

11/02/2016

BOARD OF REGENTS OF THE UNIVERSITY OF WISCONSIN SYSTEM

I.1. Education Committee

Thursday, November 10, 2016
9:00 a.m. – 9:30 a.m.
Gordon Dining and Event Center
770 W. Dayton Street, 2nd Floor
Symphony Room
Madison, Wisconsin

- a. Approval of the Minutes of the October 6, 2016 meeting of the Education Committee; and
- b. UW-La Crosse: Approval of the Post-Tenure Review Policy.
[Resolution I.1.b]

EDUCATION COMMITTEE

Resolution I.1.b:

That, upon the recommendation of the Chancellor of the University of Wisconsin-La Crosse and the President of the University of Wisconsin System, the Chancellor is authorized to implement the University's Post-Tenure Review Policy.

UW-LA CROSSE POST-TENURE REVIEW POLICY EXECUTIVE SUMMARY

BACKGROUND

UWS 2.02, Wis. Admin. Code (“Faculty Rules: Coverage and Delegation”), requires that rules, policies, and procedures developed by each institution in the UW System pursuant to Chapters UWS 3, 4, 5, 6 and 8 must be approved by the Board of Regents prior to taking effect.

On March 10, 2016, the UW System Board of Regents adopted Regent Policy Document (RPD) 20-9, "Periodic Post-Tenure Review in Support of Tenured Faculty Development," available at <https://www.wisconsin.edu/regents/policies/periodic-post-tenure-review-in-support-of-tenured-faculty-development>). RPD 20-9 states that “[w]ithin nine (9) months of the effective date of this Regent policy each institution shall submit an institutional policy to the Board of Regents. Once the institutional policy has been approved, the chancellor, with the advice and counsel of the faculty, is responsible for implementing the policy and operating the institution consistent with its provisions.”

A memo from Chancellor Gow requesting approval of the UW-La Crosse post-tenure review policy by the Board of Regents is attached to this document. The UW System Office of General Counsel, the Office of Academic and Student Affairs, and the Office of the President reviewed the proposed policy. The President recommends approval of the UW-La Crosse post-tenure review policy.

Attached to this document is Appendix A, containing the new UW-La Crosse post-tenure review policy as it would read if approved by the Board of Regents.

REQUESTED ACTION

Adoption of Resolution I.1.b, approving the UW-La Crosse Post-Tenure Review Policy.

DISCUSSION

Prior to the development of its new post-tenure review policy in alignment with RPD 20-9, UW-La Crosse utilized a bylaw template approved by its Faculty Senate that outlines the key policies and procedures associated with faculty functions consistent with Board of Regents policies and UW-La Crosse Faculty Senate policy prior to March 2016, when RPD 20-9 was adopted. UW-La Crosse did not have a campus-wide post-tenure review policy/procedure prior to the development of its new policy. Rather, each department had its own post-tenure review procedure on the required five-year rotation.

RELATED REGENT POLICIES AND LAWS

Section 36, Wis. Stats.
Chapters UWS 3 and 5, Wis. Admin. Code
Regent Policy Document 20-23

APPENDIX A

NEW UW-LA CROSSE POST-TENURE REVIEW POLICY

UWL POST-TENURE REVIEW POLICY

I. POLICY PHILOSOPHY & DEFINITIONS

A. UW System Statement Regarding Post-Tenure Review

UWL's Post Tenure Review Policy is based on the Regent Policy Document 20-9 entitled "Periodic Post- Tenure Review in Support of Tenured Faculty Development." UW System policy states that tenure is an essential part of the guarantee of academic freedom that is necessary for university- based intellectual life to flourish. The grant of indeterminate tenure to faculty members represents an enormous investment of university and societal resources, and those who receive this investment do so only after rigorous review which established that their scholarship, research, teaching, and service met the highest standards and are congruent with the needs of the university. It is the policy of the Board of Regents that a periodic, post-tenure review of tenured faculty members is essential to promoting faculty development, including recognizing innovation and creativity; enhancing the educational environment for students; and identifying and redressing deficiencies in overall performance of duties through a supportive and developmental remediation process. Nothing in this policy shall be interpreted to alter or to infringe upon existing tenure rights, as set forth in UW System Board of Regents or UW System policies, nor shall this policy diminish the important guarantees of academic freedom. Specifically, this policy does not supersede administrative rules providing for termination for cause set forth in Chapter UWS 4 of the Wisconsin Administrative Code.

