
Proposed Revisions to *Faculty Policies and Procedures Chapter 7* (Post-Tenure Review policy)

passed by ad hoc committee on 20 October 2015; accepted and approved with revisions by University Committee on 26 October 2015; discussed at November 2 Faculty Senate; faculty listening sessions 10 and 11 November; accepted and approved with revisions by University Committee on 30 November 2015

Actions

- Rename FPP 7.03. to “RECRUITING AND APPOINTMENTS”
- Renumber existing FPP 7.16. → 7.03.D.
- Renumber existing FPP 7.18. → 7.03.E. and 7.03.F.
- Create new 7.17. (below, drawing from II-106)
- Create new 7.18. (below)
- Rescind II-106 (existing “Policy on Review of Tenured Faculty”)
- Revise FPP 5.21.D.1. to: “The departmental executive committee shall provide for the periodic review of the performance of every tenured faculty member as indicated in 7.17. of these rules. ~~Such reviews shall be conducted as part of the annual determination of recommendations for merit salary increments. Such reviews shall provide for a faculty member to be heard on his/her own case, if he/she wishes, and for the faculty member to be informed of the outcome of the review.”~~
- Pass the following separate motion after passage of these policies (not incorporated into FPP):
“Each departmental executive committee shall establish written criteria and procedures governing the periodic review of each tenured faculty member consistent with FPP 7.17., to be submitted to the relevant dean’s office, the provost, and the secretary of the faculty by April 30, 2015.”

Marked up version (pp. 1-4)

proposed language below is based on November Senate version with mark-up reflecting input from Senate, November listening sessions and other input, and UC 30 November 2015 meeting

[No mark-up version \(pp. 5-8\)](#)

[See also the version approved by the Faculty Senate, 2 November](#)

7.17. REVIEW OF TENURED FACULTY

A. PURPOSE

The purposes of the review of tenured faculty are:

- a. to recognize outstanding achievement;
- b. to provide opportunities for mentoring and professional development;
- c. to help identify and remedy, from a developmental point of view, any deficiencies.

The process of post-tenure review is the periodic assessment of each faculty member's activities and performance, in accordance with the mission of the department, college, and institution, and the responsibilities of the faculty as described in FPP 8.02., ~~in such a way as to determine that the faculty member is meeting his or her obligations to the university and the State of Wisconsin.~~ The review is to be appropriately linked to the merit process, and should not involve the creation of unnecessary additional bureaucracy. Review of tenured faculty builds on and complements other aspects of the tenure process in order to develop faculty capacity and strengthen and promote the public benefits of tenure. Post-tenure review is not a reevaluation of tenure and is not undertaken for the purposes of discipline or dismissal. Faculty shall be subject to discipline or dismissal only for just cause (see FPP 9). Departments, schools, and colleges may not use post-tenure reviews as the basis for budgetary decisions or for program modification or redirection.

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B. CRITERIA

1. The basic standard for review shall be whether the faculty member under review discharges conscientiously and with professional competence the duties appropriately associated with the faculty member's position.
2. Each department shall develop criteria to measure progress in scholarly productivity as appropriate to the field. The criteria for review shall be periodically reviewed by the executive committee of each department and the school or college APC.
3. The criteria for review should reflect the overall mission of the department ~~and should~~, be sufficiently flexible to accommodate faculty with differing responsibilities, and recognize that careers and levels of productivity may change over time. In developing such criteria, departments may draw on statements used in ~~their existing other~~ faculty review procedures, such as merit or promotion review. Special care should be taken to ensure that the scholarly productivity of jointly appointed and interdisciplinary faculty is appropriately evaluated.
4. The executive committee of each department shall ensure that the criteria governing faculty review do not 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, and recognize that scholarly projects take varying amounts of time to come to fruition. Nothing in the criteria or application of these policies shall allow the review to be prejudiced by factors proscribed by applicable state or federal law, such as race, religion, sex, sexual orientation, ethnicity, age, and handicap.

