

**RECOMMENDED POLICY ELEMENTS FOR REVISING  
BOARD OF TRUSTEES POLICIES REGARDING  
POST-TENURE PERFORMANCE REVIEWS**

1. **Policy Name:** Enhanced Post-Tenure Performance Review (EPPR)
  
2. **Policy Implementation:** The procedural elements of the EPPR policy become effective immediately upon approval by the Board of Trustees.
  - 2.1. ***Ongoing Cumulative Performance Review Plans*** – Any faculty member who is currently undergoing a CPR Improvement Plan at the time this policy takes effect shall complete the CPR process under the previous policy.
  - 2.2. ***Relevant Annual Performance ratings*** – Annual Performance ratings that may trigger review under this policy version will result from those reviews conducted *after* July 1, 2017.
  - 2.3. ***Transition from CPR to EPPR Policy:*** Any Annual Performance review of “Unsatisfactory” completed after July 1, 2017 will trigger an Enhanced Post-Tenure Performance Review. Any Annual Performance review of “Needs Improvement” completed between July 1, 2017 and June 30, 2018 will be reviewed by the chief academic officer, in light of the APPR ratings during the preceding four-year period. Based on the ratings assigned during that period, the chief academic officer will have the discretion as to whether or not to initiate further review via EPPR.
  
3. **Context and Objectives of the Enhanced Post-Tenure Performance Review:** The University is committed to the evaluation of all faculty members as a means of strengthening the principle of tenure. This policy therefore establishes two formal mechanisms for the review of tenured faculty:
  - 3.1. ***APPR*** – Post-tenure performance is reviewed annually through the Annual Performance and Planning Review (APPR) (see § \_\_\_ above), which is conducted by the department head/chair (sometimes with the assistance of division chief, director, review committee, or other departmentally-adopted process). The annual planning portion of that process is particularly critical to sustain or increase excellence in the department as a whole.
  - 3.2. ***EPPR*** – When required under this policy, post-tenure performance is also reviewed by a peer review committee, across a five-year period of performance. This process is designed to be thorough, fair, and transparent.

- 3.3. Both the APPR and the EPPR are designed to ensure that all faculty members meet the established expectations of a tenured faculty member and that faculty workload is distributed fairly among the tenured faculty in the discipline.<sup>1</sup>
- 3.4. *Objectives of EPPR* - The specific objectives of the Enhanced Post-Tenure Performance Review are to:
  - 3.4.1. provide an orderly process for conducting an in-depth peer evaluation of a tenured faculty member's overall performance
  - 3.4.2. facilitate cooperation between a tenured faculty member and administrators at all levels of administration to identify strategies for improvement;
  - 3.4.3. identify situations in which - despite administrative efforts to facilitate improvement - the faculty member's performance fails to satisfy established expectations, which may result in a full tenure termination review.

#### 4. *Initiating an Enhanced Post-Tenure Performance Review:*

- 4.1. An Enhanced Post-Tenure Performance Review shall be conducted when the faculty member:
  - 4.1.1. requests that an EPPR be conducted after any completion of four annual performance review cycles since the last enhanced review (e.g. a tenure or promotion review);
  - 4.1.2. receives one (1) overall annual performance rating of "Unsatisfactory" (or the campus equivalent for the lowest performance rating); or
  - 4.1.3. receives two (2) overall annual performance ratings of "Needs Improvement" (or the campus equivalent for the next-to-lowest performance rating) during any four (4) consecutive annual performance review cycles.
- 4.2. Prior to initiating the EPPR, the chief academic officer will meet with the faculty member to discuss the EPPR process and to certify that the review is warranted.

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<sup>1</sup> Many terms throughout this document are used generically. "The University" refers to The University of Tennessee System. "Campus" refers to the Knoxville campus, the Health Science Center, the UT Institute of Agriculture, the UT Space Institute, UT at Chattanooga, and UT at Martin. "Chancellor" refers to the Chancellor or Vice President of the unit. "Department" refers to the smallest academic unit (in some cases a "college," "school," or "division"); similarly, "department head" refers to "chair," "director," or "Dean" as appropriate. "Faculty Senate" refers to the campus governance body of elected faculty members and "Faculty Senate Executive Committee" refers to that committee or its comparable group of elected Senate officers. "Chief Academic Officer" refers to the campus provost, academic vice chancellor, or, Dean, etc. "Bylaws" includes written policies, procedures, standards, rules, guidelines, etc.

