

30 November 1999

TO: Members, University Senate

FROM: University Senate Council

RE: AGENDA ITEM: University Senate meeting, Monday, 13 December 1999 at 3:00 p.m. in the W.T. Young Auditorium. Proposed Post Tenure Review Policy. If approved the proposal will be forwarded to the Administration for consideration and implementation

Background:

On December 13, the University Senate will vote on a proposed Post Tenure Review policy. This policy has been more than two years in development, and has been widely circulated for review by faculty and administrators. Still, questions are being raised. In an effort to help focus discussion of this complex issue, the Senate Council wants to emphasize the following points.

1. The University of Kentucky has been mandated by the Kentucky legislature to address post tenure review and so we must do something. The fact that most other universities in Kentucky have implemented, or are in the process of implementing, a policy adds pressure.
2. Most of our benchmark universities have post tenure review policies. (A table with detailed data is attached.)
3. Many comments received over the past few weeks focus on the burdensome aspects of the policy, in particular the "developmental review". Few are concerned about the "consequential review" (triggered by two successive unsatisfactory performance reviews).
4. In light of the comments we received, we are recommending that the "developmental review" be optional with the individual units.
5. As proposed, the Policy will be reviewed and recommendations for its continuation will be done in the sixth year.
6. Budgeting of the proposal is problematic. It should be clear that the provisions requiring funding should be implemented only if adequately funded.

7. The Senate Council feels strongly that a post tenure review policy must be passed, including at least the consequential review.

Rationale:

The Senate Council solicited and received detailed comments from the university community on the tenured faculty review and development policy drafted by the University Senate Council Steering Committee. The Committee, whose work was supported by a grant from the American Association for Higher Education, reviewed policies from around the country and sponsored a campus conference on the issue that included national experts from other colleges and universities.

After the Committee issued its report, the Senate Council had extended discussions on the proposal, and the University Senate discussed the proposal at its November 8 regular meeting. The Council sent a request to all Colleges in the University for comments from their Councils or other appropriate bodies. The Council also asked all Senators to seek input from their constituents.

After reviewing all of the information, including the numerous formal comments received, the Senate Council responded to the concerns expressed by the faculty and administrators by unanimously recommending for approval to the Senate a substantially revised proposal. The revised proposal eliminates the sixth year “developmental review” and recommends instead that the normal merit review process include a goal setting component and that part of the evaluation be based upon accomplishment of those goals. The Council also agreed to require a review of any faculty member who receives an unsatisfactory review in a significant area of work (10% on the DOE) in the next academic year. A second successive unsatisfactory review in the same area(s) will trigger a full consequential post tenure review. That would be after 2 years in the annual review of tenured faculty areas (Med Center) and in the third year in the biennial review areas (Lexington Campus). The Council also reviewed the proposal to allow individual units, with the approval of the Dean of the college, to design their own current system with no added bureaucracy.

A copy of the proposal is attached.

It was approved unanimously by the Senate Council.

Note: If approved by the Senate, the proposal will be forwarded to the administration for appropriate action.

US Agenda: Background and Rationale PTR 12.13.99.doc

TENURED FACULTY REVIEW AND DEVELOPMENT POLICY

Preamble

The increased concern for defining and increasing the contributions of higher education to society has created great concern for assessment and accountability. This, in turn, has fostered rethinking of some of higher education's most time-honored practices. Among these is the granting of tenure. Across the United States, universities are examining the processes through which tenure is granted and the ways in which faculty are evaluated after the granting of tenure. Faculty roles and reward systems are being revised to reflect greater awareness of the multiple forms of scholarship can produce and the need greater engagement with society. The University Senate of the University of Kentucky only last year approved just such a massive reform in its promotion and tenure system.

