

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

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 in teaching, service, and research/scholarly productivity.¹

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. 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.

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 teaching, service and research/scholarly productivity as appropriate to the field and consistent with FPP 8.02.² 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, 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 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

¹ Clarifies the three primary categories of duties for faculty.

² Departments will reassess and revise PTR criteria to be in alignment with performance management standards. Clarifies authority for criteria.

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.

5. For the purposes of this chapter, the following definitions shall apply:³
 - a. A review resulting in an indication of “exceptionally good” performance shall constitute a rating of “exceeds expectations” for the purposes of Regent Policy Document (RPD) 20-9 sec. 9.b.⁴
 - b. A review indicating “substantial deficiencies” in performance shall constitute a rating of “does not meet expectations” for the purposes of RPD 20-9 sec. 9.b.
 - c. All other review results under this chapter shall constitute a rating of “meets expectations” for the purposes of RPD 20-9 sec. 9.a. Discharging conscientiously and with professional competence the duties appropriately associated with the faculty member’s position shall serve as the standard for “expected level of accomplishment” as described in the RPD.
 - d. For schools and colleges that are not officially divided into departments, all references to “department” or “chair” in this policy shall be understood to refer to the equivalent unit and its corresponding chair or equivalent.

C. PROCEDURES

1. ~~Reviews shall occur at least once every five years. These reviews may be incorporated into~~ include the annual merit review process or be combined with promotion, retention, salary, or other reviews, including but not limited to nominations for named chaired and professorships, major teaching awards, and national professional honors or awards.⁵ 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. The review may be deferred, by approval of the Provost, for unusual circumstances such as when it may coincide with an approved leave, promotion review, or other appointment, and the Provost may then determine a new review schedule.⁶
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. Upon notification of the reviewers selected by the committee, if ~~if~~ the faculty member under review formally objects to a reviewer, the chair, in consultation with the relevant dean, shall identify other appropriate reviewers.⁷ 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 in writing on procedures for the conduct of the review.⁸
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 and student

³ Definitions required by RPD 20-9 sec. 9

⁴ Fac doc 2639a contains RPD 20-9

⁵ Clarifies that PTR can incorporate annual reviews, not vice versa

⁶ Provost is given this authority pursuant to RPD 20-9 sec. 4

⁷ Gives faculty member opportunity to object to selection of committee

⁸ Documentation will clarify roles where multiple departments involved

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.⁹ 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.

- 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.
4. The reviewers shall provide the faculty member with a written summary of the review by the end of the academic year. The faculty member shall have the right to prepare a written response to the summary within 30 days after receipt.
 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. A copy shall also be provided to the appropriate dean for sufficiency review, and to the provost and chancellor or designee.¹⁰ 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 members, or as otherwise required by business necessity or law.¹¹
 6. Every effort should be made to offer tangible recognition to those faculty identified as exceptionally good, including but not limited to, nomination for university, national, and international awards and relevant merit and other benefits.¹²
 7. In the event a review indicates substantial deficiencies, there may be a review by the appropriate dean followed by a review by the chancellor or designee. The faculty member may submit a written statement as part of either review.¹³ As part of the dean's review, the faculty member may request a second review (peer review), following the above procedures except that the dean shall assume the role of the chair.¹⁴ Review by the chancellor or designee, or review by the dean which is not submitted for the chancellor's review, shall be the final review.¹⁵ If after the reviews the substantial deficiencies are confirmed by the dean, chancellor or designee,¹⁶ 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, in consultation, ~~if necessary,~~ with the appropriate dean(s). This plan shall be the product of mutual negotiation and discussion between the faculty member and the chair and/or dean(s), shall respect academic

⁹ Clarifies that student and teaching evaluations may both be considered

¹⁰ Required by RPD 20-9 secs.1, 10 and 14

¹¹ Required by RPD 20-9 sec. 14

¹² Creates link to pay plan tools, such as PTR increment

¹³ Required by RPD 20-9 sec. 12.b

¹⁴ Moves second review (peer review) from subsection 8 to subsection 7, placing it in context of dean's review.

¹⁵ Need to clarify who the decision maker will be (either dean or chancellor) for remediation plan, if required

¹⁶ Required by RPD 20-9 sec. 12.b

freedom and professional self-direction, and shall be flexible enough to allow for subsequent alteration.¹⁷ 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.¹⁸ At the conclusion of the remediation period, the dean shall review the faculty member's performance and determine whether the remediation plan and criteria have been satisfied or whether further action to address the substantial deficiencies must be taken.¹⁹

- ~~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.~~²⁰
- ~~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.~~²¹
8. Consistent with the provisions of RPD 20-9 sec. 12.c.ii., in the event that a review conducted subsequent to the implementation of the remediation plan reveals ~~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.²² If these are not practicable, or no other solution acceptable to the parties can be found, then the administration must convene an ad hoc committee of faculty to review proposed sanctions consistent with FPP.²³
9. 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.
10. 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 9.07.²⁴

D. ACCOUNTABILITY

1. Copies of the departmental criteria and procedures for reviews of tenured faculty (including procedures to be used for individual tenured faculty with shared

¹⁷ Consistent with RPD 20-9 sec. 12.c

¹⁸ Deletion of grievance provision required by RPD 20-9 sec 16

¹⁹ Provides an end point to remediation period

²⁰ *moved to item 7*

²¹ Section 7.18.removed (see below)

²² Clarifies that this phase pertains to a review conducted after remediation, i.e. does not refer to the second review, dean's review or chancellor's review

²³ Clarifies that this is not another PTR committee, CFRR, etc. It is a consultative committee which may recommend options for next steps when remediation efforts have not been successful

²⁴ Appeal rights "specified above" deleted, therefore reference in this section also deleted. Pursuant to RPD 20-9 sec.

- appointments in several departments) shall be filed with the appropriate chairs, deans, the provost, and the secretary of the faculty.²⁵
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 and provide notice to the identified faculty.²⁶
 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.
 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. Pursuant to RPD 20-9 sec. 16, reviews and remediation plans are not subject to grievance processes. Faculty retain all protections and rights to grievances and appeals provided elsewhere in these chapters, including but not limited to FPP chapters 8 and 9, unrelated to post-tenure review.

A.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)(e), 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.~~²⁷

²⁵ Clarifies process for developing departmental criteria for faculty with multiple appointments

²⁶ Required by RPD 20-9 sec. 5

²⁷ Required by RPD 20-9 sec. 16

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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.
4. The reviewers shall provide the faculty member with a written summary of the review by the end of the academic year. The faculty member shall have the right to prepare a written response to the summary within 30 days after receipt.
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. A copy shall also be provided to the appropriate dean for sufficiency review, and to the provost, and chancellor or designee. 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 business necessity or law.

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9. 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.
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D. ACCOUNTABILITY

1. Copies of the departmental criteria and procedures for reviews of tenured faculty (including procedures to be used for individual tenured faculty with shared appointments in several departments) shall be filed with the appropriate chairs, deans, 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

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