



THE UNIVERSITY OF  
TENNESSEE  
KNOXVILLE

March 16, 2018

«F4» «First\_Name» «Middle\_Initial» «Last\_Name»  
«Address»  
«Address\_Line\_2»  
«City», «State» «Zip»

Dear «F4» «Last\_Name»:

We are writing to you about the process and content of proposed changes to the UT Board Policies on tenure, policies that impact over 1,200 faculty members from UTK and UTIA. As former presidents of the UTK Faculty Senate, we have committed our careers to serving UT and remain attentive to academic policy. While this letter and the included supporting documents are somewhat long, we hope you will take time to closely review these documents before the UT Board of Trustees meets next week.

For two years, the UTK Faculty Senate and the University Faculty Council worked with the UT System Administration and the UT Board of Trustees to improve the post-tenure review system. The resulting policy changes were just implemented this past fall in a collaboratively developed Enhanced Post-Tenure Performance Review (EPPR) policy. The EPPR policy modified the former Cumulative Performance Review (CPR) post-tenure review policy. Both policies are based on results of Annual Performance-and-Planning Reviews (APPR), which have been in place for two decades and were modified on the Knoxville campus more than ten years ago to increase their rigor. Unsatisfactory performance, as indicated by APPR, triggers the enhanced post-tenure review process. A show of hands at our March 5 Faculty Senate meeting indicated that many of our colleagues had served on CPR committees that lead to underperforming tenured faculty having tenure terminated or voluntarily leaving their positions. We also know that tenured faculty members who receive negative annual reviews sometimes choose to retire or resign, rather than undergo triggered post-tenure review. We have direct knowledge that our triggered post-tenure review system works on the UT Knoxville campus.

The construction of the newest proposed changes to the university's post-tenure review policies did not involve the same type of advance study and collaborative engagement with faculty members that the process for generating the EPPR policy comprised. While the August 17, 2017, Board of Trustees workshop in Nashville may have involved discussions about adding additional components to post-tenure review, this subject was not on the agenda of the monthly meetings of the University Faculty Council until February 5, when it received the proposed revisions to board

**Faculty Senate**

821 Volunteer Boulevard  
phone 865-974-2483

Greve Hall, Room 325  
fax 865-974-8285

Knoxville, TN 37996-3393  
<http://senate.utk.edu/>

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tenure policies in the form of a 48-page document for discussion two days later. The UFC was given a March 2 deadline to respond to an extensive set of proposed changes. In a paragraph not listed in a table of major changes, a sentence about expanding post-tenure review to add periodic post-tenure review that was not based on poor faculty performance on page 12 stated:

“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.”

This provision, which would have granted the Board of Trustees the latitude to target individual faculty members or programs, would have had a negative impact on academic freedom and the national reputation of UT. Our understanding of the Board’s role, as a matter of general university governance and compliance with our SACS accreditation standards, is that the governing board of a university is charged with setting general policy objectives and major institutional changes, not directing specific academic programs or operations. That such a proposal would be considered appropriate for university governance concerned us deeply, and our Faculty Senate leadership communicated this to the UT system administration. On February 17, UT system administration did respond by sending the University Faculty Council a revised version of the post-tenure review policy that could initiate faculty reviews based on a weak program review, as well as the requirement that all tenured faculty complete a “comprehensive peer review” every six-years. These changes, like the original proposal, were generated without cooperative engagement with faculty as to their contents.

To obtain faculty input on the revised language (and to communicate the proposed changes to faculty for their information), the UTK Faculty Senate sent a one-question survey with a field for comments about this policy to all UTK faculty members. Based on responses from 665 UTK faculty, 509 (76.54%) objected to the proposed policy, with their comments expressing concern about what is defined as a “program review,” which has usually meant national accreditation or THEC-mandated reviews. Another area of concern is the meaning of “comprehensive peer review,” which is understood by faculty to mean external reviewers, as is the case for promotion and tenure dossiers at UTK and UTIA. Because of the ambiguity in the proposed language, some faculty perceived this as an effort to undermine tenure itself. Enclosed is a ten-page summary of the survey results with representative comments. Other UT campuses also received faculty comments similar to those we collected. In addition to concern about the process of developing this policy, many faculty members voiced concern about the impact of the proposed policy on our institutional reputation and our ability to recruit and retain the best colleagues, including joint appointments with ORNL and Governor’s Chairs.

Post-tenure review is not something new to the University of Tennessee, and faculty believe that, if appropriately used, it can create accountability while protecting academic freedom. The commitment by the UTK Faculty Senate to audit department and college bylaws to ensure that they include criteria for rank for each academic discipline, as well as the Faculty Senate’s collection of recommendations for improving ELEMENTS, our electronic workload reporting system, are examples of ways that we are working with our campus administration to create accountability in the evaluation of faculty performance. The faculty at UTK believes in the value

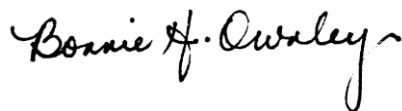
of its reputation and does not want misperceptions of faculty performance to affect student or faculty recruitment.

