

TO: UI Faculty Senate Officers
FROM: Executive Committee; UI AAUP Chapter
SUBJECT: Request for consideration of UI post-tenure review policies
DATE: Fall 2008

During the 2004 fall semester, the UI AAUP chapter's Executive Committee reviewed all nine available post-tenure peer review policies that were developed by individual UI colleges in response to a 1989 UI Faculty Senate resolution and subsequent Board of Regents mandate (See UI Operations Manual, III.10.7). As a result of our review, we recommended to the Faculty Council that it charge a faculty committee to undertake an independent review to discover to what extent the UI's individual collegiate policies are consistent across the university, to determine to what extent these policies are in substantial compliance with minimum standards of good practice as recommended by the AAUP, and to make whatever recommendations they deemed appropriate.

The Faculty Council subsequently charged the Senate's Faculty Policies and Compensation Committee (FPCC) to conduct an independent review of these policies, and to make any recommendations it deemed appropriate. As we understand it, the FPCC's deliberations resulted in a recommendation to revise the 1989 UI policy. This recommendation was apparently deferred, and it may have slipped through the cracks. We are now requesting that this matter again be considered by the Faculty Council, and perhaps again referred to the reconstituted FPCC for further consideration and any subsequent recommendations they deem appropriate. They will discover, as we did when we re-examined existing policies during the 2008 spring semester, that one of the two colleges that previously had no policy has now adopted a policy (Pharmacy), that the remaining college without a policy (Nursing) is now in the process of developing a policy, and only one of the remaining nine colleges with an existing policy (Education) has made any changes in its policy, with all four of these changes of only minor significance.

To assist us in our study, the Executive Committee relied heavily on the 1999 AAUP policy statement entitled "Post-Tenure Reviews: An AAUP Response" (See AAUP Policy Documents & Reports, Ninth Ed., 2001, pp.50-56, or: <http://www.aap.org/statements/Redbook/rbpostn.htm>). Especially useful in this study was the last section entitled "Minimum Standards of Good Practice if a Formal System of Post-Tenure Review is Established." We are attaching these minimum standards of good practice as Appendix A to this Memo.

The Executive Committee's study of the ten existing collegiate policies relative to the AAUP's recommended minimum standards of good practice indicated both a disturbing lack of consistency in these policies across the university, and many instances where these policies fail to comply with the AAUP's minimum standards of good practice. These major inconsistencies include, but are not limited to, the following.

1. In some UI colleges, post-tenure reviews are primarily summative, serving as a faculty evaluation mechanism or performance assessment tool leading in some instances to administratively imposed and non-negotiable faculty response requirements, perhaps involving sanctions, to correct perceived shortcomings or deficiencies. This is in sharp contrast to the AAUP's recommendation that post-tenure reviews be primarily formative, serving as a faculty development mechanism or self-assessment and career planning tool leading to future faculty activities appropriately influenced by the suggestions and advice of qualified peers and responsible academic administrators.

2. Several UI colleges specify two distinct levels of post-tenure reviews, identifying the more mundane as "standard" and the more elaborate and demanding as "extended." Extended reviews generally require more documentation of past performance, a self-assessment of that past performance, a proposed plan for future faculty activities, and specific recommendations by the review committee leading to a formalized development plan for the next review period. Extended reviews are automatically

considered for all those faculty being reviewed whose annual salary raises during the review period were "significantly below" the average raises in their academic unit. Extended reviews may be requested by the faculty member, or they may be authorized by the Dean in consultation with the DEO. Such a two-tiered review system, regardless of the criteria used to identify those faculty members who are candidates for extended reviews, not only tends to narrowly pre-judge a faculty member's contributions, but it diminishes and tends to trivialize standard reviews and the potential benefits to be derived therefrom.

3. Many post-tenure reviews appear to be perfunctory (e.g., standard reviews in those four colleges that specify two distinct levels of review), and many of these standard reviews are not conducted by qualified faculty peers.

4. Many post-tenure reviews are conducted by a small subset of an individual faculty member's qualified peers within the academic unit, and these small review committees are generally appointed by the DEO of the academic unit. This practice not only deprives the individual of the opportunity to receive advice from all qualified peers, but it also creates an opportunity to inject an administrative bias and distort the results of the peer review process.

In terms of the AAUP's minimum standards of good practice, we note the following specific inconsistencies.

