

**3364-72-52 Post tenure review policy.****(A) Policy statement**

The quality of education, research and service provided by an academic institution can be no better than the quality of the mind and expertise of the faculty of that institution. As a result, it is in the best interests of the university of Toledo (“UT”) to create an environment in which these academic pursuits can flourish, and to invest in faculty development activities that enhance the success of faculty vitally engaged in education, research and service.

**(B) Purpose of the policy**

To provide a process for post tenure review.

**(C) Scope**

All tenured faculty of the Judith Herb college of education, health science and human service, college of medicine and life sciences, college of pharmacy and pharmaceutical sciences and college of nursing, and that are not bound by a collective bargaining agreement.

**(D) Procedure**

- (1) Formal post tenure review. The performance of all tenured faculty members will be reviewed annually by their department chair.**
  - (a) A formal tenured faculty review (“formal review”) by the department chairperson will be completed not less than every five years from the time of the last formal review. The formal review will include creating or revising mutually agreed upon goals, planning for continued professional development and evaluating performance. The outcomes of these reviews should include continued improvement of faculty performance and continuous career growth. Tenured faculty members will be evaluated on the basis of their contributions in education, scholarship activity and service and in accordance with rule 3364-72-03 of the Administrative Code (faculty workload measurement and reporting requirements for colleges of UT). If the faculty member fails to cooperate or comply with the**

remedies ordered by the dean, the matter may result in disciplinary action up to and including termination.

- (b) A special post tenure review (“special review”) will be performed when the president, chancellor and executive vice president for biosciences and health affairs (“chancellor”), provost and executive vice president for academic affairs, dean or chair have good reason to believe there is a significant problem regarding a faculty member’s performance of duties or a faculty member’s workload pursuant to rule 3364-72-03 of the Administrative Code. The president, chancellor, or dean will meet with the faculty member and any other appropriate individuals in an attempt to clarify and if necessary rectify the situation. Special reviews will be reserved for the situations that may not be rectified by other means. The president, chancellor, provost or dean will discuss, with the department chair, and the faculty member the nature of the problem(s) and whether a performance improvement plan, as set forth below, is necessary.

- (2) Performance improvement plan. A performance improvement plan will be prepared when a department chair determines at a formal review or special review that a tenured faculty member's performance has been unsatisfactory. The performance improvement plan, cooperatively developed by the chair and the faculty member, will describe specific goals, measurable outcomes and strategies to improve performance. A copy of the performance improvement plan will be provided to the appropriate dean and to the chancellor or provost and president. Successful completion of the performance improvement plan will result in the faculty member attaining the performance required by the departmental standards. The plan will also describe sources of resources that will be provided to support the faculty member's improvement. While the individual faculty member is responsible ultimately for the successful outcome of the performance improvement plan, the chair has an obligation to assist the faculty member who seeks guidance in developing a realistic plan to remedy identified areas of deficiency. If the chair and faculty member are unable to mutually agree to a reasonable performance improvement plan either party may request facilitation by the post tenure review committee (in section (D)(3) of this rule).

A performance improvement plan for a tenured faculty member will be twenty-four months in length. The chair and faculty member will meet at least twice every twelve months to review progress toward the plan. If the faculty member has achieved the performance improvement goals described in the plan and satisfies the departmental performance standards at the conclusion of the plan, the faculty member will subsequently be evaluated according to the regular annual review process. If the chair, the dean, the chancellor or the president, determines that the faculty member did not successfully attain the performance improvement goals described in the plan or comply with the remedies set forth by the dean, a review by the post tenure review committee is mandatory and the faculty member will be disciplined up to an including termination.

- (3) Post-tenure review committee. The primary purpose of the post-tenure review committee will be to form hearing committees to conduct reviews as described in the following section entitled

“post-tenure review process.” The post-tenure review committee will be a standing committee of UT consisting of eleven full-time faculty members holding tenured appointments from each college of the university to which this policy applies. No department chair or administrative officer will serve on the committee. The faculty of each college will elect the members for staggered terms of four years with at least four committee members being elected biennially. The faculty senate will organize the elections. If a college is not able to field sufficient qualified tenured representatives to complete its slate, it may elect non-tenured faculty members at the rank of professor or associate professor.

The members of the committee will annually elect a chair and vice chair. Chairs and vice-chairs may serve up to two consecutive terms. The membership of the committee will be communicated to the general faculty annually by the faculty senate.