5. **Review Period for an Enhanced Post-Tenure Performance Review:** The period of performance subject to review under this policy is the most recent five annual review cycles.
  - 5.1. If the reviews have not been consistent with the academic year calendar, then the scope of the EPPR is the the most recent five review cycles applicable to the faculty member under review. Recognizing the need for a full understanding of a faculty member's recent performance, this five-year scope is applicable even when the EPPR is triggered by assignment of two "needs improvement" or equivalent ratings during the preceding *four* review cycles.
  - 5.2. For the same reason, the five year scope of the EPPR applies even when the campus APPR process allows consideration of more than the most recent performance year.
6. **Administration and Oversight by the Chief Academic Officer:** Each Enhanced Post-Tenure Performance Review shall be administered under the direction and oversight of the campus chief academic officer.
  - 6.1. As indicated by reference to a designee, the chief academic officer may delegate certain tasks to a vice provost, associate vice chancellor for academic affairs, or other appropriate campus academic administrator.
  - 6.2. As with any performance evaluation, the chief academic officer may overrule an assigned performance rating for any faculty member. This ensures that when an EPPR is triggered by one or more negative performance reviews under paragraphs 4.1.2 or 4.1.3 above, the chief academic officer (or designee) is aware of the situation and has reviewed and approved the annual performance review(s) that initiates the EPPR process.
  - 6.3. Specifically, the chief academic officer is expected to:
    - 6.3.1. collect and maintain data related to annual performance and planning reviews for all tenured faculty;
    - 6.3.2. provide written notice to the faculty member (with copies to the department head/chair, dean, and faculty senate president) that the EPPR has been initiated;
    - 6.3.3. solicit nominees to serve on the peer review committee (see sections 7 and 8 below);
    - 6.3.4. identify a replacement for any member of the peer review committee who becomes unable to complete the review, whether because of a conflict or some other conflicting obligation.
    - 6.3.5. collect and provide to the peer review committee the performance records described in section 9 below; and

6.3.6. charge the peer review committee and consider its report and recommendations.

7. **Composition of the EPPR Peer Review Committee:** The EPPR shall be conducted by a peer review committee composed of five (5) tenured faculty members (one of whom serves as voting chair) based on the following criteria.

7.1. Every member of the peer review committee must hold the same or higher rank as the faculty member undergoing review *and* have some familiarity with the relevant performance expectations for faculty in that discipline.

7.2. To ensure diverse perspectives among its members, the peer review committee should include:

7.2.1. three (3) faculty members whose tenure lies in the same department as the faculty member undergoing review OR, if the department does not include three tenured faculty members who meet these criteria, then three (3) faculty members who hold tenure in the same college as the faculty member undergoing review;

7.2.2. one (1) faculty member whose tenure resides in a different department than the faculty member undergoing review; and

7.2.3. one (1) faculty member who currently serves (or who served during the most recent cycle) on a college promotion and tenure review committee, if such a committee exists.

7.3. All proposed members of the EPPR Peer Review Committee will be asked to identify any unresolved personal or professional conflicts which would render the committee member unable to perform a fair review. If a conflict is identified, , the chief academic officer will review the nature of the potential conflict and may select a substitute committee member

7.4. In the unusual event that an appropriate peer review committee cannot be assembled using the criteria outlined in this section, the chief academic officer shall provide to the faculty member (in writing) the reasons why the preferred criteria have not be met.

7.5. The chief academic officer shall appoint the peer review committee in a manner consistent with section 8 below.

8. **Procedures for Nomination and Appointment of the EPPR Peer Review Committee:** Unless a campus has received approval of the Board of Trustees to implement a different procedure, the chief academic officer shall solicit nominations for membership on the peer

review committee from the dean, department head, the faculty member under review, the faculty senate president, and the college promotion and tenure committee (if one exists) as described below.

- 8.1. the dean nominates one (1) faculty member to serve as both chair and as a voting member of the peer review committee;
- 8.2. the department head/chair nominates three (3) faculty members eligible to serve, from whom the chief academic officer or designee selects one (1) committee member;
- 8.3. the faculty member undergoing review nominates three (3) faculty members eligible to serve, from whom the chief academic officer or designee selects one (1) committee member;
- 8.4. the faculty senate president nominates three (3) faculty members eligible to serve, from whom the chief academic officer or designee selects one (1) committee member; and
- 8.5. if a departmental or college promotion and tenure committee exists, that committee nominates three (3) actively serving members, from whom the dean selects one (1) member for the peer review committee. If no promotion and tenure committee exists, the faculty member under review selects a department from which the chief academic officer or designee selects a final committee member, so long as that member otherwise meets eligibility criteria in section 7 above.

