

Legislative history--- New University Policy 6-321, and revisions to Policy 2-005, and Policy 6-303, regarding Tenured Faculty Reviews

as approved by the Academic Senate and Board of Trustees in February 2017, with effective date of July 1, 2017

[Prepared by Bob Flores for the Institutional Policy Committee]

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Memorandum

From: Task Force on Revision of Tenured Faculty Review Policy (Chairpersons: Patricia Hanna, Hank Liese, and John Bartley)

To: Senate Executive Committee

Re: **Proposal for revising Policies on Tenured Faculty Reviews (new Policy 6-321 TFR, revised Policies 6-303, 2-005).**

Date: [January 26, 2017].

I. Introduction:

This is a proposal to further revise policies governing the standards and procedures for periodic reviews of tenured faculty members (“TFR”), following up on an initial phase of policy revision which the Academic Senate approved in spring 2014, with the explicit understanding that further revisions would be proposed after additional study and consultation. The current proposal is based on an examination of the TFR system and careful consideration of various possible reforms. If approved, it will take effect July 1, 2017.

The project was led by a special task force appointed by Associate Vice President Amy Wildermuth. It has received feedback and input from faculty in a lengthy series of consultation opportunities, including open forum meetings, and discussions with Senate committees and the full Senate.

The predominant theme throughout the process has been two-fold: (1) to increase the efficiency of and deploy the wise use of resources in the reviews, and (2) to strengthen the role of the faculty, at the department level and the University level, in the process and decision making in reviews of tenured faculty.

The 2014 revisions strengthened the role of faculty at the University-wide level by creating a new role for the Senate Faculty Review Standards Committee (“Standards Committee”). This Committee is charged to act on behalf of the Academic Senate (and therefore the entire University faculty and student body) in matters of policy regarding reviews of all categories of faculty. It has been given responsibility for developing the TFR procedures and standards which each academic unit must adopt and implement. The current revisions build on that foundation and give the tenure-line faculty in each academic unit responsibility for developing a set of TFR procedures and standards in consultation with the Standards Committee; the unit-level faculty members then conduct the reviews of individual faculty according to the procedures outlined in these standards. At the time they were approved by the Senate, the 2014 proposal recognized that it would be important to “consider further extensive revising of this Policy” to meet the goals fully and to ensure that the University’s systems for TFR are fully compliant with mandates from the Utah Board of Regents, which are responsive to the concerns of the Utah Legislature regarding the proper role of tenure and tenured faculty in the institutions within the Utah System of Higher Education. Consideration of additional policy revisions began soon after approval of the 2014 proposal, and now culminates in this 2017 proposal.

II. Highlights of policy revisions:

A. Separating TFR policy from RPT policy, by moving TFR policy contents from Policy 6-303 to new Policy 6-321 (and eliminating old TFR-related contents from 6-303 and 2-005).

It was a persistent theme of feedback received in this project that the TFR process should not be a duplication of or otherwise closely associated with the existing process for retention, promotion and tenure reviews. The task force circulated an early version of TFR policy which many commentators criticized because it seemed to make the TFR process too similar to the RPT process. The final proposal responds to that feedback, by providing a TFR process which is significantly different than the RPT process (much less complex and far less burdensome on participants, while still fully serving the important purposes of post-tenure review).

Under this proposal, policy contents regarding TFR are now primarily located in a new policy section, Policy 6-321, with reference to existing policies, specifically Policy 2-005 (focusing on TFR as one of many responsibilities of department chairs), and Policy 6-303 (which is primarily the policy governing RPT). These have been revised to accommodate the newly proposed policy, 6-321: The old contents of 2-005 regarding TFR as a duty of department chairs have been revised to eliminate inconsistencies with the main TFR policy now being adopted. 6-303 has been revised to remove the TFR contents. The current proposal makes clear the separate and distinct character of RPT from TFR, with RPT governed by Policy 6-303.