Any member of the committee who has been referred to the committee for review will be removed from all committee activities until the matter is resolved. Committee members who cease to be full-time members of the faculty or who are appointed as department chairs, will be ineligible to continue serving. The faculty senate steering committee will appoint a new committee member to serve until the next scheduled election.

For each review, the chair of the committee will appoint four committee members to a hearing committee. The post-tenure review committee chair (or vice chair, at the chair’s designation), will chair this five member hearing committee. The chair will strive to see that at least one of the hearing committee members be from the same college as the faculty member being reviewed.

(4) Post-tenure review process

The department chair will request in writing a review by the post tenure review committee of a tenured faculty member who did not achieve the performance outcomes described in a performance improvement plan. The chair of the post-tenure review committee will appoint a hearing committee to perform the review. A hearing committee will be appointed and convened within twenty calendar days from a written request.

The faculty member being reviewed may select one faculty member to serve as his/her advocate on the hearing committee. The selected advocate will be invited to attend and participate in all meetings of the hearing committee as a non-voting member. Faculty members are ineligible to serve on a hearing committee if a conflict of interest exists with the faculty member being reviewed. The conflict of interest guidelines for UT regulatory affairs committee's policy defines what constitutes a conflict of interest.

The hearing committee will review the faculty member's performance based upon the written performance standards and criteria maintained by the department and the performance improvement plan. The basic standard for appraisal will be whether the faculty member under review discharges conscientiously and with professional competence the duties associated with his/her position. The review will acknowledge the different expectations in different disciplines and changing expectations at different stages of faculty careers.

The hearing committee will:

- (a) Request the parties to provide all documents necessary.
- (b) The faculty member will provide the hearing committee:
  - (i) A current curriculum vitae,
  - (ii) Annual reports detailing activity and accomplishments for the prior five years,
  - (iii) Annual self-evaluations for the prior five years,
  - (iv) The department standards of performance, and other documents, materials and statements that he/she wishes to be considered.
- (c) The faculty member may request, if there is disagreement about the faculty member's performance in scholarship/research, that the review also include

evaluations from qualified persons external to the university.

- (d) The department chair will provide the hearing committee:
  - (i) The annual performance review of the faculty member for the prior five years,
  - (ii) All materials that were considered in those performance reviews,
  - (iii) Written summaries that document deficiencies and the performance improvement plan, and
  - (iv) Any other documents and information that the chair wishes to submit.
- (e) Complete a qualitative and quantitative review of all the relevant evidence, submitted by the faculty member and department chair, of the faculty member's performance over the prior twenty-four months.
- (f) Interview both the faculty member and the department chair, and at its discretion interview other faculty members as the committee deems necessary.
- (g) Maintain accurate records of its findings and opinions; the hearing committee members will maintain confidentiality with regard to all deliberations and recommendations to the extent permitted by law, and except that items reduced to writing are subject to section 149.43 of the Revised Code (Ohio public records a).
- (h) Complete its review within twenty calendar days.
- (i) Prepare a summary of its findings and conclusions and report to the appropriate dean and the chancellor or provost. Copies of the report will be simultaneously provided to the chair and faculty member.

(j) The hearing committee's report will find one of the following:

(i) Certification of Satisfactory Performance

The hearing committee may conclude that the faculty member's performance and professional contributions are satisfactory to meet the standards set by the performance improvement plan, thus failing to sustain the assessment of the department chair. The review is then complete. (Note: should an unsatisfactory annual review occur in any subsequent year it will be counted as the first in a new sequence.)

(ii) Certification of deficiencies

The hearing committee may sustain the department chair's evaluation that the faculty member's performance was unsatisfactory to meet the standards set by the performance improvement plan. The hearing committee may conclude that:

(a) The performance deficiencies identified have improved during the twenty-four month plan, are not substantial or chronic, and may be remedied by extending the improvement plan for twelve months, or

(b) The performance deficiencies identified are substantial, chronic and unlikely to be remedied by continuing the improvement plan. The case will be referred to the appropriate dean and the chancellor or provost for further action including possible sanctions as described in the faculty rules and regulations, if applicable to that faculty member.

(5) If at any point during the process faculty members believe they have not received due process or were treated unfairly, a grievance

can be filed in accordance with rule 3364-72-51 of the Administrative Code (faculty grievance and appeals).



Effective: 4/20/2020

CERTIFIED ELECTRONICALLY

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Certification

04/08/2020

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Date

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