B. Deadlines, Due Dates and Definitions

Post-tenure reviews will be completed by departments and forwarded to Deans no later than December 15. The department may conduct the review in the Spring prior to December; however, the faculty member must concur and the December date sets the 5-year clock. However, since HR notification occurs during the summer, official notification of the post-tenure review might not be issued at the time of the Spring review. When specific dates are provided as deadlines (e.g., March 1), if the date falls on a weekend or holiday, the deadline may automatically be assumed to be the next business day. Academic Unit (AU)= Unit that houses ranked faculty department(s) = College of Liberal Studies, College of Business Administration, College of Science and Health, School of Education and Murphy Library. HR = Human Resources. When the review pertains to faculty in Murphy Library, all references to Deans should be interpreted as the Library Director.

C. The Five Year Cycle

The 5-year cycle at UWL refers to the amount of time between the formal department review associated with tenure or post-tenure review and the next formal department review associated with post-tenure review. Post-tenure review is in addition to the standard annual review of faculty conducted by departments. The start of the post-tenure review timeline for a faculty

member is five years from the Fall of the calendar year associated with the formal UW Regent approval of the individual's tenure. Furthermore, for tenured faculty with a post-tenure review officially on file with the Dean's Office or Human Resources (HR) at the time that this policy goes into effect, their next post-tenure review will be in the Fall five years from the calendar year on the department letter on file (even if the resulting review ends up being slightly longer or shorter than 5 years). HR is the final repository and record keeper for personnel documentation.

D. Post-tenure Review Exceptions & Eligibility

The 5-year cycle is not affected by a faculty member's paid or unpaid leave. If a faculty member is on full-time leave from the university in the Fall of his/her 5-year review (paid or unpaid), the faculty member should still be reviewed following the university's policy because the process can be completed electronically and without the faculty member physically present. The review may be deferred only with the approval of the Provost (by request from the faculty member, supported by the Chair, and the Dean). In such cases, the Provost will specify the new review cycle that applies to the faculty member.

Faculty members with a tenured position and a salary line within an academic department who have appointments outside of the department during the post-tenure review period (e.g., such as serving in the Dean's Office) will undergo post-tenure review as scheduled. For the post-tenure review, the outside unit's supervisor will provide a brief overview of the duties and a review of the faculty member's work making sure to clearly indicate whether the individual met or did not meet expectations in the role. The department will review work associated with department-related teaching, scholarship, and service. The department is responsible for requesting and including the review of the work external to the department to include in the post-tenure review materials; however, the department's determination of "meeting or not meeting expectation" is based on department-related activities.

E. Record Keeping and Notification

The initial documentation regarding the known post-tenure review cycles and outcomes at UWL will be established by each AU with Human Resources. For this initial record keeping, each AU must provide an electronic version of the most recent post-tenure review letter from the department and/or Dean to 1) establish the 5-year cycle and 2) have the letter on file with HR. Starting in the summer of 2017, HR will notify academic departments which faculty members need to receive their post-tenure review at or about the same time as departments are notified of which faculty are promotion eligible but no later than 3 months prior to the review. In addition, each faculty member who will be up for review will be notified at the same time as the academic department.

II. POST-TENURE REVIEW PROCEDURE

A. Relationship to Annual Review and other Personnel Review

The post-tenure review may coincide or overlap with other forms of department-level personnel review. However, a separate letter regarding post-tenure review using the structure indicated below must be provided to the Dean (Provost/HR) and the procedure for post-tenure review as described below must be followed.

B. The Departmental Post-Tenure Review Committee & Notification

The departmental post-tenure review committee shall be comprised of all tenured faculty members, with a minimum of 3 tenured faculty members. The Department Chair serves as a committee member and chair of the committee unless the department chair holds tenure in another department, or is being reviewed. In either of these two cases, the committee shall elect a chair to complete the administrative components of the process. In the event that there are not three tenured department members, the Department Chair, in consultation with the Dean and the faculty member, shall meet to select outside members. If there is not a mutual agreement, the Dean shall have the final say in the selection of the outside members.