B. Key provisions for TFR, now in new Policy 6-321:

- Making explicit that the University adopts and implements TFR policy both (i) to fully comply with the mandate of the Utah Board of Regents Policy R481 Post-Tenure Review, and (ii) to further the University's long-established guiding principles for tenure, which includes the "affirmative obligation to manage its tenured faculty positions in a manner clearly conducive to the achievement of excellence in the discharge of its academic mission."
- Clarifying that the TFR process is not intended as a disciplinary process by making explicit that any issue regarding conduct of a tenured faculty member covered by the Code of Faculty Rights and Responsibilities is to be managed under the procedures provided in that Code (Policy 6-316) at the time such issues arise, rather than through a later occurring five-year TFR process.
- Assigning the primary roles and responsibilities for development of the TFR system to the relevant *faculty bodies*. The academic unit's *tenure-line faculty* will work with the Standards Committee to develop a TFR Statement by which procedures and standards are established.

Administrative involvement comes later in the form of approval of that TFR Statement by the college dean, and then the cognizant senior vice president acting jointly with the Standards Committee. The department chair along with the dean has an administrative responsibility to ensure that reviews are being conducted on a five-year schedule and in accord with the approved procedures, but neither the chair nor the dean conducts reviews or make recommendations. This is a significant change from the pre-2014 policy.

- Assigning to *peer faculty* of the academic unit, in the form of a faculty review committee, the full responsibility for conducting each individual review of a tenured faculty member. The committee's conclusions are reported on to the department chair and dean, and importantly, the committee's conclusions ordinarily stand as the final results of the review—unless as below an appeal is successfully made to UPTAC. (Note: This as a fundamental difference from the RPT process, in which the departmental faculty committee makes only a “recommendation”; the final decision is made by the relevant Sr. Vice President and the President of the University.)
- Adding a new appeal process to the TFR system, which calls upon the long-established University Promotion and Tenure Committee (UPTAC) to provide an appellate review that may identify and rectify any serious errors which might occur in a departmental committee review process. UPTAC, with its University-wide representation, bias-free structure, and valuable expertise in reviewing RPT decisions, will now be available in the TFR process to consider appeals by the faculty member under review, as well as a department chairperson or dean who believes a review has not follow the standards. If UPTAC finds that an error in the process has occurred, it will instruct the departmental committee to correct the error for purposes of a final outcome of the TFR process.
- Providing for implementation of the outcome of a completed TFR process. The Policy outlines methods of follow up to either (i) acknowledge the valued contributions of a reviewed faculty member who has been found by the peer committee to be meeting the performance standards set in the unit's TFR guidelines, or (ii) implement strategies for improvement recommended by the faculty review committee.
- Timing. The new policy encourages unit's to complete TFRs so that they may be included and considered during the annual merit review process in the spring.

III. Project consultations and further information.

The 2014 initial revisions were developed primarily by the Senate Faculty Review Standards Committee and Senate Executive Committee, in conjunction with a major restructuring of the Academic Senate and Senate committees, which in turn was part of a still-ongoing project of better integrating Career-line faculty into shared-governance structures and also providing for more appropriate review and reappointment processes for Career-line faculty. Details of the TFR aspects of the 2014 project may be seen as the legislative history of [Policy 6-303 Rev.21](http://regulations.utah.edu/academics/revisions_6/Leg%20History%20Rev%2021-%20Policy%206303%20Policy%206-310%20and%20Rule%206-310.pdf), at http://regulations.utah.edu/academics/revisions_6/Leg%20History%20Rev%2021-%20Policy%206303%20Policy%206-310%20and%20Rule%206-310.pdf.

This follow-up 2017 TFR proposal has been developed by a Task Force on Tenured Faculty Reviews which was specially convened for this purpose by the Office for Faculty. The Task Force members are:

Co-Chairs:

Hank Liese, College of Social Work

Pat Hanna, Departments of Linguistics and Philosophy, College of Humanities

John Bartley, Department of Geology and Geophysics, College of Mines and Earth Sciences

Members:

Olivia Sheng, Department of Operations and Information Systems, David Eccles School of Business

Robert Mayer, Department of Family and Consumer Studies, College of Social and Behavioral Sciences

