

## **POST-TENURE REVIEW**

A well-qualified and productive faculty is essential to the core teaching, scholarship, and service missions of Florida Atlantic University (FAU). Post Tenure Review (PTR) serves as a periodic review of tenured faculty and is designed to foster sustained excellence and professional development, and recognize and reward outstanding achievement.

PTR is separate and distinct from annual and other employee evaluations in that PTR will focus on long-term accomplishments over a period of five years. Most importantly, the PTR process has been designed to uphold the University's fundamental principles of tenure, academic freedom, due process, and confidentiality in personnel matters.

The PTR process for tenured faculty will initially begin in Spring 2024, and continue in subsequent years, and encompass 20% of eligible tenured faculty. During the first five years of implementation, the University will issue a call to eligible tenured faculty for volunteers to participate in the PTR process. Should the number of volunteers be greater than 20% of the eligible faculty, a random selection from the volunteers will determine the faculty who participate in PTR that year. If the number of volunteers is less than 20% of the eligible faculty, a random selection from the remaining eligible faculty will identify a sufficient number of eligible faculty who will participate in PTR. Eligible faculty due for a Sustained Performance Evaluation (SPE) may volunteer for PTR and participate in both processes simultaneously. PTR is intended to accomplish the following:

- (a) Ensure continued high standards of quality and productivity among the University's tenured faculty.
- (b) Determine whether a faculty member is meeting the responsibilities and expectations associated with assigned duties in research, teaching and service, including compliance with state laws, Board of Governors (BOG) regulations, and University regulations and policies, including approved accreditation standards.
- (c) Recognize and honor exceptional achievement and provide incentives and support for professional growth, development, and retention.
- (d) When appropriate, develop and implement corrective action plans, and refocus academic and professional efforts and take appropriate employment action pursuant to applicable University regulations and policies, and in accordance with applicable provisions of the CBA.

### **Definitions**

For purposes of this policy, the following definitions apply:

- (a) "Administrative Role" means a position or role at FAU in which a tenured faculty member is the Provost, a vice president, dean, associate/assistant dean, chair, school director, institute director, center director, or otherwise has administrative duties and for which an annual evaluation of all assigned duties, responsibilities and professional conduct is performed.

- (b) “Eligible Faculty Member” means a tenured faculty member at the University who has been notified by the University that they are subject to PTR in a given year, as outlined in BOG Regulation 10.003(2) and determined by the University, and who has not received an approved postponement or submitted a letter of resignation/retirement. Tenured faculty in out-of-unit Administrative Roles are not included in this definition. Eligible Faculty Members may include any/all tenured faculty employed at the University in all colleges, including the College of Medicine.
- (c) “Unit Head” means the Department Chair, School Director, Dean (for colleges without departments/units), or similar administrator who prepares the Eligible Faculty Member’s annual evaluation.
- (d) “PTR File” means items/documents prepared by an Eligible Faculty Member, and subsequently supplemented by the Unit Head (if applicable), Advisory Committee(s), and College Dean, highlighting the Eligible Faculty Member’s accomplishments, and demonstrating performance relative to assigned duties for the Review Period and Criteria (as defined below).
- (e) “Review Period” means the five-year period prior to the semester in which PTR will occur for Eligible Faculty Members.
- (f) “Criteria” includes clear, written, quantified criteria relative to assigned duties for the Review Period by which faculty will be evaluated. Each department/unit at FAU shall develop and maintain clear, written criteria and expectations by which to evaluate each faculty (see articulation of in-unit criteria below). During the five-year Review Period, the PTR shall also include consideration of the following:
1. The faculty member’s history of performance of academic responsibilities to the University and its students, and professional conduct per University regulations and policies.
  2. The faculty member’s non-compliance with state law, Board of Governors’ regulations, including approved accreditation standards, and University regulations and policies within the scope of their University employment.
  3. Unapproved absences from teaching assigned courses.
  4. Substantiated student complaints.
  5. Other relevant measures of faculty conduct as appropriate.
- (g) “Performance Rating” means the following rating scale:
- **Exceeds Expectations:** a clear and significant level of accomplishment beyond the unit’s and University’s written criteria, and beyond the average performance of faculty across the faculty member’s discipline and unit.
  - **Meets Expectations:** an expected level of accomplishment based on the unit’s and University’s written criteria, compared to faculty across the faculty member’s discipline and unit.

- **Does Not Meet Expectations:** performance falls below the unit's and University's written criteria, compared to faculty across the faculty member's discipline and unit, but is capable of improvement.
- **Unsatisfactory:** performance fails to meet the unit's written criteria which reflects disregard or failure to follow previously documented and/or otherwise given advice or other efforts to provide correction; or documented incompetence or misconduct, as defined in applicable University regulations and policies, or applicable CBA provisions.

