Faculty Senate
MURRAY STATE UNIVERSITY

Faculty Senate Handbook Revisions
FSH 23-24-6

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Post-Tenure Review

☒ 1st Reading Draft Proposal Date: 4/2/2024

☐ Final Proposal Date

Handbook section number and title: **Multiple**

Subsection number and title: **Multiple**

Handbook Revisions: Update items in red-italics and delete items in red-italics and strike-through.

Official Use Only

Faculty Senate voting results: Yes:_____ No_____ Abstain: _____ _____
Signature, Secretary of the Senate

_____ Passed_____ Failed_____ _____
Signature, President of the Faculty Senate Date

_____ Approved___ Not Approved____ Needs Study_____
Signature, Vice President for Academic Affairs

_____ Approved___ Not Approved____ Needs Study_____
Signature, President of University

Board of Regents: Approved_____ Rejected_____ _____
Date of BOR meeting

Received by University President's Office: _____ Date:_____
Returned to Faculty Senate Office: _____ Date:_____

Rationale:

Whereas, the SACSCOC 2024 Principles of Accreditation requires that, "The institution publishes and implements policies regarding the appointment, employment, and regular evaluation of faculty members, regardless of contract or tenure status";

Whereas, current policy language regarding the annual review of faculty (Faculty Handbook Section 2.5) does not provide sufficient detail to fully meet the SACSCOC accreditation standard;

Whereas, House Bill 228 introduced in the 2024 Regular Session of the Kentucky General Assembly would require that, "performance and productivity of all faculty member shall be evaluated at least once every four years";

Whereas, House Bill 228 would also allow, "failure to meet college or university performance and productivity requirements" as grounds for removal, regardless of faculty status;

Whereas, the Eastern Kentucky University (EKU) Faculty Senate approved an annual review of tenured faculty policy (4.6.17 ACR) and post-tenure review policy (4.4.7 ACR) in 2000 and have operated with these policies in place for 23 years;

Whereas, the American Association of University Professors (AAUP) has provided minimum standards for good practice if a formal system of post-tenure review is established (AAUP, 1999);

Whereas, the Faculty Senate has the responsibility of initiating any policies relating to the rights and responsibilities of faculty members incident to their employment by the university;

Whereas, the Academic Policies subcommittee of the Faculty Senate began working on a post-tenure review policy during the 2023-2024 academic year; and

Whereas, if the Faculty Senate fails to act proactively, a post-tenure review policy could be imposed on faculty by law without open discussion and faculty input; now, therefore, be it

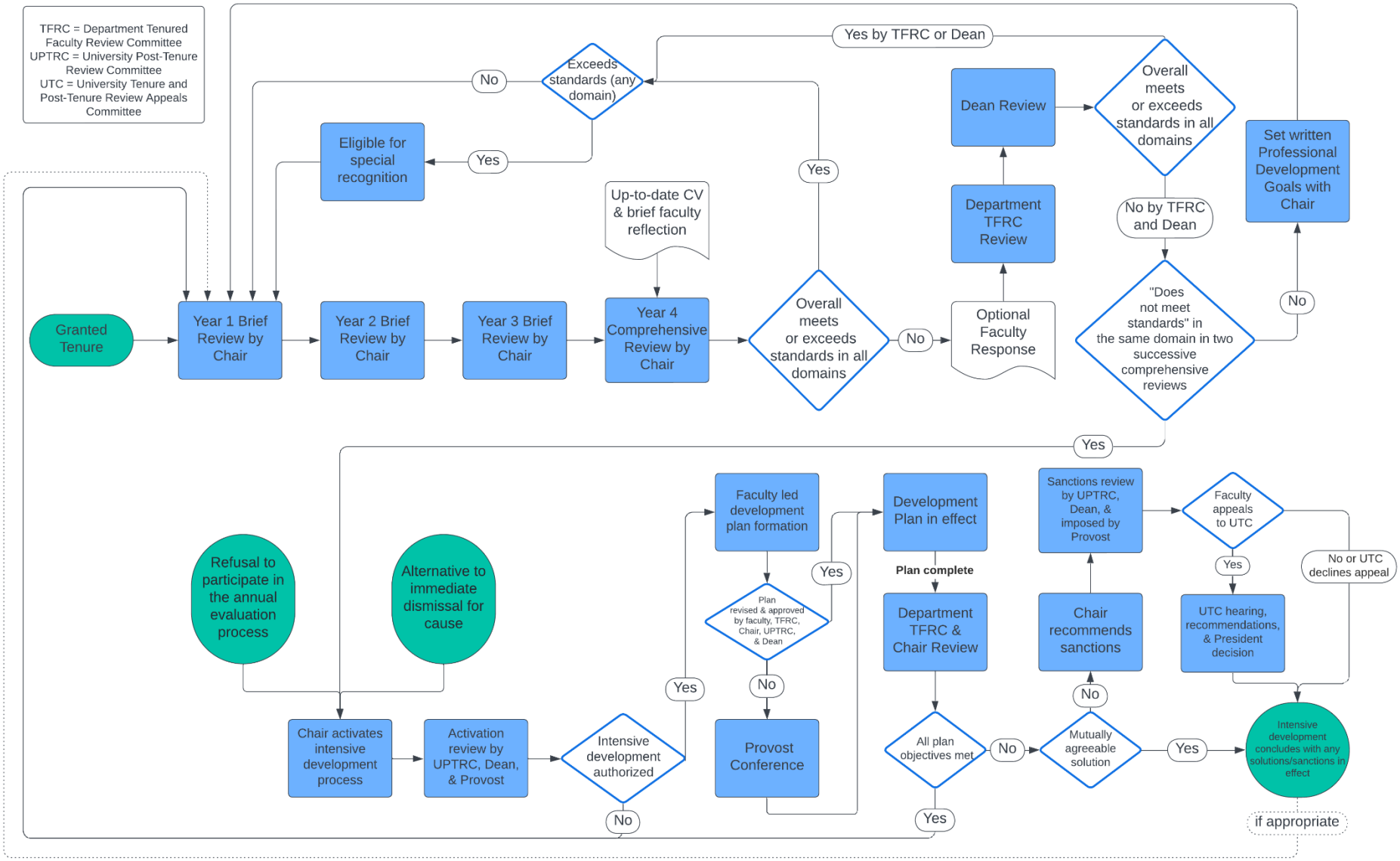
Resolved, that the Faculty Senate Executive Committee share a draft post-tenure review policy to guide an open and transparent university-wide discussion;

