

**Memorandum to accompany the Proposed AR on Post-Tenure Review
(November 13, 2000)**

The Post-Tenure Review policy (PTR policy) was adopted by the University Senate on December 13, 1999 and reflecting amendments adopted at that meeting. The proposed AR II-1.0-11 is the product of discussions between members of the Council and representatives of the University Administration. The Senate's approval of the PTR policy on December 13 was conditioned on the following proviso:

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

Converting the PTR policy to an Administrative Regulation. In putting the PTR policy into a proposed Administrative Regulation, the Senate Council worked with representatives of the President's staff and Jim Applegate to develop a mutually acceptable document. The proposed AR is that document. It was discussed extensively in Senate Council meetings and the Council, though not unanimously, recommends approval.

Background: Jim Applegate, then Senate Council Chair, headed the committee which developed the policy submitted to the Senate Council. In addition to Professor Applegate, the members of the committee were Kim Anderson, Lois Nora, Roy Moore, Nolan Embry, Richard Greissman, Michael Kennedy, and Sue Rimmer.

A note: The PTR policy circulated in October (page 3) requires Academic Units to develop a clear set of expectations for satisfactory performance. This requirement is embodied in a proposed change to another AR (AR II-1.0-5). Thus the omission of this requirement in AR II-1.0-11 does not represent a change from the PTR policy.

Substantive changes. In the view of the Senate Council, the changes between the PTR policy and proposed AR II-1.0-11, and the rationales for the changes, are as follows:

1) *PTR policy*: two unsatisfactory ratings in a substantial area of work in a four year period

AR: successive unsatisfactory ratings in a significant area of work

Rationale: the Med Center faculty are reviewed annually and it could cause problems if the PTR review were tied to a four year time frame. It makes sense for the PTR review to kick in after the second consecutive unsatisfactory rating.

2) *PTR policy*: significant area of work defined as 20% of teaching & research, 10% service

AR: 20% teaching, research & service

Rationale: The change simplifies the process. Raising the “bar” to 20% of the DOE will mean that PTR is not triggered when a faculty member performs poorly in a minor (by the DOE) area (for example, service) but does well in all major (by the DOE) areas.

3) *PTR policy*: one option to a consequential review is to change the DOE with approval of chair & dean

AR: Not mentioned

Rationale: unnecessary to include this option, because the faculty member, chair and dean can deal with deficiency in several ways, including changing the DOE. There are other means not mentioned (for example, leave of absence), and it’s probably best not to list alternatives to the PTR process, because listing one alternative might be interpreted as excluding alternatives not listed.

4) *PTR policy*: At election of faculty member, consequential review by: a) department chair; b) 3 member committee (member of college council selected by dean; non-member of college council selected by council, member chosen by faculty member; or c) subcommittee of college council.

AR: At election of faculty member, consequential review by: a) department chair; or b) 3 member committee of tenured faculty, one member selected by faculty member, one selected by dean, one selected by college faculty.

Rationale: simplifies things; should be tenured faculty. Some colleges don’t have

councils -- so “college faculty” is used in the AR. Everyone assumes that the college council will be used in colleges where such a council exists.

5) *PTR policy*: doesn't speak specifically to monitoring

AR: Not the purpose of the Consequential Review to evaluate the performance of the faculty member but rather to develop a plan to remedy the deficiencies indicated in the performance reviews. It is the responsibility of the department chair to recommend the plan that has been developed to the Dean for approval and to monitor the implementation of the plan approved by the Dean.

Rationale: spells out the roles. This language was urged by the Administration.

6) *PTR policy*: The original “agent” that created the development plan in the first place will submit the final report to the dean and advise whether the plan has been satisfactorily completed.

AR: The department chair shall make the final report to the dean. The faculty member will be provided an opportunity to comment on the report.

Rationale: the chair monitors the plan & should make the report and it would be impracticable or impossible to have the original three person committee make the report. The Administration feels that it is impracticable to involve the original review committee in the preparation of a final report. If a faculty member is concerned about the final report, the faculty member has the right to appeal to the applicable dean.

Item "C-2"

Senate members of UK-AAUP will introduce the following resolution on Monday 13 November 2000.