Logically, now the University Senate is considering the issue of how best to review and facilitate continued contributions from its tenured faculty. Four years ago a pilot "post tenure review" policy was put into place in the University's largest College of Arts and Sciences (<http://www.uky.edu/ArtsSciences/Facaffairs/postten.html>). In 1998, the State Legislature called for the development of such policies at all State Universities and asked the Kentucky Council on Postsecondary Education to report on institutional progress in developing such policies in the Fall of 1999. In the Fall of 1998, the University Senate Council received a grant from the American Association for Higher Education (AAHE) to explore development of a University-wide post tenure review policy (i.e., applying to the Lexington Campus including the Lexington Community College and the Medical Campus).

The University Senate Council appointed a Steering Committee in late Fall 1998 to oversee the development of a University-wide tenured faculty review and development policy. In the Spring of 1999 the Steering Committee reviewed policies from around the country and regularly reported progress to the University Senate and Administration. In March, 1999 the Committee sponsored a campus conference on the issue involving experts from around the country, all segments of the University community, and faculty leaders from campuses around the State (see Conference and other Committee resource material at <http://www.uky.edu/USC/>). The components of the policy were reviewed at a June 1999 meeting in Washington, D.C. of institutions funded by AAHE post tenure review grants. The Steering Committee submitted this policy to the Senate Council with suggestions for necessary funding and an implementation plan. The Senate Council organized additional extensive campus discussion of the policy in Fall 1999. The Council has amended the Steering Committee's policy in light of those discussions (i.e., removing the mandatory six year formative review for all faculty) and recommends the

policy as amended to the University Senate. Following administrative review, the implementation date is Fall, 2000.

Philosophical Foundations

One of the Committee's first tasks was to articulate the basic assumptions or guiding principles for the development of the policy, based on its reading of national debates on 21st Century approaches to faculty roles and rewards policies, faculty development policies, and post tenure review policies. Many of the guiding principles adopted are captured in the 1997 report on post tenure review provided by the American Association of University Professor (AAUP) (*Academe*, September/October, 1997). We felt any policy must:

- Ensure protection of academic freedom
- Be committed to peer review
- Take into account review procedures already in place
- Be campus/faculty initiated and adapted to the institutional mission
- Be clearly differentiated from dismissal for cause procedures
- Be developmental in focus and supported by adequate institutional resources
- Be flexible, allowing disciplines, colleges, and campuses to achieve a "fit"
- Ensure confidentiality and adequate opportunity for faculty feedback/appeal
- Be built on our trial A&S policy already in place
- Contain procedures requiring periodic review and change of the policy

The Committee approached the development of a tenured faculty review and development policy as a means of strengthening and preserving academic tenure. We view tenure as critical to sustaining institutional excellence. It requires years of probation during which faculty performance is stringently assessed. It allows scholars freedom to pursue independent lines of inquiry. It encourages a spirit of institutional service and responsibility. Tenure does not insulate faculty from regular evaluation. In fact, few professions are practiced more publicly than ours: before students in teaching, peers in publishing, and colleagues/citizens in service and outreach. In addition, tenured faculty at the University of Kentucky are reviewed for merit and salary purposes at least every two years.

This policy helps faculty communicate and coordinate their work with one another and the institution's goals. For the small percentage of faculty in serious need of professional assistance this policy provides a means of identifying the problem and offering solutions that increase productivity. In extreme cases, the policy may fail. This could result in the institution of separate and independent dismissal for cause procedures already in place in this and most other universities. However, the policy primarily (a) provides opportunity for units to better support tenured faculty (b) recognizes changing circumstances and interests of faculty and the institution across time, adjusting roles and rewards accordingly, and (c) identifies and addresses problems in performance through peer review and collaborative planning.

The Policy

Specifically, the policy contains three features that build on the current system for conducting regular performance or “merit” reviews of tenured faculty for purposes of salary increases. It requires that:

1. Each academic unit must develop a clear set of expectations for satisfactory performance for tenured faculty linked to the distribution of effort agreement required of all faculty. In addition, a performance review system must be in place in which the lowest performance rating is “unsatisfactory.”
2. A consequential review process must be instituted for any faculty member receiving two successive unsatisfactory performance reviews (over a two or three year period depending on the frequency of the reviews) in a substantial area of work. This review is summative in nature and demands plans to improve performance within a specified period.

