

## UW-Whitewater Post-Tenure Review Policy

*Approved by the UW-Whitewater Faculty Senate Executive Committee, March 28, 2017*

*Approved by Chancellor on March 29, 2017*

*Approved by Board of Regents on April 7, 2017*

**I. Purpose:** The primary purpose of the periodic, Post-Tenure Review of tenured faculty is to support tenured faculty development and to assure that the talents of each faculty member are being utilized in ways that best serve the interests of the students, the institution, the academic discipline, and the faculty member. Nothing in the criteria or application of these policies shall violate a faculty member's rights and protections under applicable non-discrimination state or federal laws, including harassment or retaliation. Moreover, it is recognized that the interests and expertise of the individual faculty member may change during the course of a career; therefore, the tenured faculty member, with administrative approval, may be permitted in consultation and agreement with the administration to adjust the mix and balance of commitments among the performance categories of teaching, scholarship, research and creative activity, and service. This policy is implemented in accordance with Regent Policy Document 20-9, as amended.

**II. General Principles:** The following general principles shall be applicable to the Post-Tenure Review ("PTR") under this policy:

- A. Neither this policy nor the criteria used for a PTR shall infringe on the accepted standards of academic freedom of faculty, including the freedom to pursue novel, unpopular, or unfashionable lines of inquiry or innovative methods of teaching.
- B. This policy is not intended to serve as a substitute for annual or other evaluations of tenured faculty performance, nor is it intended as a re-evaluation of tenure.
- C. The PTR process, founded on peer-review principles, shall involve a fair and holistic evaluation of performance, shall include criteria that will evaluate the faculty member's performance effectively and shall be sufficiently flexible to permit shifts in professional emphasis.
- D. A faculty member under review shall receive official delivery of any documentation under each step in the process through official university email account.
- E. Any remediation plan should, whenever reasonably possible, be a product of mutual negotiation between the dean and the faculty member under review.
- F. The Chancellor (or designee) is responsible for ensuring that the reviews are completed on schedule. All timeframes provided under this policy shall be met unless extenuating circumstances require additional time and such extension will not unduly delay the review process. Any reference to days shall be defined as business days.
- G. The faculty member must be afforded the full procedural safeguards set forth in UW-Whitewater Faculty Personnel Rules and UWS Wis. Admin. Code. Dismissal for just cause remains the standard for termination.
- H. 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. The meetings conducted under this policy shall be subject to the Wisconsin Open Meetings Law.

**III. Definitions:**

- A. Academic Semester – A fall or spring semester in a traditional academic year.
- B. Performance Category – The classifications required by the Board of Regents to establish the criteria for PTR which shall include, at minimum, Teaching, Scholarship/Research/Creative Activity, and Service.
- C. Performance Subcategories – The skills, competencies, and performances that serve to demonstrate the various conceptual dimensions of the performance category.
- D. Performance Indicators – The variety of ways that the performance subcategories may be demonstrated.
- E. Rating Categories – The two evaluation classifications that reflect the overall result of the review:
  - 1. *Meets expectations.* This category is awarded to those tenured faculty members whose performance reflects the expected level of accomplishment.
  - 2. *Does not meet expectations.* This category is awarded to those tenured faculty members whose performance reflects a level of accomplishment below the expected level and which requires remediation.

**IV. Review Criteria:** The following criteria listed in the Performance Categories, set forth below, shall be used to conduct the PTR and determine whether a faculty member under review has conscientiously and with professional competence discharged the duties appropriately associated with the faculty member’s position. The Performance Indicators will be developed through faculty governance procedures, subject to the approval of the Faculty Senate and the Chancellor. The criteria herein shall be used to determine whether a faculty member under review should receive a rating of either “meets expectations” or “does not meet expectations.”

A. Performance Category: Teaching

- 1. Responds effectively and appropriately to classroom needs and modifies courses accordingly.
- 2. Demonstrates positive student outcomes and/or learning experiences.
- 3. Engages in activities that enhance content knowledge, pedagogical knowledge, and/or pedagogical content knowledge.
- 4. Uses appropriate teaching/administrative methodologies.