The post-tenure review committee will meet to review the faculty member's materials and determine whether the faculty member 1) meets expectations or 2) does not meet expectations. The faculty member must receive at least 21 calendar days notification of the time/date of the meeting and the deadline (7 days prior to the meeting) for which the materials will be due. Electronic notification through official UWL email is appropriate. The faculty member is not expected to be present for deliberations and the committee will move into closed session following WI open meeting laws.

C. Material for Consideration by the Departmental Post-Tenure Review Committee

Seven calendar days prior to the committee meeting, the faculty member under consideration for post-tenure review needs to provide to the committee via its chair, at minimum an electronic report from the electronic faculty activity portfolio system (e.g., annual activity report with hyperlinks) drawn from the last date of tenure (use January 1 of the tenure year if first post-tenure review) or last post-tenure review to the date of the committee review, and the faculty member must ensure that the report is up-to-date on 5 years of activities and includes the following materials:

- hyperlinks to at least one syllabus for each course (not each section of each course, or each term of each course) taught in the past five years
- hyperlinks to evidence of scholarly activities associated with the specific entry (e.g., publication, grant, exhibition, presentation)
- hyperlinks for service are not required

Seven calendar days prior to the committee meeting, the Department Chair must provide to the committee faculty composite SEI scores for each semester being evaluated.

If the faculty member is a School of Education (SoE) affiliated faculty member, the SoE Dean should receive a copy of these materials at the same time as the departmental post-tenure review committee.

D. Post-Tenure Review Categorization

After moving to close the meeting following the proper state statute WI Statute 19.85(1)(c) for personnel review, the departmental post-tenure review committee will consider a motion regarding the faculty member under post-tenure review meeting or not meeting expectations. A majority vote (as defined by departmental by-laws) is needed for the motion to pass. The motion and the numerical results of the vote should be indicated in the minutes and the letter to the Dean. Depending on the result of the department vote, the faculty member will be considered to be in one of the following two categories:

- a. Meets expectations. This category is awarded to those tenured faculty members

whose performance reflects the expected level of accomplishment based on departmental by-laws.

- b. Does not meet expectations. This category is assigned to those tenured faculty members whose performance reflects a level of accomplishment below the expected departmental level and which requires correction. All reviews resulting in “does not meet expectations,” unless overturned upon further review, will result in a remediation plan as described below.

E. Evidence for Consideration

Although the departmental committee provides an overall categorization of “meets expectations” or “does not meet expectations,” the committee must also consider and report on the faculty member’s performance in each of the three areas of teaching, scholarship, and service. Departmental by-laws, particularly with regard to scholarship appropriate to the discipline, shall be used as the criteria for review. In addition, the department may also draw on foundational expectations in terms of professional ethics such as those articulated in the AAUP’s statement on professional ethics <https://www.aaup.org/report/statement-professional-ethics>. The Dean of the School of Education shall provide input to the departmental post-tenure review committee for SoE faculty in the form of an evaluative letter. The letter will address teaching, scholarship, service and professional development as they pertain to DPI standards, content standards, and expectations for teacher education.

F. Procedure when Faculty Member “Meets Expectations”

The departmental post-tenure review committee chair provides a letter to the Dean and the faculty member within 14 calendar days of the personnel meeting (no later than December 15) with the following information:

- The date and the numerical result of the vote indicating the overall categorization of “meets expectations” for the faculty member. The letter should include the names of all of the tenured faculty who voted and the committee chair’s signature.
- A brief description of the consensus points of the committee regarding the faculty member’s strengths in teaching, scholarship, and/or service that formed the basis for the committee’s “meets expectations” decision. The faculty member can request a meeting with the committee chair to discuss the evaluation further, if the faculty member wishes.

A copy of the department’s letter, along with the faculty member’s electronic post-tenure review documents are retained by the department in accordance with UWL’s records retention guidelines.

The Dean forwards the letter to HR and the Provost (Chancellor’s designee) no later than February 1. If the faculty member is an SoE-affiliated faculty member, the SoE Dean should receive a copy of the letter at the same time as the content Dean.