These items follow from the pilot consequential review process that has been in effect in the College of Arts and Sciences at the University of Kentucky for the last four years.

The policy also contains a voluntary third component suggesting the following:

- 3. A process for developmental review of tenured faculty may be initiated within individual colleges. This process would include setting of individual faculty goals in collaboration with unit chairs, deans, and other senior faculty and be incorporated into the regular performance review process.**

The Committee originally focused on the consequential review as the defining feature of post-tenure review. However, our review of national trends and conversations with colleagues on campuses with post-tenure review, as well as those doing research in the area, convinced the Committee that if we are to reap maximum benefit from such a policy it must have a proactive, developmental component. We heard again and again of the benefits that come from all tenured faculty sharing accomplishments and plans with unit administrators and colleagues: increased collegiality, better appreciation of differences, greater alignment of individual faculty goals with department, college, and university goals, more effective realignment of faculty roles and rewards with changing individual interests as faculty progress along natural career trajectories, better understanding of the reward system. Hence, while voluntary, the third component of the policy is an important one.

In sum, we offer a three-part policy with each part improving the outcomes of the other two. A detailed description follows.

A. Developing Expectations for Satisfactory Performance

Each academic unit will develop a narrative statement of its expectations for adequate or satisfactory faculty performance by tenured faculty. Such statements shall include expectations for the areas of performance as they are defined by percentage effort allocated to each area on the distribution of effort agreement (DOE) generated annually for each faculty member. They shall be differentiated by rank, level of seniority if relevant, and they shall be as specific as is possible without unduly restricting the recognition of the diverse contributions that individual faculty members may make. This statement, once agreed upon by the faculty of the academic unit, will be reviewed by the appropriate college advisory committee and the dean to assure that the faculty performance expectations are in keeping with the established mission of the college and that they do not fall below college expectations for faculty performance. The approved statement of expectations will be the basis on which all reviews of performance are conducted. Building on the statements of expectations each college will develop a merit-rating system in which the lowest level of performance is identified as “unsatisfactory.” The definition of performance expectations for tenured faculty should be consistent with and naturally follow from the departmental document outlining expectations for performance for untenured faculty mandated in the promotion and tenure revised regulations currently under administrative review.

The development of clear expectations for faculty performance will be useful only if these are clearly communicated within the current process of faculty performance (merit) reviews and the creation of annual distribution of effort agreements. The DOE defines the focus of faculty work and the performance review evaluates its quality. To make clear what is already University policy, academic unit heads are required to meet with each faculty member to develop the faculty member’s DOE for the coming year and are obliged to do the same in the communication of the results of performance reviews.

We strongly recommend, in addition, that after completion of each performance review, these two meetings (the communication of review results and the development of DOE agreements) occur as a single meeting at which the past and future activities of the faculty member are discussed within the context set by the six year developmental review. Further, this policy requires such a meeting when the faculty member receives unsatisfactory ratings or ratings at the level just above unsatisfactory.

B. Voluntary Periodic Developmental Review of Tenured Faculty

With the intent of facilitating continued professional development, tenured faculty members should engage in periodic review of their professional activities with administrators and colleagues. These reviews encourage development of links between individual goals and the goals of the unit, institution, and other colleagues. They also can produce strategies to secure the resources necessary to accomplish goals. For these reasons **each academic unit is strongly encouraged to create a process for developmental review of tenured faculty that includes setting individual faculty**

goals in collaboration with unit chairs, deans, and senior faculty colleagues. These reviews should be incorporated into the current performance review process for tenured faculty to minimize administrative burden.

