


Name of Policy: Post-tenure review Policy Number: 3364-72-52 Approving Officer: President Responsible Agent: Provost and Vice Provost for Educational Health Affairs Scope: Faculty not bound by a collective bargaining agreement		 Effective date: October 26, 2023 Original effective date: October 14, 2011	
Keywords:			
	New policy		Minor/technical revision of existing policy
X	Major revision of existing policy		Reaffirmation of existing policy

(A) Policy Statement

The quality of education, research and service provided by an academic institution is dependent upon the quality of the intellectual endeavors and expertise of the faculty of that institution. Therefore, the university of Toledo strives 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 college of medicine and life sciences (“COMLS”) and the college of health and human services (“CHHS”) that are not bound by a collective bargaining agreement.

(D) Procedure

- (1) Formal post-tenure review. While the performance of all tenured faculty members will be reviewed annually by their department chair, the five year post-tenure review serves as a longitudinal assessment of the breadth of a tenured faculty member’s contributions to the university

- (a) A formal tenured faculty review (“post-tenure review”) by their department chairperson will be completed not less than every five years from the time of the last post-tenure review and be assessed by the groups/administrators and timeline outlined in the academic personnel calendar. The post-tenure review will include creating or revising mutually agreed upon goals, planning for continued professional development and evaluating ongoing and sustained performance. Tenured faculty members will be evaluated in accordance with policy 3364-72-03 faculty workload measurement and reporting requirements for colleges of the university of Toledo on the basis of their contributions in education, scholarship and service. For COMLS faculty, the post-tenure review will be assessed by (in this order): the faculty member’s department personnel committee, department chair, COMLS appointments, promotions, and tenure committee, dean, and provost. For CHHS faculty, the post-tenure review will be assessed by (in this order): the faculty member’s appointment and promotions committee tenure subcommittee, department chair, dean, and provost. Each college will develop and use their discipline-specific standards, review criteria, and review procedures to assess tenured faculty performance. If issues are identified, as outlined in (b) or (c) below, the post-tenure review may stop at the department or college level.
- (b) Outside of the formal five year post-tenure review, a special post-tenure review may be performed when the faculty member’s department chair and/or the dean 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 policy 3364-72-03. The department chair will meet with the faculty member and any other appropriate individuals in an attempt to clarify and, if necessary, rectify the situation. Special post-tenure reviews will be reserved for situations that may not be rectified by other means. Whenever possible, all performance issues should be resolved informally at the lowest level. For post-tenure special reviews, the department chair will discuss the nature of the problem(s) with the faculty member and develop a performance improvement plan, as described below. If necessary, the COMLS associate dean for faculty affairs and development, vice provost for faculty affairs (for CHHS faculty), and/or the dean, may be involved in these meetings
- (c) If issues are identified during either the post-tenure review or special review process, a performance improvement plan must be developed (as described below). If necessary, the COMLS associate dean for faculty affairs and development, vice provost for faculty affairs (for CHHS faculty), and/or the dean, may be involved in performance improvement plan development. If the faculty member fails to cooperate or comply with the goals, outcomes

or strategies outlined in the performance improvement plan, the matter will be referred to the ad hoc post-tenure performance committee (as described below), which may result in disciplinary action up to, and including, termination.

- (2) Performance improvement plan. A performance improvement plan will be prepared when a department chair determines at a post-tenure review or post-tenure special review that a tenured faculty member's performance has been unsatisfactory. The performance improvement plan, cooperatively developed by the department chair and the faculty member, will describe specific goals, measurable outcomes and strategies to improve performance. Successful completion of the performance improvement plan will result in the faculty member attaining the performance required by the departmental and/or college standards. The performance improvement plan also will describe the types and amounts of resources that will be provided to support the faculty member's improvement. While the individual faculty member is ultimately responsible for the successful outcome of the performance improvement plan, the department chair has an obligation to assist the faculty member in developing and completing a realistic plan to remedy identified areas of deficiency. If the department chair and faculty member are unable to mutually agree to a reasonable performance improvement plan, either party may request facilitation by the ad hoc post-tenure performance committee (described below). A copy of the performance improvement plan will be provided to the appropriate associate dean for faculty affairs and development (for COMLS faculty), vice provost for faculty affairs (for CHHS faculty), and/or the dean.

A performance improvement plan for a tenured faculty member will be twenty-four months in length and a copy of this policy will be provided by the office of faculty affairs and development or the vice provost for faculty affairs at the onset of the performance improvement plan. The department 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 satisfied the departmental and/or college performance standards at the conclusion of the plan, the faculty member subsequently will be evaluated according to the regular annual review process. If the department chair and/or the dean determine that the faculty member did not successfully attain the performance improvement plan goals, a review by the ad hoc post-tenure performance committee is mandatory and the faculty member will be disciplined, up to and including termination.

- (3) Ad hoc post-tenure performance committee. The primary purpose of the ad hoc post-tenure performance committee (performance committee) will be to conduct a review, as described in the following section entitled "post-tenure performance review process," of a tenured faculty member who did not achieve the performance outcomes described in a performance improvement plan from either the post-

tenure review or special review. The performance committee will be an ad hoc committee of the university of Toledo consisting of five full-time faculty members, not bound by a collective bargaining agreement, holding tenured appointments from either COMLS or CHHS. The performance committee will consist of five tenured faculty members with the majority being from the college of the faculty member being reviewed, selected from and by members of the COMLS standing faculty appeals committee and CHHS appointment and promotion tenure subcommittee, respectively.