Resolved, that the draft policy use the EKU policies and Academic Policies working draft as a model and ensure that all AAUP minimum standards are met;

Resolved, that a full senate vote on this policy be called no sooner than the October 2024 Regular Senate Meeting to allow extended time for discussion, faculty and administrator feedback, and policy revisions; and

Resolved, that more immediate action on this policy only be taken if necessitated by the passage of HB 228 or similar legislation that mandates policy adoption by the Board of Regents on or before January 1, 2025 and only if preceded by a two-thirds majority vote of senators to suspend the rules to allow for early consideration.

Post-Tenure Review Policy Overview (Faculty Senate Executive Committee v3/26/24)



SECTION 2.5 OF THE FACULTY HANDBOOK IS AMENDED TO READ AS FOLLOWS:

2.5 Annual Evaluation Policy

The Murray State University Board of Regents has expressed the expectation that evaluations be conducted on a valid and systematic basis so that the effectiveness of faculty and administrators may be continually assessed. While the Board directly evaluates the performance of the President, it is necessary for appropriate evaluations to be conducted for the Provost and Vice President for Academic Affairs, Vice Presidents, Deans, Chairs/Unit Heads, faculty, and administrative staff.

It is recognized that each college/school of the university has its own unique qualities, expectations, and priorities and that the most effective evaluation system for faculty must be one centered at the college/school level. In addition to the university's systems for evaluation, (see the Academic Promotion Policy, Section 2.6.2, Number 1~~,~~; ~~and~~ the Tenure Policy, Section 2.7.4.1, Number 1, Teaching Excellence; and the Post-Tenure Review Policy, Section 2.19.1) each college/school may include peer evaluation, portfolios, follow-up studies, graduate success, and other methods consistent with fundamental fairness.

Faculty evaluations are shared each year with the individual faculty member being evaluated. These evaluations will become part of the documentation that will support recommendations for promotion or tenure. For tenured faculty, these annual evaluations will serve as post-tenure review and will be the basis for the awarding of special university recognition (see 2.19.2.3) and activation of intensive development plans (see 2.19.3).

A NEW SECTION OF THE FACULTY HANDBOOK IS CREATED TO READ AS FOLLOWS:

2.19. Post-Tenure Review

Tenured regular faculty have a responsibility to maintain appropriate performance standards in teaching, research and creative activity, and university service and professional activities throughout their career. Annual evaluations and intensive development plans are mechanisms to foster ongoing professional growth. At the same time, it is essential that these review processes respect and protect the principle of academic freedom, which is foundational to the scholarly inquiry and intellectual openness that drive innovation in teaching and the advancement of knowledge. These policies, modeled after Eastern Kentucky University's long-standing post-tenure review system and the American Association of University Professors' minimum standards for post-tenure review (AAUP, 1999), aim to uphold a culture of professional growth while safeguarding the academic freedom and tenure protections that allow faculty to explore, question, and innovate without fear of undue interference.

All tenured regular faculty (2.1.1.1) shall be subject to the post-tenure review processes in this section. Tenured administrative faculty (2.1.1.2) shall be subject to regular evaluation following the annual evaluation policy (2.5). If a tenured administrative faculty returns to or assumes the full-time duties and responsibilities of a regular faculty member they shall be subject to the post-tenure review processes in this section.

2.19.1. Establishing and Revising Performance Standards for the Annual Evaluation of Tenured Faculty

a. Each department/unit shall establish performance standards and procedures for the review of tenured faculty member's performance in the areas of teaching, research and creative activity, and

university service and professional activities. These performance standards may be based on existing department/unit annual evaluation standards, should be consistent with the Annual Evaluation Policy (2.5), Statement of Academic Freedom (2.9.1), and Code of Professional Ethics (2.9.2), and should be distinct from the criteria and processes for promotion (2.6) and tenure (2.7).

b. While it is the purview of each department/unit to establish criteria for annual performance evaluations of tenured faculty, the following university requirements are specified to ensure consistency and fairness of evaluations across departments/units.

1. The standard for evaluation should be "whether the faculty member under review discharges conscientiously and with professional competence the duties appropriately associated with their position" (AAUP, 1999). Criteria for the award of tenure or promotion should not be the standards for ongoing assessment of satisfactory performance. Departments/units should ensure that their evaluation standards for research and creative activity include a range of activities that faculty may engage in to demonstrate ongoing satisfactory performance and shall not base evaluation solely on the production of research and creative activity products used as the standard for tenure or promotion (e.g., peer reviewed publications, books, juried exhibits).

2. Because faculty responsibilities and activities vary from year to year, professional development leaves (see 2.10) and specific workload assignments must be taken into consideration. The comprehensive (Year Four) evaluation shall reflect any documented adjustments to workload, approved professional developments leaves, and relevant approved reasonable accommodations with regard to the performance standards. Substantial changes in teaching and service assignments as well as progress towards long-term teaching, research and creative activity, and university service and professional activities goals should also be taken into consideration.

