Faculty Senate Academic Freedom & Tenure Committee
report to the Faculty Senate

Critical Review of the UNK Post-Tenure Review Policy

Date: March 18, 2013

Committee Members: Christopher Exstrom (Chair), Roger Davis (Secretary), Nathan Buckner, Allan Jenkins, Grace Mims (Spring 2013), Jan Moore, Marla Moorman (Fall 2012), Janet Trewin

At the request of the Faculty Senate President, our committee was asked to review the UNK Post-Tenure Review Policy and suggest clarifications to the policy and procedures. There are two trigger mechanisms for a post-tenure review:

- A post-tenure review may be mandated by a Department Chair in response to a faculty member’s annual performance review that demonstrates a “substantial and continuing deficiency” – referred to hereafter as a **deficiency-triggered** post-tenure review.

- A post-tenure review may requested by the faculty member – referred to hereafter as a **self-triggered** post-tenure review.

**For your reference, the following attachments are provided:** UNK Post-Tenure Review Policy, Board of Regents Policy 4.3.3 (Post-Tenure Review Policy), Academic Freedom & Tenure Committee meeting minutes (November 13, December 4, and January 31).

In our discussions, four key issues that merit attention by the Faculty Senate were identified:

1. Language of “Substantial and Continuing Deficiency”
2. Post-Tenure Review Eligibility Timelines
3. Post-Tenure Review Process Structure
4. Procedural Steps and Deadlines

1. **Language of “Substantial and Continuing Deficiency”**

The language of “substantial and continuing deficiency” seems unclear and without specific definition. In the UNL Post Tenure Review document states that: “The standards for substantial and chronic deficiency shall be determined by the faculty in each unit and, when approved by the appropriate unit administrator, dean, and vice chancellor, shall become part of its evaluation process.” Our committee discussed the matter of where such language should be defined and whether departments could just reference a campus wide definition. At this point it seems best to bring the topic to the attention of the Senate and let that body determine the best way to proceed.
2. Post-Tenure Review Eligibility Timelines

Current policy indicates that a faculty member must have completed three years with tenure before he or she is eligible to have a post-tenure review – the earliest possible post-tenure review could be conducted during the faculty member's fourth year with tenure. Current policy also states that “a faculty member shall not be subject to or eligible for review under this policy more frequently than once every four years.” (UNK Post-Tenure Review policy, section A.2) Further clarification regarding how the four-year frequency is applied to self-triggered and deficiency-triggered post-tenure reviews is needed. Under current policy, a distinct feature of the self-triggered post-tenure review is that the faculty member undergoing review is not required to forward the post-tenure review committee evaluation report to the Department Chair and College Dean.

Our committee noted the possibility of using a self-triggered post-tenure review in order to head off a deficiency-triggered post-tenure review, and then by policy, not be obligated to have a post-tenure review, of either form, for a period of four years. Also of concern was the policy language that allows the faculty member in a self-triggered post-tenure review to be the sole recipient of the post-tenure review committee report.

Resolving these questions required an analysis of the post-tenure review process structure. Our suggestions are laid out in the next section of this report.

3. Post-Tenure Review Process Structure

Current policy states that a faculty member’s post-tenure review committee is selected in accordance with College annual peer review policies. The Dean is to appoint an additional committee member from outside the faculty member’s department. If the post-tenure review is to address the faculty member’s research productivity, then an additional committee member external to the UNK campus must also be appointed. The post-tenure committee must have at least three members.

Currently, the evaluation and response steps are as follows:

- The post-tenure review committee presents an evaluation report to the faculty member. (If it is a self-triggered post-tenure review, the faculty member may STOP the process at this point.)
- The evaluation report is forwarded to the Department Chair
- The faculty member has an opportunity to submit a formal response
- The Department Chair writes a response to the evaluation report – both along with the faculty member response are forwarded to the College Dean
• The College Dean writes a response to the evaluation report and the Department Chair and faculty member responses

Specific requirements for the evaluation letter and the Chair and Dean responses are stated in Sections C and D of the UNK Post-Tenure Review Policy.

