Brief History of Issue - why the issue is being considered:

These changes add language to the FASRP to bring it into compliance with the Regent Policy Document 20-9 regarding post-tenure review policy. These changes were mandated by the Board of Regents with the adoption of the aforementioned policy document in March, 2016.

Points Discussed by Committee:

- Should the “exceeds” category be included as a requirement?
- Should the meets/exceeds recommendations go to the Chancellor?
- Should the department chair be part of the remediation process?
- Should the policy include a list of possible sanctions? Should we require the list of sanctions be included in any remediation plan?

Pros of Recommendation:

- Brings the FASRP into compliance with Regent policy
- Ensures that all post-tenure reviews will be vetted at multiple levels

Cons of Recommendation:

- Additional work for department chairs & administrators
- Requires de-coupling of post-tenure review from post-tenure salary adjustments, thus requiring additional work for the Compensation Committee

Technology/Human Resource Impact:

- Changes to the FASRP will require all departments and programs to update their existing evaluation plans to include the new language regarding post-tenure review.

Changes in procedure will require additional work in Academic Affairs to develop new timelines, processes, and forms for these policies.

Committee Recommendation:

Replace Part III, Article 5: Personnel Policies and Procedures, Section B.2.f: Faculty: Post Tenure Review in the FASRP with the language below
MOTION FOR THE UNIVERSITY SENATE

The Faculty Personnel Committee:

by a vote of 7 for to 0 against on 10/4/2016

Replace Part III, Article 5: Personnel Policies and Procedures, Section B.2.f: Faculty: Post Tenure Review (page 64) in the FASRP with the following language.

f. Faculty: Post-Tenure Review (RPD 20-9) (US 10/16)

1) The overriding purpose of the periodic, post-tenure review is tenured faculty development; such review shall not infringe on existing faculty rights and protections, including those of academic freedom.

2) All policies, procedures, and definitions for post-tenure review, unless otherwise specified, are taken from RPD 20-9. 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. The post tenure review process is separate and distinct from all other review processes, including all annual, salary, and promotion reviews.

3) Definition of Review Categories

The review will result in the assignment of an overall category reflecting faculty performance. In determining the category, the review shall consider whether the faculty member under review has discharged conscientiously and with professional competence the contractual duties appropriately associated with the faculty member’s position. All tenured faculty members under review shall be assigned one of the following three categories.

a) Exceeds Expectations: This category reflects a significant level of accomplishment through performance of contractual duties beyond what is expected for the institution, college, department, or program as reflected in the approved evaluation plan. All faculty in this category shall be included in the salary adjustment pool as outlined in the Comprehensive Salary Plan approved by the University Senate.

b) Meets expectations. This category reflects the expected level of accomplishment through performance of contractual duties for the institution, college, department, or program as reflected in the approved evaluation plan.

c) Does not meet expectations. This category reflects a level of accomplishment through performance of contractual duties below the expected level for the institution, college, department, or program as reflected in the approved evaluation plan, and which requires remediation. All reviews resulting in “does not meet expectations,” unless overturned upon further review, will result in a remediation plan as described below.

4) Post-Tenure Review Subcommittee of the Department Personnel Committee (DPC)

a) Membership

1) Each post-tenure review subcommittee shall consist of members of
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the Department Personnel Committee (DPC) who hold the same or higher rank as that individual being reviewed.

b) Organization

1) Initially, and as necessary thereafter, the Department Chair shall call meetings of the appropriate tenured members of the department for the purpose of organizing the necessary post-tenure review subcommittees. For all assistant professors scheduled for a post-tenure review, a post-tenure review subcommittee shall be formed from all remaining members of the DPC holding a rank of Assistant Professor or higher. For all associate professors scheduled for a post-tenure review, a post-tenure review subcommittee shall be formed from all remaining members of the DPC holding a rank of Associate Professor or higher. For all professors scheduled for a post-tenure review, a post-tenure review subcommittee shall be formed from all remaining members of the DPC holding the rank of Professor. In no case shall a member of the DPC serve on a post-tenure review subcommittee during the same year in which he/she is also undergoing a post-tenure review by that subcommittee.

2) In order to formally organize and perform a review, a post-tenure subcommittee must have two or more members. Each eligible faculty member has a responsibility to serve on all appropriate post-tenure review subcommittees. An individual must decline to participate in actions of the subcommittee when there is a real or perceived conflict of interest. If the failure of an individual faculty member to participate in the subcommittee's actions reduces the number of participating members to fewer than two, then for the purpose of those actions, the functional equivalent (see below) shall replace the committee. (US 11/10)

c) Functional Equivalent

1) If any of the post-tenure review subcommittees cannot be formed because of insufficient numbers of eligible members, then, unless the evaluation plan specifies other procedures for designating the functional equivalent of a post-tenure review subcommittee in such situations, the Department Chair in conjunction with the faculty eligible for membership on the appropriate post-tenure review subcommittee shall operate as the functional equivalent of the post-tenure review subcommittee. (US 11/07)

2) The functional equivalent shall be treated as the post-tenure review subcommittee in all respects and must adhere to the normal policies and procedures (including meeting announcement procedures) that govern the operation of the post-tenure review subcommittee.

