

**REVISION OF REGENT POLICY DOCUMENT 20-9,
PERIODIC POST-TENURE REVIEW IN SUPPORT OF
TENURED FACULTY DEVELOPMENT**

BACKGROUND

In March 2016 the UW System Board of Regents revised Regent Policy Document (RPD) 20-9, the Board's policy on post-tenure review. The policy that existed prior to that time was revised: (1) to differentiate periodic five-year post-tenure reviews governed by the policy from other reviews of tenured faculty, such as annual reviews; (2) to add criteria for evaluating tenured faculty performance; (3) to provide a process for faculty members to receive support for their professional development or to request additional review; and (4) to require a process for ensuring post-tenure review occurs on a regular cycle.

REQUESTED ACTION

Adoption of Resolution I.1.r, amending RPD 20-9 to include a provision for administrative review of the results of a post-tenure review.

DISCUSSION

When the Board of Regents adopted revisions to RPD 20-9, now called "Periodic Post-Tenure Review in Support of Tenured Faculty Development," the policy required each UW institution to include in its post-tenure review policy "delineation of the roles and responsibilities of those who will conduct or contribute to the review." The policy did not make clear that the roles and responsibilities should include an independent review of faculty involved in post-tenure review by the dean, provost or chancellor. Such a review would be required as part of the initial faculty tenure process. This type of review is also appropriate in conjunction with post-tenure review and is a good practice for helping ensure that faculty members receive unbiased and impartial treatment.

Attachment A shows the recommended revisions to RPD 20-9 that will clarify the expectation that roles and responsibilities during the tenure-review process will include an independent, substantive review by a university administrator.

RELATED BOARD OF REGENTS POLICIES

RPD 20-9, "Periodic Post-Tenure Review in Support of Faculty Development"
RPD 20-23, "Faculty Tenure"

ATTACHMENT A

Proposed Revisions to Regent Policy Document 20-9: Periodic Post-Tenure Review in Support of Tenured Faculty Development

Scope

This policy applies to all UW System institutions and tenured faculty members. The post-tenure review described by this policy is not intended to serve as a substitute for annual or other evaluations of tenured faculty performance that may occur at an institution, nor is it intended as a re-evaluation of tenure.

Purpose

The purpose of this policy is to reflect the Board of Regents' commitment to promoting the continued high-quality teaching, research/scholarship, and service of its tenured faculty, and thereby to enhance the educational environment for its students and the larger community. The primary purpose of the periodic, post-tenure review of tenured faculty is to support tenured faculty development.

Policy Statement

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.

Each institution, through its normal governance process, shall develop and implement a policy for periodic, post-tenure review of tenured faculty members that contains, at a minimum, the following:

1. A definitions section, as needed, that is consistent with the defined terms as they are used in related law and policy.

2. A statement that emphasizes that the overriding purpose of the periodic, post-tenure review is tenured faculty development, and that such review shall not infringe on existing faculty rights and protections, including those of academic freedom.
3. A summary description of the annual or other more frequent tenured faculty evaluation process that is separate and distinct from the post-tenure review process.
4. Provision for review, at least once every five years, of each tenured faculty member's activities and performance. 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 annual review in the year a faculty member is scheduled for such review.
5. Provision for notice of the intent to review 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.
6. Identification of criteria by which to evaluate the tenured faculty member's performance that are effective and consistent with the mission and expectations of the department, school or college, and institution, as applicable, and sufficiently flexible to permit shifts in professional emphasis. However any criteria must fall within the three categories of teaching, scholarship/research/creative activity, and service.
7. Delineation of the roles and responsibilities of those who will conduct or contribute to the review. These roles and responsibilities shall include an independent, substantive review by a dean, the provost or the chancellor, or a designee, with the appropriate administrator making the final assignment of the category reflecting the overall results of the review.
8. Delineation of the process by which the review will be conducted, including a timeline.
9. Identification 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 discharged conscientiously and with professional competence the duties appropriately associated with the faculty member's position.
 - a. Meets expectations. This category is awarded to those tenured faculty members whose performance reflects the expected level of accomplishment.
 - b. 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. An institution may add an additional category of "Exceeds expectations," which is to be awarded to those tenured

faculty members whose performance reflects a significant level of accomplishment beyond what is normal for the institution, college or school, or department.

