FAM By-Laws Committee
Amending PTR

Rationale:

The post-tenure review process is quite streamlined compared to the tenure and promotion process. Satisfactory post-tenure reviews stop at the dean, and no letter is required of the dean assuming the department chair’s judgment of the candidate is agreeable. There is, however, some vagueness in the existing PTR language especially concerning requests for additional information and corrections of fact. The proposed additions aim for the following: (1) Remove language regarding the rebuttal letter. (2) Ensure that copies of each recommending letter (from Chair, Dean, and Post-Tenure Review Committee, if any such letter) go to the candidate. (3) Provide for requests for corrections of errors of fact, aligned with tenure and promotion process. (4) Provide for appropriate opportunities for reviewers to request factual information necessary for the determination of a recommendation.

Original IV.H.2b

The Post-Tenure Review Committee operates on a presumption of satisfactory performance. That is, the burden of proof (clear and convincing evidence) for a superior performance lies with the candidate, and the burden of proof for an unsatisfactory performance, including with completion of a remediation plan, lies with the Department Chair (or department post-tenure review panel). When a faculty member is not appointed to an academic department, the relevant Program Director shall serve in the role of Department Chair for purposes of the post-tenure review. The Post-Tenure Review Committee can request additional information at any time during their deliberations.

Proposed IV.H.2b

The Post-Tenure Review Committee operates on a presumption of satisfactory performance. That is, the burden of proof (clear and convincing evidence) for a superior performance lies with the candidate, and the burden of proof for an unsatisfactory performance, including with completion of a remediation plan, lies with the Department Chair (or department post-tenure review panel). When a faculty member is not appointed to an academic department, the relevant Program Director shall serve in the role of Department Chair for purposes of the post-tenure review. The Post-Tenure Review Committee can request additional information at any time during their deliberations.

Original IV.H.7

In the case of a candidate requesting a superior rating, the Department Chair (or the departmental panel) shall forward to the candidate’s Dean by the announced deadline the candidate’s packet with a letter justifying the Chair’s (or panel’s) concurrence or failure to concur with the candidate’s self-evaluation. At this time a copy of the letter shall be forwarded to the candidate. Should the rating of the Chair (or departmental panel) be satisfactory rather than superior, the candidate may forward a letter of rebuttal to the Candidate’s Dean and Department Chair no later
than five (5) days before the first day of the beginning of the Spring Semester. The Deans will review packets and forward written recommendations to the Office of the Provost.

In the case of a candidate being considered for a satisfactory rating, the Department Chair shall meet with the Dean to discuss a summary of the candidate’s annual performance evaluations. In addition, the Chair or panel will forward to the candidate’s Dean a written statement that the candidate meets the criteria for a satisfactory rating or a brief summary of the ratings received on annual performance evaluations in the area of teaching and a statement that the candidate receives an unsatisfactory rating.

**Proposed IV.H.7**

In the case of a candidate requesting a superior rating, the Department Chair (or the departmental panel) shall forward to the candidate’s Dean by the announced deadline the candidate’s packet with a letter justifying the Chair’s (or panel’s) concurrence or failure to concur with the candidate’s self-evaluation. At this time a copy of the letter shall be forwarded to the candidate. Should the rating of the Chair (or departmental panel) be satisfactory rather than superior, the candidate may forward a letter of rebuttal to the Candidate’s Dean and Department Chair no later than five (5) days before the first day of the beginning of the Spring Semester. The Deans will review packets and forward written recommendations to the Office of the Provost.

In the case of a candidate being considered for a satisfactory rating, the Department Chair shall meet with the Dean to discuss a summary of the candidate’s annual performance evaluations. In addition, the Chair or panel will forward to the candidate’s Dean a written statement that the candidate meets the criteria for a satisfactory rating or a brief summary of the ratings received on annual performance evaluations in the area of teaching and a statement that the candidate receives an unsatisfactory rating. At this time, a copy of the letter shall be forwarded to the candidate.

In either case, irrespective of the rating sought by the candidate, if the Chair’s written statement (or the departmental panel’s written statement) provided to the candidate contains an error of fact, the Chair (or departmental panel chair) may correct this error through an addendum to the original statement, with notice to the candidate, or the candidate may provide a written correction for the inclusion in the packet for consideration at higher levels of review within five working days of provision of the recommendation. The written correction should be forwarded to the Dean with a copy to the Chair (or chair of the departmental panel). The written correction should not address matters of professional judgment and cannot alter the record presented in the packet or submit new evidence.
New IV.H.8

In the case of a candidate seeking a superior rating, the Dean will review the packet and forward both the Chair’s (or departmental panel’s) and their own written recommendation to the Office of the Provost, with a copy of the Dean’s recommendation also provided to the candidate and the Chair. Information concerning factual matters of the record necessary for the determination of a recommendation may be requested by the Dean from the Chair or through that chair to the candidate. Requests should be written and responses should be brief and also in writing, addressing only the requested issue, and shall become part of the packet. The Dean may choose to interview candidates.

If the Dean’s written recommendation contains an error of fact, the Dean may correct this error through an addendum to the Dean’s original letter of recommendation (with notice to the candidate and Chair) or the candidate may provide a written correction for the inclusion in the packet for consideration at higher levels of review within five working days of the provision of the recommendation. The written correction should be forwarded to the Associate Provost for Faculty Affairs with a copy to the Dean and Chair. The written correction should not address matters of professional judgment and cannot alter the record presented in the packet or submit new evidence.
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In the case of a candidate being considered for a satisfactory rating, if the Dean concurs with the Chair’s summary of the candidate’s annual performance evaluations and the Chair’s written statement that the candidate meets the criteria for a satisfactory rating, then the Dean notifies the candidate and the Provost, in writing, of that decision and the review concludes.

As outlined above, if the candidate has received two or more unsatisfactory ratings in teaching (or, for a librarian, two or more unsatisfactory ratings in professional competence) over the six-year review period, the candidate is deemed to have received an unsatisfactory rating for post-tenure review. Formal written notice from the Department Chair to the faculty member, Dean and Post-Tenure Review Committee of an unsatisfactory rating and need to develop a remediation plan will take place by March 15 of each academic year. In the case of an unsatisfactory rating, the Dean will provide written notice to the Provost, copied to the candidate, Chair, and Post-Tenure Review Committee.
**Original IV.H.8a**

The Post-Tenure Review Committee shall review and forward its recommendations on applications for superior ratings to the Provost by the announced deadline, typically at the end of February. The Provost may make a recommendation and shall forward all recommendations to the President by the announced deadline.

**Proposed IV.H.9a**

The Post-Tenure Review Committee shall review and forward its recommendations on applications for superior ratings to the Provost, Dean, Chair, and candidate by the announced deadline, typically at the end of February. The Provost may make a recommendation and shall forward all recommendations to the President by the announced deadline.

Information concerning factual matters of the record necessary for the determination of a recommendation may be requested by the Chair of the Post-Tenure Review Committee from the Dean, Chair, or through that Chair to the candidate. Requests should be written and responses should be brief and also in writing, addressing only the requested issue, and shall become part of the packet. Both the request for information and the response should also be sent, for information, to levels of review between the Post-Tenure Review Committee and the responding body.

If a recommendation provided to the candidate by the Post-Tenure Review Committee contains an error of fact, the candidate may provide a written correction for inclusion in the packet for consideration at higher levels of review within five working days of the provision of the recommendation. The written correction should be forwarded to the Associate Provost for Faculty Affairs with a copy to the chair of the Post-Tenure Review Committee, the Dean, and the Chair. The written correction should not address matters of professional judgment and cannot alter the record presented in the packet or submit new evidence.