3) In those cases where the Department Chair is the sole member of the functional equivalent, the normal meeting announcement procedures do not apply.

d) Charge to the Committee

1) Each post-tenure review subcommittee shall be responsible for
conducting a review of those faculty members who are scheduled for post-tenure reviews and who hold a rank no higher than that of any member of the subcommittee. Each review shall be both summative and formative in nature with the express purpose of both evaluating past performance and facilitating improvement in future performance. Each subcommittee shall develop a written evaluation for its assigned faculty members. For faculty below the rank of Professor, the evaluation must include explicit discussion of the faculty member’s progress toward promotion to the next rank; subcommittee members at the same rank as the faculty member being reviewed shall be excluded from this specific discussion. For faculty at the rank of Professor, the evaluation must include explicit discussion of the faculty member’s growth and professional development. The written performance evaluation shall only address the performance criteria contained in the most recently approved personnel evaluation plan. The committee shall forward to the Department Chair the written performance evaluation and separate form recording the recommended category and the votes for and against the recommended category. Following the post-tenure review, a faculty member may request the Department Chair to recommend a salary adjustment as outlined in the Comprehensive Salary Plan approved by the University Senate. (US 5/08; US 11/10)

e) Procedures

1) The Provost will inform faculty members who are scheduled for post-tenure review no later than May 1 of the academic year preceding the start of the review cycle. Furthermore, each post-tenure review subcommittee shall give the faculty member at least 20 days advance written notice of the start of the post-tenure review process. This notice will inform the faculty member of his/her right to present to the committee written information related to the faculty member’s performance and of his/her right to request an opportunity to appear before the committee to explain the information presented and to provide input to focus the formative portion of the evaluation.

2) At the time the reviewing subcommittee forwards its written evaluation to the Department Chair, written notice must be given to the faculty member indicating that the review has been forwarded to the Department Chair. This notice shall include a copy of the written report and shall inform the faculty member of his/her right to discuss the report with the Department Chair and of his/her right to submit to the Department Chair a written response to the report within five days of the notice.

5) Role of the Department Chair In Post-Tenure Review

a) After reviewing the submitted materials, the Department Chair shall submit a recommendation to the Dean, along with the subcommittee report and any written response from the faculty member to the subcommittee report. The Chair’s letter shall assign the faculty member to one of the three categories
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outlined in Section f.3 f.4. The Department Chair shall provide the faculty member with a copy of the recommendation and inform the faculty member of his/her right to discuss the recommendation with the Dean and of his/her right to submit to the Dean a written response to the Chair’s recommendation within five days of the notice. The Department Chair shall forward any such response from the faculty member to the Dean.

6) Role of The Dean In Post-Tenure Review
   a) After reviewing the submitted materials, the Dean shall submit a recommendation to the Provost, along with the materials from the subcommittee and Department Chair report. The Dean’s letter shall recommend the faculty member be assigned to one of the three categories outlined in Section f.3 f.4. The Dean shall provide the faculty member with a copy of the recommendation and inform the faculty member of his/her right to discuss the recommendation with the Provost and of his/her right to submit to the Provost a written response to the Dean’s recommendation within five days of the notice. The Dean shall forward any such response from the faculty member to the Provost.

7) Role of the Provost In Post-Tenure Review
   a) After reviewing the submitted materials the Provost (or designee) shall submit a recommendation to the Chancellor, along with materials from the previous reviews. The Provost’s letter shall recommend the faculty member be assigned to one of the three categories listed in Section f.3 f.4. The Provost shall provide the faculty member with a copy of the recommendation and inform the faculty member of his/her right to discuss the recommendation with the Chancellor and of his/her right to submit to the Chancellor a written response to the Provost’s recommendation within five days of the notice. The Provost shall forward any such response from the faculty member to the Chancellor.

8) Role of the Chancellor In Post-Tenure Review
   a) After reviewing the submitted materials, the Chancellor (or designee) shall make a determination that assigns the faculty member to one of the three categories outlined in Section f.3 f.4. The Chancellor shall forward this determination to the faculty member, the Department Chair, the Dean, and the Provost.