These periodic faculty reviews: 1) recognize long-term meritorious performance; 2) improves quality of faculty efforts in teaching, research, and service; 3) increase opportunities for professional development; and 4) uncover impediments to faculty productivity. These goals and plans can inform subsequent merit reviews and should be reflected in the faculty member's Distribution of Effort agreement during subsequent periods. The goals and plans should be linked to the mission, goals, and plans of the faculty member's academic unit and of the University of Kentucky.

C. The Consequential Review

The Consequential Review will be conducted with faculty for whom the performance ("merit") reviews indicate persistent inadequate performance. It is thus intended for a specific sub-group of the faculty who receive unsatisfactory ratings in an important area of effort in two successive performance ("merit") reviews. These are conducted annually or biannually as dictated by the rules of specific academic units. Evaluation can be a positive force when used to encourage members of the faculty community to continue their professional growth and to remain professionally active. This policy emphasizes continuing engagement with all forms of scholarship and to provide incentives and resources to assist faculty members in remaining engaged.

Selection for consequential review. Each academic college and school will be expected to adopt a merit-rating scheme in which the lowest level of performance is identified as "unsatisfactory." Any tenured faculty member who receives a merit rating indicating unsatisfactory performance in any category (or categories) of activity on the distribution of effort agreement in which the faculty member's cumulative percentage of effort is more than 10 percent for two successive reviews (i.e., significant areas of work) will be selected for a Consequential Review. An assignment with a DOE of 10 percent or less normally will be exempted from consideration for review. Upon recommendation of the department chair and approval of the dean, a faculty member subject to evaluation under this plan also may be exempted if there are extenuating circumstances (such as health problems). The faculty member shall have the right to appeal his or her merit rating as specified in University Governing and Administrative Regulations, and the selection of a faculty person for consequential review will not be undertaken until the final disposition of a merit appeal has been determined.

The first time a faculty member receives an unsatisfactory rating in a significant area of work (greater than 10 per cent of the distribution of effort agreement) he or she will be required to undergo a second merit review during the following academic year. Upon receipt of a second successive unsatisfactory rating in the same area(s) of work the faculty member will be selected for a full consequential post tenure review.

The academic unit head shall inform the faculty member of being selected for review and of the nature and procedures of the review. One option that would avoid a review would be for the faculty member to change his or her DOE so as to reduce below 10 percent the category in which he or she is deficient. This alternative follows from the notion of "multiple profiles" of a successful faculty member -- that is, that there need not be a "one-size-fits-all" DOE and that faculty members can contribute in a variety of ways to the multiple missions of the college. A change in the DOE would imply the assignment of new duties to the faculty member, and it would need to be approved by the department chair and the dean.

The review dossier. For faculty selected for consequential review, the department chair shall prepare a review dossier in consultation with the faculty member. The faculty member has the right and obligation to provide for the review dossier all the documents, materials, and statements he or she believes to be relevant and necessary for the review, and all materials submitted shall be included in the dossier. Ordinarily, such a dossier would include at least the following: an up-to-date vita, a teaching portfolio, and a statement on current research or creative work. The chair shall add to the dossier any further materials (prior evaluations, other documents, etc.) he or she deems relevant, in every case providing the faculty member with a copy of each item added. The faculty member shall have the right to add any material, including statements and additional documents, at any time during the review process.

The review process. The Consequential Review will be conducted by either

- the department chair
- a three member ad hoc faculty committee, not including the chair but including (a) one member of the college council selected by the dean and (b) one faculty member chosen by the College Council who do not serve on the Council, and (c) one member chosen by the faculty member
- a subcommittee of the college council appointed by the council.

The faculty member will select the reviewing agent from these three options. The reviewing agent will create a development plan designed to remedy the deficiencies indicated in the performance reviews. Ideally, the plan should grow out of an iterative collaboration among the faculty member, department chair, reviewing agent (if not the chair), and dean.