Joel Harris, Department of Chemistry, College of Science

Ellen Bromberg, School of Dance, College of Fine Arts

Robert Fujinami, Department of Pathology, School of Medicine

Harriet Hopf, Department of Anesthesiology, School of Medicine

Stephanie Richardson, College of Nursing

The Task Force developed the proposal through a lengthy process with opportunities for input, including consultation with faculty and administrators through a series of ‘town hall’ type meetings, discussions with individual colleges as requested, presentations at Academic Leadership fora, discussions with the Council of Academic Deans, multiple discussions of general principles and early proposal drafts with the Senate Executive Committee and the Academic Senate, and in particular with the Senate Faculty Review Standards Committee. The proposal has been reviewed by the Institutional Policy Committee (which provides representation of all administrative areas of the University, including the office of General Counsel).

For further information, contact co-chairs Patricia Hanna <p.hanna@utah.edu>, or Hank Liese, <hank.liese@socwk.utah.edu>.

TFR Proposal, Part 1, for new Policy 6-321. {Draft 2017-1-18 for SFRSC}

(see also Proposal Parts 2 & 3, for TFR-related changes to Policies 2-005, 6-303)

Policy 6-321. Tenured Faculty Reviews (“TFR”). Rev. 0. [Effective date: July 1, 2017]

I. Purpose and Scope:

Purpose: In keeping with the principle that the faculty and administrative officers of the University have jointly “an affirmative obligation to manage its tenured faculty positions in a manner clearly conducive to the achievement of excellence in the discharge of its academic mission” and that there is a specific obligation of departments and colleges for “effectively carrying out programs for performance review and career development of tenured faculty members,” ([Policy 6-311-III-Sec. 7-A](#)), and in accord with Utah Board of Regents Policy requiring reviews of tenured faculty (both annual reviews along with all other faculty members, and also in-depth periodic post-tenure reviews—[Regents Policy R481 Post-Tenure Review](#)), the University establishes the following review processes for tenured faculty.

Scope: This Policy applies to all *tenured* members of the University faculty, and to all academic departments and University libraries which appoint tenured faculty members. It governs two types of performance review processes for tenured faculty members—routine abbreviated reviews conducted annually, and routine in-depth reviews conducted every five years, and for those two processes it assigns certain functions to departmental faculty review committees, academic department chairpersons, and academic college deans, the Senate Faculty Review Standards Committee, the University Promotion and Tenure Advisory Committee, and the Senate Consolidated Hearing Committee. ^[EndNote 1]

Other review processes for University faculty members are governed separately by other Policies, including: tenured faculty members reviewed for *promotion-in-rank* ([Policy 6-303](#)); faculty members holding any special “*named position*” such as an endowed chair ([Policy 9-003](#)); RPT reviews of *tenure-track* faculty members ([Policy 6-303](#)); and reviews of career-line, adjunct, and visiting faculty members ([Policy 6-310](#)).

In the course of any review of a tenured faculty member under this Policy, any issues that arise under the Code of Faculty Rights and Responsibilities ([Policy 6-316](#)), and/or are appropriate for consideration by the Senate Committee on Academic Freedom and Faculty Rights ([Policy 6-010](#)), or the Senate Consolidated Hearing Committee ([Policy 6-011](#)), will proceed as is appropriate under the relevant Policy.

II. Definitions. [Reserved].

III. Policy

A. Review Schedules, Procedures, and TFR Statements.

Each tenured faculty member is reviewed annually through an abbreviated process performed at the same time and in connection with the budget process, and is reviewed every five years through a more in-depth post-tenure review process. This policy describes the five-year periodic review process.

Departmental procedures for five-year periodic reviews shall be formulated by the department faculty, consistent with this Policy and other University Regulations, and shall involve a faculty review committee. They shall be described in a written Tenured Faculty Review (“TFR”) Statement (based on the approved University template). The TFR Statement (and any revisions) must be approved by a majority of the tenure-line faculty of the department, the dean of the college, and finally jointly by the cognizant senior vice president and the Senate Faculty Review Standards Committee. Two or more departments within a college may, by majority vote of the tenure-line faculty of each, adopt a single joint Statement. If all departments within the college so join, it shall be a college-wide Statement.