B. Performance Category: Scholarship/Research/Creative Activity

- 1. Maintains disciplinary knowledge.
- 2. Participates in the broader scholarly and/or creative community; contributes to academic, professional, and/or public venues; and/or draws on professional expertise to work with practitioners in the field.

C. Performance Category: Service

- 1. Participates satisfactorily in departmental functions, activities, and meetings.
- 2. Participates in committees and/or equivalent service at the college, university,

and/or UW-System levels.

3. Participates in professional, public, and/or community service related to one's area of expertise.

**V. Post-Tenure Review Procedures:** Each tenured faculty member shall receive a post-tenure review at least once every five years, starting in the fall semester of the fifth academic year after being awarded tenure. The review shall consist of a qualitative and quantitative assessment of the faculty member's performance over the review period. All reviews shall be completed within one academic year. The review shall apply to all tenured faculty members, including faculty who serve in administrative appointments, such as department chairs, associate deans, or other administrative appointments if the faculty member performed faculty responsibilities for Teaching, Scholarship/Research/ Creative Activity, and Service within the review period and the review is not deferred by the Provost.

A. Initiating the Review:

1. The department chair shall prepare and submit a written Notice of Intent to conduct a PTR to the faculty member under review no later than April 1 preceding the academic semester in which the PTR shall occur, and in no event less than ninety calendar days prior to the date the review shall begin. The Notice of Intent shall state the time frames under which each phase of the process will be completed. Failure to provide said notice shall not affect the overall completion of the review process, as required by this policy.
2. Upon approval from the Provost, a review may be postponed due to, but not limited to, the review coinciding with approved leave, other appointments, a promotion review, or a pending and officially announced retirement. If deferral is granted, the Provost will schedule another review, with a new, corresponding review cycle for the faculty member.
3. The periodic, post-tenure review may substitute for an annual review in the year a faculty member is scheduled for such review. A faculty member seeking promotion to associate or full professor may use the promotion process to meet the requirements for post-tenure review under this policy only if promotion is sought in the same year as, or sooner than the scheduled post-tenure review. A faculty member who receives a positive recommendation for promotion will be awarded a "meets expectations" determination for post-tenure review and will not be required to undergo another post-tenure review for five years. If a negative recommendation for promotion is received, the faculty member shall be required to undergo the post-tenure review as defined by this policy. A negative promotion recommendation shall not be construed as a determination that the faculty member "does not meet expectations." A promotion decision must be made early enough in the academic year to permit completion of the post-tenure review process during that academic year if promotion is denied.

B. Composition of Committees:

1. Primary Peer Review Committee (PPRC): By the second Friday in May of the academic year preceding the review and in no event less than ninety calendar days prior to the date the review shall begin, the PPRC committee shall be formed. The PPRC shall be comprised of three tenured faculty members who shall be selected by a majority of the tenured faculty members within the department (the faculty member under review shall not participate in selecting members to his or her PPRC). A majority of the tenured faculty members may

select one or more tenured faculty members from another department within the college to complete the PPRC committee, in consultation with the dean. Once the three tenured faculty members have been selected, the department chair will notify those faculty members of their appointment to the PPRC and provide the list of PPRC members to the faculty member under review. Within three business days from receipt of the names of those who have been selected for the PPRC, the faculty member under review may request that a member be removed due to a conflict of interest. In such cases, if the department chair concurs that a conflict of interest exists, the department chair will select a replacement from any remaining tenured faculty members within the department or from another department within the college as noted above.

2. Department Review Committee (DRC): This committee shall be comprised of three tenured faculty members in the department, or more than one-half the tenured faculty members in the department who remain eligible to serve on the DRC (excluding the faculty member under review), whichever is greater. A faculty member who served on the PPRC shall not serve on the DRC committee during the same review process. If there is an insufficient number of tenured faculty members to form a committee, the dean shall appoint tenured faculty of related disciplines from other departments to serve on the department committee. Such appointed members shall participate only in the review(s) to which they are appointed.
3. Multiple Departments: In the case of a faculty member with appointments in more than one department, the departments, in consultation with dean(s), and Provost, shall determine the procedures (in accordance with UWW Chap. III, B, 8, (c) to be used in order to ensure that the review is consistent with the procedures used for faculty who are only in one department.