9. **Process for Conducting the Enhanced Post-Tenure Performance Review:**

- 9.1. ***Finalizing the most recent annual performance*** - Irrespective of other campus processes or practices through which an annual performance review may be finalized under other circumstances, the chief academic officer must review any annual performance rating that initiates an EPPR.
- 9.2. ***Review of certain performance ratings by the chief academic officer*** - The chief academic officer (or a designee) may overrule an annual performance rating. If the chief academic officer overrules a performance rating that would otherwise have initiated an EPPR, the faculty member may choose whether or not to proceed with the EPPR process.
- 9.3. ***All procedures shall be conducted concurrently*** - The EPPR is designed to provide valuable peer review, feedback, and assistance to a faculty member who may be struggling in one or more areas of his/her performance. Likewise, the EPPR process requires significant review and involvement by the chief academic officer (and any designee). While an appeal of an Annual Performance rating (or other procedure) may cover similar time periods as the EPPR process, the EPPR is a distinct procedure.

- 9.3.1. To the extent provided under the applicable faculty handbook or other campus policies or practices, the faculty member may choose to maintain an appeal of his/her annual performance rating while the EPPR is underway.
- 9.3.2. Any appeal or other process shall be conducted concurrently with the EPPR, without any interference or influence from one process to the other. Faculty senate leaders should take care to ensure the integrity of any appeal process from the EPPR by ensuring that no committee member is involved in a parallel proceeding.
- 9.3.3. Except as may be required by law (e.g. regulatory requirements or a judicial order), any such appeal, grievance or other University process will run concurrently and will have no impact on the timing or procedures described in this policy.
- 9.4. ***Written notice that the EPPR has been initiated*** – Within 30 days following approval of the annual performance review by the chief academic officer or designee, the chief academic officer shall notify the faculty member that the enhanced review has been initiated. Copies of the written notice should be provided to the dean, department head, and faculty senate president.
- 9.5. ***Charge to the peer review committee*** – The chief academic officer shall charge the peer review committee within 30 days after the annual performance review is finalized. When the committee is charged, the chief academic officer provides the performance records to the committee, as described in paragraph 9.7 below.
- 9.6. ***Primary documents for review by the peer review committee*** – The chief academic officer (or a designee) shall collect and provide to the peer review committee the following documents with respect to the faculty member under review:
  - 9.6.1. all annual performance reviews, including materials submitted by the faculty member (or an administrator) or developed as part of the annual evaluation process within the five-year review period;
  - 9.6.2. materials submitted *by the faculty member* as part of the annual performance review process within the five-year review period;
  - 9.6.3. performance expectations, which may have been established in past annual performance reviews, in department or college bylaws, in the faculty handbook, or in Board of Trustees, fiscal, human resources, safety, or information technology policies or procedures;
  - 9.6.4. any work assignments, goals, or other plans (however identified) that were described in previous performance evaluations during the five-year review period;
- 9.7. ***Additional materials requested by the peer review committee*** – The peer review committee may request that the chief academic officer (or a designee) collect and

provide additional materials relating to the five-year review period. The chief academic officer (or a designee) will collect and provide to the peer review committee all requested materials that he/she deems relevant to the EPPR and as may be consistent with University policy and law regarding disclosure of University records.

- 9.8. ***Additional written materials submitted by the faculty member undergoing review*** - The faculty member undergoing review may submit to the chief academic officer (or a designee) additional written materials related to the five year review period covered under EPPR.
- 9.9. ***Committee consideration of additional materials*** - When evaluating additional materials beyond the primary documents created during the annual performance review, the peer review committee shall determine what weight it assigns to such materials.
- 9.10. ***Interviews*** - The peer review committee may interview the faculty member undergoing review and the administrator who assigned the negative rating(s).
  - 9.10.1. However, if either the faculty member *or* the administrator who assigned the negative rating(s) is invited to be interviewed, the other party must be given the same opportunity to participate in an interview with the EPPR committee or committee member conducting the interviews.
  - 9.10.2. At the discretion of the peer review team, other parties may also be given the opportunity for an interview.
  - 9.10.3. Unavailability of any person for an interview does not constitute grounds for an extension of time for completion of the EPPR.
- 9.11. ***Single extension of time*** - In extenuating circumstances, on a case-by-case basis, the chief academic officer (or a designee) may approve a written request from the peer review committee for an extension of time to complete its initial review. Only one extension will be granted per committee, and the chief academic officer shall determine the length of the extension.
- 9.12. ***Voting to adopt findings and recommendations*** - The peer review committee shall make and report findings and recommendations using the following standards:
  - 9.12.1. Any committee finding or recommendation shall be adopted by a simple majority vote, except for a recommendation that termination proceedings be initiated, in which case the agreement of at least four (4) members of the committee shall be required.
  - 9.12.2. All voting shall be made by collecting anonymous ballots from all members. Once the committee has been charged, no member of the committee may abstain or recuse him/herself from voting.

