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Post-Tenure Review Policy

University of Mississippi. Faculty Senate

Post-Tenure Review

I. Purpose, Principles, and Objectives

A. Post-tenure review at the University of Mississippi is developmental in nature and shall be supported by institutional resources for professional development. It is intended to encourage intellectual vitality and proficient levels of performance by all members of the faculty throughout their careers. It is also designed to enhance public trust in the University by ensuring that the faculty community undertakes regular and rigorous efforts to hold all of its members accountable for high professional standards.

The University of Mississippi recognizes that the granting of tenure for university faculty is a vital protection of free inquiry and open intellectual debate. This post-tenure review policy defines a system of periodic peer evaluation that is intended to enhance and protect the guarantees of tenure and academic freedom. It is expressly recognized that nothing in this policy alters or amends the University's policies regarding removal of tenured faculty members for cause (which are stipulated in the Handbook for Faculty and Staff) or shifts the burden of proof placed on the University in such actions.

B. The following principles from the American Association of University Professors shall be considered a part of the University's post-tenure review policy, and all procedures developed and actions taken shall be in accordance with these principles.

1. Post-tenure review must ensure the protection of academic freedom as defined in the 1940 Statement of Principles. The application of its procedures, therefore, should not intrude on an individual faculty member's proper sphere of professional self-direction, nor should it be used as a subterfuge for effecting programmatic change. Such a review must not become the occasion for a wide-ranging fishing expedition in an attempt to dredge up negative evidence.

2. Post-tenure review must not be a reevaluation or revalidation of tenured status as defined in the 1940 Statement. In no case should post-tenure review be used to shift the burden of proof from the institution's administration (to show cause why a tenured faculty member should be dismissed) to the individual faculty member (to show cause why he or she should be retained).

3. The written standards and criteria by which faculty members are evaluated in post-tenure review should be developed and periodically reviewed by the faculty. The faculty should also conduct the actual review process. The basic standard for appraisal should be whether the faculty member under review discharges conscientiously and with professional competence the duties appropriately associated with his or her position, not whether the faculty member meets the current standards for the award of tenure as those might have changed since the initial granting of tenure.

4. Post-tenure review should be developmental and supported by institutional resources for professional development or a change of professional direction. In the event that an institution decides to invest the time and resources required for comprehensive or "blanket" review, it should also offer tangible recognition to those faculty members who have demonstrated high or improved performance.

5. Post-tenure review should be flexible enough to acknowledge different expectations in different disciplines and changing expectations at different stages of faculty careers.

6. Except when faculty appeals procedures direct that files be available to aggrieved faculty members, the outcome of evaluations should be confidential, that is, confined to the appropriate college or university persons or bodies and the faculty member being evaluated, released otherwise only at the discretion or with the consent of the faculty member.

7. If the system of post-tenure review is supplemented, or supplanted, by the option of a formal

development plan, that plan cannot be imposed on the faculty member unilaterally, but must be a product of mutual negotiation. It should respect academic freedom and professional self- direction, and it should be flexible enough to allow for subsequent alteration or even its own abandonment. The standard here should be that of good faith on both sides--a commitment to improvement by the faculty member and to the adequate support of that improvement by the institution-- rather than the literal fulfillment of a set of non-negotiable demands or rigid expectations, quantitative or otherwise.

8. A faculty member should have the right to comment in response to evaluations, and to challenge the findings and correct the record by appeal to an elected faculty grievance committee. He or she should have the same rights of comment and appeal concerning the manner of formulating, the content of, and any evaluation resulting from, any individualized development plan.

9. In the event that recurring evaluations reveal continuing and persistent problems with a faculty member's performance that do not lend themselves to improvement after several efforts, and that call into question his or her ability to function in that position, then other possibilities, such as a mutually agreeable reassignment to other duties or separation should be explored. If these are not practicable, or if no other solution acceptable to the parties can be found, then the administration should invoke peer consideration regarding any contemplated sanctions.

10. The standard for dismissal or severe sanction remains that of adequate cause, and the mere fact of successive negative reviews does not in any way diminish the obligation of the institution to show such cause for dismissal in a separate forum before an appropriately constituted hearing body of peers convened for that purpose. Evaluation records may be admissible but rebuttable as to accuracy. Even if they are accurate, the administration is still required to bear the burden of proof and demonstrate through an adversarial proceeding not only that the negative evaluations rest on fact, but also that the facts rise to the level of adequate cause for dismissal. The faculty member must be afforded the full procedural safeguards set forth in the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings and the Recommended Institutional Regulations on Academic Freedom and Tenure, which include, among others, the opportunity to confront and cross-examine adverse witnesses.

