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Monday, March 30, 2015

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**To:** Dr. Tim Hudson, Chancellor  
Arkansas State University

**From:** Jeffrey Pittman, Chair  
ASU Shared Governance Oversight Committee



**Subject:** Shared Governance Proposal - 14 FA 05 – Proposal for modifying post tenure review

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Last year, the ASU Promotion, Tenure, and Retention Committee proposed changes in the ASU Faculty Handbook regarding the post-tenure review process. Under shared governance, this proposal was forwarded from the SGOC to the ASU Faculty Senate and the councils of the deans and the chairs. After comments and various changes in the proposal, the Faculty Senate and the Council of Academic Deans approve unanimously of the proposal. The Chairs Council has 12 affirmative votes, and 1 negative vote.

The SGOC sends this proposal to you for your consideration.

**“Rational for the Proposed Change**

The University currently has a process for post tenure review. The process for this, as spelled out in Appendix C of the Faculty Handbook, was put in place soon after the state passed Act 1330 in 1997. While the current process is good, it does have a few areas that are a little vague and that leave faculty without much guidance. In particular,

- The current process requires two successive annual evaluations of not meeting expectations from a chair before a review is triggered. This means that a faculty member will go for two years with only the guidance of the chair, who is not involved in the post tenure review. If a faculty member is going to have to undergo post tenure review, it would be better to get input from the department PRT committee, the individuals who

will be creating the remediation plan, as soon as possible so that the faculty member does not go down the wrong path for two years before hearing from the people that will determine if post tenure review is necessary. By changing the process to only one evaluation of not meeting expectations, this gets the issue sorted much faster and will get the faculty member back to meeting or exceeding expectations faster.

- There is no prescribed process for evaluating the effectiveness of the remediation plan. The current document leaves out what happens after a plan has been formulated. By setting clearly detailed benchmarks on a regular timeline, it will give both the faculty member and the PRT Committee a roadmap to follow.
- The current process does not include an appeals process that allows the faculty member to provide, in person, testimony and evidence to support his/her position being retained. We have a process for doing this already in the Handbook, and by adopting it here, we are keeping the process consistent with others in the Faculty Handbook.

Based upon this, we [the UPRTC] propose the following changes to Appendix C in the Faculty Handbook.”

**The following is a comparison between the current ASU Faculty Handbook language and the proposed language. If you are viewing this document in electronic format, you may need to adjust your Word settings for review (select “all markup”). You should be able to see the new language underlined, and the deleted language marked through with a line.**

## Appendix C

### Arkansas State University

#### Post Tenure Review

##### **Introduction**

Arkansas Act 1330 of 1997 mandated that state supported institutions of higher education "work with the campus faculties to develop a framework to review faculty performance, including post-tenure review." The stated purpose of Act 1330 was to ensure and enhance faculty performance and "productivity," and to "correct instances of substandard performance." Arkansas State University recognizes that the reward of tenure, based on ~~profession~~professional achievement, brings with it certain obligations and responsibilities to colleagues, the institution, and the State of Arkansas.

The purpose of post-tenure review, an action called for by Act 1330, will be to ensure a consistently high level of performance of the faculty of Arkansas State University. Pursuant to law, the effects of the review process of faculty performance should include rewarding

productive faculty, redirecting faculty efforts to improve or increase productivity, and correcting instances of substandard performance.

Arkansas State University has a well-established and long-standing practice of annual faculty performance reviews that does include review of tenured faculty. Faculty members are required to submit a yearly productivity report. Teaching, research, and service performance are evaluated, and an annual conference with the department chair is required. Unsatisfactory performance evaluations result in a plan for near-term improvement.

The existing annual review process meets the requirements of Act 1330. However, the establishment of a framework for post-tenure review beyond the annual review process will serve to enhance and protect the integrity of the tenure system.

## Annual Review

### *Chair's Rating of Unsatisfactory Performance*

As part of the existing annual performance review process, department chairs rate each faculty member's professional performance. Each department and college might have different rating scales, but all have a level that is equivalent to "failing to meet expectations." Faculty found to be achieving at this level (i.e., unsatisfactory performance) for one academic year who are therefore deemed to be below the expectations outlined in the department's criteria will be required to seek and acquire the services of a faculty mentor who will work with the faculty member and the department chair in an attempt to address and correct the issues that resulted in the faculty member's unsatisfactory performance. The faculty mentor could be a tenured faculty member within the department or college or could be selected through the university's pre-established faculty mentoring program offered through the ASU Interactive Teaching-Technology Center (ITTC).