9.13. *Peer review committee's report* – The peer review committee must produce a written report which explains the committee's findings and conclusions, the rationale for each, and the corresponding vote count.

9.13.1. *Components of the report* – The final EPPR report should include as attachments any minority report, written response from the faculty member and any recommendations from the department head, dean and/or chief academic officer.

9.13.2. *Issuing the Report* – The committee's report shall be issued to the chief academic officer, the dean, department head, and the faculty member under EPPR. The report must be issued within 75 days of the charge to the peer review committee. A minority report may also be submitted to the chief academic officer, the dean, the department head, and the faculty member under EPPR.

9.13.3. *Written Response to the Report* – the faculty member shall have fourteen (14) calendar days from the transmission of the peer review committee's report to provide a written response. The chief academic officer, the dean, and department head may also provide additional responses during the same fourteen (14) day period.

9.13.4. *Delivery to the Chancellor* – Within fourteen calendar (14) days of receiving the report and attachments, the chief academic officer shall review the report and present it to the Chancellor for review and action.

9.14. *Review and action by the Chancellor* – Once the Chancellor receives the final written report, s/he shall provide a written explanation of the rationale for his/her conclusions and actions, his/her final decision, and outline the next steps of action.

9.14.1. This explanation shall be maintained in faculty records by the chief academic officer, with copies provided to the faculty member, dean, department head/chair, and peer review committee.

10. *Findings and Recommendations within the Authority of the Peer review committee:* The EPPR committee must reach one of the following decisions.

10.1. *Peer review committee finding of "satisfies expectations"* – A recommendation by the peer review committee that the faculty member satisfies expectations requires a simple majority vote. If the peer review committee finds that the performance record satisfies expectations, the committee shall conclude its work by explaining that finding in a written report, as outlined in paragraphs 9.13 through 9.13.4. The Chancellor may accept the peer review committee's findings and recommendations or make different findings, and shall explain in writing the rationale for his/her conclusions and actions, as outlined in paragraph 9.14 and 9.14.1.



- 10.1.1. ***Review and Action by the Chancellor*** - If the Chancellor finds that the performance under review satisfies expectations, the EPPR process will conclude. The Chancellor's written explanation should identify any need to modify past performance ratings and any corresponding salary adjustments.
- 10.1.2. If the Chancellor finds that, contrary to the peer review committee's conclusion, the performance under review *fails to satisfy expectations*, the Chancellor may take further action as s/he deems appropriate, including initiating tenure termination proceedings, pursuant to this policy.
- 10.2. ***Peer review committee finding of "fails to satisfy expectations"*** - If the peer review committee finds that the performance record fails to satisfy expectations, the committee may recommend *either* that termination proceedings be initiated or that an EPPR improvement plan be implemented.
  - 10.2.1. ***Peer review committee recommends that termination proceedings be initiated***- A recommendation by the peer review committee that termination proceedings should be initiated requires the support of at least four (4) members of the committee. The peer review committee shall provide a written report as outlined in paragraphs 9.13 through 9.13.4. The Chancellor may accept the peer review committee's findings and recommendations or make different findings, providing a written explanation as outlined in paragraphs 9.14 and 9.14.1.
  - 10.2.2. ***Peer review committee recommends an EPPR improvement plan*** - A recommendation by the peer review committee to implement an improvement plan requires a simple majority vote. The peer review committee shall provide a written report as outlined in paragraphs 9.13 through 9.13.4. The Chancellor may accept the peer review committee's findings and recommendations or make different findings, providing a written explanation as outlined in paragraphs 9.14 and 9.14.1.
  - 10.2.3. If the Chancellor agrees that an EPPR improvement plan should be implemented, s/he shall refer the matter to the chief academic officer for continued administration under this policy.