3. Collegiality should be considered in all areas of evaluation but shall not be a separate criterion of assessment. Any collegiality concerns shall be supported by a contemporaneously documented pattern of non-collegial behavior, written notification from the department chair/unit head to the faculty member regarding specific collegiality concerns during at least one brief evaluation (Year 1, Year 2, and/or Year 3) during the review cycle, and non-responsiveness to the written feedback as evidenced by the persistent of non-collegial behavior following the provision of feedback. Non-collegial behavior may include, but are not limited to abusive communication (e.g. derogatory language, personal insults, threats), unprofessional conduct (e.g. persistent lateness, failure to perform agreed-upon duties, improper use of resources, ethical violations), and harassment or discrimination. Zealous critique, disagreement, and dissent are vital to academic freedom and shall not be the basis for a collegiality concern. Further, departments/units should ensure that collegiality is considered consistently across tenured faculty and should take care not to apply harsher expectations to faculty with diverse identities and beliefs. Nothing in this section shall limit the University's ability to address instances of harassment, discrimination, or other serious misconduct using existing policy mechanisms (e.g., 2.9.3 Sexual Harassment Policy; 2.9.4. Policy on Intolerance; 2.8.6 Dismissal for Cause).

4. In the comprehensive (Year Four) evaluation of teaching, the IAS student evaluation instrument or another university-sanctioned student evaluation instrument may be used, but

shall not be the sole basis for evaluating faculty's teaching. At least one additional evaluative tool or technique shall be used to assess teaching performance.

5. The comprehensive (Year Four) evaluation will include an assessment of overall performance and assessment of specific performance in each of the three areas of evaluation: teaching, research and creative activity, and university service and professional activities. The ratings of "exceeds standards," "meets standards," and "does not meet standards" will be used for all assessments, and the ratings shall take into account faculty performance across the entire review period: Year 1, Year 2, Year 3, and Year 4.

c. The department/unit tenured faculty performance standards and procedures shall be approved by the majority of tenured faculty members and shall the Dean. Changes in the department/unit tenured faculty performance standards and procedures shall be made by a majority vote of the full-time tenured faculty members of the department/unit and shall be approved by the Dean by DECEMBER 1 prior to the year in which the changes are to take effect.

d. A written statement of tenured faculty performance standards and procedures shall be maintained by the Dean and department chair/unit head with a copy provided to the Provost. The department chair/unit head will disseminate the approved standards and procedures to the tenured faculty in their department/unit.

2.19.1.2 Establishing the Department/Unit Tenured Faculty Review Committee (TFRC)

Each department/unit shall establish a TFRC with the following guidelines:

a. The department/unit shall elect no fewer than three members of the TFRC, all of whom shall be elected by and from the tenured faculty of the department/unit, excluding the department chair/unit head. The members of the TFRC shall be elected no later than December 1 of the year prior to the year in which it is to function.

b. If a department/unit does not have at least three eligible TFRC members, the TFRC may select tenured faculty outside the department and within the college to serve on the TFRC with the advice of the college Dean.

c. No member of the TFRC can also serve on the University Post-Tenure Review Committee (UPTRC) or University Tenure and Post-Tenure Review Appeals Committee (UTC).

d. A member of the TFRC shall not participate in the review of a case where there is a conflict of interest, including a review of their own case. In such circumstances, the TFRC shall select an alternate or alternates from eligible department/unit tenured faculty members to serve for the case. If a department/unit does not have enough eligible tenured faculty to select from, the TFRC may select tenured faculty outside the department and within the college to serve for the case with the advice of the college Dean.

2.19.2 Annual Evaluation Process for Tenured Faculty

The tenured faculty review process will consist of annual reviews over a four-year recurring cycle of assessment. Years One, Two, and Three may be brief and formative in nature, while the Year Four review shall be more in-depth and provide a comprehensive evaluation of tenured faculty performance

across the four-year cycle. Departments/units and colleges may adopt additional brief and comprehensive evaluation procedures and requirements as long as they conform with the minimum requirements specified in this section.

A tenured faculty member may request a written review by the department/unit TFRC during any year of the assessment cycle and a record of any such review shall be maintained by the department chair/unit head and Dean. Year One of the assessment cycle will be the calendar year during which a faculty member was granted tenure by the Board of Regents.

Faculty on leave during the Spring semester following Years One, Two, and Three of the review cycle shall complete their brief annual review with the department chair/unit head by SEPTEMBER 15 and remain on the scheduled review cycle. Faculty on leave during the Spring semester following Year Four of the review cycle shall submit all comprehensive evaluation materials by FEBRUARY 1 with the comprehensive review of their performance continuing with the published timeline. In extenuating circumstances and with approval of the Provost in consultation with the Dean and department chair/unit head, a faculty member on leave during the Spring semester following Year Four of the review cycle may delay their comprehensive (Year Four) review for one calendar year.

Implementation. Faculty granted tenure in any year prior to the implementation of this policy will be randomly assigned to begin in Year One, Year Two, Year Three, and Year Four of the review cycle in a staggered manner to balance the number of comprehensive reviews conducted each year. Comprehensive evaluations conducted during the first three years after implementation will be considered pilot evaluations and shall not be used as the basis for the activation of intensive development.

2.19.2.1 Brief review (Year One, Year Two, and Year Three Review)

During the spring semester, but no later than MAY 15, department chairs/unit heads will hold a conference with each tenured faculty member in the department/unit to discuss performance during the previous calendar year and will provide the faculty member with a brief written annual review with a copy to the Dean. During this conference the department chair/unit head and the faculty member will discuss the faculty member's progress toward or achievement of the previous year's goals; any areas of concern, including but not limited to the department/unit tenured faculty performance standards; and the faculty member's professional development goals for the current calendar year. Departments/units may require faculty to submit materials documenting their performance and productivity for the purpose of these brief reviews.