Our committee is concerned about using the College peer-review structural model for post-tenure reviews. In most cases, Colleges accommodate Department annual review policies and these vary widely in terms of both committee composition and timelines.

Also, much of the current policy language on procedural steps and requirements needs streamlining. The language jumps back-and-forth between situations that apply to self-triggered or deficiency-triggered post-tenure review cases. Anecdotal evidence from faculty members who have served on post-tenure review committees indicates that it is difficult to use the existing policy language to guide the post-tenure review procedure.

We recommend that the UNK Post-Tenure Review policy be altered to use the campus-wide UNK Promotion and Tenure model in place of the College/Department annual review model. This would provide greater uniformity in both the composition of the post-tenure review committee and deadlines for the review process. There would also be opportunity to develop a common process for both the self-triggered and deficiency-triggered forms of post-tenure review.

With these concerns and recommendations in mind, we suggest the following alterations to the post-tenure review process structure:

• Post-Tenure Review Committee Composition – The post-tenure review committee should be composed of the faculty member’s Department Rank & Tenure Committee as determined through existing College and Department policies. The College Dean may appoint an additional committee member from outside the Department. An additional committee member external to the UNK campus would be appointed if the post-tenure review is to address the faculty member’s research productivity.

• Post-Tenure Review Committee Evaluation Report – This would be composed and structured according to the existing UNK Post-Tenure Review Policy and given to the faculty member who may then compose a written response.

• Faculty Member Option to Stop the Post-Tenure Review Process – This is available ONLY in cases of self-triggered post-tenure reviews. The post-tenure review process would end here and the four-year frequency clock would NOT be restarted. (NOTE: There was disagreement among the committee members about whether it should be required in a self-triggered post-tenure review case for the peer-review committee evaluation report and faculty response to be copied to the Department Chair. Under current policy, the Faculty Member may keep the evaluation report to him- or herself.)
• **Option to Continue** – *This option MUST be taken if a faculty member is undergoing a deficiency-triggered post-tenure review.* A faculty member undergoing a self-triggered post-tenure MAY **ELECT this option.** The post-tenure review committee evaluation report and the faculty member’s written response (if any) would be forwarded to the Department Chair.

• **Department Chair Response** – The Department Chair would compose a written response to the post-tenure review committee’s evaluation as specified under current policy. This, the post-tenure review committee evaluation report, and the faculty member’s response (if any) would be forwarded to the College Dean.

• **College Dean Response** – The Department Chair would compose a written response to the post-tenure review committee’s evaluation as specified under current policy. Any further actions, including sanctions, may proceed as guided by current policy. **The faculty member would not be required to undergo another post-tenure review for at least four more years.**

4. **Procedural Steps and Deadlines**

If our suggestions in Section 3 are adopted, it should be possible to establish a streamlined deadline calendar that accommodates both the deficiency-triggered and self-triggered forms of post-tenure review (the dates given are for example purposes only):

**May 1** – Deadline for the Department Chair to call for a **deficiency-triggered** post-tenure review. In order to do so, there must a substantial and continuing deficiency from the previous Annual Review that was not remedied.

**September 1** – Deadline for the Faculty Member to notify the Department Chair and call for a **self-triggered** post-tenure review

**November 1** – Deadline for the post-tenure review materials (called the “Special Peer Review File” under current policy) to be submitted to the post-tenure review committee

**December 20** – Deadline for the post-tenure review committee evaluation report to be given to the Faculty Member

**January 15** – Deadline for the post-tenure review committee evaluation report submission to the Faculty Member. **A Faculty Member undergoing a self-triggered post-tenure review has this as the deadline to stop the post-tenure review process.**

**February 15** – Deadline for the Department Chair response to be submitted (along with the peer-review committee evaluation report and Faculty Member response) to the Dean and copied to the Faculty Member.