## Evaluation Cycle

The PTR will follow a five-year cycle for each tenured faculty member, with the following exceptions:

- Any successful application for promotion from Associate Professor to Professor resets the applicant's five-year cycle. If such an application is unsuccessful, then upon request of the applicant the University Provost may, at the Provost's discretion, add one extra year to the faculty member's PTR cycle.
- Faculty members on phased retirement, in DROP, or whose retirement date the University has accepted are exempt from the PTR.
- Time a faculty member spends serving as a Department Chair, School Director, Dean, Associate Dean, or in any other full-time administrative position subject to regular administrative review may not count toward the PTR cycle. The faculty member may choose, upon returning to a non-administrative faculty position on a full-time basis, whether their five-year cycle either restarts or resumes.
- Time a faculty member spends on medical or family leave may be included or excluded in the PTR cycle at the request of the faculty member.
- The PTR may be postponed for one year for faculty who will be on leave (including sabbatical) during the year when it is scheduled to occur.
- The Provost or the Provost's designee, may provide exceptions to the timing of the PTR for extenuating, unforeseen circumstances.

The office of the Dean of each College and the Office of the Provost shall maintain a schedule of PTR evaluations listing all tenured faculty members in the College. The Dean's office shall notify faculty members of their upcoming PTR no less than six months in advance of the due date for the evaluation file, starting in AY 2024-2025.

## PTR File

The PTR will be conducted based on a file containing a summary of the faculty member's activities, and history of professional conduct and performance of academic responsibilities to the University and its students during the entire five-year Review Period. The PTR file should contain relevant to the five-year Review period:

- a current *curriculum vita* that clearly highlights accomplishments in teaching, scholarship, and service,

- copies of the faculty member’s last five annual assignments and annual evaluations including any attached written rebuttals by a faculty member under review,
- a copy of the report of the previous SPE or PTR, if available,
- a copy of the published criteria from the faculty member’s academic unit (see Articulation of Unit Expectations below),
- a brief (2 page) narrative from the faculty member, and
- other relevant measures of faculty conduct as appropriate.

The review shall not consider or otherwise discriminate based on faculty members’ political or ideological viewpoints.

If applicable, the PTR File should also include documentation regarding the faculty member’s substantiated non-compliance with state law, Board of Governors’ regulations, and University regulations and policies within the scope of their University employment; unapproved absences from teaching assigned courses; and substantiated student complaints. The faculty member in the 2-page narrative may also provide explanations in relation to substantiated noncompliance with relevant laws, regulations, and policies.

These are the documents required throughout the University. Each College may establish guidelines (see Establishment of College-Wide Evaluation Policies below) requiring additional items to be included in its faculty members’ PTR files.

The contents of each PTR file are to be kept confidential, pursuant to Florida law and University regulations and policies.

### **Review Report Requirements**

Each responsible party (e.g., Unit Head Advisory Committee, Unit Head, Dean, Provost) that is charged with preparing a report in the PTR process described below must adhere to the following:

- The report must include an assessment of the Eligible Faculty Member’s performance and conduct for the five-year Review Period based on the aforementioned Criteria.
- The report must state whether the faculty member’s performance and conduct Exceeds Expectations, Meets Expectations, Fails to Meet Expectations, or is Unsatisfactory and provide specific reasons to support the determination.
- In reaching a Criteria based Performance Rating, the responsible party must consider the written criteria of the University and Eligible Faculty Member’s unit.
- The responsible party must also consider the following:
  - that faculty members have varying responsibilities within their academic units, as reflected in their annual assignments,
  - that faculty can make essential contributions to the University’s mission in various ways,
  - that the nature of an individual’s contributions may vary over time,
  - that innovative scholarly work may take time to bear fruit, and may sometimes not result in a grant, journal article, or other scholarly product,

- that unusual or unpopular scholarship, teaching, and service are not sufficient cause for a negative evaluation, and
  - the five-year Review Period.
- The report must certify that any substantiated reports regarding documented professional conduct, academic responsibilities or performance for the Review Period have been included in the report.

### **Participants, Responsibilities, and Process**

**Eligible Faculty Members** shall prepare and submit their completed PTR file, based on the aforementioned Criteria and reporting requirements of the five-year Review Period defined above, to the Unit Head by the date and via Interfolio or the method specified by the University.

#### **PTR Advisory Committee:**

**Unit Head:** The Unit Head will convene a PTR Advisory Committee consisting of a minimum of three professors in the Eligible Faculty Member's Unit. For the review of associate professors, the Committee shall consist of professors of at least associate rank in the Eligible Faculty Member's Unit. For the review of full professors, the committee shall consist of all full professors in the unit. Should there be less than an adequate number of professors in the unit at the required rank, the Unit Head and the Unit full professors will select professors within the college at the appropriate rank so that there are three professors at the appropriate rank or above serving on the committee.