10. Provision for a written report for each ~~level of faculty~~ review and the opportunity for the reviewed faculty member to provide a written response to ~~each the~~ report. ~~Each~~The report should be provided to the faculty member, the department chair, the dean (as applicable), and the provost.
11. A description of any opportunities offered to faculty members who receive a review in the category of meets or exceeds expectations, as applicable, including additional compensation, subject to the availability of resources.
12. A description of the procedures that apply when a faculty member receives a review in the category of “does not meet expectations” that includes the following:
 - a. Requirement that the identification of any deficiencies be described in writing and provided to the faculty member;
 - b. Provision for review by the dean, followed by review by the chancellor (or designee), unless such reviews have already occurred pursuant to section 7 above. The faculty member may provide a written statement to accompany these reviews. Following the chancellor or designee’s review, the faculty member will be informed by the chancellor or designee that the faculty member has received a result of “meets expectations,” or that a remediation plan will be developed; and
 - c. Provision for a remediation plan to be developed by the faculty member in consultation with the dean to assist the faculty member in addressing those deficiencies identified in the review.
 - i. The primary focus of the remediation plan shall be developmental and provide the faculty member with appropriate support from the department or dean as applicable.
 - ii. Provision for a mechanism for determining how and when the faculty member will have satisfied the expectations of the remediation plan as determined by the dean in consultation with the chancellor and faculty member; however, all elements of the plan must be satisfied within a reasonable time period, commensurate with the identified deficiencies determined by the dean, not to exceed three academic semesters. 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.

- iii. Provision for actions to be taken when the faculty member fails to meet the expectations set forth in the remediation plan, which includes reference to existing faculty complaint processes, and which permits the imposition of discipline, as appropriate, up to and including dismissal for cause under Chapter UWS 4.
13. Provision for assistance prior to and following the review, regardless of the results of the faculty member's post-tenure review, that is available to all faculty members to support their professional development at any time in their careers.
 14. Provision for a full, written record to be created containing the results of a faculty member's periodic, post-tenure review and any ensuing actions, as described above, and for the written record to be provided to the dean and chancellor (or designee). 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.
 15. Provision that department chairs or their organizational equivalent be required to report annually to the dean and chancellor (or designee) that all periodic, post-tenure reviews for tenured faculty in that annual cycle have been completed, and that the chancellor (or designee) has responsibility for ensuring the reviews are completed on schedule.
 16. 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.

Oversight, Roles and Responsibilities

Each institution shall submit to the Board of Regents for approval the institutional policy developed in accordance with this Regent policy. Within nine (9) months of the effective date of this Regent policy, each institution shall submit an institutional policy to the Board of Regents. Once the institutional policy has been approved, the chancellor, with the advice and counsel of the faculty, is responsible for implementing the policy and operating the institution consistent with its provisions.

Related Regent Policies and Applicable Laws

Chapter 36, Wis. Stats.
Chapters UWS 3, 4, and 6, Wis. Admin. Code
Regent Policy Document 20-23

History: Res. 6118, adopted 05/08/1992, created Regent Policy Document 92-5; subsequently renumbered 20-9. Res. 10644, adopted 03/10/2016, amended and renamed Regent Policy Document 20-9, "Periodic Post-Tenure Review in Support of Tenured Faculty Development"

Approval of Interim
Post-Tenure Review Policy Language,
as may be Needed for Individual UW Institutions

EDUCATION COMMITTEE

Resolution I.1.s:

That, upon the recommendation of the President of the University of Wisconsin System Board of Regents, the Board of Regents approves the attached interim UW-institution-level post-tenure review policy language, which will be used by individual UW institutions that do not have in effect their own Board-approved post-tenure review policies as of April 7, 2017, the second day of the Board's April 2017 meeting.