2.19.2.2 Comprehensive Review (Year Four)

1. For the year four comprehensive review, tenured faculty members will prepare a short (1-3 page) reflection regarding their professional accomplishments in the areas of teaching, research and creative activity, and university service and professional activities since the last four-year review cycle. Tenured faculty members will also provide an up-to-date CV and departments/units may require additional materials documenting faculty performance and productivity. Evaluation materials shall be provided to the department chair/unit head no later than FEBRUARY 1.

2. During the spring semester, but no later than MARCH 1, department chairs/unit heads will provide tenured faculty members scheduled for a comprehensive review (year four) a written comprehensive

evaluation of their performance over the past four years. The comprehensive evaluation will follow the department/unit's approved tenured faculty performance standards and procedure and university-wide guidance provided in 2.19.1.b. Assessments of "exceeds standards" or "does not meet standards" shall be accompanied by a written explanation by the department chair/unit head.

a. Faculty receiving a performance assessment of "meets standards" or "exceeds standards" overall and in each domain by the department chair/unit head will return to the first year of the four-year assessment cycle. Faculty who also receive an "exceeds standards" assessment in any domain by the department chair/unit head will be eligible for special university recognition (see 2.19.2.3).

b. Faculty receiving a performance assessment of "does not meet standards" overall or in any domain may respond to the department chair/unit head in writing by MARCH 15 with a copy to the department TFRC. Comprehensive (year four) reviews containing a department chair/unit head performance assessment of "does not meet standards" overall or in any domain shall be reviewed by the department/unit TFRC prior to review by the Dean. The department chair/unit head shall provide the TFRC with the faculty's review materials, the chair's written evaluation, and a copy of the relevant department/unit's turned faculty performance standards by MARCH 1. The department/unit TFRC shall indicate in writing, with an explanation, whether they concur with each "does not meet standards" rating by APRIL 1.

A department/unit or college may elect to conduct comprehensive reviews by the department/unit TFRC for all faculty undergoing comprehensive review. In addition, they may adjust the comprehensive review sequence to conduct the department/unit TFRC review prior to the department chair/unit head evaluation as long as step 3 is completed by the published deadline.

3. The department chair/unit head will submit their written reviews for all tenured faculty members scheduled for a comprehensive review (year four), including any written response by the faculty member and any report from the department/unit TFRC, to the Dean no later than APRIL 1.

4. The Dean will indicate in writing to the department chair/unit head and tenured faculty no later than APRIL 15 whether they agree with the assessments for all faculty who receive a performance assessment of "does not meet standards" overall or in any domain by the department chair/unit head or department/unit TFRC, with an explanation if they do not concur.

a. Faculty receiving a performance assessment of "meets standards" or "exceeds standards" overall and in each domain by either the TFRC or the Dean will return to the first year of the four-year assessment cycle. Faculty who also receive an "exceeds standards" assessment in any domain by either the TFRC or Dean will be eligible for special university recognition (see 2.19.2.3).

b. Faculty receiving a performance assessment of "does not meet standards" in any domain by the department chair/unit head with concurrence by both the TFRC and the Dean during their first review cycle as a tenured faculty or following an annual review cycle where they received a performance assessment of "meets standards" or exceeds standards" in the domain(s) currently not meeting standards will return to the first year of the four-year assessment cycle. They shall set written professional development goals in consultation with the department chair/unit head

no later than SEPTEMBER 15. These goals should focus on the performance concerns identified in the comprehensive review and should include specific outcome objectives. The department chair/unit head shall assess and document the faculty member's progress towards these goals during each annual review of the subsequent review cycle, or until all goals are met.

c. Faculty receiving a performance assessment of "does not meet standards" in the same domain(s) by the department chair/unit head with concurrence by both the TFRC and the Dean during two successive annual review cycles will begin the intensive development process (see 2.19.3).

2.19.2.3 Special University Recognition

Tenured faculty who receive a comprehensive performance assessment of "exceeds standards" in one or more domains and at least "meet standards" in all domains as determined by the chair, TFRC, or Dean will be eligible for special university recognition. The dean shall forward all eligible faculty to the College's Committee on Faculty Development within the University Standing Committee System by APRIL 15. Each college committee will identify standards that they will use to award the special recognition awards, which shall be based on the materials submitted by the faculty member for the comprehensive annual review and the comprehensive evaluation report of the chair (and TFRC and Dean, if applicable). The number of faculty awards per college will be proportionate to the number of tenured faculty in each college, as determined by the Board of Regents Teaching awards distribution system. A one-time monetary award of no less than $1,000 shall be given to individual faculty awarded special university recognition by the college awards committee. The college committee will notify awarded faculty members, their department chair/unit head, and Dean by MAY 15 and the awards shall be available to each awarded faculty to be used within the subsequent fiscal year at their discretion for travel, equipment, materials, professional development, outreach, or other professional expenses with chair approval. The Provost and Vice President for Academic Affairs shall designate a line item of no less than $20,000 in the annual budget for these special recognition awards.

2.19.3 Intensive Development

Intensive development is intended to be a more formal professional development mechanism to address faculty performance concerns after other attempts, including the annual evaluation process of tenured faculty, have not resulted in sufficient improvement. The intensive development process does not become activated until at least one of the following conditions apply:

a. Refusal to participate in the annual evaluation process as described in 2.19.2 (Annual Evaluation Process for Tenured Faculty).

b. A performance assessment of "does not meet standards" overall or in the same domain in two successive comprehensive (Year 4) evaluations by the department chair/unit head with concurrence by the TFRC and the Dean (see 2.19.2.2.4)

c. A recommendation from the department chair/unit head, University Post-Tenure Review Committee (UPTRC), the Dean, and the Provost to activate the process in lieu of immediate dismissal for cause.