If a department determines that a faculty member “meets expectations,” but the Dean (or SoE Dean) disagrees with the department and has concerns about the faculty member falling below expectations, the Dean forwards the faculty member’s file, the department’s recommendation and includes his/her own written appraisal of the faculty member’s work in the context of the

department's by-laws (copied to the faculty member and the post-tenure review committee chair). In the case where a Dean(s) disagrees with the department, the Provost (as the Chancellor's designee) makes the final designation regarding "meets expectations" or "does not meet expectations" after allowing for the faculty's written response (see below). If the Provost indicates that the faculty member "does not meet expectations," the process for a remediation plan as described in the next section is enacted. The Provost's decision must be provided in writing with justification and conveyed to the faculty member, department post-tenure committee chair, the Dean, (and SoE Dean, if applicable) and HR no later than March 1.

If the faculty member wishes to provide written commentary on the post-tenure review committee letter from the department or the Dean he/she must provide the letter to the committee chair, the Dean, and the Provost within 7 calendar days of the receipt of the post-tenure review letter at either the department or Dean review level.

G. Procedure when Faculty Member "Does Not Meet Expectations"

The departmental post-tenure review committee chair provides a letter to the Dean, the SoE Dean (if applicable), and the faculty member within 14 calendar days of the personnel meeting (no later than December 15) with the following information:

- The date and the numerical result of the vote indicating the overall categorization of "does not meet expectations" for the faculty member. The letter should include the names of all of the tenured faculty who voted, the committee chair's signature, as well as a statement indicating that the committee recommends the development of a remediation plan.
- A description of the consensus points of the committee regarding the faculty member's work in teaching, scholarship, and/or service with a clear identification of any deficiencies that formed the basis for the committee's "does not meet expectations" decision.
- The department will also forward the faculty composite SEI scores for each semester being evaluated. (In contrast to promotion, department merit and SEI rankings need not be provided.)

The Dean reviews the file and submits a letter to the Provost (Chancellor's designee) and the faculty member (with a cc: to the Department Chair and HR) by February 1 of the same academic year of the departmental post-tenure review. If the faculty member is an SoE-affiliated faculty member, the SoE Dean should provide written commentary and recommendations to be included in the content Dean's letter. The Dean's letter must clearly indicate whether or not the Dean concurs with the department's categorization of the faculty member as "does not meet expectations." The Dean's (or the SoE Dean's, if applicable) review is a recommendation to the Provost (Chancellor's designee).

The Provost's letter (as the Chancellor's designee) must be submitted by March 1 and must clearly indicate whether or not the Provost concurs with the department's categorization of the faculty member as "does not meet expectations."

- If the Provost (as the Chancellor's designee) concurs with the department decision, the letter will outline the process and timeline of a remediation plan (below).
- If the Provost does not concur with the department, the Provost sends a letter to the faculty member clearly indicating the department concerns but that the

Provost is not requiring a remediation plan. The letter is provided to the committee/department chair, Dean(s), HR, and the faculty member. No formal action is required of the faculty member until the next post-tenure review.

If the faculty member wishes to provide written commentary on the post-tenure review committee letter at any step of the process, s/he must provide the letter within 7 calendar days after the receipt of the post-tenure review decision letter at the department, Dean, and/or Provost level. The letter should be addressed to the most recent review level and to the upcoming review level.

If a remediation plan is required, the following steps will take place:

1. The Provost's letter to the faculty member indicates that a remediation plan is needed and has been recommended by the department (and the Dean and/or the Provost, as applicable).
2. The Provost's letter indicates that the Dean will initiate a face-to-face meeting with the faculty member and the departmental post-tenure review committee chair within 21 calendar days of the date of the Provost's letter. If the faculty member rejects the opportunity for a face-to-face meeting or is unable to schedule such a meeting, the Dean will complete the process without consultation with the faculty member.
3. Prior to the meeting with the Dean, the departmental post-tenure review committee chair and the faculty member shall develop a written plan for mentoring and professional development to address the issue(s) leading to the "does not meet expectations" decision. The remediation plan should clearly indicate the links between the deficiency or deficiencies indicated and the specific operationalized goals and outcomes for the faculty member.
4. The faculty member may choose one other tenured faculty member from the university to attend the meeting as a liaison (if desired). The Dean may also elect to have one other tenured faculty member or administrator from the university attend the meeting as a liaison (if desired) if the departmental post-tenure review committee chair cannot be in attendance.