**APPROVAL OF INTERIM POST-TENURE REVIEW POLICY LANGUAGE,
AS MAY BE NEEDED FOR INDIVIDUAL UW INSTITUTIONS**

BACKGROUND

In March 2016 the UW System Board of Regents revised Regent Policy Document (RPD) 20-9, the Board's policy on faculty post-tenure review. The policy requires that each UW institution submit to the Board of Regents for approval the institutional policy developed in accordance with RPD 20-9. All institutional policies are to have been submitted by December 31, 2016.

REQUESTED ACTION

Adoption of Resolution I.1.s, approving interim UW-institution-level post-tenure-review policy language, to be used only if institutions do not have in effect Board-approved policies by April 7, 2017, the second day of the Board of Regents' April meeting.

DISCUSSION

When the Board of Regents adopted revisions to RPD 20-9, "Periodic Post-Tenure Review in Support of Tenured Faculty Development," the policy included a timeframe for submittal of institutional policies. The policies are to include the provisions delineated in the Regent policy.

It is expected that all UW institutions will have submitted post-tenure review policies to the UW System Office for Academic and Student Affairs by December 31, 2016. A significant number of institutions have already done so and have engaged in a process of review and revision involving the Office of General Counsel and the Office for Academic and Student Affairs.

It is additionally expected that the policies that have yet to be submitted will include all components necessary for Board approval at a Board meeting in February, March or April 2017.

If any UW institution does not have a Board-approved policy by April 7, 2017, then an interim policy would be in place at that institution. That policy is Attachment A, which comports with RPD 20-9's requirements for institution-level post-tenure review policies.

RELATED BOARD OF REGENTS POLICIES

RPD 20-9, "Periodic Post-Tenure Review in Support of Faculty Development"
RPD 20-23, "Faculty Tenure"

ATTACHMENT A

INTERIM POST-TENURE REVIEW POLICY FOR INDIVIDUAL UW INSTITUTIONS

UW-[institution name]

Periodic Post-Tenure Review in Support of Tenured Faculty Development

Scope

This policy applies to all tenured faculty members as of the effective date of this policy. The post-tenure review described by this policy is not intended as a substitute for annual or other evaluations of tenured faculty performance that may occur at an institution, nor is it intended as a re-evaluation of tenure.

Purpose

The purpose of this policy is to reflect the Board of Regents of the University of Wisconsin System ("Board") commitment to promoting the continued high-quality teaching, research/scholarship, and service of its tenured faculty, and thereby to enhance the educational environment for its students and the larger community. The primary purpose of the periodic, post-tenure review is to support tenured faculty development.

Policy Statement

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 member 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 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 Board, UW System, or institutional 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.

Definitions

Chair. For the purposes of this policy, the term “chair” includes the organizational equivalent.

Dean. For purposes of this policy, the term “dean” includes other appropriate administrators identified by the institution.

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.

Exceeds expectations. This category is awarded to those faculty members whose performance reflects a significant level of accomplishment beyond what is normal for the institution, college or school, or department.

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

Procedures

1. Post-tenure review under this policy shall be conducted once every five years. The initial post-tenure review period commences 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 annual review in the year a faculty member is scheduled for such review.
2. The dean of each college or administrative unit shall ensure that each department or unit has established appropriate criteria to evaluate tenured faculty member in their department or unit. The criteria shall ensure consideration in the areas of teaching, research/scholarship/creative activity, and service consistent with relevant institutional rules, and should include a comprehensive consideration of these areas over the previous five-year period. Likewise, each department or unit shall describe the materials and manner in which such materials must be submitted for the post-tenure review. Such criteria and descriptions shall be provided to faculty.
3. Each faculty member for whom a post-tenure review will be conducted during that academic year, will be provided written notice of the review in September of that year. The faculty member is required to provide the material for the review to the review committee (see #5 below) within one month of the date of the review. The review will be conducted in January or February of that academic year.