Refusal of the faculty member to participate in any aspect of the intensive development process can result in sanctions as described in this policy. If the department chair/unit head believes that a refusal to participate has occurred, they shall notify the faculty member in writing of the specific basis for their belief and shall propose specific action(s) for the faculty member to demonstrate good faith participation in the process within 10 calendar days of notification. The faculty member shall have the opportunity to demonstrate good faith participation and respond in writing within 10 calendar days. If after 10 calendar days the department/unit head continues to believe that a refusal to participate has occurred, they shall document the refusal in the intensive development file along with any faculty response and should consider any instances of refusal when recommending and justifying sanctions (if applicable; see 2.19.3.3). The intensive development process does not replace nor prevent the university from dismissing a tenured faculty using existing faculty separation policies (2.8), including dismissal for cause (2.8.6).

2.19.3.1 Intensive Development Activation

1. By MAY 15 of the Spring semester following year four of the annual evaluation cycle the department chair/unit head shall notify the faculty member in writing of the intent to activate the intensive development process. The condition or conditions for activating the process shall be provided in writing to the faculty member (see 2.19.3 for conditions).

    a. Prior to activation for refusal to participate in the annual evaluation process, the department chair/unit head shall first provide in writing specific action(s) for the faculty member to demonstrate good faith participation in the annual evaluation process within 10 calendar days of notification. If after 10 calendar days the department/unit head continues to believe that a refusal to participate in the annual evaluation process has occurred, they shall state so in writing and may proceed with the notification of the intent to activate intensive development. In extenuating circumstances, the department chair/unit head may grant an extension to annual evaluation deadlines of up to 30 calendar days, the Dean in consultation with the department chair/unit head may extend the deadline for the brief review conference (Years One, Two, and Three) to SEPTEMBER 15, and the Provost, in consultation with the department chair/unit head and the Dean may delay a comprehensive (Year Four) review for one calendar year.

    b. In the case of activation as an alternative to immediate dismissal for cause, the specific factual basis that just cause exists shall be provided along with a justification as to why the performance concerns are not appropriate for remediation through the annual evaluation process for tenured faculty.

2. By SEPTEMBER 1, the notified faculty member may respond in writing to the notification of the intent to activate the intensive development process. They may also submit the name of a tenured faculty member within or outside their college to serve as a temporary member of the UPTRC.

3. The department chair/unit head will activate the intensive development process by submitting the notification and supporting materials to the Dean and Provost. Supporting materials shall include any written response by the notified faculty member, the name of the temporary UPTRC member selected by the notified faculty member (if provided), the condition or conditions that are activating the process, and all annual evaluation materials pertinent to the activation (see 2.19.2). The notified faculty member

shall also be provided with a copy of the notification and all materials. The Provost shall obtain written agreement to serve from the temporary UPTRC member selected by the notified faculty member (if provided) and shall forward the notification and all supporting materials to the chair of the UPTRC by SEPTEMBER 15.

4. By OCTOBER 1, the UPTRC and Dean shall state independently in writing whether they concur with the recommendation for intensive development. If they do not concur they shall state in writing the reasons for the differing recommendation. They shall forward their written recommendations to the Provost.

5. By OCTOBER 15, the Provost shall make a determination whether there is sufficient basis for intensive development and shall notify the faculty member, department chair/unit head, chair of the UPTRC, and the Dean. In circumstances where intensive development is activated as an alternative to immediate dismissal for cause (2.19.3.c), the Provost shall only authorize the process if they, the department chair/unit head, UPTRC, and the Dean all recommend the activation of intensive development. If the Provost determines that there is insufficient basis for intensive development the faculty member will resume the routine annual evaluation process for tenured faculty (2.19.2). If mutually agreeable to the notified faculty member and the Provost, the Provost may decline to authorize intensive development for a faculty member who has committed in writing to voluntary separation from their tenured faculty position at the conclusion of the current or following academic year.

2.19.3.2 Formation of the Intensive Development Plan

1. By NOVEMBER 1, the faculty member undergoing intensive development, the chair of the department/unit Tenured Faculty Review Committee (TFRC), the chair of the UPTRC, and the faculty member's selected temporary member of the UPTRC (if applicable) shall collaboratively develop a written intensive development plan to address the conditions that activated the intensive development process (see 2.19.3.2.1 for plan specifications).

a. If all parties mutually agree to a plan, they shall all state so in writing and the chair of the UPTRC shall forward the draft intensive development plan to the department/unit TFRC, department chair/unit head, UPTRC, and Dean.
b. In the event a mutually agreeable plan cannot be developed, the chair of the department/unit TFRC, the chair of the UPTRC, and the faculty member's selected temporary member of the UPTRC (if applicable) shall adopt a draft plan by majority vote and the faculty member undergoing intensive development may respond in writing by NOVEMBER 15. The chair of the UPTRC shall forward the draft intensive development plan and any written response by the faculty member (when available) to the department/unit TFRC, department chair/unit head, UPTRC, and Dean.

2. By DECEMBER 1, the faculty member undergoing intensive development, chair of the department/unit Tenured Faculty Review Committee (TFRC), the chair of the UPTRC, and the faculty member's selected temporary member of the UPTRC (if applicable) shall meet or correspond with the department chair/unit head and Dean to collaboratively revise the intensive development plan. The chairs of the department TFRC and UPTRC shall also solicit feedback from their respective committees regarding the intensive development plan as part of this collaborative process.

a. If all parties mutually agree to a plan, they shall all state so in writing and the chair of the UPTRC shall forward the finalized intensive development plan to the Provost. The intensive development plan will go into effect on JANUARY 1 of the following year.
b. In the event a mutually agreeable plan cannot be developed, the parties shall notify the Provost, who will schedule a conference no later than DECEMBER 15. The conference will be attended by the faculty member undergoing intensive development, their selected temporary member of the UPTRC (if applicable), the chair of the department/unit TFRC, the department chair/unit head, the chair of the UPTRC, the Dean, and the Provost. During the conference the parties should discuss and attempt to resolve any remaining areas of disagreement in the intensive development plan. This process shall be a good faith mutual negotiation guided by "a commitment to improvement by the faculty member and to the adequate support of that improvement by the institution" (AAUP, 1999). If all parties mutually agree to a plan during the conference, they shall all state so in writing and the intensive development plan shall go into effect on JANUARY 1 of the following year. In the event a mutually agreeable plan cannot be reached by the end of the conference, the intensive development plan shall be finalized by a majority vote of all conference attendees and shall go into effect on JANUARY 1 of the following year.