**March 15** – College Dean appraisal/report completed, copied to Faculty Member.
VIII. Post-Tenure Review

A. General Information

1. Purpose. The annual review process is intended to assist faculty on continuous appointment (tenured faculty) in achieving professional goals and maximizing contributions to the University throughout their professional careers. In cases where goals are not being met or contributions should be markedly improved, a post-tenure review under this policy will be conducted. This post-tenure review will emphasize the pattern of past performance, current interests of the faculty member, and the objectives for future contributions of the faculty member. The review will be based upon the principle of peer review and provide added assurance that faculty on continuous appointment are accountable for their performance.

2. Applicability of Review Process. All members of the faculty who have been on a continuous appointment pursuant to the Board of Regents Bylaws 4.3.3 for a period of three or more years may elect or be required to undergo post-tenure review. A faculty member shall not be subject to or eligible for review under this policy more frequently than once every four years. A faculty member shall undergo a post-tenure review as specified in either 2.a or 2.b as follows:

a. A faculty member receives (after a minimum of three years of a continuous appointment):

   1. An Annual Review of Faculty Performance from the Department Chair or equivalent supervisor that identifies a substantial and continuing deficiency in the faculty member's performance, and which clearly states that if substantial and acceptable progress toward removing the deficiency is not made by the time of the next Annual Review, a post-tenure review will be initiated; and
2. Notification after the next Annual Review that the substantial and continuing deficiency in the previous Review has not been remedied, and that a post-tenure review is required.

b. A faculty member may request a review in accordance with the post-tenure peer review process. The purpose of such a review would be to provide helpful evaluation and assistance to the faculty member in planning a prospective program by which the faculty member can maximize his/her contributions to the University and more fully realize her/his professional goals.

3. **Nature of the Review.** For a review initiated under Section A.2.a of this policy, a special peer review file shall be developed by the Department Chair or equivalent supervisor by September 1. This file must contain a clear identification and description of the deficiency or deficiencies, copies of the faculty member's last three annual reviews, and such other materials as are relevant. The file may be supplemented by the faculty member with information the faculty member believes to be relevant, including a proposed plan to remove the deficiency. The faculty member’s preliminary contributions to the special peer review file must be completed by September 15, at which time the file will be forwarded to the Review Committee.

For a review under Section A.2.b of this policy, a file containing copies of the faculty member's previous three annual reviews and such other material as may be relevant will be developed by the Department Chair or equivalent supervisor.

One component of a post-tenure review, required by Regent Bylaw 4.3.3, shall be an evaluation by peers external to the campus when research productivity is an issue. Evaluation by peers external to the campus may be used when teaching and/or service/outreach productivity is in question.

In all cases, the faculty member shall have the opportunity to supplement the special peer review file throughout the review process by including any information the faculty member believes to be relevant and helpful to the Review Committee or to administrators involved in the review process. The Department Chair or equivalent supervisor shall cooperate with the faculty member to provide relevant information and shall periodically notify the faculty member of additions to the file. The faculty member shall be given access to all materials in the special peer review file.
The faculty member and the Department Chair may include in the file a response to material provided by the other. If the faculty member acknowledges a deficiency in performance, he or she is encouraged to include in the file a plan to remedy the deficiency or to otherwise maximize the faculty member's achievement of professional goals and contribution to the unit's mission, with specific goals and timetables for their achievement.

4. **Outcome of the Post-Tenure Review Process.** A written appraisal with recommendations (as appropriate) will be prepared by the College Dean. This letter will be addressed to the faculty member and copied to the Department Chair (or equivalent supervisor) and SVCASA, and will include a plan outlining the expectations as to how the faculty member can remedy any deficiency in performance or enhance the faculty member's professional goals and contribution to the University. Any sanction to be imposed on the faculty member related to his/her performance shall be governed by the Regent's Bylaws and must follow procedures prescribed in the Bylaws. All relevant University appeal mechanisms and procedures are available to faculty members being evaluated under this policy.

