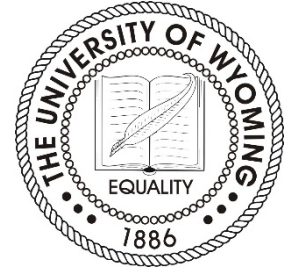

UNIVERSITY OF WYOMING REGULATIONS

Subject: Post-Tenure Review Policy

Number: UW Regulation 2-10



I. STATEMENT OF POLICY

Post-tenure review is the system by which faculty members holding tenured contracts receive regular performance evaluations. The system includes peer-review and remedial steps for cases in which a faculty member's performance falls below expectations in the judgment of a supervisor. Post-tenure review is not a mechanism for re-assessing the tenure of faculty members who hold it. Revocation of tenure is a serious matter requiring dismissal for cause, as defined in UW Regulation 2-1(V).

As discussed in this UW Regulation, it is possible for post-tenure review, including its peer review and remedial steps, to lead to a conclusion that a faculty member's performance constitutes neglect of duty or other deficiencies identified during the review process, which are grounds for pursuing dismissal under procedures defined in UW Regulation 2-6.

However, these are not the only grounds for dismissal and post-tenure review is not the only pathway for determining that it is appropriate to pursue dismissal.

II. DEFINITIONS

As used in this regulation:

Administrative unit: The department, program, division, center, or school to which a tenured faculty member is assigned for purposes of performance evaluation and recommendations related to compensation. The "unit faculty" providing votes and rationale are those specified in UW Regulation 2-7.

Administrative unit head or unit head: The supervisor of the administrative unit. Unit heads have a variety of titles at the university, including department head, department chairperson, program director, division director, and dean of a school. The unit head is responsible for performance evaluation and recommendations related to compensation.

Performance below expectations: Performance at an unacceptable level of accomplishment or competency in one or more major job duties during the time period covered by a post-tenure review. For faculty members the duties may include but are not necessarily limited to teaching, research, creative activities, service, and extension. A faculty member who has not received a rating of performing below expectations during a

post-tenure review period is presumed to have performed at least according to expectations for the period.

Performance improvement plan: A written document, developed by the faculty member, defining specific commitments to improve his or her performance in cases where it falls below expectations. A complete performance improvement plan includes (1) a description of the faculty member's strengths and weaknesses, (2) identification of verifiable goals to overcome the weaknesses, (3) an outline of activities and timelines for achieving these goals, and (4) a description of the criteria by which the faculty member, faculty peers, administrative unit head, and college dean may assess whether the goals have been met. Consistent with the level of intellectual independence and initiative associated with a faculty career, the faculty member is responsible for developing an acceptable performance improvement plan.

III. POST-TENURE REVIEW

The faculty in each administrative unit shall develop and formally approve definitions of major job duties, a minimum time frame for post-tenure review cycles, and a process and a set of minimum expectations for post-tenure review evaluation of faculty members. The process must be consistent with the unit's tenure and promotion procedures, and the performance expectations must make explicit the standards of the discipline.

- A. Tenured faculty members are assessed to determine, at a minimum, whether they are "proceeding according to expectations" or "performing below expectations" on major job duties (e.g., research/creative activities, teaching, extension and service).
1. If both the unit head and college dean determine that the faculty member is "proceeding according to expectations," then the post-tenure review is deemed completed. "Proceeding according to expectations" is considered meritorious for salary raise purposes.
 2. If both the unit head and college dean have assessed the faculty member as "performing below expectations" on one or more major job duty in the post-tenure review, then the college dean shall pursue one of the options specified in III(B) below. The faculty member may appeal the unit head and dean's "performing below expectations" decision and initiate proceedings according to III(A)(3).
 3. If the college dean determines the unit head and college dean are **not** in agreement on the "performing below expectations" assessment in the post-tenure review, **or** if the faculty member appeals the "performing below expectations" evaluations of both the unit head and dean on the post-tenure review year, then the college dean shall refer the case back to the administrative unit for peer review and the following procedures are enacted.
 - a. Each committee member and each administrator at each level (unit, college

IV. PERFORMANCE IMPROVEMENT PLAN (PIP)

If outcome III(B)(6) is the decision, the faculty member is obligated to construct, in consultation with and approval by both the unit head and college dean, a performance improvement plan (PIP) no later than 60 days after the “performing below expectations” final decision has occurred.

A PIP must conform to the following time limits:

- A. Teaching problems must be addressed within one year. Activities exemplifying improvement in teaching performance include, but are not limited to: consulting with the Ellbogen Center for Teaching and Learning personnel, attending teaching related workshops at UW or professional associations, enrolling in education method courses at UW or elsewhere, and having classroom observations by peers at least once a semester per course.
- B. Extension problems must also be addressed within one year. A “performing below expectations” evaluation concerning extension performances must be addressed and appropriate involvements stipulated at the unit level in consultation with the Director of University of Wyoming Extension. Activities exemplifying improvement in extension include, but are not limited to: conjoint applied research projects with colleagues at UW or elsewhere, attending continuing education and/or technical assistance workshops at UW or elsewhere, and development of courses for presentation by telecommunication systems.
- C. Research/creative activities problems must be addressed within a maximum of three years; shorter time periods are preferred if a reasonable chance of improvement is probable. Activities exemplifying improvement in research/creative performance include, but are not limited to: conjoint projects with colleagues at UW or elsewhere, review of projects and pre-publication submissions by colleagues at UW or elsewhere, and consultation with and advice from representatives of the Vice President for Research and Economic Development.
- D. Service problems must be addressed within one semester. A “below expectations” evaluation concerning service contributions must be addressed and appropriate involvements stipulated at the unit level in consultation with the college dean.
- E. (1) If the college dean determines that the proposed PIP is **acceptable** to both the unit head and college dean, then the proposed PIP is considered operative and the administrative constraints itemized below are in effect.

