her overall career and should not simply aggregate annual evaluations. Third, the review should not only describe the faculty member’s performance and provide ratings in each category (as well as an overall rating), but also make recommendations concerning outcomes (which are described further in Paragraph 5).

In keeping with the collaborative and consultative character of the review, the provision includes the option for units to include the opportunity for “a collegial and collaborative discussion” as part of the review process. The committee considered that this option would be potentially useful and constructive for at least some faculty members.

Insofar as the intermediate review may have little to add to the initial review, this provision specifies that the intermediate review committee may accept the initial review or prepare its own evaluation.

**Paragraph 4d:** Insofar as the ultimate responsibility for taking any appropriate action on the basis of the post-tenure review will rest with the responsible administrator, the next step in the process is the consideration of the evaluation by the chair, director, or dean (as appropriate to the unit). To protect the rights of faculty members who may have received a negative evaluation, the faculty member receives a copy of the evaluation and may submit a written response to the administrator. In view of the evaluation and any written response, the administrator indicates his or her agreement or disagreement and, in the event of a disagreement must explain the basis for it in writing, with a copy to the faculty member.

Under the faculty evaluation policy, the evaluation is conducted by the administrator, and the faculty member has recourse to a faculty committee in the school if he or she disputes a negative evaluation. In the case of post-tenure review, the evaluation is done by a faculty committee to begin with, and the administrator is acting on the basis of that evaluation. In this configuration, the post-tenure review policy committee considered further review within the unit to be duplicative, provided that the faculty member’s opportunity to dispute the committee evaluation and/or the administrator’s position. The faculty member is further protected by review at the college/school level, where applicable, and at the university level. In addition, the post-tenure review policy preserves existing procedures for contesting negative actions with which a faculty member disagrees, including performance improvement plans and dismissal. (See paragraphs 5c, 5d, and 6.)
**Paragraph 4e:** This paragraph specifies that for a department or program that is within the college or a school, the dossier (including any faculty responses under the preceding paragraph) will be forwarded to the intermediate review committee. The criteria and procedures to be followed are addressed in other provisions of the policy.

**Paragraph 4f:** The committee was acutely aware that negative evaluations (i.e., an evaluation indicating that the faculty member has failed to meet expectations in any category), is likely to have serious consequences for a faculty member. While review will be conducted in good faith and carefully in the vast majority of cases, it is critical to protect faculty members against erroneous negative evaluations (and, especially, against actions that may be inconsistent with academic freedom and tenure). Although many “back end” protections are built into the process if there is a performance improvement plan or the university takes steps to dismiss a tenured faculty member, it is at least as important to ensure that a faculty member is not erroneously saddled with a negative post-tenure review. To protect against these possibilities, this provision includes two safeguards. The first is the right to submit a written response to a negative evaluation (or a chair/director or Dean’s disagreement with a positive evaluation) for inclusion in the dossier and consideration at the next levels of review. The second is the right to request outside evaluations, an option that responds to the particular concern that a faculty member’s scholarship may differ from and be undervalued by members of the unit. The committee discussed this language in detail, and recognized some significant concerns, such as the time constraints involved, the difficulty of finding outside reviewers, and the awkwardness of requesting outside reviews in this context. Nonetheless, committee members were convinced that this option was an essential safeguard that should be made available to a faculty member whose scholarship was undervalued.

**Paragraph 4g:** The next step in the process is to forward the results of the initial and intermediate review (if any) to the provost. After discussion, the committee determined that it would be unnecessary to conduct a university level review in every case, insofar as most reviews will not be controversial, and that it would therefore waste resources to mandate review by a university level review in every case. Thus, this paragraph specifies that the provost may accept the review (without further consideration by committee) or determine that review by a university level post-tenure review committee is required. The committee left many details of this process unresolved, but specified that the university level review should (1) use the unit-level criteria and (2) follow procedures adopted in consultation with the Faculty Senate that protect the procedural rights of faculty members outlined in this policy, including the opportunity to submit additional information, receive a written copy of the evaluation, and respond to a negative review.

5. Recommendations

This paragraph describes the recommended outcomes that may be included in the review. The role of the post-tenure review committee in determining outcomes was a critical issue in the development of the policy. Recognizing that the ultimate responsibility for any action rests with the responsible administrators, the committee considered it essential that those steps be the product of the review itself. Conversely, the committee is concerned that post-tenure review not
be construed as giving administrators a license to take actions that are not the genuine product of the review. To address the competing concerns, the committee was careful to acknowledge that the results of the review are merely recommendations and that they are not binding on administrators. In particular, the committee recognized that the post-tenure review committee is considering a small segment of the faculty and cannot make recommendations that require comparative assessment of accomplishments or merit (such as salary increases). Similarly, because the committee cannot assess the availability of resources or the implications of recommendations that require resources, the committee was careful not to include such recommendations among the examples provided. Nonetheless, the post-tenure review committee is authorized to recommend outcomes on the basis of its review, a result that is essential to the integrity of the process as a means of collegial evaluation for purposes of faculty development.

The four categories of recommendations (recognition of achievement, career development, improvement of performance, and recommendation of dismissal) are listed from the most positive to the most negative outcomes. Recognition of achievement is appropriate when the faculty member exceeds expectations in one or more categories and is essential if post-tenure review is to have the necessary positive elements. Career development is appropriate where the faculty member’s review is positive, but the review indicates that there are opportunities to leverage and increase the faculty member’s productivity in a manner that would enhance his or her career. Although the committee anticipates that the vast majority of faculty members will fall into these two categories, in some cases the outcome of the review will indicate that the faculty member has not met expectations in one or more categories. In such cases a performance improvement plan, differential allocation of effort or some other intervention is appropriate. Finally, if the review indicates a sustained failure to meet academic responsibilities, initiation of procedures for dismissal are the appropriate response under the current Faculty Evaluation Policy. In the event that a performance improvement plan or dismissal is called for, existing standards and procedures for such actions would apply.

6. Relation to Other Policies

This final paragraph is intended to clarify that the post-tenure review policy does not alter and is subject to existing policies concerning faculty rights and responsibilities.

First, and most essentially, it does not alter academic freedom and tenure. Thus, for example, the there is no “up or out” element to post-tenure review. If any action is taken to dismiss a faculty member, the burden would be on the university to establish a sustained failure to meet academic responsibilities and the faculty member would be entitled to a hearing before the Faculty Rights Board. Similarly, a negative evaluation could not be based on grounds that are incompatible with academic freedom, such as political differences or disagreement with the content (as opposed to the quality) of a faculty member’s scholarship.

Second, the policy does not alter faculty rights or responsibilities. Thus, while post-tenure review provides a new means of assessment, it does not change the expectations for faculty (which are governed by the Code of Faculty Rights, Responsibilities, and Conduct), the standard for dismissal (sustained failure to meet academic responsibilities), or the procedural
rights surrounding disciplinary actions, including all rights protected by the Code of Faculty Rights, Responsibilities, and Conduct, the Faculty Evaluation Policy, the Faculty Senate Rules and Regulations, and other university policies.

Third, although post-tenure review will involve some access by relevant committee members to personnel information, as do annual evaluations and evaluation for promotion and tenure, the policy does not alter the confidentiality of such matters and must be conducted in a manner that preserves confidentiality.