B. Implementation Procedures.

1. **The Review Committee.** A post-tenure review committee will be appointed in accordance with College policies for annual peer review, and be supplemented for the post-tenure review by one faculty member, appointed by the College Dean, from outside the department of the person being reviewed. In no case shall the Review Committee have fewer than 3 members, including the extra-departmental reviewer.

   In the case of a current Department Chair undergoing post-tenure review, the Dean shall designate a senior faculty person, if possible in the same department, to act in the role of Department Chair in the post-tenure review process.

2. **Conducting the Post-Tenure Review.** The Review Committee will review the special peer review file and transmit its written report to the Department Chair by November 1. The Department Chair will examine the special peer review file and review the committee’s report and transmit his or her written report to the College Dean by December 1. Copies of the review committee’s report and the Department Chair report shall be delivered to the faculty member,
who may respond to the Dean in writing. By February 1 the Dean will review the entire file and, after consultation with the Department Chair as to whether or not performance is satisfactory, write an appraisal. The faculty member will receive a copy of the Dean's appraisal.

The Review Committee may meet with the Department Chair and the faculty member, either together or separately. The Committee may consult other sources of information not included in the file with the approval of the Department Chair and the faculty member.

Evaluation by peers external to the campus is required when research productivity is an issue. Evaluation by peers external to the campus may be used when teaching and/or service productivity is in question. If the Review Committee determines that evaluation by external peers is required or would be useful, the Committee shall notify the Department Chair and the faculty member. Thereafter, such outside reviews shall be obtained in accordance with the same procedure utilized by the Department to obtain outside reviews for purposes of making tenure decisions. In the absence of Departmental procedures, external evaluators will be selected by mutual agreement of the Department Chair and the faculty member under review.

In accordance with the schedule for the review outlined above, the Review Committee shall make a written report of its findings and recommendations (see Section C: The Review Committee Report).

If the special peer review is conducted at the request of the Department Chair pursuant to section A.2.a of this procedure, the written report of the Review Committee shall be provided to the Department Chair, the College Dean, and the faculty member.

If the special peer review is conducted at the request of the faculty member pursuant to section A.2.b of this procedure, the written report of the Review Committee shall be provided solely to the faculty member. The faculty member, at his or her discretion, may keep the Report confidential, share it with the Department Chair, or share it with the Department Chair and College Dean. If requested by the faculty member, the Department Chair and Dean shall provide a written response to the Report, each indicating the extent to which he or she agrees or disagrees with the findings and recommendations of the Report and why. At the request of the faculty member, the Report and any response from administrators
shall be made part of the faculty member’s permanent personnel record. The faculty member, the Department Chair, and the Dean shall work together to implement those recommendations on which they mutually agree. Nothing in the Report shall be used in any university evaluation without the consent of the faculty member. However, the faculty member may not attempt to utilize only a portion of the Report or any edited version of the Report in other university evaluations.

C. The Review Committee Report

The purpose of the Review Committee Report is to provide an assessment of the performance of the faculty member subject to review and, where appropriate or necessary, to provide recommendations to maximize the faculty member’s contributions to the unit and the University. The Committee Report is advisory and its submission concludes the work of the Review Committee. The Report shall include part (1) below and, as appropriate, parts (2) through (6):

1. An assessment of the strengths and weaknesses of the faculty member’s performance;

2. Recommendations for ways, if any, in which the faculty member could enhance achievement of his or her professional goals and his or her contributions to the mission of the unit, including suggestions, where appropriate, for adjustment in the faculty member’s responsibilities, goals and timetables for meeting the goals, and criteria for assessing the faculty member’s achievement of enhanced performance.

3. An evaluation of any proposed plan submitted by the faculty member and/or the Department Chair (or equivalent supervisor), if these are available, to remedy any deficiency in the faculty member’s performance and any recommended modification to such a plan.

