

Name of Policy: Post-tenure review Policy Number: 3364-72-58 Approving Officer: President Responsible Agent: Provost Scope: All University of Toledo Campuses		 Effective date: December 17, 2025 Original effective date: December 17, 2025	
Keywords:			
x	New policy		Minor/technical revision of existing policy
	Major revision of existing policy		Reaffirmation of existing policy

(A) Policy statement

The University conducts post-tenure reviews.

(B) Purpose of policy

To comply with Ohio Revised Code Sec. 3345.453 and establish a post-tenure review process.

(C) Procedures

1. Situations requiring a post-tenure review

- a. The University requires a post-tenure review of any tenured faculty member who receives “a does not meet performance expectations” assessment within the same evaluative category for a minimum of 2 of the past 3 consecutive years on the faculty member's annual performance evaluation conducted under Ohio Revised Code Sec. 3345.452. The process outlined in this post-tenure review policy may also be applied to any full-time faculty member, including pre-tenure

faculty, lecturers and clinical faculty at the discretion of the department chair, dean or Provost.

- b. The University requires a post-tenure review if a faculty member who maintains employment after a post-tenure review and receives an additional “does not meet performance expectations” assessment on any area of the faculty member’s annual performance evaluation in the two years after the post-tenure review.
- c. At any time the department chair, dean, or Provost may require an immediate and for cause post-tenure review for a faculty member who has a documented and sustained record of significant underperformance outside of the faculty member’s annual performance evaluation as defined in section (D) of this policy. For this purpose, for cause is not to be based on a faculty member’s allowable expression of academic freedom as defined in this policy.

2. Post-tenure review length of time

Any post-tenure review, including appeal, must not exceed 6 months from beginning to end, except that upon written request that states the reason(s) the extension is needed, the President may in his or her discretion chose to grant a 1 time 2 month extension.

The Provost will submit a recommended outcome of the post-tenure review process to the President indicating whether administrative action is recommended or not. If the Provost recommends for-cause termination, the recommended outcome must include this specifically.

3. Appeals

A recommendation from the Provost for administrative action following a post-tenure review process may be appealed by the faculty member.

The appeal must be in writing, must set forth the specific reasons why administrative action should not be taken, and must include all relevant documents and information the faculty member asks the President or designee to consider.

The President or designee will issue a written decision on the appeal indicating what, if any, administrative action will be taken. The President or designee’s decision is final and not subject to appeal.

The President or designee will then decide whether to take an administrative action and if so, what administrative action to take.

(D). Definitions

“Administrative action” includes censure, remedial training, for-cause termination, regardless of tenure status, or any other action determined by the President.

“Allowable expression of academic freedom” for purposes of this policy means that faculty are permitted freedom in:

- a. research and publication of the results, subject to restrictions required to maintain contractual obligations, state or federal law, or to avoid legal liability
- b. both the physical and virtual classroom in discussing their area of expertise, except that faculty
 1. must not introduce into their teaching controversial topics which have no relation to their subject matter; or
 2. must not engage in discrimination or harassment of any person(s) as prohibited by University policy; or
 3. must respect intellectual diversity as required by Policy xxx; or
 4. must not speak for the University or suggest in any way that they speak for the University; or
 5. must not violate any applicable state or federal laws, or any policy or procedure of the University.

“Allowable expression academic freedom” may not be used to justify violation of state or federal law or any University policies or procedures.

- c. Librarians are free to choose resources and to provide services for the interest, information, and enlightenment of all members of the academic community. Resources will not be excluded from University libraries because of the author(s) or their scientific, economic, social, political, or religious views. No library resources will be proscribed or removed from the libraries because of partisan or doctrinal disapproval.

“Documented and sustained record of significant underperformance”: a record that includes two or more instances of any of the following, as determined by the University:

1. Violation of state or federal law, or action or inaction that the University maintains places the University at an unnecessary risk of a finding of such a violation, particularly when instruction or advice could have been sought and/or was not followed;
2. Action or inaction that causes the University to be found civilly or criminally liable, or that the University maintains places the University at unnecessary risk of civil or criminal liability, particularly when instruction or advice could have been sought and/or was not followed;
3. Violation of University policy;
4. Failure to adhere to expectations provided in writing by the department chair, dean or Provost.

(E) Updates

At least once every 5 years the university will update this policy and forward it to the Board of Trustees for approval. The first such update will occur no later than December 2030.

Nothing precludes the University president or designee from updating or amending this policy between the statutory 5 year periods. Those updates do not need to be approved by the Board of Trustees.

(F) Relation to collective bargaining

1. With respect to any collective bargaining agreement entered into after the date of this policy the following apply:
 - a) Nothing in this policy may be collectively bargained;
 - b) In the event that this policy conflicts with a collective bargaining agreement, this policy will prevail.
 - c) Neither this policy, application of this policy, nor any decisions reached under this policy may be negotiated, grieved, or arbitrated through any collective bargaining process.

- d) Any past practices required by or associated with a collective bargaining agreement do not impact implementation of this policy.

Approved by:	Policies superseded by this policy: •
Michael Miller, Chair, University of Toledo Board of Trustees	Original effective date: December 17, 2025
Date: December 17, 2025	Review/revision date:
	Next review date: December 17, 2030