In sum, while the UTK Faculty Senate and University Faculty Council have strived to give input into the proposed policy changes as these leadership bodies have been presented with them, the process has lacked transparency and has been rushed. A more constructive process would involve the University Faculty Council and faculty senates on each campus in the formative stages of these proposed changes. Moreover, we are concerned that the relative speed of the process has prevented the vetting of important considerations relating to accreditation standards and national and peer norms that may put UT at a competitive disadvantage in recruiting students and faculty. We are also concerned that, because not all board members have participated in the development of these proposed changes to post-tenure review policy, board members may be asked to take action on the changes without having had sufficient time to independently and fairly assess the rationale for and effects of the policy revisions effectuated by the changes.

We are including with this letter a summary of the proposed changes that are being proposed and a set of specific recommendations that we hope can be considered by the Academic Affairs and Student Success Committee and the full board when it meets next week.

We would be glad to speak with you or respond to any emails if you would like to discuss these concerns further. We greatly appreciate your service, as well as your time and attention. As faculty leaders, we also have the best interests of our university at heart in what we do.

Cordially,



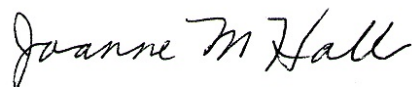
Bonnie Ownley

[bowmley@utk.edu](mailto:bowmley@utk.edu); Entomology & Plant Pathology, Faculty Senate President, 2016-17



Bruce MacLennan

[maclennan@utk.edu](mailto:maclennan@utk.edu); Electrical Engineering & Computer Science, Faculty Senate President, 2015-16



Joanne Hall

[jhall7@utk.edu](mailto:jhall7@utk.edu); College of Nursing, Faculty Senate President, 2014-15



Joan Heminway

[jheminwa@tennessee.edu](mailto:jheminwa@tennessee.edu); College of Law, Faculty Senate President, 2010-11



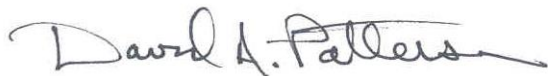
Toby Boulet

[boulet@utk.edu](mailto:boulet@utk.edu); Mechanical, Aerospace & Biomedical Engineering, Faculty Senate President, 2009-10



John Nolt

[nolt@utk.edu](mailto:nolt@utk.edu); Philosophy, Faculty Senate President, 2008-09



David Patterson

[dpatter2@utk.edu](mailto:dpatter2@utk.edu); College of Social Work, Faculty Senate President, 2007-08



Lou Gross

[lgross@utk.edu](mailto:lgross@utk.edu); Ecology and Evolutionary Biology, Faculty Senate President, 2006-07



Candace White

[white@utk.edu](mailto:white@utk.edu); Advertising and Public Relations, Faculty Senate President, 2004-05

Enclosures (3)

## **Revised Tenure Policies for Consideration at the March 23, 2018 Academic Affairs and Student Success Committee Meeting**

On March 2, 2018, the University Faculty Council submitted a series of 30 suggested revisions to the February 5 draft of the proposed changes to the UT tenure policies. As reflected in the materials for the March Board of Trustees meeting, we are grateful that many of these suggestions, which clarified policies and procedures, were accepted by the system administration, and these sections of the tenure policies merit being forwarded for approval.

The area of greatest concern for faculty regarding the policies has been in relation to the proposed changes to the post-tenure review system. Because we already have a thorough system of post-tenure review in place, we recommend that the post-tenure sections be developed in more detail with the chief academic officers on each campus, the University Faculty Council and the Office of General Counsel. Below is a summary of the current draft of the revisions to the post-tenure processes with some areas that we believe continue to need revision.

### **The Annual Performance-and-Planning Review (APPR)**

This system remains the same. A thorough system of APPR, one that involves clarity, consistency, and candor by the supervising academic administrators are key to the evaluation of performance by tenured faculty. Campus and system resources should focus on preparing heads, deans and chief academic officers in the implementation of this system. As noted under item three below, periodic systems of review of all tenured faculty should focus on ensuring the rigor of the APPR system.

### **The Enhanced Post-Tenure Performance Review (EPPR)**

Based on outcomes of APPR, EPPR will continue to be triggered with two overall rankings of “needs improvement” in a four-year period or one “unsatisfactory” rating.

