



# Eastern Kentucky University

## Policy and Regulation Library

Academic Regulation: 4.4.7ACR

Responsible Office(s): Provost, Deans,  
Departments

Effective: January 25, 2016

Next Review Date: Spring 2021

## Academic Regulation: 4.4.7ACR

### Post-Tenure Review

#### Statement

Tenured faculty members at Eastern Kentucky University share the responsibility to maintain an appropriate level of teaching, scholarly/creative activities, and service. Per Policy 4.6.7, Annual Review of Tenured Faculty, all departments/units will establish performance standards and procedures for the review of tenured faculty.

The Post-Tenure Review policy is intended to be a final opportunity to improve deficient performance. This policy does not replace Policy 4.6.16, Dismissal of Faculty, nor does it prevent the University from dismissing a tenured faculty member without using the Post-Tenure Review process if the dismissal is for cause, for financial exigency, or for program discontinuance. The University may choose to use the Post-Tenure process in lieu of immediate dismissal for cause.

The Post-Tenure Review policy does not go into effect until at least one of the following conditions apply:

1. Refusal to participate in the annual review process as described in Policy 4.6.17, Annual Review of Tenured Faculty;
2. A “below standards” rating in teaching in the Year Three Review and in the review in the subsequent year as evaluated in Policy 4.6.17, Annual Review of Tenured Faculty, page 2.
3. A “below standards” and “insufficient progress” rating occurring in the same area of deficiency in two consecutive review cycles (see Policy 4.6.17); or
4. A recommendation from the Department Chair, the College Dean, and the Provost to activate the process in lieu of immediate dismissal for cause.

Refusal of the faculty member to participate in any part of the post-tenure review process will result in sanctions as described in this policy. The post-tenure review process may be used no more than twice for the same faculty member.

## Entities Affected

- Colleges
- Departments
- Faculty
- Provost Office

## Procedures

### **Establishing the Post-Tenure Review Committee**

The University will establish a Post-Tenure Review Committee by carrying out the following procedure:

1. No later than May 1 prior to the year the Post-Tenure Review Committee is to function, each College will elect two tenured faculty, one member and one alternate, from within the College to comprise a University pool of eligible members for the Committee.
2. In the event post-tenure review is activated, the Post-Tenure Review Committee shall consist of four members from the University pool excluding the member from the College of the faculty member under review. The faculty member under review shall select the fifth member of the Committee from any tenured faculty member within or outside his/her College. The faculty member under review shall have 10 business days from receipt of the Post-Tenure Review Activation Form to submit the name of the fifth member of the Committee to the Provost. If the faculty member does not submit a name within the 10 business days, the elected representative from the faculty member's college will serve on the Post-Tenure Review Committee.
3. The Chair of the Post-Tenure Review Committee shall be elected from the active members.

### **Post-Tenure Review Procedures**

1. The Department Chair/Unit Head shall notify the faculty member in writing of the intent to activate post-tenure review process.
2. The tenured faculty member will have an opportunity to respond in writing within 10 calendar days of notification of the post-tenure review process being activated.
3. A Department Chair/Unit Head will activate the post-tenure review process by submitting the Post-Tenure Review Activation Form and all supporting materials to the Provost, indicating the condition that is activating the process to the Post-Tenure Review.
4. Within 10 calendar days, the Provost will establish the Post-Review Committee as described above and shall forward the Post-Tenure Review Activation Form and all supporting materials to the Chair of the Committee.
5. Within 10 calendar days of receipt of the materials, the Post-Tenure Review Committee shall state in writing whether they concur with the recommendation for post-tenure review. If the Committee does not concur with the recommendation for post-tenure review, the Committee shall state in writing the reasons for the differing

recommendation. The Committee shall forward the Post-Tenure Review Activation Form and all supporting materials to the Dean of the faculty member's college.

