

FACULTY SENATE ACTION TRANSMITTAL FORM TO THE CHANCELLOR

DATE: February 15, 2017
TO: Chancellor Meyer
FROM: Petre Ghenciu, Faculty Senate Chair _____ (stamp here)
SUBJECT: Action Item from Faculty Senate Meeting February 14, 2017 _____ (date)
Topic Updated Post-Tenure Policy _____

The attached document (Resolution No.16-17-023 _____) has been approved by the Faculty Senate.
The history of this resolution is as follows:

The Faculty Senate approved the attached Updated Post-Tenure Policy at the February 14, 2017 meeting.

- This resolution is sent to you for information only.
- This resolution is sent to you for your approval.
- This resolution is sent to you for approval as a UW-Stout all-university policy.
 - _____support
 - _____support with minor amendments
 - _____do not support, revise and bring back to the full Senate
- This resolution is sent to you as a recommendation for your response to UWS, the Regents, or others.

Chancellor Action:

Policy Actions:

- _____approved as is, continue with next step in policy review process
- _____approved with proposed amendments, send to Policy Committee to make revisions and then continue with next step in policy review process
- _____send to Policy Committee to address concerns and go back to the beginning of the policy review process
- Report received. Information only, Chancellor’s approval not required.
- APPROVED as submitted.
The recommended Faculty Senate Resolution FS # _____ is now approved and will be established as UW-Stout all-university policy.
- APPROVED as submitted.
The recommended Faculty Senate Resolution FS # _____ is now approved.
- NOT APPROVED as submitted.
I have returned this recommendation for the attached reasons.
- Further discussion or revision is desired before an approval decision.

Chancellor Signature

Date

Please attach all pertinent documents to this form.

Action Taken: (please stamp to indicate action has been completed)

ADDED to Student Handbook/Student Bulletin_____ (stamp here)

ADDED to Employee Handbook_____ (stamp here)

UPDATED Policy On-line _____ (stamp here)

FINALIZED Administrative Procedure_____ (stamp here)

OTHER _____ (stamp here)

When you have completed the action and stamped the appropriate location, please route to: Senate Office.

UW-STOUT POST-TENURE REVIEW POLICY

Scope

This policy applies to tenured faculty members at UW-Stout and is to be implemented starting Fall 2017.

Definitions:

FASLAH: UW Stout Faculty, Academic Staff, and Limited Appointees Handbook.

In this document, the definitions of teaching, research and service are as per FASLAH, Chapter IIIA: "Personnel Rules for All Unclassified Personnel." (See Page 60 of the current edition.)

Purpose

UW-Stout is committed to providing support for the professional development of all faculty members at any time in their careers.

The purposes of the review of tenured faculty are:

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

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 FASLAH. The review is to be appropriately linked to the merit process. Post-tenure review is not a reevaluation of tenure and is not undertaken for the purposes of discipline or dismissal. Faculty members shall be subject to dismissal only for just cause. Departments, schools, colleges, and the university may not use post-tenure reviews as the basis for budgetary decisions or for program modification or redirection.

Policy Statement (Regent Policy Document 20-9)

Tenure is an essential part of the guarantee of academic freedom that is necessary for university-based intellectual life to flourish. The grant of indeterminate tenure to faculty members represents an enormous investment of university and societal resources, and those who receive this investment do so only after rigorous review which established that their scholarship, research, teaching, and service met the highest standards and are congruent with the needs of the university.

It is the policy of the Board of Regents that a periodic, post-tenure review of tenured faculty members is essential to promoting faculty development, including recognizing innovation and creativity; enhancing the educational environment for students; and identifying and redressing

deficiencies in overall performance of duties through a supportive and developmental remediation process.

Nothing in this policy shall be interpreted to alter or to infringe upon existing tenure rights, as set forth in UW System Board of Regents or UW System policies, nor shall this policy diminish the important guarantees of academic freedom. Specifically, this policy does not supersede administrative rules providing for termination for cause set forth in Chapter UWS 4 of the Wisconsin Administrative Code.

Post-tenure review process

The post-tenure review period begins in the academic year following the granting of tenure. The review may be deferred, only with the approval of the provost, for unusual circumstances such as when it may coincide with an approved leave, promotion review, or other appointment. In such cases, the provost will specify the new review cycle that applies to the faculty member. The periodic, post-tenure review may substitute for the annual review in the year a faculty member is scheduled for post-tenure review, with the consent of the faculty member.

CRITERIA

The basic standard for review shall be whether the faculty member under review performs conscientiously and with professional competence the duties appropriately associated with the faculty member's position, as stated in the job description and the post-tenure professional development plan. These duties encompass teaching, scholarly activity and service.