C. PROCEDURES

1. Reviews shall occur at least once every five years. These reviews may be incorporated into the annual merit review process or combined with promotion, retention, salary, or other reviews, including but not limited to nominations for chaired professorships, major teaching awards, and national professional honors or awards. In the case of combined reviews, the department may require supplementary documentation from the faculty member, which meets the criteria below, that would not otherwise be required for the other review.
2. Each review, as determined by each department's executive committee, shall be carried out by two or more tenured faculty members, who may be drawn from outside the department. If the faculty member under review formally objects to a reviewer, the chair, in consultation with the relevant dean, shall identify other appropriate reviewers. Such formal objections should be kept confidential. In the case of a faculty member with appointments in more than one department, the department chairs of the affected departments shall agree on procedures for the conduct of the review.
3. Review procedures shall include
 - a. A review of qualitative and quantitative evidence of the faculty member's performance over at least the previous five-year period. The evidence should include a current curriculum vitae, annual activity reports, teaching evaluations or summaries of evaluations, and other materials providing evidence of the faculty member's accomplishments and contributions that the department or the faculty member feel are relevant to the review. The faculty member should provide the reviewers with a brief summary of career plans for the future. Letters from outside the university would not ordinarily be a part of the review process. The faculty member under review, however, may submit appropriate letters if she or he so chooses. The reviewers shall examine materials to the degree needed to accomplish the purposes of this review, ~~which are to assess whether the faculty member is satisfactorily performing his or her duties to the university and the State of Wisconsin, and to encourage the improvement of faculty skills.~~

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- b. Discussion with the faculty member about his or her contributions to the profession, the department, and the university if either the reviewers or the faculty member so desire.
 - c. Appropriate consideration of a faculty member's contributions outside the department to interdisciplinary and other programs, governance, and administration.
 - d. Other steps the reviewers consider useful in making a fair and informed judgment, including but not limited to consultation with individuals who have knowledge of the faculty member's work.
 - e. ~~Determination of an overall ranking of "satisfactory" or "unsatisfactory" performance. An "unsatisfactory" ranking indicates that a faculty member has failed to meet basic expectations of the position as described in FPP 8.02. and as specified by criteria set forward by the department in 7.17.B. Departments may develop other ranking levels, provided that there is a distinction between satisfactory and unsatisfactory performance.~~
4. ~~The reviewers shall provide the faculty member with a ranking of satisfactory or unsatisfactory performance and a written summary of the review by the end of the academic year. The faculty member shall have the opportunity right to prepare a written response to the summary within 30 days after receipt of the summary and ranking.~~
 5. A copy of the summary and any written response to it shall be given to the department chair and shall be placed in the personnel file of the faculty member. The department shall also preserve in the faculty member's personnel file all documents that played a substantive role in the review (other than documents such as publications that are readily accessible elsewhere), and a record of any action taken as a result of the review. The summary and outcome of the review shall remain confidential, that is, confined to the appropriate departmental, college, or university persons or bodies and the faculty member being evaluated, released otherwise only at the discretion, or with the explicit consent of, the faculty member, or as otherwise required by law.
 6. Every effort should be made to offer tangible recognition to those faculty identified as exceptionally good, including but not limited to. Faculty identified as exceptional should be considered for nomination for university, national, and international awards.
 7. In the event of an unsatisfactory ranking a review indicates substantial deficiencies, support from institutional resources for professional development shall be proffered. The department chair and the faculty member shall develop a written plan for mentoring and professional development to address all issues identified in the review, with the faculty member and in consultation, if necessary, with the appropriate dean(s). This plan shall be the product of mutual negotiation between the faculty member and the chair and/or dean(s), shall respect academic freedom and professional self-direction, and shall be flexible enough to allow for subsequent alteration. Such a plan could include 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, institution of mandatory annual reviews for a specified period, written performance expectations, and/or other elements. The faculty member shall have the right to provide a written response, as well as the right of appeal through the grievance procedure outlined in FPP 8.15. regarding the manner in which any written development plan is formulated, the plan's content, and any resulting evaluation. Following an unsatisfactory ranking, the department shall conduct a review in the following year.
 8. In the event a review identifies substantial deficiencies, the faculty member shall have the right to request a second review (peer review), following the above procedures except that the reviewers shall be selected by mutual consent of the faculty member and the dean.
 9. The faculty member shall have the right to challenge the findings of reviews and correct the record through the appeal procedure in section 7.18. below.
 10. In the event of that recurring reviews reveal continuing and persistent problems with a faculty member's performance that do not lend themselves to improvement after several efforts, 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 these are not practicable, or no other solution acceptable to the parties can be found, then the administration must convene a committee of faculty to review proposed sanctions.