The final remediation plan

- shall be the product of mutual discussion between the faculty member, the departmental post-tenure review committee chair, and the Dean, shall respect academic freedom and professional self-direction, and shall be flexible enough to allow for subsequent alteration.
- is referred to as developmental as its purpose is to help the faculty member reach appropriate improvement goals in line with the area(s) of deficiency identified. A good developmental remediation plan should reflect the mission/goals/objectives of the department/college/university and the faculty member's professional development needs and objectives.
- shall list resources for appropriate support from the department, Dean, and/or other campus resources as applicable (e.g., Center for the Advancing of Teaching and Learning). Specific financial resources, including supplies and equipment, reassignment time, etc. for supporting a scholarly agenda should also be identified and agreed upon, if needed.
- shall clearly indicate a deadline (not to exceed three academic semesters starting the

Fall subsequent to the development of remediation plan) by which time all elements of the plan must be satisfied. The faculty person can request an earlier deadline if s/he wishes.

- shall indicate that 1) a progress meeting will be scheduled with the Dean, the departmental post-tenure review committee chair, and the faculty member approximately one semester into the plan to help determine progress and identify additional improvement resources that may aid the faculty member, and 2) that a final remediation follow-up meeting will occur between the Dean, the departmental post-tenure review committee chair, and the faculty member after the deadline, but before the start of the subsequent academic semester, and not to exceed 21 calendar days past the deadline (e.g., if three semesters are provided, within 21 calendar days of the close of the 3rd semester to allow for student evaluations to be accessed, etc.).
- shall indicate the specific consequence(s) of not meeting the operationalized goals of the remediation plan by the deadline. Consequences can range from informal sanctions such as workload assignments, to discipline short of dismissal for cause (such as suspension without pay), or in extreme instances, dismissal for cause, under UWS Chapter 4.

Within 7 days of the meeting, the departmental post-tenure review committee chair will provide the finalized remediation plan to the Dean, who will forward the plan to the Provost and HR. The final remediation plan will be on official UWL letterhead and will be signed by the faculty member named in the remediation plan, the departmental PTR committee chair, the Department Chair, the Dean, and the Provost. All signatories will receive a final signed electronic copy of this plan from HR within 14 days of the meeting.

At least 7 days prior to the final remediation follow-up meeting, the departmental post-tenure review committee will write a letter to the Dean indicating whether the faculty member has either met or not met the goals of the remediation plan, including evidence for the decision. At the meeting, the Dean will consult with the departmental post-tenure review committee chair and the faculty member about the evidence indicating that the faculty member has met or not met the obligations of the remediation plan.

The remediation follow-up meeting will result in a letter from the Dean to the faculty member and the Provost/Chancellor (copy to department Chair and HR) indicating that the faculty member has either

- Met the conditions of the remediation plan, with a statement regarding when the next formal post-tenure review by the department will occur (either sooner or 5 years from the date of the review that triggered the remediation plan).
- OR
- Not met the conditions of the remediation plan. If the remediation plan has not been met, the letter will include information regarding the sanctions, discipline, or dismissal procedures. Procedures in UWS4 or UWS 6 will be followed. The Chancellor (or Chancellor's Designee) will make the final determination in cases where the conditions of the remediation plan were deemed not to have been met by either the departmental post-tenure review committee or the Dean.

Tenured faculty members who are completing a remediation plan, or have been found to have not met the conditions of a remediation plan, are not eligible for equity adjustments based on merit. If/when the remediation plan is successfully completed, the faculty member is once again eligible, but retroactive pay cannot be awarded.

In those few remediation plans related to a performance shortfall in research where more than three academic semesters may be necessary to correct identified deficiencies, an extension of one academic semester shall be permitted only with the approval of the Chancellor, which shall trigger a notification of that extension to the UW System Administration Vice President for Academic and Student Affairs.

H. Appeals and Grievances

A faculty member cannot appeal a negative post-tenure review decision at the departmental level. Furthermore, the reviews conducted and remediation plans developed in accordance with this policy are not subject to the grievance process set forth in Chapter UWS 6.02, Wis. Admin. Code.

I. Post-tenure Review Opportunities

A faculty member who has been determined to have met expectations by the department will be considered eligible for additional compensation subject to the availability of resources.

J. Information, Documentation and Reporting

Information and documentation relating to post-tenure review shall be maintained by the appropriate department, college or school, or university personnel or bodies, and disclosed otherwise only at the discretion, or with the explicit consent, of the faculty member, unless required by business necessity or by law. The Provost's Office, working in conjunction with HR, will provide the summary report to the Chancellor on the completion of post-tenure reviews by the departments as provided to the Deans, the Provost's Office, and HR.