In its role in approving TFR Statements, the Senate Faculty Review Standards Committee acts as delegee of the authority of Academic Senate, pursuant to [Policy 6-002-III-D-1-k](#). In accord with that Policy the Committee, in consultation with the cognizant vice president, will (i) establish a regular schedule for reexamination and revision of TFR Statements (typically on a cycle of seven years to coincide with the review of RPT Statements), and may also initiate reviews of Statements on its own initiative or in response to requests from faculty members or administrators, and (ii) prepare a University TFR template and other guidance materials for use in developing and approving Statements, and otherwise assist departments and colleges with development of Statements, including by identifying and sharing best practices developed by other departments.

B. Five-year Tenured Faculty Review Process.

1. It shall be the duty of the department chairperson to ensure that a review of the work of each tenured faculty member of the department is completed every five years, in accord with this Policy and the departmental procedures described in the approved TFR Statement.

2. The review will be conducted by a departmental faculty review committee, which will report its findings and recommendations, including a specific statement of whether the faculty member is meeting the standards for a tenured member in the department. The committee’s report will be copied to the reviewed faculty member, and then submitted to the department chairperson, the college dean, and the cognizant senior vice president. The faculty member under review shall have adequate opportunities to provide input at each step in the process. The

committee's findings and recommendations will then be implemented, unless a University Promotion and Tenure Advisory Committee ("UPTAC") review is sought.

3. A reviewed faculty member, department chairperson, or dean who disagrees with the findings or recommendations of the review committee may seek a review of the findings and/or recommendations by UPTAC [see [Policy 6-304](#)]. In these cases, UPTAC shall review the entire file consistent with requirements of Policy 6-304, to determine if: (i) the review committee reasonably applied the criteria, standards and procedures applicable to the case, and (ii) the findings and recommendations are supported by the evidence presented.

If UPTAC determines that the departmental review committee's findings and recommendations satisfy these standards, those findings and recommendations will be the final result of the review procedure under this Policy. If UPTAC determines that the review committee's findings or recommendations do not satisfy the standards, UPTAC will describe the particular errors and appropriate means of correcting those errors. The departmental review committee will submit revised findings and recommendations which, when determined by UPTAC to meet the above standards, will be the final result of the review procedure under this Policy.

4. If, as the final result of the review procedure (including any appeals), the faculty member under review is found to be meeting the standards for a tenured faculty member in the department, the cognizant senior vice president will formally acknowledge the evaluation and will consult with the dean and department chair to designate an appropriate recognition for the achievement. If instead, the faculty member is found not to be meeting the minimum standards required of a tenured faculty member in the department, the department chairperson, together with a review committee, shall consult with the reviewed faculty member and develop strategies, timelines (including those for follow-up reviews), and recommendations for improvement.

5. The department chairperson will ensure that all final recommendations of the review are followed.

EndNote 1. Adaptation for other organizational structures. The roles of participants in the TFR process are here described based on the most common academic organizational structure within the University, of a faculty member holding a tenured appointment in an academic department administratively headed by a department chairperson, situated within a multi-department academic college administratively headed by a dean. The Policy shall be interpreted as needed to adapt to other types of academic structures. Responsibilities described here for both the department chairperson and the college dean shall be carried out by the dean alone in a *single- department college* structure and by the library director (or equivalent) alone in a University *library* structure. See [Policy 6-001](#) for further information regarding organizational structures.

[Note: The parts this Regulation (listed below) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per [Policy 1-001](#) and [Rule 1-001](#).]

IV. Rules, Procedures, Guidelines, Forms and other related resources

- A. Rules
- B. Procedures
- C. Guidelines
- D. Forms: **Template Guidance for Departmental TFR Statements**
- E. Other related resource materials:
Supplemental Rules (Departmental TFR Statements)

V. References: (Reserved)

VI. Contacts:

The designated contact officials for this Policy are:

A. Policy Owner (primary contact person for questions and advice): Associate Vice President for Faculty and the Associate Vice President for Health Sciences.