2.19.3.2.1 The Intensive Development Plan

Intensive development plans shall be in effect for one calendar year. One additional year may be requested by the faculty member and granted with the written approval of the department/unit TFRC, department chair/unit head, UPTRC, Dean, and Provost. The intensive development plan should respect academic freedom and professional self-direction, and may be modified or successfully ended early with the written approval of the faculty member undergoing intensive development, department/unit TFRC, department chair/unit head, UPTRC, Dean, and Provost. The intensive development plan shall:

1. Identify specific concerns to be addressed;

2. Define specific outcome objectives to remedy the concerns that are reasonable and measurable;

3. Outline the activities required to achieve the objectives;

4. Set timelines, with specific milestones throughout the plan, for achieving the objectives;

5. State the criteria for completion of the plan;

6. Identify sources of funding or other support required to implement the plan, if necessary; and

7. Identify mechanisms to document and notify the TFRC and department chair/unit head of the completion of all plan activities, milestones, and objectives.

While the intensive development plan is in effect the faculty member shall meet at least twice during each regular academic semester with the chair of the department/unit TFRC, the chair of the UPTRC, and the faculty member's selected temporary member of the UPTRC (if applicable) to discuss their progress. Any concerns should be brought to the attention of the department chair/unit head, and all parties should work collaboratively to support the faculty member in achieving the specific outcome objectives.

2.19.3.3 Assessment of the Intensive Development Plan and Sanctions Procedures

1. By FEBRUARY 15 of the calendar year following the conclusion of the intensive development plan, the TFRC and department chair/unit head shall independently assess the achievement of the stated objectives and shall make a final written report indicating how each objective was achieved or not achieved. The committee and department chair/unit head shall make an overall finding of whether the faculty member has satisfactorily met all intensive development plan objectives.

a. If the department chair/unit head concurs with a TFRC finding that the intensive development plan has been fulfilled they will indicate so in writing to the faculty member, department/unit TFRC, UPTRC, Dean, and Provost, the intensive development process will successfully conclude, and the faculty member will resume the normal annual review cycle as provided in the Annual Evaluation Process for Tenured Faculty (2.19.2).

b. If the department chair/unit head does not concur with the TFRC finding, the intensive development plan shall be reinstated to the end of the calendar year to allow additional time for faculty development and assessment of plan objectives. The department chair/unit head shall notify the faculty member, department TFRC, UPTRC, Dean, and Provost and the parties are encouraged to modify the intensive development plan (see 2.19.3.2.1) to clarify the outcome objective(s) where there was a differing evaluation. At the end of the plan extension, the assessment of the intensive development plan shall resume with step 1 of this section. If the department chair/unit head continues to not concur with a TFRC finding after an extension due to differing evaluation the intensive development plan will be considered fulfilled and the department chair/unit head will follow the approval actions specified in this section.

c. If the department chair/unit head concurs with a TFRC finding that the faculty member has not satisfactorily met all intensive development plan objectives they shall notify the faculty member, TFRC, UPTRC, Dean, and Provost and will schedule a conference with the faculty member by MARCH 1. The purpose of this conference shall be to discuss and explore mutually agreeable solutions to the ongoing performance deficiencies, including, but not limited to reassignment to other duties or voluntary separation. The faculty member may invite their selected temporary member of the UPTRC (if applicable) to attend the conference, and if mutually agreeable to the department chair/unit head and faculty member, the chair of the department/unit TFRC, the chair of the UPTRC, the Dean, and/or the Provost may also attend. If a mutually agreeable solution is reached, formalized in writing, and approved by the Provost by MARCH 15 the intensive development process will conclude with any solutions going into effect on JULY 1 unless otherwise agreed to by the parties. If an agreement is not reached and approved by the Provost by MARCH 15 the department chair/unit head shall recommend and provide written justification for sanctions to the faculty member by APRIL 1. The faculty may respond in writing by APRIL 15. The department chair/unit head will forward their report and sanctions recommendation, the TFRC report, any written response by the faculty member (when available), and all supporting materials to the UPTRC, Dean, and Provost.

2. By MAY 1, the UPTRC and Dean shall independently state in writing whether they concur with the recommendation for sanctions and shall forward their written report to the Provost. If the UPTRC and

Dean do not concur with the department chair/unit head's recommendation for sanctions, they shall state in writing the reasons for the differing recommendation.

3. By MAY 15, the Provost shall notify the faculty member of any imposed sanctions in writing, with a copy to the Dean, chair of the UPTRC, and department chair/unit head. If the sanctions differ from the recommendations made by the department chair/unit head, UPTRC, or Dean, the Provost shall state in writing the reasons for the differing decision. If the sanctions include dismissal for cause (2.8.6) or suspension of a faculty member (2.8.7), the Provost shall recommend instead of issue the sanctions. In such instances, the Provost shall forward the recommendation to the President, who shall not act on the recommendation until the appeals process is declined by the faculty member or complete.

4. The faculty member may appeal the Provost's decision no later than JUNE 15 (see 2.19.3.5; Appeals Process). If the faculty member does not provide notification of appeal by JUNE 15, sanctions other than dismissal for cause or suspension shall go into effect on JULY 1 unless a later date of effect was issued by the Provost. If the sanctions include a recommendation by the Provost for dismissal for cause or suspension, the President shall decide whether to initiate preferral of charges in a dismissal proceeding or suspension of the faculty member no sooner than JULY 1 and no later than DECEMBER 15, with notice to the faculty member, Provost, Dean, chair of the UPTRC, and department chair/unit head. If the faculty member appeals, the imposed sanctions shall not take effect until the appeals process is complete.