9) Post-Tenure Review of the Department Chair
   a) The post-tenure review of the Department Chair shall adhere to the normal policies and procedures that govern all post-tenure reviews except that the most senior member of the post-tenure review subcommittee shall fulfill those responsibilities normally associated with the Department Chair, unless that person is the sole member of the committee, in which case the Dean will serve the role of department chair and the senior most member will constitute the review committee. As with all post-tenure reviews, the evaluation of the Department Chair shall be conducted relative to the faculty performance criteria outlined in evaluation plan of the Chair’s department. In particular, the Department Chair is to be evaluated against criteria for teaching, scholarship, and service and advising. In those cases where there are no eligible faculty to serve on the post-tenure review subcommittee for the Department Chair, the Dean shall serve the role of department chair and shall, in consultation with the
Department Chair, select up to two tenured faculty at or above the rank of the Department Chair and from disciplines similar to that of the Department Chair to serve as the post-tenure review committee. This committee shall be explicitly instructed to limit their review to the policies outlined in the evaluation plan of the Chair’s department. (US 11/10)

10) Post-Tenure Remediation

a) The Dean shall identify any performance deficiencies that result from the process described above and provide a written report to the faculty member. The faculty member may provide a written response to the Dean and may request that the Chancellor reconsider the assignment of the category “does not meet expectations”. The Chancellor or designee will inform the faculty member of the results of the reconsideration in writing.

b) In the case of a decision from the Chancellor to assign the category of “does not meet expectations,” the faculty member shall, in consultation with the Dean and the Department Chair, devise a remediation plan. The Dean has final approval over the remediation plan.

1) The remediation plan shall address all of the criteria outlined in RPD 20-9 (teaching, scholarship, and service) regarding deficiencies that led to the assignment of the category “does not meet expectations” by the Chancellor.

2) The primary focus of the remediation plan shall be developmental and provide the faculty member with appropriate support from the department or college as appropriate.

3) The remediation plan shall include details of the support needed for implementation and shall specify a range of possible sanctions should it be determined that the faculty member has not met the remediation plan expectations.

   a. Possible sanctions may include, but are not limited to: workload reassignment, limited access to discretionary institutional support resources, reduction in salary, reduction in rank, or dismissal for cause (UWS 4.01).

4) The remediation plan shall include a semester-by-semester timeline that includes the three-semester timespan outlined in RPD 20-9, if necessary. The timespan shall begin with the next full academic semester but does not include the summer term unless it is specified in the remediation plan and the faculty member has summer term financial support designated for the remediation plan.

5) If the remediation plan includes a research component, the faculty member may be granted an extension of one semester if approved by the Chancellor.

c) At the conclusion of the remediation plan, or at any time prior to the end of the remediation plan, the faculty member in remediation shall submit a report to the Department Chair describing how the faculty member has met the goals of the remediation plan.

d) After reviewing the report from the faculty member in remediation, the Department Chair shall submit a written recommendation to the Dean. The
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recommendation shall include the Department Chair’s determination regarding whether the remediation goals have been met. The Department Chair shall inform the faculty member of his/her right to discuss the recommendation with the Dean and of his/her right to submit to the Dean a written response to the Chair’s recommendation within five days of the notice.

e) After reviewing the report from the faculty member in remediation and the Department Chair, the Dean shall make a determination as to the achievement of the goals of the remediation plan.

1) If the Dean determines the faculty member has achieved the goals of the remediation plan, the Dean shall inform the faculty member, the Department Chair, the Provost and the Chancellor that the plan has been completed and that no further action will be taken.

2) If the Dean determines the faculty member has not achieved the goals of the remediation plan, the Dean shall submit a report to the Provost. The report shall include an explanation of any unresolved deficiencies. The Dean shall inform the faculty member of his/her right to discuss the report with the Provost and of his/her right to submit to the Provost a written response to the Dean’s report within five days of the notice.

f) If the Provost receives notification from the Dean that the faculty member in remediation has not achieved the goals of the remediation plan, the Provost shall convene a consultative meeting that includes the faculty member in remediation, the Department Chair, and the Dean.

1) If the Provost determines the goals of the remediation plan have been met, the Provost shall inform the faculty member, the Department Chair, the Dean and the Chancellor that the plan has been completed and that no further action will be taken.

2) If the Provost determines the goals of the remediation plan have not been met, the Provost will, in consultation with the Chancellor, determine which sanctions outlined in the remediation plan shall be applied.

f. Faculty: Post-Tenure Review (US 9/04)

1) Post-Tenure Review Subcommittee of the Department Personnel Committee

a) Membership

Each post-tenure review subcommittee shall consist of members of the Department Personnel Committee that hold the same or higher rank as those being reviewed.

b) Organization

Initially, and as necessary thereafter, the Department Chair shall call meetings of the appropriate tenured members of the department for the purpose of organizing the necessary post-tenure review subcommittees. For all assistant professors scheduled for a post-tenure review, a post-tenure review subcommittee shall be formed from all remaining members of the DPC holding a rank of Assistant Professor or higher. For all associate professors scheduled for a post-tenure review, a post-tenure review subcommittee shall be formed from all remaining members of the DPC holding a rank of Associate Professor or higher.
higher. For all professors scheduled for a post-tenure review, a post-tenure review subcommittee shall be formed from all remaining members of the DPC holding the rank of Professor. In no case shall a member of the DPC serve on a post-tenure review subcommittee during the same year in which he/she is also undergoing a post-tenure review.