4. Recommendations for ways, if any, in which the Department Chair could provide professional development support to assist the faculty member in enhancing achievement of his or her professional goals and his or her contribution to the mission of the unit.
5. For a review initiated under A.2.a above, any recommendations for sanctions to be imposed upon the faculty member for performance characterized by substantial and chronic deficiency.

6. For a review initiated under A.2.a above, the Review Committee shall make one of the following findings, to be clearly stated in its Report:

a. Substantial and chronic deficiencies have not been identified. If the Review Committee finds that the faculty member’s performance does not reflect any substantial and chronic deficiency or deficiencies for the period under review, the faculty member and the Department Chair will be so informed in writing and the review is thereby completed.

b. The faculty member has substantial and chronic deficiencies. The Review Committee shall state and describe the deficiency or deficiencies in its Report, which shall include all the elements listed under C, items (1) through (5). The Committee shall provide a copy to the faculty member and the Department Chair.

The Department Chair shall allow the faculty member being reviewed an opportunity to provide a written response to the Review Committee Report. Except when the review was conducted at the faculty member’s request, the Report and any response from the faculty member shall be made a part of the faculty member’s permanent Academic Record.

D. Completing the Review Process under a Finding of Substantial and Chronic Deficiency

Upon receipt of a Review Committee report and the faculty member’s response, if any, the Department Chair shall meet with the faculty member reviewed to consider the report and any recommendations therein. The Department Chair shall then provide the faculty member and the College Dean with a written appraisal of the faculty member’s performance, together with all documentation pertaining to the faculty member’s review, including the file constructed for the review, the Review Committee’s Report, and the faculty member’s written response to the review, if any. The appraisal shall include, where appropriate:
1. The extent to which the Department Chair accepts or rejects the findings and recommendations of the Review Committee Report and the reasons for doing so; the Department Chair may reject the Review Committee’s findings only for compelling reasons, communicated in writing to the faculty member and the College Dean.

2. A plan outlining the expectations of the Department Chair as to how the faculty member can remedy any deficiency in performance or enhance the faculty member’s professional goals and contribution to the unit, including specific goals and timetables for achieving such goals and the criteria to be applied in making such a determination.

3. The resources the Department Chair is willing and able to provide the faculty member to assist in implementing the plan.

4. Any adjustment in assignment or responsibilities of the faculty member.

5. Any sanction to be imposed on the faculty member related to his or her performance. Sanctions governed by Regents Bylaws shall only be imposed following the procedure prescribed in the Bylaws.

The College Dean, after review and consultation with relevant individuals, including the SVCASA, may accept, modify, or reject the Department Chair’s written appraisal and recommendations. Where the Dean’s appraisal differs from that provided by the Review Committee or where the Dean accepts recommendations that differ from those provided by the Review Committee, the Dean may modify or reject only for compelling reasons, communicated in writing. The Dean’s response shall be provided to the faculty member and to the Department Chair.

A faculty member dissatisfied with the results of the special peer review and the Department Chair’s subsequent appraisal, or the dean’s acceptance, modification or rejection of it, may pursue any appeal or remedy otherwise available to faculty members relating to matters that affect their employment status.

Progress towards achieving the goals and timetables set out in the Department Chair’s plan, as approved by the Dean, will be reviewed in subsequent Annual Reviews of Faculty Performance. If the faculty
member fails to achieve the goals and timetables defined in that plan, those administrative processes defined by the Regent’s *Bylaws* (and different from Post-tenure review) may be initiated as appropriate. Post-tenure review is not a prerequisite for initiation of those other administrative processes.