The PTR Advisory Committee will review each PTR file and prepare a report for each Eligible Faculty Member based on the Criteria and Report Requirements of the five-year Review Period defined above. The Unit Head's PTR Advisory Committee's report shall include a recommended Performance Rating. The PTR Advisory Committee will affix their reports to the PTR files and return them to the Unit Head. The PTR Advisory Committee's report shall not be binding upon the Unit Head, the Dean, or the Provost.

**Provost:** The Provost may, in their sole and absolute discretion, request assistance from an advisory committee at their level of review. If formed upon the request of the Provost, the faculty advisory committee must consist of at least three faculty members of appropriate rank. Any such consultations with an advisory committee shall not be binding upon the Provost. The recommendations of the advisory committee convened by the Provost may be submitted in writing and formally incorporated into the PTR File.

In all cases, any person with a plausible, perceived conflict of interest in evaluating a particular faculty member cannot serve on the PTR Advisory Committee in the year of that faculty member's PTR.

**Eligible Faculty Member's Unit Head** shall:

- Review the following for each Eligible Faculty Member:

- PTR file, including the Unit Head’s PTR Advisory Committee report and Performance Rating.
  - personnel file, records of accomplishments and awards, annual evaluations, and faculty responses as applicable during the entire five-year Review Period.
  - any findings of a completed and substantiated inquiry or investigation of non-compliance with applicable laws, BOG and University regulations, and University policies within the scope of their University employment during the entire five-year Review Period.
  - any records of substantiated unapproved absences during the five-year Review Period, and
  - any disciplinary action issued by the University during the entire five-year Review Period.
- Prepare a report for each Eligible Faculty Member based on the aforementioned Criteria and Report Requirements defined above and affix the reports to the PTR files. The Unit Head’s report shall include a recommended Performance Rating and shall not be binding upon the Dean or the Provost.
  - Provide the Eligible Faculty Member with access to the complete PTR file, including all reports, and notify the Eligible Faculty Member that they have five calendar days to submit a rebuttal to be included in the PTR file.
  - After the five-calendar day response period, forward the PTR files to the College Dean

**Eligible Faculty Member’s College Dean shall:**

- Review the PTR file and items submitted by the Eligible Faculty Member, the Unit Head’s PTR Advisory Committee’s report and Performance Rating, items reviewed and submitted by the Unit Head, and Unit Head’s report and Performance Rating.
- Prepare a report for each Eligible Faculty Member based on the aforementioned Criteria and Report Requirements and affix the reports to the PTR files. The Dean’s report shall include a recommended Performance Rating. The Dean may accept, reject, or modify the Unit Head’s Performance Rating(s). This report shall include a written justification for their performance rating and any changes from the Unit Head’s Performance Rating and shall not be binding upon the Provost.
- Provide the Eligible Faculty Member with access to the complete PTR file, including all reports, and notify them that they have five calendar days to submit a rebuttal to be included in the PTR file.
- After the five-calendar day response period, forward the PTR files to the Provost by the date and via the method specified by the University.

**The Provost shall:**

- Review the PTR file and items submitted by the Eligible Faculty Member, the Unit Head’s PTR Advisory Committee’s report and Performance Rating, items reviewed and submitted by the Unit Head, the Unit Head’s report and Performance Rating, items reviewed and submitted by the Dean, and the Dean’s report and Performance Rating
- In consultation with the President, the Provost shall prepare a report for each Eligible

Faculty Member based on the aforementioned Criteria and Report Requirements. The Provost's report shall include a recommended Performance Rating. The Provost may accept, reject, or modify the Unit Head's and Dean's Performance Rating(s), and provide a written justification for their Performance Rating.

- Notify the Eligible Faculty Member, their unit head, and college dean of the Eligible Faculty Member's Performance Rating and outcome and provide the Eligible Faculty Member with access to a copy of the complete PTR file, including all reports.

## **PTR Outcomes**

### ***Performance Meets or Exceeds Expectations***

Any faculty member whose performance Meets or Exceeds Expectations shall receive recognition and compensation consideration in accordance with University regulations and policies.

- A Performance Rating of Exceeds Expectations will receive a 3% merit base salary increase or \$2,500 merit base salary increase, whichever is higher. In addition, Associate Professors will receive a \$2,500 one-time bonus and Full Professors will receive a \$5,000 one-time bonus.
- A Performance Rating of Meets Expectations will receive a 3% merit base salary increase or \$2,500 merit base salary increase, whichever is higher.