C. Information Considered During Review:

1. The PTR process shall include the review of qualitative and quantitative information of the faculty member's performance over at least the previous five-year review period.
2. The faculty member shall submit the following information within the timelines set forth below: a summary statement, current curriculum vitae, student teaching evaluations or summaries of evaluations, and other materials as determined by the faculty member that support the faculty member's accomplishments and contributions to the department or that are relevant to the review criteria.
3. All written materials submitted and/or used to conduct each level of review shall be added to the official PTR record at the conclusion of each level of review.
4. Each review committee and administrator(s) shall review the materials to the degree necessary to accomplish the review.

D. Submission of Materials: By three business days prior to the first Friday in September, the faculty member under review shall submit, at a minimum, a copy of all materials listed in Section V(C)(2) above to the department chair. Within five business days from the date of receipt of the materials, the department chair shall create an official PTR record in the name of the faculty member under review, add said materials to the PTR record and forward copies of the submitted materials to the PPRC.

E. Primary Peer Review: On or before the fourth Friday in September, the PPRC shall meet

to conduct its review. The department chair shall schedule the meeting on behalf of the PPRC and provide the faculty member under review with a minimum of ten business days' notice prior to the meeting. The PPRC members shall designate a PPRC member to serve as the chairperson of the PPRC. The faculty member may attend the meeting, but shall not be required to do so. If the faculty member attends the review meeting, the faculty member may issue a brief verbal statement and/or discuss any relevant materials. The PPRC may also ask the faculty member questions. At the conclusion of its review, the PPRC committee will deliberate in closed session and determine, by a simple majority vote, whether to recommend the faculty member for a rating of "meets expectations" or "does not meet expectations." Prior to the first day in October, the PPRC will submit its recommendation in writing, along with an explanation for its determination, to the DRC through the department chair who will also forward the PPRC's recommendation to the faculty member. The faculty member may submit to the department chair a written response to the PPRC's recommendation within five business days from receipt of the PPRC's recommendation. The PPRC recommendation, along with any written response received by the faculty member shall be added to the PTR record and it will then be forwarded to the Department Review Committee for its review under Section V(F) below.

- F. Department Review: On or before the second Friday in October, the department chair shall convene the DRC to conduct the PTR. The faculty member may waive this level of review by notifying the department chair no more than five business days after the PPRC has completed its review under Section V(E). The department chair shall provide the DRC and the faculty member under review with a copy of the PTR record. The department chair or designee shall serve as the chair of the DRC committee and be a voting member. The DRC shall meet to conduct its review no later than the second Friday in November. The department chair shall provide the faculty member with a minimum of five business days' notice prior to the DRC meeting. The faculty member may attend the DRC meeting, but shall not be required to do so. If the faculty member attends the review meeting, the faculty member may submit a brief verbal statement and/or discuss any relevant materials. The DRC may also ask the faculty member questions. As a part of its review, the DRC shall consider the PTR record, the recommendation of the PPRC, any statements provided by the faculty member and any other information described in Section V(C) above. At the conclusion of the review meeting, the DRC shall deliberate in closed session and determine, by a simple majority vote, whether the faculty member's performance either "meets expectations" or "does not meet expectations." By the second Friday in December, the DRC shall prepare a written report that summarizes its findings and that references criteria considered under each Performance Category which supports its determination. Upon receipt, the dean shall provide a copy of the DRC's written report to the faculty member who may provide a written response to the DRC's written report within ten business days from receipt. Any written response must be submitted to the dean, who will add a copy of the DRC's written report and the faculty member's response to the PTR record.<sup>1</sup>
- G. Administrative Review: On or before the first Friday in February, the dean shall conduct an independent sufficiency review of the PTR record. At the conclusion of the review, the dean shall determine one of the following:
1. If the DRC's rating is "meets expectations" and the dean's concurs with this rating, the review process will be concluded. If the DRC's rating is "does not

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<sup>1</sup> If the DRC review has been waived, then all further references to DRC shall be substituted as PPRC.

meet expectations,” and the dean concurs with this rating, then the dean shall initiate the remediation process under Section VI below.