6. Within 5 calendar days, the Dean shall state in writing whether he/she concurs with the recommendation for post-tenure review, If the Dean does not concur with the recommendation for post-tenure review, the Dean shall state in writing the reasons for the differing recommendation. The Dean shall forward the Post-Tenure Review Activation Form and all supporting materials to the Provost.
7. If the Provost concurs that there is sufficient basis for a recommendation of post-tenure review, the faculty member under review and the Department Chair/Unit Head shall be notified in writing within 5 calendar days.
8. Within 10 calendar days of receiving notification, the faculty member and the Department/Unit Third Year Review (TYR) Committee shall create a development plan to address the deficiencies. All development plans must be approved by the Department Chair/Unit Head, Dean, and Provost.

### **The Development Plan**

Development plans shall be for a maximum of one year. In extenuating circumstances, an additional year may be granted with the approval of the Department Chair/Unit Head, Dean, and Provost.

The 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 progress reviews and for completion of the plan; and
6. Identify sources of funding required to implement the plan, if necessary.

### **Assessment of the Development Plan**

1. At each milestone in the development plan, the TYR Committee shall assess the achievement of the stated objectives. If a milestone objective has not been satisfactorily met, the TYR shall notify the Department Chair/Unit Head in writing. The Department Chair/Unit Head may recommend the faculty member continue with the development plan or may recommend a sanction. If a sanction is recommended, the Department Chair/Unit Head shall forward the recommendation and the report of the TYR Committee to the Post-Tenure Review Committee. The recommendation of sanction shall then follow steps 5-8 below.
2. Within 30 calendar days of the conclusion of the development plan, the TYR Committee shall assess the achievement of the stated objectives and shall write a report indicating how each objective was achieved or not achieved. The committee can make one of two findings:
  - a. the faculty member has fulfilled the development plan objectives and the review period has been completed with an overall satisfactory rating, or
  - b. the faculty member has continued performance deficiencies.

3. The TYR Committee shall submit the report to the Department Chair/Unit Head.
4. If the Department Chair/Unit Head concurs with a finding that the development plan has been fulfilled, the faculty member will resume the normal annual review cycle as provided in Policy 4.6.17, Annual Review of Tenured Faculty. If the Department Chair/Unit Head does not concur with a finding that the development plan has been fulfilled or concurs with a finding that the faculty member has continued performance deficiencies, within 10 calendar days, the Department Chair/Unit Head will indicate in writing with a justification and a recommendation of a sanction. The Department Chair/Unit Head will forward his/her recommendation, the TYR Committee's report, and all supporting materials to the Post-Tenure Review Committee.
5. Within 10 calendar days, the Post-Tenure Review Committee shall state in writing whether they concur with the recommendation for sanction, If the Post-Tenure Review Committee does not concur with the recommendation for sanction, the Committee shall state in writing the reasons for the differing recommendation. The Committee shall forward the TYR Committee report, all recommendations, and all supporting materials to the Dean of the faculty member's college.
6. Within 10 calendar days, the Dean shall state in writing whether he/she concurs with the recommendation for sanction, If the Dean does not concur with the recommendation for sanction, the Dean shall state in writing the reasons for the differing recommendation. The Dean shall forward the TYR Committee report, all recommendations, and all supporting materials to the Provost.
7. Within 10 calendar days, the Provost shall notify the faculty member in writing, with a copy to the Dean, the Department Chair/Unit Head, and the Chair of the Post-Tenure Review Committee, whether he/she concurs with the recommendation for sanction, If the Provost does not concur with the recommendation for sanction, the Provost shall state in writing the reasons for the differing decision.
8. The faculty member may appeal the Provost's decision to the Faculty Evaluation Appeals Committee within 10 calendar days of notification of the Provost's decision.

## **SANCTIONS**

Sanctions may include reassignment of duties, a salary freeze, a reduction in rank, a leave of absence, or other appropriate measures, including dismissal as provided in Policy 4.6.16, Dismissal of Faculty.