UNIVERSITY of WISCONSIN
LA CROSSE

October 31, 2016

Dear Regent Regina Millner and President Ray Cross,

On October 6, 2016, the Faculty Senate of UW-La Crosse voted to forward the UW-La Crosse's Post Tenure Review Policy to UW System. The policy was developed by an ad-hoc committee composed of the Faculty Senate Chair, three department chairs, a dean, the Provost and a Human Resources representative. Prior to Faculty Senate approval, the policy was vetted by the academic deans and all department chairs. In addition, Tom Stafford, Anne Bilder, and Jim Henderson all provided feedback on an earlier draft and this most recent draft.

The UWL policy was built from the foundations of the Board of Regent's policy and it will be incorporated into the university's template for department by-laws that has required elements for all departments and housed on the UWL Human Resources website. The policy is not a modification of a previously existing campus-wide policy as each department had its own process for the five-year review; however, we have provided a copy of the guidance provided to each department as a separate attachment.

UWL's Faculty Senate conducted a first read on 9/8/2016, continued discussion on 9/22/2016, and voted to forward the policy on 10/6/2016. After it was determined by UW System, in consultation with the Board of Regents, that an additional level of review should be included when faculty are found to "meet expectations" at the department level, additional language was added to the policy that was developed by the original ad-hoc committee and vetted by the Faculty Senate Executive Committee. This portion of the policy was not endorsed by Faculty Senate.

I commend my colleagues on their inclusive and efficient work and endorse the policy as written.

Sincerely,



Joe Gow
Chancellor

cc: Dr. Carmen Faymonville, Special Assistant to the Vice President (UW System)
Dr. Jim Henderson, Vice President for Academic and Student Affairs (UW System)
Tom Stafford, General Counsel (UW System)
Dr. Betsy Morgan, interim Provost (UWL)
Dr. Anne Galbraith, Faculty Senate Chair (UWL)
Dr. Georges Cravins, Faculty Representative (UWL)

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10/2016: UWL utilizes a by-law template approved by Faculty Senate that outlines the key policies and procedures associated with faculty functions as under the guidance of UW System regulations, and UWL's Faculty Senate policy. All academic departments are required to use the structure of the template and some required language. UWL did not have a campus-wide post-tenure review policy/procedure prior to the development of this new policy. Rather, each department, had to indicate their post-tenure review procedure on the required 5-year rotation. Below the wording provided to departments is shown. The future version of the by-laws will replace the language below with the new policy developed at UWL and approved by the Board of Regents.

UWL By-law Template for Academic Departments

I. Title with name of department and date of last by-law adoption

II. Organization and Operation

- A. Preamble**
- B. Meeting Guidelines**
- C. Definitions of Membership & Voting Procedures**
- D. Definitions of Quorum and Majority**
- E. Changing by-laws**

III. Faculty/Staff Responsibilities

- A. Faculty**
- B. Instructional Academic Staff Responsibilities and Expectations**
- C. Non Instructional Academic Staff Responsibilities and Expectations**
- D. Student Evaluation of Instruction (SEI)**

IV. Merit Evaluation (Annual Review)

- A. Evaluation Processes & Criteria**
- B. Distribution of Merit Funds**
- C. Appeal Procedures (if applicable)**

V. Faculty Personnel Review

- A. Retention (procedure, criteria and appeal)**
- B. Tenure review and departmental tenure criteria (if applicable)**
- C. Post-tenure Review**

~~Must have a policy regarding a written post-tenure review in line with UW Regent Policy Document 20-9 that indicates a review "at least once every five years, of each tenured faculty member's activities and performance, in accordance with the mission of the department, college, and institution."~~

D. Faculty Promotion Procedures (procedure, criteria and appeal)

E. Review of Faculty and IAS who are School of Education faculty

VI. Instructional Academic Staff Review

VII. Non-Instructional Academic Staff Review (if applicable)

VIII. Governance

IX. Search and Screen Procedures

X. Student Rights and Obligations

XI. Other

XII. Appendices

- A. Department statement on scholarship**
- B. Statement on School of Education Affiliated Faculty Teaching, Scholarship, and Service Expectations**