B. Policy Officers: Sr. Vice President for Academic Affairs and the Sr. Vice President for Health Sciences.

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A 'Policy Officer' will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

"The Policy Officer will identify an 'Owner' for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining -requirements of particular Policies... "

University Rule 1-001-III-B & E.

VII. History

Revision History:

- A. Current Version: Revision 0 (new policy). Effective date [July1, 2017]
Approved: Academic Senate [date]
Approved: Board of Trustees [date]
Legislative History of Revision 0 { *upload and link legislative history file* }
- B. Earlier versions: (Reserved). [Note: From 2014 until July 1, 2017 the primary contents of University Regulations related to tenured faculty reviews were located in Policy 6-303-III-L, and as of 2017 those contents were moved here to new Policy 6-321 and extensively revised. Information about the contents of the regulations as they existed prior to July 2017 may be seen in the legislative history of Policy 6-303 [Revision 21](#).

Proposal for TFR-related revisions to Policies 2-005, and 6-303--- for the purposes of (i) conforming to the change of moving the primary policy governing TFR into new Policy 6-321, and (ii) eliminating existing contents which would conflict with the new policy.

(a) Policy 2-005 *which describes the duties of department chairpersons, including duties regarding tenured faculty reviews, and until 2014 was the only University Policy explicitly addressing the topic of reviews of tenured faculty) is now revised to conform to the enactment of new Policy 6-321 as the policy to primarily govern TFR.*

Policy 2-005: Officers of the University. Revision 7. [Effective July 1, 2017].

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Section 5. Department Chairpersons

A. Appointment

Each academic department shall be administered by a department chairperson, appointed by the president, with the approval of the Board of Trustees.

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A. Review of Tenured Faculty

In order to carry out the above responsibilities more effectively, **it shall be the duty of the department chairperson to administer a review of the work of each tenured faculty member of the department, in accord with the schedules and procedures described in Policy 6-321 Tenured Faculty Reviews (“TFR”), every five years. Such Procedures shall involve a faculty review committee. Procedures for such a review process shall be formulated by the chairperson, in consultation with the department faculty, and submitted to the dean of the college and to the vice president for academic affairs for approval. Any revision of these Procedures will be subject to similar approval. If, as a result of the review Procedure, the person under review is deemed not to be meeting the minimum standards required of a tenured member of his/her department, the chairperson, together with a review committee, shall consult with the faculty member in question and develop strategies for improvement of his/her performance.**

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F. Colleges Without Departments

In nondepartmentalized colleges and schools the dean functions as the department chairperson.

* * * *

(b) Policy 6-303 which governs RPT reviews of tenure-line faculty, and from 2014 to the present has also been the primary policy governing TFR is revised to conform to the change of removing the TFR-related policy contents from 6-303 and making new Policy 6-321 be the primary policy governing TFR.

Policy 6-303: Reviews of Tenure-Line Faculty Members (RPT ~~and TFR~~ Criteria, Standards and Procedures). Revision 23 [Effective date: July 1, 2017].

I. Purpose and Scope.

To establish criteria, standards, and procedures for reviews of tenure-line faculty members for purposes of retention, promotion, and tenure decisions (RPT), ~~and for periodic post-tenure reviews of tenured faculty members (TFR)~~. To implement policies of the Utah State Board of Regents regarding such reviews, including Regents Policy R481, Academic Freedom, Professional Responsibility, Tenure, Termination, and Post-Tenure Review. To establish departmental retention, promotion, and tenure advisory committees ~~and committees for reviews of tenured faculty~~, and describe their functions. To describe certain functions of the Senate Faculty Review Standards Committee, the University Promotion and Tenure Advisory Committee, the Senate Consolidated Hearing Committee, and the Senate Committee on Academic Freedom and Faculty Rights, and functions of University officers (department chairpersons, deans, cognizant vice presidents, and the President, as related to retention, promotion, and tenure, ~~and post-tenure~~ reviews.