No department chair or administrative officer will serve on the performance committee. 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.

- (4) Post-tenure performance review process. The department chair will request, in writing, that the chair of the COMLS faculty appeals committee forms a five member ad hoc post-tenure performance review committee (performance committee) to review a tenured faculty member who did not achieve the performance outcomes described in a performance improvement plan. The faculty appeals committee will meet to appoint five tenured faculty to serve on a performance committee. The faculty appeals committee also will work with CHHS faculty, not bound by a collective bargaining agreement, to appoint CHHS tenured faculty to serve on a performance committee. The performance committee will be appointed and convened within fifteen business days, excluding Saturdays, Sundays, legal holidays, and winter break, from the department chair's written request.

Faculty members are ineligible to serve on a performance committee if a conflict of interest exists with the faculty member being reviewed. Conflicts of interest are defined by the conflict of interest and nepotism policy 3364-25-18. For COMLS, additional conflict of interest considerations are outlined in the COMLS individual conflict of interest in education and clinical care policy 3364-81-01-004-01. All potential conflicts of interest will be discussed by the faculty appeals committee before the five members of the performance committee are appointed. The five members of the performance committee will be communicated to the faculty member under review. If the faculty member under review believes that any performance committee members have a conflict of interest, the faculty member has five business days to present their reason(s) to the faculty appeals committee that a conflict exists. If the faculty appeals committee agrees that a conflict exists, a new performance committee member will be appointed.

During an initial meeting, the five members of the performance committee will elect a performance committee chair. The performance committee chair will be responsible for scheduling performance committee meetings and conducting a fair review process.

The faculty member being reviewed may select one tenured faculty member from their college, at the discretion of the performance committee chair, to serve as their advocate during performance committee meetings. The approved advocate will be invited to attend meetings, where the faculty member is present and being reviewed, and may offer advice to the faculty member being reviewed. However, the advocate will not speak for the faculty member, will not be allowed to call witnesses or request that information be reviewed, or otherwise attempt to disrupt or direct the performance committee's assessment process. The advocate is not a member of the performance committee.

The performance committee will assess the faculty member's performance based upon the written performance standards and criteria maintained by the department, college, 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 their position. The review will acknowledge the different expectations in different disciplines and changing expectations at different stages of faculty careers.

The performance committee will:

- (a) Request that the department chair and faculty member being reviewed provide all necessary documents. If necessary, other documentation of performance or deficiencies may be requested from college or university administration.
- (b) The faculty member will provide the performance committee:
 - A current curriculum vitae;
 - Annual reports detailing activity and accomplishments for the prior five years;
 - Annual self-evaluations for the prior five years;
 - The department and/or college standards of performance; and
 - Other documents, materials and statements that the faculty member wishes to be considered including evaluations from qualified persons external to the university.
- (c) The department chair will provide the performance committee:
 - The annual performance review of the faculty member for the prior five years;
 - All materials that were considered in those performance reviews;
 - Written summaries that document deficiencies and the performance improvement plan; and
 - Any other documents and information that the chair wishes to submit including evaluations from qualified persons external to the university.
- (d) 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 (24) months.

- (e) Interview both the faculty member and the department chair, and at its discretion interview other faculty members as the performance committee deems necessary.
- (f) Maintain accurate records of its findings and opinions. All performance 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 the Ohio public records act, Revised Code section 149.43.
- (g) Complete its review within fifteen business days from the initial meeting.
- (h) Prepare a summary of its findings and make a recommendation to the department chair and dean. A copy of the findings and recommendation will be provided to the faculty member, department chair, and dean. For COMLS, the summary and recommendation also will be provided to the associate dean of faculty affairs and development. For CHHS, the summary and recommendation also will be provided to the vice provost of faculty affairs.
- (i) The performance committee's recommendation will include one of the following:
 - (i) Recommendation of satisfactory performance. The performance 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. This recommendation of satisfactory performance completes the performance committee review and will be submitted to and considered by the dean. (Note: should an unsatisfactory annual review occur in any subsequent year, it will be counted as the first in a new sequence.)
 - (ii) Recommendation of remediation. The performance 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. In such cases, the performance committee may conclude that:
 - (a) The faculty member has significantly improved and/or made substantial progress toward correcting the identified performance deficiencies during the twenty-four month performance improvement plan, the deficiencies are not

substantial or chronic, and/or the deficiencies may be remedied by extending the performance improvement plan for an additional twelve months; or

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

(5) After this process has been completed, if the faculty member believes they have not received due process or were treated unfairly, only then can an appeal be filed in accordance with policy 3364-72-51 faculty appeals.

<p>Approved by:</p> <p><i>/s/</i></p> <hr/> <p>Gregory Postel, MD President</p> <p>Date: Date</p> <p>Review/revision completed by:</p> <ul style="list-style-type: none">• <i>Faculty Committee on Rules and Regulations</i>• <i>Vice Provost for Educational Health Affairs</i>• <i>Provost and Executive Vice President for Academic Affairs</i>• <i>Legal Affairs, HSC</i>	<p>Policies superseded by this policy:</p> <ul style="list-style-type: none">• <i>Policy No. 05-086 Post Tenure Review (July 1, 2003)</i> <p>Original effective date: <i>October 14, 2011</i></p> <p>Review/revision date: <i>October 26, 2023</i></p> <p>Next review date: <i>October 26, 2026</i></p>
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