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<tr>
<th>Deadline</th>
<th>Activity</th>
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<tr>
<td>May 1</td>
<td>Annual Review identifies a substantial and continuing deficiency. Chair indicates in Review that progress must be made by next Annual Review.</td>
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<tr>
<td>May 1, following year</td>
<td>Annual Review indicates that the deficiency has not been remedied. Chair calls for a Post-Tenure Review.</td>
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<tr>
<td>September 1</td>
<td>Special Peer Review File developed by the Chair, available for review by the Faculty Member.</td>
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<tr>
<td>September 15</td>
<td>Faculty Member’s preliminary contributions to the file are completed. File forwarded to the Review Committee.</td>
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<tr>
<td>November 1</td>
<td>Review Committee Report to Department Chair, copy to Faculty Member.</td>
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<tr>
<td>December 1</td>
<td>Department Chair report to College Dean, copy to Faculty Member.</td>
</tr>
<tr>
<td>February 1</td>
<td>Faculty Member may respond to Review Committee and Department Chair reports. Dean appraisal/report completed, copied to Faculty Member.</td>
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For purposes of the annual Tenure Density Report, health professions faculty appointments are combined with tenured and tenure-track appointments to compute tenure density.

BRUN, Minutes, 53, p. 150 (May 6, 1988).
BRUN, Minutes, 56, p. 149 (September 6, 1991).

RP-4.3.2 Tenure Recommendations

The Board of Regents shall receive the list of those individuals recommended for tenure appointments at least one meeting prior to the meeting at which time action is to be taken.¹

The UNL Bylaws require that the UNL Chancellor shall inform the Board of Regents if the recommendations of the Chancellor and the appropriate Vice Chancellor differ from the recommendations of a dean or director in tenure cases.²

²BRUN, Minutes, 44, p. 161 (April 19, 1980).

RP-4.3.3 Post-Tenure Review Policy

1. Purpose

The annual review process is intended to assist faculty on continuous appointment (tenured faculty) in achieving professional goals and maximizing contributions to the University throughout their professional careers. In cases where goals are not being met or contributions should be markedly improved, a post-tenure review under this policy will be conducted. This post-tenure review will emphasize the pattern of past performance, current interests of the faculty member, and the objectives for future contributions of the faculty member. The review will be based upon the principle of peer review and provide added assurance that faculty on continuous appointment are accountable for their performance.

2. Applicability of Review Process

All members of the faculty who have been on a continuous appointment pursuant to the Bylaws of the Board of Regents 4 for a period of three or more years may elect or be required to undergo post-tenure review. A faculty member shall not be subject to or eligible for review under this policy more frequently than once every four years. A faculty member shall undergo a post-tenure review in either of the following circumstances:

a. A faculty member receives (after the third year of a continuous appointment):

   1) A written annual evaluation that identifies a substantial and continuing deficiency in the faculty member’s performance which clearly states that, if substantial and acceptable progress toward removing the deficiency by the time of the next annual evaluation has not occurred, a periodic review will be initiated; and

   2) Notification after the next annual review that the substantial and continuing deficiency in the previous evaluation has not been remedied, and that a post-tenure review is required.

b. A faculty member may request a review in accordance with the post-tenure peer review process. The purpose of such a review would be to provide helpful evaluation and assistance to the faculty member in planning a prospective program by which the faculty member can maximize his/her contributions to the University and more fully realize her/his professional goals.
3. Nature of the Review

For a review initiated under Section 2.a of this policy, a special peer review file shall be developed, containing a clear identification and description of the deficiency or deficiencies, copies of the faculty member’s last three annual reviews, and such other materials as are relevant. This file may be supplemented by the faculty member by including information the faculty member believes to be relevant, including a proposed plan to remove the deficiency.

For a review under Section 2.b of this policy, a file containing copies of the faculty member’s previous three annual reviews and such other material as may be relevant will be developed. One component of a post-tenure review under Section 2.a or 2.b shall be an evaluation by peers external to the campus when research productivity is an issue. Evaluation by peers external to the campus may be used when teaching and/or service/outreach productivity is in question.