II. Procedures

All tenured faculty members, including administrators, shall undergo a post-tenure review when he or she receives 3 "unsatisfactory" annual reviews in any period of 6 consecutive years, excluding years when the faculty member is on leave. For the purpose of this document, an annual review conducted by the Department Chair or Dean or Provost shall be deemed satisfactory unless the Chair's or Dean's or Provost's review states expressly that "for the purpose of post-tenure review, this shall be considered an unsatisfactory review." Post-tenure review for tenured faculty members holding administrative appointments will supplement, not substitute for, other assessments of their performance of administrative duties. It is the responsibility of the administrator conducting the annual review to determine when a post-tenure review is to be triggered and to be familiar with the pertinent evaluation criteria.

A. Evaluation Criteria

The standard for evaluation shall be whether the faculty member under review discharges conscientiously and with professional competence the duties associated with his or her position. Consistent with this standard, faculty in each department (or other relevant unit) shall develop appropriate post-tenure review criteria, which should reflect the varying emphases and roles that senior faculty may play within a comprehensive university. Departmental faculty criteria (and any subsequent revisions to them) shall be in writing and copies shall be forwarded to the appropriate dean and the office of the provost. Post-tenure review criteria must be finalized in writing at least one calendar year prior to a department's first post-tenure review.

B. Documentation

The following documentation shall constitute the post-tenure review of all faculty members:

1) a copy of a current curriculum vitae;
2) a copy of the faculty member's annual activity reports from each year since the previous review;

3) a copy of the chair's annual evaluation of the faculty member and any available information about the faculty member's teaching effectiveness from each year since the previous review;
4) copies of reviews of administrators by other administrators; and
5) a concise cover memorandum from the faculty member summarizing his/her accomplishments in the areas of teaching, research, and service since the previous review and outlining his/her plans in these areas for the next six years.

C. Review Committees and Procedures

1) Department faculty Review

a) Composition
The department faculty level review is to be conducted by a committee of tenured, non-administrative, academic faculty of the department faculty in which the faculty member has primary appointment. The committee shall consist of at least three members. It is the responsibility of the department faculty to specify the composition of the review committee. For example, a department faculty may choose to employ a committee of the whole, a steering/advisory committee, or an ad hoc committee.

The department faculty may have a single committee for all candidates in a given year, or may choose to constitute several committees for this purpose. For faculty members with joint appointments involving budgetary commitments from more than one department faculty, members representing the secondary department faculty shall be included on the committee, but the primary department faculty will in all cases have a majority of committee members. In cases in which a department faculty does not have three tenured, non-administrative, academic faculty members, an outside member (or members) shall be appointed by the department faculty head, with the approval of the relevant dean.

b) Review
After examining the documentation described above, the departmental faculty post-tenure review committee shall prepare a concise written report assessing the faculty member's performance based on the criteria outlined above. The committee's report shall include a notation indicating whether the faculty member's performance is judged to be satisfactory or unsatisfactory, a narrative text indicating the rationale for the assessment, and a record of the committee's vote. In the case of associate professors, the report shall also include guidance on activities that would enhance prospects for a successful promotion review.

Copies of all reports shall be kept on file in the departmental faculty office and shall also be forwarded to the faculty member under review, the dean of the appropriate college or school, and to the Office of the Provost.

In the case of an unsatisfactory review, the committee and the faculty member's Chair shall (after consultation with the appropriate unit head, dean, and faculty member) outline and communicate to the faculty member a formal, written plan for corrective action and professional development. This plan may include University resources to help the affected faculty member enhance research efforts or retool teaching skills. If the plan does include a requirement for additional resources or a change in the faculty member's assignment, this must be endorsed in writing by the pertinent administrator. The plan shall include clearly-defined and specific goals, an outline of and timetable for activities to be undertaken, and an agreed-upon monitoring strategy.

Faculty members who receive unsatisfactory post-tenure reviews (and whose unsatisfactory reviews are upheld should they be appealed, for which see below) shall be reviewed again using the above procedure in the third year following the initial review. If this subsequent review results in a satisfactory rating by the departmental faculty committee, the affected

faculty member's post-tenure review clock will be restarted at the beginning of a new 6-year period. If the subsequent review again yields an unsatisfactory rating (and this rating is upheld on appeal, for which see below), the matter shall be forwarded to the Office of the Provost for further appropriate action.

2) University-level Appeal

a) Composition

Faculty who receive unsatisfactory post-tenure reviews from their departmental faculty committees may appeal these decisions to the University's Sabbatical Leave Review Committee. Such appeals must be filed, in writing, with the chair of the Committee on Academic Freedom and Faculty Responsibility within 15 working days of the faculty member's formal, written notification of a negative review.

b) Review

The Sabbatical Leave Review Committee shall have the authority to review all documents related to matters appealed to it and may, at its discretion, convene a hearing to reconsider an unsatisfactory evaluation. The committee shall have the authority to reverse an unsatisfactory evaluation, remand a matter to the appropriate departmental faculty committee for further evaluation, and amend plans for corrective professional development. The committee shall issue a written report outlining the rationale for its decisions, and shall forward copies of such decisions to the affected faculty member, departmental faculty chair, appropriate dean, and the Office of the Provost.