In order to formally organize and perform a review, a post-tenure subcommittee must have two or more members. Each eligible faculty member has a responsibility to serve on all appropriate post-tenure review subcommittees. An individual must decline to participate in actions of the subcommittee when there is a real or perceived conflict of interest. If the failure of an individual faculty member to participate in the subcommittee’s actions reduces the number of participating members to fewer than two, then for the purpose of those actions, the functional equivalent (see below) shall replace the committee. (US 11/10)

c) Functional Equivalent

If any of the post-tenure review subcommittees cannot be formed because of insufficient numbers of eligible members, then, unless the Department Evaluation Plan specifies other procedures for designating the functional equivalent of a post-tenure review subcommittee in such situations, the Department Chair in conjunction with the faculty eligible for membership on the appropriate post-tenure review subcommittee shall operate as the functional equivalent of the post-tenure review subcommittee. (US 11/07)

The functional equivalent shall be treated as the post-tenure review subcommittee in all respects and must adhere to the normal policies and procedures (including meeting announcement procedures) that govern the operation of the post-tenure review subcommittee.

In those cases where the Department Chair is the sole member of the functional equivalent, the normal meeting announcement procedures do not apply.

d) Charge to the Committee

Each post-tenure review subcommittee shall be responsible for conducting a review of those faculty members who are scheduled for post-tenure reviews and who hold a rank no higher than that of any member of the subcommittee. Each review shall be both summative and formative in nature with the express purpose of both evaluating past performance and facilitating improvement in future performance. Each subcommittee shall develop a written evaluation for its assigned faculty members. For faculty below the rank of Professor, the evaluation must include explicit discussion of the faculty member's progress toward promotion to the next rank; subcommittee members at the same rank as the faculty member being reviewed shall be excluded from this specific discussion. For faculty at the rank of Professor, the evaluation must include explicit discussion of the faculty member's growth and professional development. The written evaluation shall not contain any recommendations as to administrative action to be taken as a result of the review, nor any salary recommendation. Following the post-tenure review, a faculty member may request the Department Chair to recommend a salary adjustment as outlined in the Comprehensive Salary Plan approved by the University Senate. (US 5/08; US 11/10)

e) Procedures

Each post-tenure review subcommittee shall give the faculty member at least 20 days advance written notice of the start of the post-tenure review process. This notice will inform the faculty member of his/her right to present to the committee written information related to the faculty member’s performance and of his/her right to request an opportunity to appear before the committee to explain the information presented and to provide input to focus the formative portion of the evaluation. At the time the reviewing subcommittee-
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forwards its written evaluation to the Department Chair, written notice must be given to the faculty member indicating that the review has been completed and that the written evaluation has been submitted.

This notice shall include a copy of the written report and shall inform the faculty member of his/her right to discuss the report with the Department Chair and of his/her right to submit to the Department Chair a written response to the report within five days of the notice.

After reviewing the submitted materials, the Department Chair may attach an additional written response to the subcommittee report. The Department Chair shall then return the evaluation and any responses to the faculty member and acknowledge completion of the process to the Dean.

2) Post Tenure Review of the Department Chair

The post-tenure review of the Department Chair shall adhere to the normal policies and procedures that govern all post-tenure reviews except that the most senior member of the post-tenure review subcommittee shall fulfill those responsibilities normally associated with the Department Chair, unless that person is the sole member of the committee, in which case the Dean will serve the role of department chair and the senior most member will constitute the review committee. As with all post-tenure reviews, the evaluation of the Department Chair shall be conducted relative to the faculty performance criteria outlined in Department Evaluation Plan of the Chair’s department. In particular, the Department Chair is to be evaluated against criteria for teaching, scholarship, service and advising. In those cases where there are no eligible faculty to serve on the post-tenure review subcommittee for the Department Chair, the Dean shall serve the role of department chair and shall, in consultation with the Department Chair, select up to two tenured faculty at or above the rank of the Department Chair and from disciplines similar to that of the Department Chair to serve as the post-tenure review committee. This committee shall be explicitly instructed to limit their review to the policies outlined in the Department Evaluation Plan of the Chair’s department. (US 11/10)

Implementation Date: Upon July 2017 publication of the FASRP

Signed: Geoffrey D. Peterson
Chair of the Committee

Send to: University Senate Office