Substantive Post-Tenure Review will ~~occur~~ be triggered if (a) there ~~have~~ has been ~~two~~ consecutive overall annual ~~unsatisfactory~~ performance ~~ratings~~ rating of "failing to meet expectations" given by the department chair for two successive academic years, or (b) a group of tenured faculty in the department petition for review of a colleague. ~~The faculty within each department will develop the criteria defining unsatisfactory performance who they feel is "failing to meet expectations."~~ The criteria for tenured faculty expectations will be developed by the PRT committee of each department. These criteria should address minimum expectations in terms of teaching, research/creative activities, scholarship, and service, as well as comportment

within the department and institution, for any tenured faculty member

## Substantive Post-Tenure Review

~~A summary of the major aspects of the Substantive Post-Tenure Review process is presented in a flow chart at the end of this report.~~

### Chair's Rating of Unsatisfactory Performance

As part of the existing annual performance review process, department chairs rate each faculty member's professional performance as "satisfactory" or "unsatisfactory." ~~Unsatisfactory performance is substandard performance substantially below the expectations for professionally competent faculty.~~ Each department and college might have different rating scales, but all have a level that is equivalent to "failing to meet expectations." Faculty found to be achieving at this level (i.e., unsatisfactory performance) for two successive academic years who are therefore deemed to be below the expectations outlined in the department's criteria will undergo a review by the department PRT Committee, which will receive a copy of the evaluation

~~Two successive unsatisfactory ratings serve to trigger a review by the department PRT Committee.~~

### Faculty Petition for Post-Tenure Review

Three or more tenured faculty within a department can petition the department PRT Committee to conduct a Substantive Post-Tenure Review of another faculty member's professional performance. This request is to be based on the group's opinion that the faculty member is failing to meet the expectations outlined in the departmental criteria. The group must present evidence of substandard performance with regard to these criteria in their petition. The petition will serve to trigger a review by the department PRT Committee, which will receive the petition as evidence to use in its evaluation.

~~The petitioners must present evidence of unsatisfactory or substandard performance. The petition will serve to trigger a review by the department PRT Committee.~~

## Substantive Post-Tenure Review Process

### Department ~~PRT~~PRT Committee Review

The department PRT Committee will conduct an in depth review and analysis of the faculty member's professional performance. Evidence to be reviewed ~~may be~~ will include

the materials submitted by the department chair and/or the petitioners, as well as by the faculty member under review. The committee will review previous annual performance review documents in the faculty member's employment file. Additional evidence and materials to be reviewed may be volunteered by or requested by any of the parties to chair, the review petitioners, or the faculty member who is being reviewed. The faculty member will be afforded the opportunity to meet with the committee. The committee is responsible for conducting an investigation, studying all the pertinent facts, consulting with appropriate parties, and preparing a written report on its conclusions. The basic standard for the review shall be whether the faculty member appropriately and competently discharges the duties associated with his or her position, not whether that performance meets current criteria for tenure-meets the minimum criteria for tenured faculty that were established by the PRT Committee. This review will be completed within 90 days of the triggering action having occurred.

#### Findings and Recommendation

The Substantive Post-Tenure Review will result in one of two outcomes: (1) no action will be taken (i.e., no remediation is needed), or (2) a remediation plan for the appropriate professional development or redirection of the faculty member is determined.

When the departmental PRT Committee identifies performance deficiencies, an appropriate and reasonable development plan (e.g., teaching effectiveness assistance, mentoring in research, and enrollment in continuing education or graduate programs) is created for the faculty member by the PRT Committee. The findings and recommendation should be considered confidential except at the discretion of the faculty member. The department PRT Committee is responsible for setting a time period for implementation of the plan and for the follow-up review to assess its success. Only the findings and recommendations of the PRT Committee shall be placed in the faculty member's employment file. All other Substantive Post-Tenure Review materials shall be maintained in a separate file in the office of the Provost and Vice-Chancellor for Academic Affairs and Research

The department PRT Committee is responsible for setting a time period for u ll implementation of the plan. This remediation plan will have very clear benchmarks that must be achieved by the stipulated dates. At the dates set in the plan, the faculty member and chair will submit documentation as to how well these benchmarks have been achieved to the PRT Committee. The Committee will assess this evidence and make a determination as to how well they have been achieved. A determination at the conclusion of the remediation plan that the benchmarks have not been achieved will result in a recommendation forwarded to the Provost for the dismissal of the faculty member

## Post-Tenure Appeal Procedures

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If the faculty member ~~who has undergone a~~ does not agree with the recommendation for dismissal following the Substantive Post-Tenure Review, he/she has the right to ~~one~~ file an appeal rendered by the University PRT Committee. All appeals must be filed with the chair of the University committee, either in writing or electronically, with the Provost within 10 business days of receipt of the written decision of the departmental PRT Committee. The appeal must be in writing. The decision of the University PRT Committee may present additional data that the faculty member feels is forwarded pertinent to the Chancellor for final action case. The Provost will consider the information presented in the appeal and investigate all pertinent facts and consult with appropriate parties. If the Provost agrees with the recommendation for dismissal, he/she will initiate dismissal proceedings through the Academic Hearing Committee (AHC) as outlined in Section IV.h.1 of the Faculty Handbook.