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11. The standard for discipline or dismissal remains that of just cause as outlined in FPP 9.02. and 9.03. The fact of successive negative reviews does not diminish the obligation of the institution to show such cause in a separate forum, following the procedures outlined in FPP 9. Records from post-tenure review may be relied upon and are admissible, but rebuttable as to accuracy. The administration bears the ultimate burden of proof on the issue of just cause for discipline and dismissal. ~~three unsatisfactory rankings, the dean shall refer the faculty member to the provost for review of performance of responsibilities defined in FPP 8.02. and possible further action under the process described in FPP 9.06.~~
12. The faculty member retains all protections guaranteed in FPP, including, but not limited to, the rights to appeal specified above and the right to appeal disciplinary action to the Committee on Faculty Rights and Responsibilities as described in FPP 9.07.

D. ACCOUNTABILITY

1. Copies of the departmental criteria and procedures for reviews of tenured faculty shall be filed with the appropriate dean, the provost, and the secretary of the faculty.
2. At the beginning of each academic year, the chair shall identify faculty to be reviewed by the end of that year and the executive committee shall establish a calendar for reviews.
3. Departments shall maintain a record of reviews completed, including the names of all reviewers.
4. At the end of each academic year, department chairs shall send a report to the appropriate dean(s) listing the names of faculty members reviewed during that academic year and summarizing the outcomes of those reviews. ~~For reviews resulting in unsatisfactory rankings, the appropriate dean will be notified per section 7.17.C.7. above.~~
5. If a department fails to conduct requisite reviews by the end of the academic year, the dean shall appoint reviewers to conduct reviews based on the department's specified criteria.
6. The periodic review of each department, in which the department's mission, personnel, and development are now evaluated, shall include review of the process for review of tenured faculty in the department.

7.18. APPEAL OF POST-TENURE REVIEWS

- A. By written request, within twenty days, a faculty member may appeal the findings of post-tenure reviews. If a second review has been requested per 7.17.C.8., then both reviews shall be submitted for consideration. The appeal shall be heard by the Committee on Faculty Rights and Responsibilities no later than twenty days after the request, except that this time limit may be enlarged by mutual consent of the parties, or by order of the committee. The faculty member shall be given at least ten days' notice of such review.
- B. The Committee on Faculty Rights and Responsibilities shall report on the validity of the appeal to the faculty member, the departmental executive committee, the appropriate dean, and the provost.
- C. If the Committee on Faculty Rights and Responsibilities finds that a review was based in any significant degree upon impermissible factors as defined in UWS 3.08(1)(a)-(c), with material prejudice to the individual faculty member, and elects not to remand the case back to the department because it would serve no useful purpose, the University Committee, after appropriate consultation, shall appoint an ad hoc post-tenure review committee to perform a de novo review to replace the contested review. Members of the ad hoc committee shall be tenured faculty members at the University of Wisconsin-Madison, but they shall not be members of the executive committee of the faculty member's academic department(s) or functional equivalent, nor shall they be members of the committee conducting the contested review.
- D. The Committee on Faculty Rights and Responsibilities shall retain jurisdiction pending the resolution of all appeal.

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(Post-Tenure Review policy)**

No mark-up

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