2. If the dean’s review results in a determination that is different than the DRC’s rating, then by the fourth Friday in February, the dean shall consult with the Constituency Standards Committee (CSC) to seek its advice on whether the dean’s determination is consistent with the PTR record. The dean shall provide the CSC with a copy of the PTR record for its review. No later than the first Friday in April, the CSC will prepare a letter to the dean indicating whether the information in the PTR record supports the dean’s determination. Within ten business days from receipt of the CSC’s advice, the dean shall issue a written statement of the dean’s final determination and recommendation of either “meets expectations” or “does not meet expectations” and forward to the Provost for final review, with a copy to the faculty member who may provide a written response to the written statement within five business days from receipt. The dean’s written statement, CSC letter and faculty member’s response, if any, will be included in the PTR record.
3. If Section G(2) occurs, then upon receipt of the PTR record, the Provost shall consider all information contained in the PTR record and issue a final rating of either “meets expectations” or “does not meet expectations” no later than the final day of the spring term.
  - a. If the Provost’s final rating is “meets expectations,” the Provost shall write a letter which states the final rating and that the PTR process is now complete. A copy of the Provost’s letter shall be provided to the faculty member, the dean and included in the PTR record.
  - b. If the Provost’s final rating is “does not meet expectations,” the Provost shall prepare a letter that indicates the final rating along with a criteria-based explanation of the reasons that one or more Performance Categories were found to be unsatisfactory. A copy of the Provost’s letter shall be provided to the faculty member, the dean and included in the PTR record. Upon receipt of the Provost’s letter, the dean will initiate the remediation process (Section VI).
4. A faculty member who receives a final rating of “meets expectations” shall be considered for professional development opportunities or additional compensation, subject to available resources.

**VI. The Remediation Process:** This process shall only be initiated if a rating of “does not meet expectations” occurs under either Section V(G)(1) or (3)(b) above. The overall goal of the remediation plan shall be to provide a faculty member with appropriate direction and sufficient time to make necessary improvements for the faculty member’s overall success. This plan shall be the product of mutual negotiation and discussion between the faculty member, the chair, and the dean, shall respect academic freedom and professional self-direction, and shall be flexible enough to allow for subsequent alteration.

A. Implementation the Remediation Plan:

1. The dean and faculty member, in consultation with the Provost, shall develop a written remediation plan that will include specific actions that the faculty member will take to satisfactorily resolve all specified deficiencies within a specific time frame. If the faculty member fails or refuses to assist in the development of the remediation plan, the dean shall develop the plan in

consultation with the department chair and Provost.

2. The plan will include a mandatory timeline for completion, and remediation options, that may include, but are not limited to, review and adjustment of the faculty member's responsibilities, development of a new research program or teaching strategy, referral to campus resources, assignment of a mentoring committee, annual reviews for a specified period of time, written performance expectations, and/or other elements. The plan should also include available institutional support, mentoring and/or professional development for the faculty member during the remediation process.
3. During the development of the plan, the faculty member may seek the assistance of a university mentor(s) for support and guidance. A mentor(s) may also be used by the faculty member throughout the remediation process through its completion.
4. A copy shall be provided to the faculty member, the department chair, dean and the Provost and added to the PTR record which shall be maintained in the dean's office for the duration of the remediation process. The faculty member may review the file upon request.
5. The remediation plan shall go into effect at the start of the following academic semester, unless otherwise agreed upon by the faculty member and the dean. Only academic semesters will count toward the three-semester timeframe permitted for completion. The remediation plan shall be completed within a reasonable period of time, not to exceed three academic semesters, unless the substantial deficiency is related specifically to Scholarship/Research/ Creative Activity, where more than three academic semesters may be necessary to correct identified deficiencies. The Chancellor must approve any extension, for up to, but no more than, an additional semester, and notify the UW System Administration Vice President for Academic and Student Affairs if such extension is granted.

B. Evaluation of the Remediation Plan: No less than ten business days before the expiration of the remediation period, the faculty member will submit to the dean relevant and available documentation regarding specific actions that the faculty member took to satisfactorily resolve all specified deficiencies within the specified time frame. Upon receipt of this information, the dean will forward the documentation to the CSC, along with a copy of the remediation plan and PTR record, and direct the CSC to conduct a review of the information to determine whether all of the conditions of the remediation plan have been satisfactorily completed. Within twenty business days, the CSC will review the materials and information and make a determination as to whether the remediation plan has been satisfactorily completed. The CSC will issue its findings in a letter, along with an explanation of its determination, to the dean of the college. Within ten business days from receipt of the CSC's letter and determination, the dean will review all materials submitted, the CSC's determination, and any other relevant information, and make a determination, in consultation with the faculty member and the Chancellor, whether the faculty member has satisfactorily completed all requirements of the plan within the required timeframes.