## **APPEALS PROCESS**

1. Following notification of the Provost's recommendation of sanction, the faculty member may appeal to the Provost, who shall convene the Faculty Evaluation Appeals Committee (FEAC). Acceptable grounds for requesting such an appeal are:
  - a. decision is arbitrary, capricious, or not supported by factual data
  - b. violation of procedural due process
  - c. violation of academic freedom

2. The faculty member will submit a written request for appeal to the Provost within ten (10) calendar days of notification of the Provost's recommendation, with a copy to the Dean, the Department Chair/Unit Head, and the Chair of the Post-Tenure Review Committee. The request shall state the grounds for an appeal and shall provide evidence in support of such grounds.
3. The FEAC shall evaluate the body of evidence as it relates to the grounds for appeal. The FEAC may meet with decision makers, meet with the candidate, or consult with others as necessary in order to evaluate the grounds for appeal. The FEAC shall report its findings and recommendations to the President—with a copy to the faculty member, the Department Chair/Unit Head, the Dean, the Provost, and the Chair of the Post-Tenure Review Committee— within fourteen (14) calendar days of receipt of the case, except in extenuating circumstances.
4. The President shall make a decision on the appeal within fourteen (14) calendar days of receiving the findings of the FEAC, except in extenuating circumstances. Possible actions by the President could include, but are not limited to:
  - a. Upholding the recommendation of the lower level(s)
  - b. Reversing the recommendation of the lower level(s)
  - c. Reconvening the FEAC to meet with appropriate decision makers and report additional findings. The FEAC should meet with the faculty member prior to reporting additional findings to the President.
  - d. The President shall notify the faculty member in writing of the appeal decision. All appeal decisions are final.

## Responsibilities

- College Dean
  - At a minimum, the Dean is responsible for
    - making recommendations regarding activation of the post-tenure review process
    - approving a post-tenure review development plan
    - making recommendations regarding sanctions resulting from post-tenure review
- Department Chair/Unit Head
  - At a minimum, the Department Chair/Unit Head is responsible for
    - notifying the faculty member of the intent to activate the post-tenure review process
    - submitting materials for the activation of post-tenure review
    - approving a post-tenure review development plan
    - making recommendations regarding sanctions resulting from post-tenure review
- Faculty Evaluation Appeal Committee
  - The Faculty Evaluation Appeals Committee is responsible for
    - ensuring appeals are reviewed only on the grounds stated in this policy
    - reviewing the appeal and the evidence submitted by the faculty member
    - submitting findings and recommendations to the President

- Post-Tenure Review Committee
  - At a minimum, the Post-Tenure Review Committee is responsible for
    - making recommendations regarding activation of the post-tenure review process
    - making recommendations regarding sanctions resulting from post-tenure review
- Provost
  - At a minimum, the Provost is responsible for
    - making recommendations regarding activation of the post-tenure review process
    - approving a post-tenure review development plan
    - making recommendations regarding sanctions resulting from post-tenure review
- Tenured Faculty Member
  - The tenured faculty member is responsible for knowing and complying with this policy.
- Third Year Review Committee
  - The Third Year Review Committee from the tenured faculty member's department/unit is responsible for
    - working with the tenured faculty member to create a post-tenure review development plan
    - assessing the achievement of milestones in the post-tenure review development

<b>Regulation Adoption Review and Approval</b>
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**Regulation Revised**

<u>DATE</u>	<u>ENTITY</u>	<u>ACTION</u>
January 25, 2016	Board of Regents	Adopted
December 9, 2015	President Benson	Approved
November 4, 2015	Provost Council	Approved
October 5, 2015	Faculty Senate	Approved

**Regulation Issued**

<u>DATE</u>	<u>ENTITY</u>	<u>ACTION</u>
October 21, 2000	Board of Regents	Adopted
September 21, 2000	Council on Academic Affairs	Approved
September 11, 2000	Faculty Senate	Approved