

UW REGULATION 5-808

Post-Tenure Review Policy

- 1. 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 5-1(E).

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 5-801. 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.

- 2. DEFINITIONS.** As used in this regulation:

A. "Administrative unit" means 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 5-803.

B. The "administrative unit head" or "unit head" is 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.

C. "Performance below expectations" is 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.

D. A "performance improvement plan" is 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.

I. 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 I(B) below. The faculty member may appeal the unit head and dean's "performing below expectations" decision and initiate proceedings according to I(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 and university) must provide, in writing, a vote of agreement or disagreement with the "performing below expectation" evaluation specifying the reasons for his/her decision. The order of consideration shall be unit faculty, unit head, college tenure and promotion committee, dean university tenure and promotion committee. These written votes at each level become

part of the case file reviewed by subsequent committees/persons and administrators. When this process is complete then the Provost and Vice President for Academic Affairs makes a final determination. The Provost and Vice President's determination asserts that the faculty is "proceeding according to expectations" or is "performing below expectations" and, if so, specifies the implementation of one of the options in I(B).

b. Committee members must vote within 30 days after receipt of the case, and individual administrators must vote within 10 days after receipt of the case file.

c. The "performing below expectations" review process can be stopped at any time upon resolution and concurrence with the Vice President for Academic Affairs by the faculty member, unit head or college dean.

d. If a discrimination charge is filed by the faculty member against the unit head and/or college dean, the "performing below expectations" review process continues but no final determination is implemented until the discrimination charge has been adjudicated under UW Regulation 1-5.

B. After consultation, the faculty member, the unit head, and the college dean must agree on one of the following for a faculty member who is "performing below expectations" on one or more major job duty:

- (1) redefinition of job duties,
- (2) resignation/retirement within two academic years,
- (3) medical leave,
- (4) unpaid leave of absence,
- (5) career counseling, or
- (6) development of a performance improvement plan (PIP) to address the problematic area(s) of the faculty member's job performance.

If the college dean determines that the faculty member, the unit head, and the college dean cannot agree, then the faculty member shall pursue a performance improvement plan (PIP).

C. The purpose of the specified time lines for initiating reviews and limiting deliberations is to ensure expeditious resolution of performance review disagreements. The President of the University may authorize reasonable extensions of these guidelines under extenuating circumstances.

II. PERFORMANCE IMPROVEMENT PLAN (PIP). If outcome I(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 5-35 related to the PIP and the post-tenure review process. (Discrimination complaints under UW Regulation 1-5 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 I(A)(3) are initiated. If the result of I(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 5-801.
- J. No additional post-tenure reviews shall occur until the initial PIP is completed.

III. 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 I(A)(3) are automatically initiated. If the result of I(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 5-801.

IV. 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.

Source:

University Regulation; adopted 3/6/09 Board of Trustees meeting

Revisions adopted 3/23/12 Board of Trustees meeting

Revisions adopted 11/15/13 Board of Trustees meeting