### ***Performance Does Not Meet Expectations***

Any faculty member whose sustained performance Does Not Meet Expectations shall work with the Unit Head to draft a Performance Improvement Plan (PIP) setting specific milestones that the faculty member will be responsible to meet over a period of no more than 12 months to achieve documented requirements of the PIP. The Dean, in consultation with the Unit Head, must review and approve the PIP and forward a copy to the Provost.

The faculty member may appeal the contents of a PIP to the Provost. The appeal must be submitted within seven calendar days of receiving the approved PIP. The Provost shall make final decisions regarding the PIP requirements.

At the end of the PIP, or when all of the PIP targets have been accomplished if before the PIP deadline(s), the faculty member will prepare a written summary of how and when those targets were achieved. The Provost, in consultation with the Unit Head and/or Dean, will decide whether the targets laid out in the PIP have been achieved.

In the event that any faculty member placed on a PIP does not meet the requirements of the PIP by the stated deadline, the Provost shall propose termination of such faculty member, pursuant to applicable University regulations and policies, and in accordance with applicable provisions of the CBA.

### ***Unsatisfactory Performance***

For any faculty member who receives an Unsatisfactory Performance Rating, the Provost shall propose termination of such faculty member, pursuant to applicable University regulations and policies, and in accordance with applicable provisions of the CBA.

## **Appeals Process**

PTR outcomes may be appealed pursuant to University regulations and policies, and the CBA, if applicable. However, notwithstanding any University regulations and policies or applicable CBA, PTR outcomes may not be appealed beyond the level of the President, or President's designee, and are not subject to arbitration. The filing of a grievance does not toll the action/decision of the University, including termination.

## **Reporting and Record Keeping**

Once all PTRs are complete, the Dean's office will prepare a report to the University Provost listing all PTRs in the College that year and the result of each. The University will store the PTR files in accordance with its general policies for evaluation files.

## **Monitoring and Reporting**

The Provost shall report annually to the President and Board of Trustees on the outcome of the PTR process.

Beginning January 1, 2024, and then every three years thereafter, the University's Office of Inspector General shall conduct an audit on the Post-Tenure Review process for the prior fiscal year and submit to the Board of Trustees by July 1st of that year an audit report that includes:

- the number of tenured faculty members that received each of the four ratings in the Performance Rating Scale from the Provost,
- the outcome in cases of each Performance Rating category, and any findings of non-compliance with applicable laws and regulations.

The Board of Trustees shall consider the audit report outlined above at its next meeting following the audit report's publication. The audit report cannot be a consent agenda item and must be presented to the Board by the Chief Audit Officer. The audit report must be provided to the BOG, as specified in BOG Regulation 10.003(6)

## **Establishment of College-Wide Evaluation Policies**

Each College Faculty Assembly will appoint a committee to develop PTR guidelines specific to its College during AY 2023-24. These guidelines should describe evaluation procedures established by its individual academic units.

No College policy may conflict with a University or Provost's policy. Accordingly, the Provost must approve the College policy prior to its implementation or amendment. The Provost may either approve the College policy or send it back to the College committee with instructions to modify it.

## **Articulation of Unit Criteria**

Each academic unit that does annual evaluations shall clearly define criteria for PTR among its tenured faculty in the areas of teaching, scholarship, and service. These written criteria shall reflect the customs and practices of the academic unit, the professional discipline(s) of its faculty, and its overall mission as part of the University.

In view of the various kinds of contributions faculty members make during the course of their careers, unit criteria must also be sufficiently flexible to embrace the variability of faculty interests, activities, and strengths.

Since PTR explicitly considers the annual assignments of each faculty member, unit criteria should weigh appropriately the full range of assignments a tenured faculty member may receive.

As with other policies for faculty evaluation, the academic unit's criteria for PTR must be approved by the Dean of the College and aligned with the eligible faculty member's assigned duties. Once approved by the Dean, each unit's PTR criteria will be submitted to the University Provost for final approval. The Provost or designee may either approve the criteria or send it back with instructions and justifications for required modifications. Once final, each College will publish the unit criteria on the College's website.

## **PTR Policy Committee**

The Provost shall convene a broadly representative *ad hoc* committee of faculty every three years, or more frequently if needed, to review the PTR policies and procedures described above. The PTR Policy Committee will examine the outcomes of PTRs conducted since it last met to assess the policy's effectiveness in fostering continued professional development and outstanding achievement among the University's tenured faculty. The Committee may recommend changes to the Provost's PTR policy to make it more effective. The PTR Policy Committee has no oversight role, however, over the findings of individual Evaluations including Performance Ratings, or over the contents of individual PIPs.