(2) If the college dean determines that the initially proposed PIP is **unacceptable** to the unit head or college dean, then the college dean refers the PIP to the unit’s tenure and promotion committee (or equivalent) for review and advice. (a) If the unit’s committee **rejects** the proposed PIP, then the faculty member must revise the PIP consistent with the committee’s recommendations. This revision is to be

completed within 30 days of receipt of the committee's rejection and recommended modifications. This revision is re-submitted to the unit head and college dean for acceptance. (b) If the revised PIP is unacceptable to either the unit head or college dean, then the revised PIP is sent to the Provost and Vice-President for Academic Affairs for a determination. (c) The Provost and Vice-President for Academic Affairs either accepts or rejects the revised PIP; rejection is sufficient grounds for pursuing dismissal for cause under UW Regulation 5-801.

(3) If the unit's committee **accepts** the PIP and both the head and dean accept the committee's decision, then the proposed PIP is considered operative. (a) If the college dean determines that either the unit head or the college dean rejects the committee's acceptance of the proposed PIP, then the PIP is referred to the Provost and Vice-President for Academic Affairs who either accepts or rejects the PIP. (b) Acceptance by the Provost and Vice-President makes the revised PIP operative while rejection of the proposed PIP by the Provost and Vice-President for Academic Affairs is sufficient grounds for pursuing dismissal for cause under UW Regulation 801.

Once a PIP is implemented, the following administrative constraints are operative:

- F.** Salary increases are **not** available to any faculty member working under a PIP.
- G.** The faculty member working under a PIP **cannot** file a separate "grievances and disputes" action under UW Regulation 2-2 related to the PIP and the post-tenure review process. (Discrimination complaints under UW Regulation 4-2 can be initiated at any time during the post-tenure review and PIP process.)
- H.** The faculty member, unit head and college dean shall meet at the end of each semester to review progress toward the goals stipulated in the PIP. The faculty member is expected to make a good faith effort to implement the goals of the PIP and administrators are expected to act in good faith when reviewing the individual's performance in terms of the goals in the PIP.
- I.** Annual performance reviews will be conducted while a faculty member is working under a PIP. If either the unit head or college dean concludes that the faculty member has failed to demonstrate satisfactory progress towards the goals of the PIP, then the college dean refers the case to the unit's tenure and promotion committee (or equivalent) for review and advice, and the procedures, responsibilities and guidelines detailed in III(A)(3) are initiated. If the result of III(A)(3) is failure of the faculty member to demonstrate satisfactory progress towards the goals of the PIP, and the faculty member, the unit head, and the college dean cannot agree to an appropriate job redefinition then the college dean shall pursue dismissal for cause under UW Regulation 2-6.
- J.** No additional post-tenure reviews shall occur until the initial PIP is completed.

V. COMPLETION OF THE PERFORMANCE IMPROVEMENT PLAN (PIP)

When the objectives of a PIP are fully met or, in any case, no later than three years after the initial implementation of the PIP, the unit head shall make a written report to the faculty member and the college dean asserting one of the following conclusions:

- A. The unit head concludes that the faculty member has successfully completed the goals of the PIP. If the college dean concurs with this conclusion, the faculty member is considered to be “proceeding according to expectations” and becomes eligible for the benefits associated with that status.
- B. If either the unit head or college dean concludes that the faculty member has **failed** to successfully complete the goals of the PIP, then the college dean or the unit head shall refer the case to the unit’s tenure and promotion committee (or equivalent) for review and advice, and the procedures, responsibilities and guidelines detailed in III(A)(3) are automatically initiated. If the result of III(A)(3) is failure of the faculty member to satisfactorily complete the goals of the PIP and the faculty member, the unit head, and the college dean cannot agree to an appropriate job redefinition then the college dean shall pursue dismissal for cause under UW Regulation 2-6.

VI. REVIEW OF THIS PROCESS

As necessary, the Faculty Senate will conduct a review of the post-tenure review process and formulate a recommendation to the Trustees of the University as to the continuation, discontinuation or modification of the process.

Effective Date: July 1, 2018

Responsible Division/Unit: Office of the Provost and Vice President for Academic Affairs

Source: None

Links: <http://www.uwyo.edu/regs-policies>

Associated Regulations, Policies, and Forms: None

History:

University Regulation 808; adopted 3/6/2009 Board of Trustees meeting

Revisions adopted 3/23/2012 Board of Trustees meeting

Revisions adopted 11/15/2013 Board of Trustees meeting

Reformatted 7/1/2018: previously UW Regulation 5-808, now UW Regulation 2-10