### **Periodic Post-Tenure Performance Review (PPPR)**

This new policy establishes a PPPR process (Tab 15, page 477) as described below:

#### *Periodic Post-Tenure Performance Review (PPPR)*

*The Board of Trustees recognizes and affirms the importance of tenure in protecting academic freedom and thus promoting the University’s principal mission of discovery and dissemination of truth through teaching, research, and service. The Board also recognizes its fiduciary responsibility to students, parents, and all citizens of Tennessee to ensure that faculty members effectively serve the needs of students and the University throughout their careers. Therefore, the President shall establish, with Board approval, procedures for each campus under which every tenured faculty member shall receive a comprehensive performance review no less often than every six years. As a minimum, the procedures for this periodic review shall: (1) provide for a peer review committee internal to the campus composed of tenured faculty members at the same or higher academic rank as the faculty member being reviewed, some of whom hold appointments in the same department as the faculty member being reviewed and some of whom do not; (2) provide for external reviews to be solicited when deemed necessary by the peer review committee or the dean; and (3) provide for appropriate staggering of reviews to avoid excessive administrative burden at any given time.*

As the PPPR process will be implemented at the campus level, it addresses concerns of the faculty that ensure post-tenure review is not directly initiated by the Board of Trustees, which would undermine principles of academic freedom (and thus harm our reputation). The clarification that the process involves an internal review, conducted by faculty peers and administrators is a significant improvement. How the new PPPR policy will be implemented will be critical to ensuring this new policy will not become a huge administrative burden on the faculty. Analysis by Professor Lou Gross, Chair of the UTK Faculty Senate Budget and Planning Committee estimates that implementing PPPR as proposed would involve 108 reviews being done every year, would require 828 working days of effort at an estimated cost of \$804,816. His cost estimate is based only on review of faculty research, and does not include evaluation of teaching (which typically includes classroom observation) and service. Considering these factors, the cost of implementation could be well over 2 million dollars in faculty and staff labor. The time and effort that faculty spend conducting peer reviews for this process is time that they are not writing grant proposals, recruiting the best post-docs and graduate students, doing field and lab work, preparing for classes, mentoring students, etc.

So as to contain the institutional costs, and to focus the process in a way that creates the greatest return on investment, UTK Faculty Senate Executive Council has made two key recommendations:

1. The emphasis of these reviews should be on the integrity of the Annual Performance-and-Planning Review (APPR), and not a summative evaluation of the faculty member being reviewed. This concept was also supported by the Chief Academic Officers (page 3 of the enclosed document) in their recommendations but is not reflected in the current policy text.
2. The six-year (PPPR) reviews should be based on the materials previously compiled for the faculty annual reviews, including a complete CV, and should involve review by faculty peers with appropriate disciplinary expertise via a process established by the chief academic officer.

To ensure the most effective return on investment, we propose that the third sentence should be revised (with underlined text added and ~~striketrough~~ deleted) as follows:

*Therefore, the President shall establish, with Board approval, procedures for each campus under which Annual Performance-and-Planning Review (APPR) materials for every tenured faculty member shall receive a comprehensive performance review no less often than every six-seven years.*

The concept of focusing PPPR reviews on the rigor of the annual reviews was also supported by the chief academic officers as noted above. Implementing PPPR on a seven-year cycle recognizes that most high performing associate professors will go up for promotion by the seventh year at that rank. We hope these two suggestions on PPPR will be reflected in the final policy language presented to the Board of Trustees.

### **Comprehensive Performance Review Based on Findings of an Academic Program Review**

The new tenure policy (Tab 15, page 480) proposes to expand an as yet to be defined system of individual faculty review based on the findings of an academic performance review. The policy states:

*Comprehensive Performance Review Based on Findings of an Academic Program Review*

*Based on the findings of an academic program review, the President may recommend to the Board of Trustees procedures under which the campus administration will conduct comprehensive performance reviews of tenured and non-tenured faculty in the program.*

It is unclear with this proposed policy how these reviews will be structured in relation to the EPPR, or PPPR processes. Including non-tenure track faculty, who are typically hired on short-term contracts, seems especially problematic. It should also be recognized that an academic program may be considered weak as a result of factors such as administrative leadership, staffing, facilities, resources, and other factors entirely separate from faculty performance, and any post-tenure review based on program reviews should only be initiated by a chief academic officer. What qualitative and quantitative factors inform a program review are critical questions. If the policy is revised to apply to tenured faculty only, and the development of this policy involves input from representative faculty on each campus and can only be initiated by the Chief Academic Officer when a weak program can be attributed to poor faculty performance, this could be workable, but needs clarity before it should be considered for board policy.

