

3356-10-31 Faculty post-tenure review policy.

(A) Purpose. The purpose of this post-tenure review policy is to provide the due process framework for a timely and fair review and determination of administrative action regarding tenured faculty members who have demonstrated a pattern of performance falling below established institutional standards, ensuring accountability and maintenance of Youngstown state university's commitment to excellence in teaching, scholarship, service, and other areas evaluated during the annual performance evaluation.

(B) Conditions requiring a post-tenure review.

(1) If a tenured faculty member receives a rating of "does not meet performance expectations" within the same evaluative category for two of three consecutive years on their annual faculty performance evaluation, the tenured faculty member shall undergo a post-tenure review in the year following the second "does not meet expectations" rating.

Any faculty member who maintains tenure after a post-tenure review yet receives an additional "does not meet performance expectations" assessment on any area of the faculty member's annual performance evaluation in the subsequent two years, will be required to undergo an additional post-tenure review.

(2) The department chairperson, dean, or provost may require an immediate and for cause post-tenure review at any time for a faculty member who has a documented and sustained record of significant underperformance outside of the faculty member's annual performance evaluation. For this purpose, cause shall not be based on a faculty member's allowable expression of academic freedom as defined by the university or Ohio law.

(C) Procedure.

(1) The post-tenure review shall be focused solely on the documented area(s) of underperformance that triggered the review, specifically:

(a) The evaluative category or categories in which the faculty member received a rating of "does not meet performance expectations" that initiated the review, either for two of the

past three consecutive years or in the two years after a prior post-tenure review.

(b) The specific, documented, and sustained record of significant underperformance outside of the faculty member's annual performance evaluation that prompted an immediate or for cause review.

(2) The university's post-tenure review due process period, from beginning to end, shall not exceed six months, except that a one-time two-month extension may be granted by the university's president.

(3) The timeline of the post-tenure review due process period is as follows. All timeframes below (i.e., the due-process clock) refer to the time since the faculty member was sent the email notification (hereafter "the notification") of the need for the post-tenure review process.

(a) The due process clock begins upon the faculty member's receipt of a final performance evaluation assessment that meets the criteria in paragraph (B)(1) of this rule or upon documented notice to the faculty member by the department chairperson, dean, or provost, per paragraph (B)(2) of this rule.

Any appeal of the final annual performance evaluation assessment is concurrent to the post-tenure evaluation timeline.

(b) Within thirty days of the notification, the post-tenure review committee shall be formed, consisting of their college dean, their chair, and one additional chair.

(c) Also within thirty days of the notification, the faculty member being reviewed may inform their college dean of the names of up to two faculty members of their choosing that they intend to invite to provide testimonial on their behalf either within the documentation submitted and/or when they present their case in a formal review.

(d) Within forty-five days of the notification, the faculty member shall submit documentation relevant only to the specific area(s) under review. The committee considers institutional documentation, which shall include the annual evaluations and performance plans outlined by the chair and/or dean from these annual evaluations.

(e) Within seventy-five days of the notification, the post-tenure review committee conducts a thorough audit or examination of the materials and provides the faculty member with the opportunity to present their case in a formal interview.

(f) Within ninety days of the notification, the post-tenure review committee submits its findings and a recommended administrative action to the provost. The committee may recommend censure, remedial training, removal of tenure status, conversion of status from tenured to non-tenure track with pay commensurate with such status, suspension with or without pay, or for cause termination, regardless of tenure status.

(g) Within one hundred fifteen days of the notification, the provost reviews the committee's findings and issues the final determination.

(h) Appeals. If the final determination of the provost results in an administrative action, per paragraph (C)(3)(e) of this rule, the tenured faculty member may submit a notice of appeal within ten days of receiving the final determination. Within one hundred fifty days of the notification, the appeal is heard by the university president, who issues a final and binding institutional decision on the administrative action.

(D) Policy review cycle. The provost's office is responsible for this policy. This policy will be reviewed every five years.

(E) YSU shall not bargain post-tenure policies. This policy applies, notwithstanding, any contrary provision in a collective bargaining agreement entered into on or after the statute's effective date.