4. Outcome of the Post-Tenure Review Process

A written appraisal with recommendations (as appropriate) will be developed, including a plan outlining the expectations as to how the faculty member can remedy any deficiency in performance or enhance the faculty member’s professional goals and contribution to the University. Any sanction to be imposed on the faculty member related to his/her performance shall be governed by the Regents’ Bylaws and must follow procedures prescribed in the Bylaws. All relevant University appeal mechanisms and procedures are available to faculty members being evaluated under this policy.

5. Each campus Chancellor shall insure that appropriate written procedures are developed to implement this policy.


**RP-4.3.4 Approval of Appointments to Endowed Chairs and Named Professorships**

The University of Nebraska is fortunate to have the resources and private funding necessary to establish and designate a substantial number of Endowed Chairs and Named Professorships. The purposes underlying these Chairs and Professorships are to advance the University’s academic goals and objectives; to recognize and support faculty members of exceptional academic distinction; and to assist the University in its efforts to attract and retain outstanding scholars and leaders.

Except when a donor agreement otherwise specifies, the appointment of Endowed Chairs, Named Professorships, and similarly named appointments is governed by processes established by the relevant campus and approved by its Chancellor. In those instances when donor agreements supporting the appointments provide that the selection of the recipient is subject to the approval of the Board of Regents, the Board of Regents hereby delegates to the President the authority to approve these Chairs and Professorships and similarly named appointments, on behalf of the Board of Regents. The University shall provide timely written notice of such appointments to the University of Nebraska Foundation for those Chairs and Professorships funded through the Foundation.

Appointments to Endowed Chairs and Named Professorships shall be included in the quarterly personnel report provided to the Board of Regents.

Reference: BRUN, Minutes, 70, p. 47 (December 8, 2011).

**RP-4.4 Intellectual Property**

**RP-4.4.1 Ownership of Intellectual Property**

Central to the University of Nebraska’s mission is the creation, preservation, and dissemination of knowledge.
FS Academic Freedom and Tenure Committee
Minutes
Tuesday, November 13, 2012
History Conference Room 11:00am – Noon

Present: Chris Exstrom (Chair), Roger Davis (Secretary), Nathan Buckner, Jan Moore, Marta Moorman.
Absent: Allan Jenkins, Janet Trewin

Handouts: Termination of Continuous Contract; Termination of Tenured Faculty;

1. Davis distributed the two handouts which provided basic information from Regents Bylaws and from other campuses in the NU system, the state college system, and other campuses, addressing terminology of adequate cause relative to terminating a continuous contract.

2. The committee began a detailed review of the UNK Post Tenure Review policy. The following observations emerged from the discussion:

   a. It appears clear that the document indicates that a person must have completed three years in tenure to have the document apply to them in their fourth year.

   b. The language of “substantial and continuing deficiency” seems unclear and without specific definition. It was noted that in the UNL Post Tenure Review document it states that: “The standards for substantial and chronic deficiency shall be determined by the faculty in each unit and, when approved by the appropriate unit administrator, dean, and vice chancellor, shall become part of its evaluation process.” The committee discussed the matter of where such language should be defined and whether departments could just reference a campus wide definition. At this point it seemed best to bring the topic to the attention of the Senate and let that body determine the best way to proceed.

   c. The committee discussed the distinct definitions and triggers for the self-selected review and the mandated review due to deficiencies. It appears that the intent of both reviews is meant to be positive, to support a desired program for advancement of a project or to provide a positive avenue to correct deficiencies. A question arose about how the two operated and if they operate distinct from one another. So, could someone choose a self-review, but the next year find themselves in a triggered review. Or, with the expectation of a triggered review, could someone initiate a self-review as a pre-emptive action? Does the limit of once every four years for reviews apply separately for each type?

3. The committee concluded its deliberations at noon and will continue discussion at the next meeting. Next meeting tentatively set for 11:00am on Tuesday, November 27. The chair will send poll members via Doodle, and send an announcement.