1. Relative to Standard #1, one could reasonably argue that the automatic triggering mechanism for considering extended reviews in three UI colleges (ED, LAS and PUBH, by salary raises "significantly below" the unit average during the review period) is likely to lead to nothing more than a "wide-ranging fishing expedition in an attempt to dredge up negative evidence."

2. Relative to Standard #2, many UI collegiate review policies require recommendations that may lead to adjustments in the reviewee's activities, responsibilities, compensation, etc., and they do so without providing for a faculty grievance procedure that includes adequate due process protections such as a formal adversarial hearing before a panel of peers with the right to cross-examine witnesses, and where the administration has the burden of proof to show that the faculty member's past performance rises to the level of justifying the sanction that the administration deems appropriate.

3. Relative to Standard #3, only for reviews in two colleges (BUS and GRAD), and for extended reviews in one other (LAS), the DEO is specifically prohibited from participating in the peer review process. Because DEOs function in an administrative capacity, and in that regard have all been a party to whatever annual evaluations and salary adjustments have been made in the past, their participation is ipso facto NOT as faculty peers. Hence, their participation, when it occurs, means that this standard, which calls for these reviews to be conducted by faculty, is not met.

4. Relative to Standard #4, no collegiate review policy includes provisions offering tangible recognition to those faculty members who demonstrate high or improved performance.

5. Relative to Standard #5, the issues of different performance expectations in different disciplines, and changes in expectations at different stages of faculty careers, are not mentioned or addressed in any UI collegiate post-tenure review policy.

6. Relative to Standard #6, the issue of confidentiality is not addressed directly and with specificity, leaving in doubt to what extent, if any, the reviewee has any control over the release of the results of a post-tenure peer review.

7. Relative to Standard #7, only one college (GRAD) among the five colleges that require the preparation of a formal development plan as a part of a post-tenure review (ED, GRAD, LAS, PHAR and PUBH), makes it clear that this plan is to be the product of mutual negotiation rather than imposed unilaterally by the administration after simply a discussion of its possible provisions.

8. Relative to Standard #8, as in the case of Standard #2, no UI collegiate post-tenure review policy provides for anything more than a written response by the reviewee to the review committee report and to the DEO's comments or summary statement following the DEO's meeting with the reviewee. Hence, this minimum standard of good practice is violated in all UI collegiate review policies without exception.

9. Relative to Standard #9, no UI collegiate post-tenure review policy addresses the critically important issue of what actions should be contemplated in the event that recurring evaluations reveal continuing and persistent problems with a tenured faculty member's performance that call into question his or her ability or willingness to continue to function appropriately in that position.

10. Relative to Standard #10, no UI collegiate post-tenure review policy addresses the critically important issue of what due process protections are routinely available to the faculty member if the review process results in administrative efforts to unilaterally impose involuntary changes in the faculty member's rank, rewards, benefits, work situation, etc.

The UI AAUP chapter's Executive Committee believes the time is long overdue to review all collegiate post-tenure peer review policies, which were mandated over 18 years ago, and which differ significantly in many important ways. The most widely respected and influential national professional faculty organization, the AAUP, has provided a definitive and useful guide for faculty to use when conducting reviews of existing post-tenure review policies. Our review of existing UI policies has convinced us that they are seriously inconsistent and conflict significantly with the minimum standards of good practice recommended by the AAUP. We urge the Faculty Council to reopen the review of all existing UI post-tenure review policies, and to bring them into compliance with the minimum standards of good practice recommended by the AAUP.

References

1. Business: <http://www.biz.uiowa.edu/deans/policies/>
 2. Dentistry: Policies and Procedures Concerning Faculty Appointments, Evaluation and Promotion, University of Iowa College of Dentistry, August 2003, Appendix VIII, "Peer Review of Senior Faculty," pp. 81-82.
 3. Education: http://www.education.uiowa.edu/coedean/policies/peer_review/index.html
 4. Engineering: <http://www.engineering.uiowa.edu/faculty-staff/p&t-criteria.html#Peer>
 5. Graduate: Department of Urban and Regional Planning, Graduate Program Manual, Procedures and Criteria for Faculty Recruitment and Appointment, Performance Evaluations, and Promotion and Tenure Decisions, "V. Procedures for Review of Tenured Faculty."
 6. Law: <http://www.law.uiowa.edu/fachand/peer.php>
 7. Liberal Arts and Sciences: http://www.clas.uiowa.edu/faculty/review/tenured_fac_rvw.shtml
 8. Medicine:
http://www.medicine.uiowa.edu/faculty/facultyaffairs/documents/PoliciesDocuments_20070628-indexed.pdf
 9. Pharmacy: "Post-Tenure Review of Tenured Faculty," March 2005 (private communication from Michael T. Sullivan, Ass't. to the Dean)
 10. Public Health: http://www.public-health.uiowa.edu/academics/faculty/handbook/pdf/Chapter_II.pdf
 11. University of Iowa (UI) Operations Manual, III.10.7, or:
<http://www.uiowa.edu/~our/opmanual/iii/10.htm#107>
 12. "Post-Tenure Reviews: An AAUP Response," AAUP Policy Documents & Reports, Ninth Ed., 1999, pp. 50-56; or: <http://www.aaup.org/statements/Redbook/rbpostn.htm>
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**Minimum Standards of Good Practice
if a Formal System of Post-Tenure Review is Established**