4. The review will be conducted by a committee, appointed by the department chair, comprised of at least three members of the department, all holding a faculty rank at or above the faculty member being reviewed. If a committee cannot be formed due to insufficient number of eligible faculty, the dean will assist the chair of the department or unit in identifying appropriate additional members. The committee will use the criteria and materials adopted in accordance with this policy. In the case that the faculty member being reviewed is the department chair, the Dean shall appoint the review committee.
5. The committee shall provide a written report of its findings of the review that reflect its recommendation as to whether the faculty member under review has discharged conscientiously and with professional competence the duties appropriately associated with the faculty member's position. The result of the recommendation will be an assignment of one of the following categories to the faculty member's overall performance over the past five-year period: exceeds expectations, meets expectations, or does not meet expectations.
6. The report shall be provided to the chair and to the faculty member under review who may submit a written response to the report. The response must be submitted to the committee within one week of the faculty member's receipt of the report.
7. The report and any written response shall be provided to the dean for review. A copy of these materials also shall be provided to the provost. The dean or designee (who shall be an appropriate associate dean of the college or unit) shall perform an independent substantive review of the report and shall consult the supporting materials. The dean or designee shall assign one of the three performance categories to the faculty member's overall performance. A written copy of the dean's or designee's decision shall be provided to the faculty member, chair, committee, and provost. The faculty member under review may provide a response to the decision within one week of the faculty member's receipt of the decision.
8. If the decision results in the categories "exceeds expectations" or "meets expectations," the review is completed, and appropriate recognition and available resources will be granted to the faculty member, including consideration for merit pay, subject to availability of resources.
9. If the dean's or designee's decision results in assignment of the category "does not meet expectations," the chancellor or designee will conduct a review and make a final determination on the performance category to be assigned the faculty member. The chancellor or designee will inform the faculty member in writing of the category assigned and provide the faculty member with an opportunity to file a written response with the chancellor within one week of receiving the chancellor's communication. If the performance category assigned by the chancellor or designee is "does not meet expectations," a written remediation plan will be developed by the faculty member, in consultation with the dean and chair. The remediation plan shall contain the following:

- a. A clear description of expectations for the faculty member's performance to conform to the expected level of accomplishment. The focus of plan will be developmental and shall provide the faculty member with appropriate support from the department or dean as appropriate.
- b. A clear description of how progress shall be measured.
- c. A timeline for the fulfillment of the expectations, not to exceed three academic semesters, unless the identified deficiency involves a performance shortfall in research. In that case, an extension of one additional academic semester is permitted if approved by the chancellor. The chancellor shall provide notice of this extension to the UW System Vice President for Academic and Student Affairs.
- d. Provision for periodic review of progress.
- e. A description of support and resources that will be provided to assist the faculty member in meeting expectations.

The details of the remediation plan shall be completed before the end of the academic year, and written copies shall be provided to the faculty member and chair.

The dean will inform the chancellor, faculty member, and chair upon successful completion of the remediation plan.

Faculty determined by the dean, in consultation with the chancellor, as failing to meet the expectations in the remediation plan within the specified time period may be subject to discipline, up to and including dismissal, under Chapters UWS 4 and UWS 6 of the Wis. Admin. Code and related campus faculty disciplinary policies.

- 10. The chancellor shall ensure that chairs report annually to the dean and chancellor or designee that all post-tenure reviews in that annual cycle have been completed.
- 11. Records of the reviews, including supporting materials, shall be maintained in the appropriate location in accordance with relevant policy and law.
- 12. Grievance procedures normally available to faculty under institutional policies and in accordance with UWS 6.02, Wis. Admin. Code, are not applicable to reviews conducted and remediation plans developed under this policy.