1. If the dean determines that the faculty member has satisfactorily completed all requirements of the remediation plan, the dean shall issue a written Remediation Decision Letter that states that the remediation plan is satisfied. A copy of the Remediation Decision Letter shall be provided to the faculty member, the department chair, and the Provost. A copy of the letter will also be added to the

PTR record. The faculty member shall be provided opportunities consistent with other faculty who have been rated as “meets expectations” on during their PTR for the year in which the faculty member under review’s plan was satisfactorily completed.

2. If the dean determines that the faculty member has failed to satisfactorily complete the remediation plan, no more than ten business days thereafter, the dean shall issue a Remediation Decision Letter that the remediation plan has not been satisfactorily completed along with an explanation of what part(s) of the plan were not satisfactorily completed. A copy of the letter shall be sent to the faculty member, department chair and Provost. A copy of the letter will also be added to the PTR record. The faculty member may submit a written response to the dean’s letter within ten business days from receipt of the letter which shall be added to the PTR record.

The faculty member may make one request during the remediation process for an early determination to be made by the dean as to whether the faculty member has satisfactorily completed all of the conditions of the remediation plan prior to the mandatory deadline. Upon such a request, the dean will conduct an early determination whether the remediation plan has been satisfactorily completed. If the dean concludes that the remediation plan has not been completely satisfied, then the original timeframe for completion shall remain in effect. If the dean concludes that it has been satisfied, then the actions in Section VI(B)(1) above will be followed.

- C. Unsatisfactory Completion of Remediation Plan. If the dean’s determination in Section VI(B) above is that the faculty member has not satisfactorily completed the remediation plan, and upon consideration of the faculty member’s written response, if submitted, the dean will consult with the department chair, Provost and Chancellor to determine what action should be taken to properly address the unmet requirements of the Remediation Plan. The dean or Provost shall offer to meet in person with the faculty member to discuss potential action(s) prior to any final decision being made. The dean’s final decision in regard to what action to take shall be approved by the Provost. In the event that the review reveals continuing and persistent problems with a faculty member’s performance that do not lend themselves to improvement by the end of the remediation period, and that call into question the faculty member’s ability to function in that position, then other possibilities, such as a mutually agreeable reassignment to other duties or separation, should be explored. If disciplinary action is warranted, the dean, or designee, may file a complaint against the faculty member pursuant to UW-Whitewater Faculty Personnel Rules Chapter VI or UWS 4. If dismissal is sought, the institution shall initiate such action in accordance with UW-Whitewater Faculty Personnel Rules Chapter VI or UWS 4. During any disciplinary action seeking dismissal, just cause shall be the standard of proof and PTR records shall be admissible and rebuttable.

## **VII. Records, and Oversight:**

- A. List of Reviews and Outcomes: At the end of each academic year, the department chair shall prepare and submit a list to the appropriate dean, Provost, and Chancellor that contains the names of all faculty members who have been reviewed during that academic year and the outcome of the reviews.
- B. Permanent Records: Upon completion of the PTR process and/or remediation plan, if applicable, all records submitted or considered during the review process and/or



remediation process shall be included in the official PTR record. The PTR record shall be maintained by the appropriate department, college or office as an official personnel file. The PTR record shall be released or disclosed only at the discretion, or with the explicit consent, of the faculty member, unless required by law or business necessity.

- C. Faculty Senate Review: The Faculty Senate Executive Committee (FSEC) shall work with the Faculty Senate, colleges and departments to develop performance indicators that will be used to conduct PTR reviews in accordance with this policy. The FSEC will periodically review the PTR process, performance indicators, and institutional support, resources and professional development that are provided during or after a PTR. Any changes recommended by the FSEC shall follow established governance procedures for faculty personnel matters and be submitted to the Chancellor for review and approval.