This Policy governs performance review processes for all faculty members appointed to any tenure-line faculty position in any academic unit of the University (except processes for periodic post-tenure reviews of tenured faculty, which are governed by Policy 6-321). The rights associated with the status of retention in a tenure-track position, or holding a tenured position, are described in other University Regulations, including Policy 6-311. Review processes for faculty members appointed to career-line, adjunct or visiting faculty category positions (as described in Policy 6-300), or for persons in non-faculty academic employee positions (as described in Policy 6-309), are separately governed by [Policy 6-310]. Review processes for persons holding any special “named position” such as an endowed chair are separately governed by [Policy 9-003: Endowed Chairs].

....

III. Policy: Reviews of Tenure-line Faculty Members (RPT ~~and TFR~~).

Overview: This Policy governs the criteria, standards, evidence and procedures for ~~all~~ certain types of reviews of tenure-line faculty members both pre-tenure and post-tenure. Parts III-A to III-J govern reviews conducted during the pre-tenure probationary period leading up to the granting of tenure, and also any reviews for purposes of promotion in rank conducted after granting of tenure. Part III-K governs reviews for granting of tenure at the time of initial appointment. ~~Part III-L governs~~ Regular periodic post-tenure

reviews of tenured faculty members (other than reviews for the purpose of granting a promotion in rank) are governed by separate Policy 6-321.

A. Retention, promotion, and tenure (RPT) reviews

....

L. Tenured Faculty Reviews (TFR). [*User note: Periodic post-tenure reviews of tenured faculty members (other than for the specific purpose of considering promotion-in-rank) are governed by new Policy 6-321, beginning July 1, 2017.*]

~~1. In keeping with the principle that the faculty and administrative officers of the University have jointly “an affirmative obligation to manage its tenured faculty positions in a manner clearly conducive to the achievement of excellence in the discharge of its academic mission” and that there is a specific obligation of departments and colleges for “effectively carrying out programs for performance review and career development of tenured faculty members,” (Policy 6-311-III-Sec. 7-A), and in accord with Utah Board of Regents Policy requiring reviews of tenured faculty (both annual reviews along with all other faculty members, and also in-depth periodic post-tenure reviews—Regents Policy R481 Post-Tenure Review), the University establishes the following review processes for tenured faculty.~~

~~2. Each tenured faculty member shall be reviewed annually (through an abbreviated process along with all other faculty members), and shall be reviewed every five years through a more in-depth post-tenure review process.~~

~~3. It shall be the duty of the department chairperson to administer a review of the work of each tenured faculty member of the department every five years. The dean shall...ascertain that each department in the college is effectively reviewing tenured faculty members.~~

~~Procedures for these five-year periodic reviews shall involve a faculty review committee. Procedures shall be formulated by the chairperson, in consultation with the department faculty, in a written Tenured Faculty Review (“TFR”) Statement, which shall be submitted for approval to the dean of the college and jointly for final approval to the cognizant senior vice president and Senate Faculty Review Standards Committee. Any revision of the TFR Statement will be subject to similar approval.~~

~~In its role in approving TFR Statements, the Senate Faculty Review Standards Committee acts as delegee of the authority of Academic Senate, pursuant to Policy 6-002-III-D-1-k, and in accord with that Policy the Committee, in consultation with the cognizant vice president, may establish a regular schedule for reexamination and revision of TFR Statements, initiate reviews of Statements on its own initiative or in response to requests from faculty members or administrators, prepare guidance materials for use in developing~~

~~and approving Statements, and otherwise assist departments and colleges with development of Statements, including by identifying and sharing best practices developed by other departments.~~

~~4. If, as a result of the TFR review Procedure, the person under review is deemed not to be meeting the minimum standards required of a tenured member of his/her department, the chairperson, together with a review committee, shall consult with the faculty member in question and develop strategies for improvement of his/her performance.~~

~~[User note: This Part III L regarding Tenured Faculty Reviews is a new section within Policy 6-303, added through Revision 21 in spring 2014, combining contents existing contents of Part III A 1, and existing contents moved here from Policy 2-005, with updating. As of 2014, a project is underway to consider further extensive revising of this Policy section, which will be based on experiences of the Senate Faculty Review Standards Committee in its new role in approving TFR Statement contents, and advising and guiding in their formulation. For further information on the project, contact the V.P. Office for Faculty.]~~

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