## 11. **Administration of an EPPR Improvement Plan**

- 11.1. ***Repeating the EPPR process*** - Only one EPPR improvement plan may be offered to a faculty member during a given EPPR process; however, the EPPR process *may be* implemented more than once during a faculty member's career.
- 11.2. ***Duration of an improvement plan*** - The EPPR improvement plan may extend no more than eighteen (18) months from the time it is implemented by the chief academic officer.

- 11.3. **Written notice that an EPPR improvement plan shall be developed** - The chief academic officer shall promptly notify the faculty member under review, the department head/chair, the dean, and members of the peer review committee that an EPPR improvement plan is to be developed using the procedures in this section.
- 11.4. **Development of the EPPR improvement plan** - After consultation with the faculty member, the department head/chair, in conjunction with the peer review committee, dean, and chief academic officer, has forty-five (45) days to draft the improvement plan.
  - 11.4.1. If, during the normal Annual Performance Review and Planning process, the faculty member has identified specific concerns regarding assigned work or any other element of performance, the head/chair should consider those concerns (and if possible address them in writing) when drafting an improvement plan.
  - 11.4.2. If, after forty-five (45) days, the department head and peer review committee cannot agree on an improvement plan, (as voted by simple majority of the peer review committee) the committee's recommendation will default to a finding that the faculty member's performance *satisfies expectations*.
- 11.5. **Approval of the EPPR Improvement Plan:**
  - 11.5.1. **Faculty Response to the Plan** - Once an EPPR improvement plan has been adopted, the faculty member under review shall be given fourteen (14) calendar days to comment on the plan and propose modifications.
  - 11.5.2. **Consideration of Faculty Response** - In response to any modifications proposed by the faculty member, the peer review committee must consider and adopt/reject the proposed modifications within fourteen (14) calendar days of receiving them from the faculty member.
  - 11.5.3. **Finalizing the Plan** - The committee finalizes the EPPR improvement plan and forwards the final plan to the chief academic officer for implementation, with copies to dean, department head, and faculty member.
- 11.6. **Duration of the EPPR Improvement Plan:** The peer review committee will determine the duration of any EPPR Improvement Plan, subject to the conditions set forth in paragraph 11.2.
  - 11.6.1. **Intra-EPPR** - At approximately the midpoint of the time allotted for completion of the improvement plan, there shall be a intra-EPPR meeting held in lieu of the APPR for that year. The meeting is to be called by the dean, and will include: the faculty member, the department head, and a member of the EPPR review team. The purpose of the meeting is to provide feedback on progress toward achieving the goals outlined in the improvement plan.

- 11.6.2. *Intra-EPPR Report* - Within fourteen (14) days of the intra-EPPR meeting, the department head and member of the peer review committee shall submit to the dean a written report on the status of the improvement plan, and this report will be forwarded to the chief academic officer. This report shall take the place of the Annual Performance and Planning Review.
- 11.7. *Completion of the EPPR Improvement Plan*: At the end of the time allotted for the EPPR improvement plan, the peer review committee shall reconvene to review performance under the plan, and to decide whether the performance under the plan (in the context of the full five-year review period) satisfies expectations or fails to satisfy expectations.
- 11.7.1. *Peer review committee finding of "satisfies expectations"* - If the peer review committee finds that the performance record satisfies expectations, the committee shall conclude its work by explaining that finding in a written report, following the procedures outlined in paragraphs 9.13 through 9.13.4. The Chancellor may accept the peer review committee's findings and recommendations or make different findings, providing a written explanation as outlined in paragraph 9.14 and 9.14.1 above.
- 11.7.2. *Peer review committee finding of "fails to satisfy expectations"* - If the peer review committee finds that the performance record after the EPPR improvement plan fails to satisfy expectations (by at least a simple majority), the committee shall conclude its work by explaining that finding in a written report, following the procedures outlined in paragraphs 9.13 through 9.13.4. The Chancellor may accept the peer review committee's findings and recommendations or make different findings, providing a written explanation as outlined in paragraphs 9.14 and 9.14.1 above.
- 11.8. If an EPPR committee fails to execute its duties as required under this policy, the chief academic officer may recommend to the Chancellor that either (a) a new peer review committee be convened to conduct the EPPR in accordance with this policy or (b) the faculty member be deemed to meet expectations.