It is the faculty member's obligation to assist in the development of a meaningful and effective plan and to make a good faith effort to implement the plan once it is adopted. In the event that the faculty member objects to the terms of the plan, he or she may request an independent review of the plan by the appropriate college advisory committee. The committee's recommendation to the dean is advisory, and the dean will be the final arbiter at the college level. The faculty member also will have recourse to appeal to the appropriate chancellor. Once the appeal has been resolved, the plan will be implemented.

The plan must:

- 1) Identify the specific deficiencies to be addressed
- 2) Define specific goals or outcomes that are needed to remedy the deficiencies
- 3) Outline the activities that are to be undertaken to achieve the needed outcomes
- 4) Set timelines for accomplishing the activities and achieving the outcomes
- 5) Indicate the criteria for annual progress reviews
- 6) Identify the source of any funding which may be required to implement the development plan¹.

Monitoring and follow-up. The faculty member and his or her department chair will meet annually to review the faculty member's progress towards remedying the deficiencies. A progress report will be forwarded to the Dean.

Further evaluation of the faculty member within the regular faculty performance evaluation processes of the University may draw upon the faculty member's progress in achieving the goals set out in this plan.

Completion of plan. When the objectives of the plan have been fully met, or in any case no later than three years after the start of the development plan, the department chair shall make a final report to the faculty member and the Dean.

D. Dismissal for Cause

The successful completion of the development plan is the positive outcome to which all faculty and administrators involved in this process must be committed. If the disengagement of some scholars derives in part from an organizational failure, the re-engaging of their talents and energies reflects a success for the entire University community. However, in those rare cases where serious deficiencies continue to exist after the consequential review plans are completed the University may decide to initiate separate and independent dismissal for cause procedures currently in place. The multiple criteria for instituting the dismissal for cause process are independent from and extend beyond the scope of this review policy.

E. Faculty Professional Development Fund

The focus of the fund. The Faculty Professional Development Fund (FPDF) is established as a system to enhance faculty performance. It is designed to promote continuing professional growth and to encourage faculty to sustain patterns of strong performance and heightened motivation as academic unit priorities and personal direction change over careers.

¹ Should the plan reasonably require monetary support from the University for completion, the plan must be submitted through appropriate channels for funding (see "Faculty Professional Development Fund below). If adequate funding is not available the plan must be modified.

The FPDF is a source of funding for supporting (1) the outcomes of any voluntary developmental review process created within colleges coming out of regular merit/performance reviews and (2) the faculty development plans created out of the consequential reviews designed to improve unsatisfactory performance in major areas of faculty work. Examples of activities that might be funded as a result of goals established in developmental reviews or from plans generated by the consequential reviews to improve unsatisfactory performance include support for:

- a. International study, attendance at conferences, seminars, etc.
- b. Faculty returning to duties from administrative roles
- c. Redirection of the faculty member's career focus
- d. Efforts to secure extramural funding
- e. Enhancement of research skills
- f. Curriculum innovation
- g. Improvement in teaching and use of new instructional technologies

The allocation process. Each Chancellor would be charged with developing a process for allocating development funds based on, merit/performance, and consequential reviews. The Committee recommends that funding priority be given to activities tied to plans generated by consequential reviews with other allocations made on a competitive basis. Given the special circumstances surrounding the consequential review, funding seems especially important. Not all plans will require funding or funding beyond the department level (satisfactory performance is the norm with current support levels). However, where additional support is reasonable, to not provide support would make it difficult for the University to hold the faculty member accountable for improvement.

Funding levels. The University currently devotes a part of its resources to various programs aimed at faculty development (e.g., the Teaching and Learning Center on the Lexington Campus). We anticipate the various types of development plans generated by this policy would fully access current funds. However, the Committee reviewed current and proposed allocations for faculty development directly tied to tenured faculty review processes at several other institutions (e.g., the University of Georgia and Massachusetts systems, the University of Hawaii, and some private institutions). Estimates are difficult given the inability to predict the number of consequential reviews that will be done four years after the implementation of the system and thereafter, the number of applications that will be made based on exemplary six year reviews, and the disciplines from which these will come.