WHEREAS the University Senate of the University of Kentucky adopted a Tenured Faculty Review and Development Policy (TFRDP) on 11 December 1999, and

WHEREAS said TFRDP contained a provision that any substantive changes must be approved by the full University Senate, and

WHEREAS the proposed Administrative Regulation does contain substantive changes from the intent of the policy approved by the University Senate, and

WHEREAS such changes create a situation that may limit the extent of peer review and otherwise adversely affect the rights and privileges of members of this faculty, and

WHEREAS it is the right and obligation of the Senate to provide its advice to the administration on matters of academic policy, and to determine the content and format of such advice,

BE IT THEREFORE RESOLVED that the University Senate rejects the proposed AR presented by the UK administration, and

BE IT FURTHER RESOLVED that the University Senate endorses the revised AR attached to this resolution, and

BE IT FURTHER RESOLVED that the University Senate requests that the Senate Council and UK Chapter of the American Association of University Professors (UK-AAUP) appoint a joint committee to seek a meeting with the administration of the University to attempt to secure approval of the attached document, and

BE IT FURTHER RESOLVED that if there are substantive changes to the attached document, said document must be returned to the University Senate for its approval.

The proposed AR will be available on Thursday 2 November 2000 on the UK-AAUP web site:

www.uky.edu/OtherOrgs/AAUP

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Item "C-1"

TENURED FACULTY REVIEW AND DEVELOPMENT POLICY

This policy is designed to provide definitive guidance to units in supporting tenured faculty ~~who need assistance~~ to increase their productivity and to identify and address problems in performance.

This policy builds on the current system for conducting regular performance or "merit" reviews, as defined in AR II-1.0-5, of tenured faculty for purposes of salary increases. It requires the following:

A Consequential Review process must be instituted for any faculty member receiving successive unsatisfactory performance or "merit" reviews in a "significant area of work". For the purposes of this policy, a significant area of work is defined as a Distribution of Effort Agreement greater than 20% in the areas of instruction, research or service. The review is summative in nature and requires a plan to improve performance within a specified period.

Upon recommendation of the department chair and approval of the dean, a faculty member subject to evaluation under this plan may be exempted if there are extenuating circumstances (such as health problems). A decision by the chair not to recommend such exemption may be appealed to the Dean. A Consequential Review will not be undertaken until the final disposition of any appeal.

The Dean shall notify the faculty member and department chair of the initiation of a Consequential Review process and of the procedures of the review.

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

The Consequential Review will be conducted by the department chair, or at the request of the faculty member by a three-member ad hoc ~~faculty~~ committee of tenured faculty members including one member selected by the Dean, one member chosen by the faculty member, one member selected by the college faculty.

It is not the purpose of the Consequential Review to evaluate the performance of the faculty member but rather to develop a plan to remedy the deficiencies indicated in the performance reviews. It is the responsibility of the department chairperson to recommend the plan that has been developed to the Dean for approval and to monitor the implementation of the plan approved by the Dean. Ideally, the plan should grow out of an iterative collaboration among the faculty member, department chair and dean. The review should be completed within 60 days of notification of the initiation of the review.

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

The plan must:

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

The faculty member and his or her department chair should meet each semester to review the faculty member's progress towards remedying the deficiencies. A progress report will be forwarded to the dean.

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

When the objectives of the plan have been fully met, or in any case no later than three years after the start of the plan, a final report will be made by the department chair to the faculty member and the dean. The department chair shall provide the faculty member with a copy of the report before sending the report to the dean and the faculty member will be provided an opportunity to comment on the report if he or she wishes.

In those cases where serious deficiencies continue to exist after the Consequential Review plans are completed, dismissal for cause procedures may be initiated.

Each academic unit may create a process for a Developmental Review of tenured faculty, consistent with criteria in AR II-1.0-1, that includes setting individual faculty goals in collaboration with unit chairs, deans, and senior faculty colleagues. These reviews should be incorporated into the current performance review process for tenured faculty to minimize administrative burden.

Each Chancellor and Dean shall develop a process for allocating additional support funds in appropriate cases to provide support to faculty members undertaking a Consequential or Developmental Review.

Each Dean shall prepare annually a summary report on cases resulting from the implementation of the Tenured Faculty Review and Development Policy in that College and transmit the report to the Chancellor.