Proposed BOT Policy on the Application of the EPPR Process for Colleges, Departments, etc.

The UT Board of Trustees is considering changes to board policy related to tenure. The University Faculty Council met with India Lane and Frank Lancaster on Wednesday February 7th and are compiling a set of recommendations regarding the proposed policy changes. There is one particular proposed change to board policy on page 12 that we want to engage campus administrators in making sure does not become board policy. It states:

“The Board of Trustees reserves the right to direct the administration to conduct an Enhanced Post-Tenure Performance Review of some or all tenured faculty of a campus, college, school, department, or division at any given time or at periodic intervals, as the Board in its discretion deems warranted.”

On February 12, this passage, now on page 11 of the policy proposal was amended to read:

"The Board of Trustees reserves the right to direct the administration to conduct an Enhanced Post-Tenure Performance Review of all tenured faculty of a campus, college, school, department, or division at any given time or at periodic intervals, as the Board in its discretion deems warranted. Post-Tenure Performance Reviews should be staggered so that not all tenured faculty at a campus are being reviewed at the same time."

In either case, we have the following concerns regarding this proposed policy:

1. Board of Trustee initiated EPPR for a campus, college, department, school or division would inefficient and duplicative.
2. As the new EPPR process was initiated just last year, the BOT should let this new policy function as intended.
3. EPPR is also only appropriate for individual performance evaluations.
4. While EPPR is a reasonable mechanism to address low productive faculty, it consumes a great deal of faculty and administrative time directing resources away from the core mission of research, teaching and service. The return on investment would be hard to justify.
5. Assessment of academic units, and programs is already mandated by the state every ten years, and most academic program complete accreditation reviews every 5-10 years.
6. The existence of such a policy signals a lack of confidence in the duties of campus administrators in conducting faculty evaluations, and would be an obstacle to hiring the best academic leaders.
7. This policy would a chilling effect on academic programs and faculty research and teaching.
8. Adopting this policy would invite accreditation issues if implemented.

Additional Comments from AAUP received on February 8, 2018

I’ve reviewed hundreds of compilations of institutional regulations, and I have, frankly, never seen such a provision. And I would agree with you that its inclusion is troubling and potentially chilling to academic freedom.

As you are aware, the AAUP long ago took the following position on post-tenure review:

The Association believes that periodic formal institutional evaluation of each post-probationary faculty member would bring scant benefit, would incur unacceptable costs, not only in money
and time but also in dampening of creativity and of collegial relationships, and would threaten academic freedom.

But, acquiescing to its widespread use, except at the most prestigious institutions, the Association issued the guidelines and standards contained in the attached report.

Core among these guidelines and standards is that a system of post-tenure review should not only be designed primarily by the faculty but also be primarily carried out by the faculty according to established criteria.

From an AAUP perspective, one problem with the above proposal is its arbitrary and unilateral nature. On page 11–12, the existing board policy sets forth these criteria for initiating post-tenure review:

An Enhanced Post-Tenure Performance Review must be initiated when the chief academic officer determines that a faculty member has:

- requested an EPPR, after at least four annual performance review cycles since the last enhanced review (such as a previous EPPR or a review in connection with tenure or promotion);
- received one overall annual performance rating of “Unsatisfactory” (or the campus equivalent for the lowest performance rating); or
- received two overall annual performance ratings of “Needs Improvement” (or the campus equivalent for the next-to-lowest performance rating) during any four consecutive annual performance review cycles.

The proposal gives the board unlimited discretion to initiate post-tenure review of any faculty members at any time for any or no reason (“as the Board in its discretion deems warranted”). So, for example, a faculty member says or writes something controversial that results in negative publicity for the institution. Will the board then “direct the administration to conduct an Enhanced Post-Tenure Performance Review”? Will the knowledge that such a consequence is possible cause faculty members to practice self-censorship to the potential detriment of their teaching and research?

Another problem with the proposed policy, relative to normative academic standards, is that it represents an unwarranted intrusion by the governing board into matters that are properly the responsibility of the faculty and the academic administration. As I am sure you are also aware, the attached Statement on Government of Colleges and Universities (jointly formulated in 1966 by the AAUP, the Association of Governing Boards of Universities and Colleges, and the American Council on Education) calls for “appropriate joint planning and effort” among governing board, administration, and faculty, with each constituency exercising “primary responsibility” for certain types of decisions. A key passage is the following:

The governing board of an institution of higher education, while maintaining a general overview, entrusts the conduct of administration to the administrative officers—the president and the deans—and the conduct of teaching and research to the faculty. The board should undertake appropriate self-limitation.

The proposed policy seems to represent a serious failure to heed the last admonition.
I hope these comments and the attached documents are helpful.

Best regards,

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Addressing These Concerns and Protecting the Reputation of the University of Tennessee

We seek to work with campus administrators to communicate concern about this proposed policy to President DiPietro, the Office of General Counsel and Board of Trustees. If we think the issues raised by this policy cannot be addressed through administrative channels, faculty leadership are prepared to advocate independent of administrative channels. We hope the system administration will recognize that this proposed policy represents a liability to the University, and should be struck.