The Committee recommends that the University designate \$50,000 for faculty development activities specifically linked to this senior faculty review policy during the third year following the effective date of implementation (when the first consequential reviews may be conducted). That amount should be added in each successive biennium so that a total of \$150,000 in recurring dollars is available by the sixth year. Obviously, funding should be modified based on use. However, this size fund, combined with current support for faculty development generally, should provide adequate funding to support

consequential review plans and requests generated from any voluntarily created developmental review processes.

The size of support for individual faculty will depend on discipline and the nature of the plans developed. The Committee recommends awards generally ranging in amount to \$6,000 annually with definite time limits for achieving goals and strong accountability measures. Awards may be higher depending on the nature of the plan and the discipline.

Eligibility. Any tenured University faculty member participating in the senior faculty development and review process is eligible for FPDF funds. Each application must include a professional development plan consistent with the mission, goals and plans of the faculty member's academic unit and college as well as the University of Kentucky's goals and strategic plans. The application must include letters of support from the head of the faculty member's academic unit, dean of their college, and the peer review body involved in their review. The plan must be based on either goals documented in a developmental review linked to the merit review process or activities identified in the consequential review for improving areas of unsatisfactory performance.

F. Policy Review Procedures

At the conclusion of the third year following implementation and biannually thereafter, the unit heads will submit to the Office for Institutional Research a brief summary including but not limited to the following:

1. Number of faculty receiving unsatisfactory ratings in areas of effort in which the faculty member's distribution of effort is more than 10 percent.
2. Number of faculty changing assignment as a result of the policy (including retirement, change in distribution of effort).
3. Number of faculty applying for and receiving professional development funds.
4. Number of faculty selected for Consequential Review based on unsatisfactory performance review
5. Number of faculty successfully completing development plans based on Consequential Review
6. A brief narrative account of other benefits and problems created by the policy

During the seventh year after the effective implementation date of this policy, the University Office for Institutional Research will survey a scientifically constructed sample of faculty and unit heads to determine perceptions of the strengths and weaknesses of the policy. The Senate Council will appoint a Policy Review Committee to use the analysis of survey results and the unit head reports provided by the Office for Institutional Research to review the policy and make recommendations by the end of the sixth year of the policy's operation.

G. Implementation

This policy is submitted for administrative review with the formal condition that any substantive change in the policy nullifies Senate approval and requires reconsideration by the full Senate. Effective Implementation is Fall 2000.

Infrastructure Development to Support the Plan

If one clear message was delivered by all the colleagues with whom we consulted over the course of the year, it was that the success of any policy is dependent upon the development of a sound infrastructure to support its implementation from the outset.

Faculty Professional Development Fund. First and most importantly, the Administration must budget the requested amount for the Faculty Professional Development Fund. Without this fund the policy's usefulness is limited. Though monetary rewards and support are not the only methods for fostering improvement, without an adequate development fund the policy will be much less effective in promoting faculty performance. Moreover, if the University does not budget to support specifically the improvement plans created under the consequential review, it will be less able to hold faculty accountable for performance improvement.

Personnel development. One clear and consistent lesson was offered by other institutions and our national experts: we cannot underestimate the importance of providing educational support for faculty (who will serve on peer review committees as well as being reviewed), department chairs, and deans. These groups, most directly, must have the knowledge and communication skills to make this policy work for the common good. During the administrative review of the policy the Council and University Administration should ensure that the appropriate offices on each campus [Lexington (including Lexington Community College) and Medical Center] are designing seminars that can be implemented as soon as the policy is in place. Indiana University-Purdue University-Indianapolis has focused its AAHE grant activities on the development of materials for personnel involved in tenured faculty reviews. Texas A&M University also has focused a part of its efforts on this work.