Respectfully submitted,

Roger Davis, Secretary
FS Academic Freedom and Tenure Committee
Minutes
Tuesday, December 4, 2012
Chemistry Conference Room - 401 BHS 11:00am – Noon

Present: Chris Exstrom (Chair), Roger Davis (Secretary), Nathan Buckner, Marta Moorman, Grace Mims
Absent: Allan Jenkins, Janet Trewin, Jan Moore

1. Marta Moorman introduced Grace Mims, Chair of Counseling and School Psychology (COE) who will be replacing Marta for the Spring 2013 semester while Marta leads a student program to Peru.

2. The committee continued its detailed review of the UNK Post Tenure Review policy. The following observations emerged from the discussion:

   a. The committee continued its review of the definition and relationship of the self-triggered review and the continuing-deficiency review. There was some question about the linkage of the two reviews due to their distinct natures and goals. The self-trigger review is in essence a professional development exercise while the deficiency review is clearly a personnel evaluation process. However, the Chair noted that the Regent Policy 4.3.3 Post-Tenure Review Policy specifically places both side by side in the one policy.

   b. Given the distinct natures of each type of PTR, the committee discussed the composition of the PTR Committee. The document states that a PTR Committee will be appointed in accordance with College policies for annual peer review, and be supplemented with one faculty member, appointed by the Dean, from outside of the department. It was the consensus of the AFT committee that for the deficiency review the committee model might more appropriately be a Promotion and Tenure Committee model rather than the annual review model. The essential issue for both type of PTR Committees is that all stakeholders, both faculty and administration, have clear representation on the PTR Committee.

   c. The committee discussed the definition and documentation of “deficiencies” which would trigger a PTR. How and where are deficiencies defined and where do they formally appear? It seems this would be within the language of department annual and promotion and tenure reviews, but how clear are these and are they universally in place, or do departments need to review this factor in light of the PTR policy?

3. The committee concluded its deliberations at noon. The next meeting will be in January. The Chair will send a Doodle survey around to find a workable date and time.

Respectfully submitted,

Roger Davis, Secretary
FS Academic Freedom and Tenure Committee
Minutes
Thursday, January 31, 2013
B155 COE building  4:00pm – 5:00pm

Present: Chris Exstrom (Chair), Roger Davis (Secretary), Nathan Buckner, Jan Moore, Janet Trewin, Allan Jenkins.
Absent: Grace Mims.

1. Committee Chair Chris Exstrom reviewed the past minutes and work of the committee in addressing concerns about the UNK Post Tenure Review document.

2. It was noted that it is the language of the Regents Policy that there be both and elective and triggered PTR and that a faculty member shall not be subject to or eligible for review under this policy more frequently than once every four years.

3. Discussion focused upon four topics:
   a. The possibility of using an elective PTR in preemptive manner to avoid a triggered PTR.
   b. The policy language which states that in cases of an elective PTR the committee report is provided solely to the faculty member. (B.2)
   c. The policy language which defines the review committee as one based upon the college policies for annual peer review. (B. 1)
   d. Alignment of calendar deadlines.

The committee noted the possibility of using an elected PTR in order to head off a deficiency PTR, and then by policy, not be obligated to have a PTR, of either form, for a period of four years. Also of concern is the policy language which allows the faculty member in an elected PTR to be the sole recipient of the committee report. In addition, departmental annual review policies vary widely in terms of both committee composition and timelines.

4. The Committee discussed the possibility of recommending that the UNK Post Tenure Review policy be altered to use the campus-wide UNK Promotion and Tenure model in place of the department annual review models. This would provide uniformity in both the composition of the PTR committee and a set calendar. In terms of an elective PTR, the promotion and tenure process requires the Chair to review and write a letter which becomes part of the portfolio or report, but the faculty then has the right to decide if the report is withdrawn from any further consideration or should move forward to the Dean.

5. Chris (Chair) and Roger (Secretary) will work up a model of this type of committee and accompanying calendar for the Committee to review at its next meeting.

Respectfully submitted,
Roger Davis, Secretary