Each department shall develop criteria to measure progress in scholarly activity as appropriate to the field(s). The criteria for review shall be periodically reviewed by the personnel committee of each department. Each department must make these criteria available to each faculty member being reviewed, and the criteria document must be included with the written summary of the post-tenure review, filed by the reviewers.

The criteria for review should reflect the overall mission of the department, college, and institution, be sufficiently flexible to accommodate faculty members 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. The criteria must take into account that UW Stout is an institution primarily oriented toward teaching, and the research/scholarship/service expectations must be appropriately scaled to reflect the teaching load of UW Stout faculty. Special care should be taken to ensure that the scholarly productivity of jointly appointed and interdisciplinary faculty members is appropriately evaluated.

The personnel 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, color, religion, creed, marital status, sex, sexual orientation, ethnicity, age, and disability.

PROCEDURES

Reviews shall occur once every five years or earlier if requested by the faculty member reviewed. These post-tenure reviews may be incorporated into the annual merit review.

Notice of the intent to review should be provided at least three months before the review is conducted. However, failure to meet this notice deadline does not obviate the requirement to conduct and participate in the review. Each review, as determined by each department's personnel committee, shall be carried out by three or more tenured faculty members at the same rank or above as the faculty reviewed, who may be drawn from outside the department if there are not sufficient members in the department to serve on the committee. There must be an odd number, not an even number, of reviewers. If the faculty member under review formally objects to one reviewer, the chair, in consultation with the relevant dean, shall identify another appropriate reviewer. Such formal objections should be kept confidential to the extent permissible by law. In the case of a faculty member with appointments in more than one department, the tenured faculty members of the departments shall jointly conduct the review.

Each review must be conducted in accordance with the criteria developed by the department, as required by the section "Criteria" above. 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 vita, 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.
- b. Discussion with the faculty member about her or his 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.

The reviewers will identify one of the following categories reflecting the overall results of the review. In determining the category, the review will consider whether the faculty member under review has conscientiously and with professional competence performed the duties appropriately associated with the faculty member's position, as stated in the job description and the faculty

member's post-tenure professional development plan. A rating of does not meet expectations is to be given only if a majority of the committee members find the faculty member to have not met her/his expectations.

Meets expectations. This category is awarded to those tenured faculty members whose performance reflects the expected level of accomplishment.

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 correction. All reviews resulting in "does not meet expectations," unless overturned upon further review, will result in a remediation plan as described below.

The reviewers shall provide the faculty member with a written summary of the review by the **last business day in January**. The faculty member shall have the right to prepare a written response to the summary within 30 days after receipt.

In the event a review leads to a rating of "meets expectations," the Chancellor shall review the report. In the course of the review, the Chancellor may consult and seek input from the faculty reviewers and any other tenured faculty as appropriate. Following the Chancellor's review, the faculty member shall be informed by the Chancellor that the faculty member has received a result of "meets expectations" or "does not meet expectations." If the Chancellor assigns a "does not meet expectations rating", **the** Chancellor must provide a **carefully considered** written explanation **of why such a rating was assigned** including **specific substantial new** evidence of deficiencies in the areas of teaching, scholarly activity, **or and** service, ~~of why such a rating was assigned~~. As required by Regent Policy Document 20- 9, the deficiencies at issue must be described in writing and in detail (as part of the summary) whenever a "does not meet expectations" result is given. If a "does not meet expectations" rating is assigned by the Chancellor a remediation plan will be developed.

In the event the Chancellor assigns a rating of "meets expectations" a copy of the summary and any written response to it shall be given to the department chair, dean, as applicable, and the Provost 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.

Faculty members who receive a review in the category of "meets expectations" should be considered for additional base compensation, subject to the availability of resources.

In the event the initial review by the faculty committee leads to a rating of "does not meet expectations," the Dean shall review the committee's report. As required by Regent Policy Document 20-9, the deficiencies at issue must be described in writing and in detail (as part of the report) whenever a "does not meet expectations" result is given.

The faculty member may provide a written statement to accompany the Dean's

review. In the course of her or his review, the Dean should consult and seek input from tenured faculty members in the College or another College of UW Stout if there is a cognate discipline. The Dean's review will be followed by the chancellor's review, no sooner than 30 days after the Dean's review. The faculty member may provide a written statement to accompany the Chancellor's review. In the course of her or his review, the Chancellor may consult and seek input from tenured faculty. Following the chancellor's review, the faculty member shall be informed by the chancellor that the faculty member has received a result of "meets expectations" or that a "does not meet expectations" rating was assigned and a remediation plan will be developed.