2.19.3.4 Sanctions

Sanctions may include, but are not limited to reassignment of duties, a reduction in rank, a salary freeze or reduction, other actions short of dismissal (2.8.7) including suspension with or without full pay and benefits, and dismissal for cause (2.8.6). The post-tenure review policy shall not limit faculty's due-process protections guaranteed elsewhere in the faculty handbook, including a hearing before the Board of Regents with a burden of proof that lies with the university for any sanctions imposed that include a suspension of longer than 30 days (2.8.7) or dismissal for cause (2.8.6).

2.19.3.5 Appeals Process

1. The faculty member may submit a written request for appeal to the University Tenure and Post-Tenure Review Appeals Committee (UTC) by JUNE 15 of the calendar year when the Provost imposed/recommended sanctions, with a copy to the Provost and President.

2. This appeal shall be a written request for a hearing, setting forth the basis or bases for the appeal together with a statement of facts in support thereof. The basis or bases for an appeal shall be that the sanctions imposed/recommended by the Provost resulted from improper procedure, or rests on grounds which violate academic freedom or Constitutional rights, or are arbitrary or capricious, or are disproportionate to the performance deficiencies or unduly punitive. Any claim of improper procedure must set forth facts sufficient to indicate that the departure is substantial and played a direct and significant part in the decision.

3. By JUNE 30, the UTC shall decide whether to hear the appeal. If the UTC grants a hearing it shall be concluded by SEPTEMBER 15. In such appeal procedures, the burden of proof is on the faculty member making the appeal. If the UTC does not grant a hearing, the chair of the committee shall notify the appealing faculty member with a copy to the Provost and President and sanctions other than dismissal

for cause or suspension shall go into effect on JULY 1 unless a later date of effect was issued by the Provost. If the sanctions include a recommendation by the Provost for dismissal for cause or suspension, the President shall decide whether to initiate preferral of charges in a dismissal proceeding or suspension of the faculty member no sooner than JULY 1 and no later than DECEMBER 15, with notice to the faculty member, Provost, Dean, chair of the UPTRC, and department chair/unit head.

4. In the event of a hearing, the appealing faculty member shall be guaranteed due process which shall include, but not be limited to, the right of access to the complete intensive development file and annual evaluation files pertinent to the activation of intensive development; the right to appear before the committee; the right to call witnesses on their behalf; the right to cross examine other witnesses; and the right to present evidence on their behalf with respect to the basis or bases of the appeal.

5. By OCTOBER 15, the UTC shall submit a written report to the President summarizing its findings and making recommendations as it deems appropriate. The report shall also be provided to the appealing faculty member.

6. By DECEMBER 15, the President shall decide on the appeal and notify the appealing faculty member, chair of the UTC, Provost, Dean, chair of the UPTRC, and department chair/unit head. The President may uphold or reverse the Provost imposed/recommended sanctions in-full or in-part, and may take any other actions they deem appropriate, including but not limited to those recommended by the UTC. Any sanctions upheld or imposed by the President shall go into immediate effect unless a later date of effect is issued by the president or if due process protections guaranteed elsewhere in the faculty handbook require a hearing before the Board of Regents (see dismissal for cause 2.8.6 and action short of dismissal 2.8.7) .

A NEW SECTION OF THE FACULTY HANDBOOK IS CREATED TO READ AS FOLLOWS:

1.5.4.17 University Post-Tenure Review Committee (UPTRC)

(This committee is established by the Post-tenure Review Policy as adopted by the Board of Regents <Date>)

Submits recommendations to the Provost and Vice President for Academic Affairs or as indicated.

Purpose: For further detail see the Post-Tenure Review Intensive Development policy (2.19.3)

1. To review activation requests for intensive development and make recommendations to the Provost;

2. To review intensive development plans and make recommendations to the Provost;

3. To review sanctions originating from the intensive development process and make recommendations to the Provost;

4. To advise the Provost and Vice President for Academic Affairs, at their request, of the University Post-Tenure Review Committee's interpretation of the Post-Tenure Review Policies in any instance where various interpretations may arise; and

5. To notify the Faculty Senate concerning recurring problems within the post-tenure review policy, procedure, and guidelines.

Membership: One tenured faculty member elected from each academic college/school and the University Libraries for a staggered three-year term. Should circumstances prevent a member of the University Post-Tenure Review Committee from serving, a replacement shall be elected by the college/school or library tenure committee. In addition to the standing members of the committee, a faculty member in intensive development may select one additional member of the committee from any full-time tenured faculty member within or outside their college. This additional committee member shall be a temporary member of the committee, shall only participate and vote in matters that involve the faculty member who selected them, and shall not chair the committee.

SECTION 1.5.3.2 OF THE FACULTY HANDBOOK IS AMENDED TO READ AS FOLLOWS.

1.5.3.2 University Tenure and Post-Tenure Review Appeals Committee (UTC)

(This committee is established by the Tenure Policy as adopted by the Board of Regents August 7, 1975, and amended February 21, 1976, and September 6, 1980. The charge of this committee was expanded to include oversight of the post-tenure review intensive development process, as adopted by the Board of Regents <DATE>)

Submits recommendations to the President or as indicated.

Purpose: For further detail see the Tenure Policy, Section 2.7 and Post-Tenure Review Appeals Process Section 2.19.3.5

1. To review tenure recommendations to ensure that the tenure policy, procedures, and administrative guidelines have been observed uniformly throughout the University;

2. To consider tenure and post-tenure review appeals and make recommendations to the President;

3. To write an annual report to the President of the University concerning areas of the University in which policy, procedures, or guidelines have not been followed;

4. To advise the Provost and Vice President for Academic Affairs, at his/her request, of the University Tenure Committee's interpretation of the Appointment and Tenure Policies in any instance where various interpretations may arise; and

5. To notify the Faculty Senate concerning recurring problems within the Tenure and Post-Tenure Review Policy, procedure, and guidelines.