1. Post-tenure review must ensure the protection of academic freedom as defined in the 1940 Statement of Principles. The application of its procedures, therefore, should not intrude on an individual faculty member's proper sphere of professional self-direction, nor should it be used as a subterfuge for effecting programmatic change. Such a review must not become the occasion for a wide-ranging 'fishing expedition' in an attempt to dredge up negative evidence.

2. Post-tenure review must not be a reevaluation or revalidation of tenured status as defined in the 1940 Statement. In no case should post-tenure review be used to shift the burden of proof from the institution's administration (to show cause why a tenured faculty member should be dismissed) to the individual faculty member (to show cause why he or she should be retained).

3. The written standards and criteria by which faculty members are evaluated in post-tenure review should be developed and periodically reviewed by the faculty. The faculty should also conduct the actual review process. The basic standard for appraisal should be whether the faculty member under review discharges conscientiously and with professional competence the duties appropriately associated with his or her position, not whether the faculty member meets the current standards for the award of tenure as those might have changed since the initial granting of tenure.

4. Post-tenure review should be developmental and supported by institutional resources for professional development or a change of professional direction. In the event that an institution decides to invest the time and resources required for comprehensive or 'blanket' review, it should also offer tangible recognition to those faculty members who have demonstrated high or improved performance.

5. Post-tenure review should be flexible enough to acknowledge different expectations in different disciplines and changing expectations at different stages of faculty careers.

6. Except when faculty appeals procedures direct that files be available to aggrieved faculty members, the outcome of evaluations should be confidential, that is, confined to the appropriate college or university persons or bodies and the faculty member being evaluated, released otherwise only at the discretion or with the consent of the faculty member.

7. If the system of post-tenure review is supplemented, or supplanted, by the option of a formal development plan, that plan cannot be imposed on the faculty member unilaterally, but must be a product of mutual negotiation. It should respect academic freedom and professional self-direction, and it should be flexible enough to allow for subsequent alteration or even its own abandonment. The standard here should be that of good faith on both sides --- a commitment to improvement by the faculty member and to the adequate support of that improvement by the institution --- rather than the literal fulfillment of a set of nonnegotiable demands or rigid expectations, quantitative or otherwise.

8. A faculty member should have the right to comment in response to evaluations, and to challenge the findings and correct the record by appeal to an elected faculty grievance committee. He or she should have the same rights of comment and appeal concerning the manner in which any individualized development plan is formulated, the plan's content, and any resulting evaluation.

9. In the event that recurring evaluations reveal continuing and persistent problems with a faculty member's performance that do not lend themselves to improvement after several efforts, and that call into question his or her ability to function in that position, then other possibilities, such as a mutually agreeable reassignment to other duties or separation, should be explored. If these are not practicable, or if no other solution acceptable to the parties can be found, then the administration should invoke peer consideration regarding any contemplated sanctions.

10. The standard for dismissal or other severe sanction remains that of adequate cause, and the mere fact of successive negative reviews does not in any way diminish the obligation of the institution to show such cause in a separate forum before an appropriately constituted hearing body of peers convened for that purpose. Evaluation records may be admissible but rebuttable as to accuracy. Even if they are accurate, the administration is still required to bear the burden of proof and demonstrate through an adversarial proceeding not only that the negative evaluations rest on fact, but also that the facts rise to the level of adequate cause for dismissal or other severe sanction. The faculty member must be afforded the full procedural safeguards set forth in the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings and the Recommended Institutional Regulations on Academic Freedom and Tenure, which include, among other safeguards, the opportunity to confront and cross-examine adverse witnesses."