**Current ASU Faculty Handbook**  
**Appendix C - Pages 114-116**  
**Existing wording as of 2:25 p.m. on March 9, 2015**

**Appendix C**  
**Arkansas State University**  
**Post Tenure Review**

**Introduction**

Arkansas Act 1330 of 1997 mandated that state supported institutions of higher education "work with the campus faculties to develop a framework to review faculty performance, including post-tenure review. The stated purpose of Act 1330 was to ensure and enhance faculty performance and "productivity," and to "correct instances of substandard performance. Arkansas State University recognizes that the reward of tenure, based on professional achievement, brings with it certain obligations and responsibilities to colleagues, the institution, and the State of Arkansas.

The purpose of post-tenure review, an action called for by Act 1330, will be to ensure a consistently high level of performance of the faculty of Arkansas State University. Pursuant to law, the effects of the review process of faculty performance should include rewarding productive faculty, redirecting faculty efforts to improve or increase productivity, and correcting instances of substandard performance.

Arkansas State University has a well-established and long-standing practice of annual faculty performance reviews that does include review of tenured faculty. Faculty members are required to submit a yearly productivity report. Teaching, research, and service performance are evaluated, and an annual conference with the department chair is required. Unsatisfactory performance evaluations result in a plan for near-term improvement.

The existing annual review process meets the requirements of Act 1330. However, the establishment of a framework for post-tenure review beyond the annual review process will serve to enhance and protect the integrity of the tenure system.

Substantive Post-Tenure Review will occur if (a) there have been two consecutive annual unsatisfactory performance ratings given by the department chair, or (b) a group of tenured faculty in the department petition for review of a colleague. The faculty within each department will develop the criteria defining unsatisfactory performance

**Substantive Post-Tenure Review**

A summary of the major aspects of the Substantive Post-Tenure Review process is presented in a flow chart at the end of this report.

Chair's Rating of Unsatisfactory Performance

As part of the existing annual performance review process, department chairs rate each faculty member's professional performance as "satisfactory" or "unsatisfactory."

Unsatisfactory performance is substandard performance substantially below the expectations for professionally competent faculty.

Two successive unsatisfactory ratings serve to trigger a review by the department PRT Committee.

#### Faculty Petition for Post-Tenure Review

Three or more tenured faculty within a department can petition the department PRT Committee to conduct a Substantive Post-Tenure Review of another faculty member's professional performance.

The petitioners must present evidence of unsatisfactory or substandard performance. The petition will serve to trigger a review by the department PRT Committee.

### **Substantive Post-Tenure Review Process**

#### Department PRT Committee Review

The department PRT Committee will conduct an in depth review and analysis of the faculty member's professional performance. Evidence to be reviewed may be submitted by the department chair and/or the petitioners as well as by the faculty member under review. The committee will review annual performance review documents in the faculty member's employment file. Additional evidence and materials to be reviewed may be volunteered by or requested by any of the parties to the review. The faculty member will be afforded the opportunity to meet with the committee. The committee is responsible for conducting an investigation, studying all the pertinent facts, consulting with appropriate parties, and preparing a written report on its conclusions. The basic standard for the review shall be whether the faculty member appropriately and competently discharges the duties associated with his or her position, not whether that performance meets current criteria for tenure.

#### Finding and Recommendation

The Substantive Post-Tenure Review will result in one of two outcomes: (1) no action will be taken (i.e., no remediation is needed), or (2) a remediation plan for the appropriate professional development or redirection of the faculty member is determined.

When the departmental PRT Committee identifies performance deficiencies, an appropriate and reasonable development plan (e.g., teaching effectiveness assistance, mentoring in research, and enrollment in continuing education or graduate programs) is created for the faculty member by the PRT Committee. The findings and recommendation should be considered confidential except at the discretion of the faculty member. The department PRT Committee is responsible for setting a time period for implementation of the plan and for the follow-up review to assess its success. Only the findings and recommendations of the PRT Committee shall be placed in the faculty member's employment file. All other Substantive Post-Tenure Review materials shall be maintained in a separate file in the office of the Provost and Vice Chancellor for Academic Affairs and Research

**Post-Tenure Appeal Procedures**

A faculty member who has undergone a Substantive Post-Tenure Review has the right to one appeal rendered by the University PRT Committee. All appeals must be filed with the chair of the University committee within 10 business days of receipt of the written decision of the departmental PRT Committee. The appeal must be in writing. The decision of the University PRT Committee is forwarded to the Chancellor for final action.

**Proposed ASU Faculty Handbook Changes**  
**Appendix C**  
**Changes are not noted below – this will be the final version, if accepted.**

**Appendix C**

**Arkansas State University**

**Post Tenure Review**

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Substantive Post-Tenure Review will be triggered if (a) there has been an overall annual performance rating of "failing to meet expectations" given by the department chair for two successive academic years, or (b) a group of tenured faculty in the department petition for review of a colleague who they feel is "failing to meet expectations." The criteria for tenured faculty expectations will be developed by the PRT committee of each department. These criteria should address minimum expectations in terms of teaching, research/creative activities, scholarship, and service, as well as comportment within the department and institution, for any tenured faculty member

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