Membership: One tenured faculty member elected from each academic college/school and the University Libraries (see 1.5.1). Should circumstances prevent a member of the University Tenure Committee from serving for a hearing or other official duty, a replacement shall be elected by the college/school or library tenure committee.

SECTION 2.4.1 OF THE FACULTY HANDBOOK IS AMENDED TO READ AS FOLLOWS.

2.4.1 Personnel Files for Ranked Faculty

Personnel files are maintained on each faculty member relative to his/her employment with the university. The essential contents and location of these personnel files are explained below:

The file in the Office of the President shall include:

1. original signed contracts; and other requested information.

The file in the Office of Institutional Diversity, Equity and Access shall include:

1. Affirmative Action Compliance information.

The file in the Office of the Provost and Vice President for Academic Affairs shall include:

1. vita and official transcript(s);
2. materials establishing academic credentials in lieu of a degree, if any;
3. the promotion file;
4. the tenure file;
5. the leave file;
6. the intensive development file (if applicable); and
7. other requested information.

The file in the Office of Human Resources shall include:

1. personal data;
2. hiring transaction documents (payroll notices);
3. payroll change documents (salary increases or changes, changes in status);
4. salary and fringe benefit data; and
5. insurance and benefits documentation.
6. Background Check Consent Form; and other requested information.

The file in the Office of the Dean shall include:

1. copy of vita and copy of official transcript(s);

2. annual reviews and evaluations;
3. personal data;
4. hiring transaction documents; and
5. personnel action forms.

The file in the departmental office shall include:

1. personnel action forms;
2. annual evaluations by the Chair;
3. an up-to-date vita;
4. letters of application; and
5. student course evaluations.

The file in the Budget Office shall include:

1. personnel action forms; and
2. other requested information.

These files are kept in the strictest confidence by those charged with their maintenance and are available only to the university President, the Board of Regents, the university legal counsel, the Provost and Vice President for Academic Affairs, and the individual faculty member. Others may obtain access on a need- to-know basis with the signature of the Provost and Vice President for Academic Affairs. Before such permission is granted, the faculty member will be notified by the Office of the Provost and Vice President for Academic Affairs. The requirements for confidentiality as set forth in this section (2.4) are subject to requirements for disclosure as set forth by state law.

The faculty member may, for the cost of duplication, obtain copies of all material in any personnel file described above, with the following exceptions: The complete tenure file and the complete promotion file kept in the Office of the Provost and Vice President for Academic Affairs may not be photocopied.

In addition, the university may permit access to and copying from such files pursuant to contract compliance or lawful requests from federal or state agencies relevant to investigations, hearings, or other proceedings pending before the court.

Overview of Brief (Year One, Year Two, and Year Three) Annual Evaluation Deadlines

Deadline	Process	Responsible Party
May 15	Brief review conference & brief written review	Department Chair and Tenured Faculty Member

Overview of Comprehensive Review (Year Four) Annual Evaluation Deadlines

Deadline	Process	Responsible Party
February 1	Comprehensive review materials submitted	Tenured Faculty Member
March 1	Comprehensive review written evaluation	Department Chair
March 15	Optional faculty response to any “does not meet standards” evaluation	Tenured Faculty Member
April 1	Department TFRC review of any “does not meet standards” evaluation	Department TFRC
April 15	Dean review of any “does not meet standards” evaluation	College Dean
May 15	Faculty awarded special university recognition notified by college committee	College’s Committee on Faculty Development
September 15	Professional development goals set for faculty with “does not meet standards” evaluations by Chair, TFRC, and Dean	Department Chair and Tenured Faculty Member

Overview of Intensive Development Deadlines

Deadline	Process	Responsible Party
Activation Year		
May 15[a]	Notification of intent to activate the intensive development process	Department Chair
September 1	Optional faculty response to intensive development notification and name of temporary UPTRC member	Tenured faculty member
September 15	Activation of intensive development	Department Chair and Provost
October 1	UPTRC and College Dean review	UPTRC and College Dean
October 15	Intensive development determination	Provost
November 1	Intensive development plan proposed	Tenured faculty member, Department TFRC chair, UPTRC chair, and faculty member's selected temporary member of the UPTRC
November 15	Optional faculty response to intensive development plan	Tenured faculty member
December 1	Intensive development plan revision	Department TFRC, Department Chair, UPTRC, and Dean
December 15	Optional Intensive development plan conference	Provost and all other parties
Plan Year		
January 1[b]	Intensive development plan in effect	
December 31[b]	Intensive development plan concludes	

Outcome Year

February 15[c]	Department TFRC and chair review of intensive development plan	Department TFRC and Department Chair
March 1	Solutions Conference	Tenured faculty member, Department Chair, and faculty member's selected temporary member of the UPTRC
March 15	Solutions deadline	Tenured faculty member and Provost
April 1	Chair proposes sanctions	Department Chair
April 15	Optional faculty response to sanctions	Tenured faculty member
May 1	UPTRC and Dean review of sanctions	UPTRC and Dean
May 15	Provost imposes/recommends sanctions	Provost
June 15	Appeal notification	Faculty under review
June 30	Appeal hearing decision	UTC
September 15	Appeal hearing	UTC
October 15	UTC report	UTC
December 15	President appeal/sanctions decision[d]	President

[a]End of Spring semester following Year 4 of the annual evaluation cycle for tenured faculty
[b]Intensive development plan year
[c]Year following the conclusion of the intensive development plan
[d]For sanctions that include suspension or dismissal for cause