For faculty members needing to develop a remediation plan, support from institutional resources for professional development shall be proffered. The department chair and the faculty member, in consultation with the dean, shall develop a written plan for mentoring and professional development to address all the deficiencies identified in the review. This plan shall be the product of mutual discussion between the faculty member, the department chair(s) and dean(s), shall respect academic freedom and professional self-direction, and shall be flexible enough to allow for multiple paths for success. Such a plan could include review and adjustment of the faculty member's responsibilities, development of a new program for scholarly activity/research engagement, 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 regarding the manner in which any written development plan is formulated, the plan's content, and any resulting evaluation, including metrics to be used. The written response will accompany the plan as a permanent appendix.

The remediation plan should clearly indicate a deadline (not to exceed three academic semesters starting the Fall subsequent to the development of remediation plan) by which time all elements of the plan must be satisfied. **The plan shall include a description of what constitutes satisfactory completion of each element. ~~An element of the plan is considered satisfied when the majority of the steps comprising the element are reasonably completed.~~**

In those few remediation plans related to a performance shortfall in research where more than three academic semesters may be necessary to correct identified deficiencies, an extension of one academic semester shall be permitted only with the approval of the Chancellor, which shall trigger a notification of that extension to the UW System Administration Vice President for Academic and Student Affairs.

The remediation plan should indicate that 1) a progress meeting will be scheduled with the Dean, the chair and the faculty member approximately one semester into the plan to help determine progress and identify additional improvement resources that may aid the faculty member and 2) that a final remediation follow-up meeting will occur between the Dean, the chair, and the faculty member after the deadline, but before the start of the next academic semester, and not to exceed 30 calendar days past the deadline (e.g., if three semesters, limited to 18 months in total are provided, within 30 calendar days of the close of the 3rd semester). At the meeting, the Dean will consult with the chair and the faculty member about the evidence indicating that the faculty member has met or not met the obligations of the remediation plan. The Dean may request evidence from the department, the faculty member, and/or other sources prior to the meeting.

The remediation plan should indicate the actions to be taken for failing to satisfy the remediation plan by the deadline. Consequences can range from informal actions such as workload assignments, to disciplinary measures. In extremely egregious situations, dismissal for cause under the category of “non-performance of duties” shall be a possible sanction, provided that the policies in FASLAH are followed, including the procedures of the termination of employment committee.

Meeting the expectations of the remediation plan is defined as satisfying all the elements of the remediation plan. The dean, in consultation with the chancellor and the faculty member, makes the determination whether the elements of the plan have been successfully completed. The remediation follow-up meeting will result in a letter from the Dean to the faculty member and the Chancellor (with a copy to the department Chair, the Provost, and HR) indicating that the faculty member has

- 1 Met the conditions of the remediation plan, with a statement stating that the next formal post-tenure review by the department will occur 5 years from the date of the review that triggered the remediation plan.

OR

- 2 Not met the conditions of the remediation plan. If the remediation plan has not been met, the letter will include information regarding the potential sanctions or disciplinary procedures. The dean cannot unilaterally impose sanctions or disciplinary procedures.

The standard for dismissal remains that of just cause as outlined in FASLAH. 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 FASLAH. Records from post-tenure review may be relied upon and are admissible, but are rebuttable as to accuracy. The administration bears the ultimate burden of proof on the issue of just cause for dismissal.

The faculty member retains all protections guaranteed in FASLAH, including, but not limited to, the rights to appeal specified above and the right to appeal disciplinary and dismissal action to the Positive Action Committee as described in FASLAH.

ACCOUNTABILITY

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.

At the beginning of each academic year, the chair shall identify faculty to be reviewed by the end of that year. In consultation with the Faculty Senate, the Provost’s Office will develop a yearly timeline for the review and plan development (if needed).

Departments shall maintain a record of reviews completed, including the names of all reviewers.

If a department fails to conduct requisite reviews by the specified deadline, the dean shall appoint reviewers to conduct reviews based on the department’s specified criteria.

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.

A full, written record is to be created containing the results of a faculty member's periodic, post-tenure review and any ensuing actions, as described above. The written record is to be provided to the dean and chancellor. Information and documentation relating to the review shall be maintained by the appropriate department, college or school, or university personnel or bodies, and disclosed otherwise only at the discretion, or with the explicit consent, of the faculty member, unless required by business necessity or by law.

Department chairs are required to report annually to the dean and chancellor that all periodic, post-tenure reviews for tenured faculty in that annual cycle have been completed. The chancellor has responsibility for ensuring the reviews are completed on schedule.

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.