## Proposed Tenure Policy Revisions/ March 2018

### Key Points in Feedback from UFC, CAOs, AA&SS

***Most input is minor and clarifying in nature.*** The faculty and chief academic officers were highly engaged in the initial responses to key questions; the CAOs and Chancellors reviewed the late January draft of the policy revisions and had no major concerns. The UFC reviewed the Feb 5 version of the policy and provided a pdf with comments on March 2; their suggestions were reviewed by the CAOS on March 5. The UFC document is a useful guide to minor edits and points of potential confusion. An earlier annotated version of the document was also provided by UTM and includes a few additional typographical corrections. A few points can be clarified by footnotes with **definitions** or by **minor edits** as suggested:

- *Probationary period:* UFC expressed some confusion around the “6 year” period (as opposed to a total 7 year period)
- *Peer:* clarify meaning for (internal) peers, peer institutions, comprehensive peer review, and external review
- *Anonymous* voting procedures: UFC emphasizes any reference to a vote should be an anonymous vote
- *Draft:* There are a few references to written reports that could be misconstrued as drafts in progress, not final reports, and a few places where it is unclear whether the faculty member can review or rebut a report. In general, CAOs support the opportunity for faculty review and rebuttal of evaluative reports.
- *Recommendations and Conclusions:* UFC feedback suggests that references to recommendations or conclusions of parties or committees in tenure and EPPR decisions include the rationale or reasoning behind such recommendations or conclusions.
- *Tenured faculty:* UFC feedback suggests clarifying that this usually refers to the tenured faculty in a department, not in the whole institution.

Specific points within document (other than editorial suggestions) to consider revising:

- (p8) In this section, there is a clause that tenure criteria would be approved by the President and General Counsel for inclusion in faculty handbooks, which conflicts with the Board Policy on revising faculty handbooks. There is also a suggestion that college-level tenure criteria would be approved and included in the faculty handbook, whereas the handbooks are campus-wide documents. Multiple lists of college criteria (e.g. 11 on one campus) would dilute and confuse the purpose of the handbook and would make updating college criteria a lengthy process. ***CAOs suggest college-level tenure criteria be approved by the CAOS or Chancellors and published appropriately, but not in the Faculty Handbook.***
- (p13) Some clarifying language is provided to the existing EPPR procedures without changing meaning. CAOS concurred and further clarified.
- (p 19) A helpful revision of the new paragraph on tenure review procedures is offered without changing meaning. CAOs concurred.
- (p22) UFC and CAOS suggested minor revision to point 5.a.(2) to remove “conduct an informal inquiry and...”



- (p29) Suggestions clarify that restitution of tenure, position and rank, as well as salary, occur if adequate cause is not found in a post-termination hearing.
- (p46) UFC members have questions about several points where the EPPR timeline is unclear – these points were found to be Chancellor level decisions and do not have time limits in the EPPR process as currently written.

#### **Procedural suggestions and concerns regarding implementation:**

- (pg 4) CAOS: Early tenure is still a point of concern. Early tenure review is used either for fully qualified faculty who have probationary experience in a tenure track position prior to arriving at UT or as a retention strategy for exceptional faculty in their first probationary period who have met all the requirements for tenure. In fact, the term “early tenure” is used differently among the campuses. ***The campuses will proceed with developing an early tenure policy that addresses circumstances, requirements and potential outcomes, but believe the President has the best perspective and experience to determine if early tenure is appropriate, while the Board is still an important review and checkpoint for expedited cases.***
- (p 5) CAOS offered a clarification of “terminal year.”
- CAOS have concerns regarding implementing additional levels of review in colleges that do not have departments -but this can generally be done by special committee.
- All parties want to ensure the ***phase in plans*** are clear for mid-cycle reviews, external letters and additional committee level review – particularly for faculty who are already into their probationary period.

#### **Post Tenure Review Section**

Significant input has been collected regarding the proposed post-tenure Review. Faculty concerns can be summarized as follows:

- The triggered EPPR process has just been initiated and was designed to address performance concerns for tenured faculty.
- The procedures for periodic post-tenure review should be clearly delineated prior to inclusion in the policy or should be left to the President and campuses, subject to Board approval.
- Policy and procedures regarding periodic post-tenure review should be developed with significant input from faculty and campus leadership.
- As written, the policy inappropriately connects post-tenure review to program review, whether for THEC or accreditation purposes or for other comparative metrics (particularly those that solely focus on teaching workload and instructional contact). Program review is generally held in the Chief Academic Officer’s purview; procedures, evaluation of faculty, recommendations and follow-ups related to program reviews should primarily lie with the CAOs.
- Some faculty continue to be concerned about the workload of any post-tenure review process and the ongoing misperception that tenured faculty are not currently rigorously reviewed via annual evaluation. Faculty also point to previous UT experience and experiences of other institutions where a post-tenure review process was found to be excessively time-consuming without being significantly helpful in rewarding excellent performance or identifying underperformance not determined by other means.

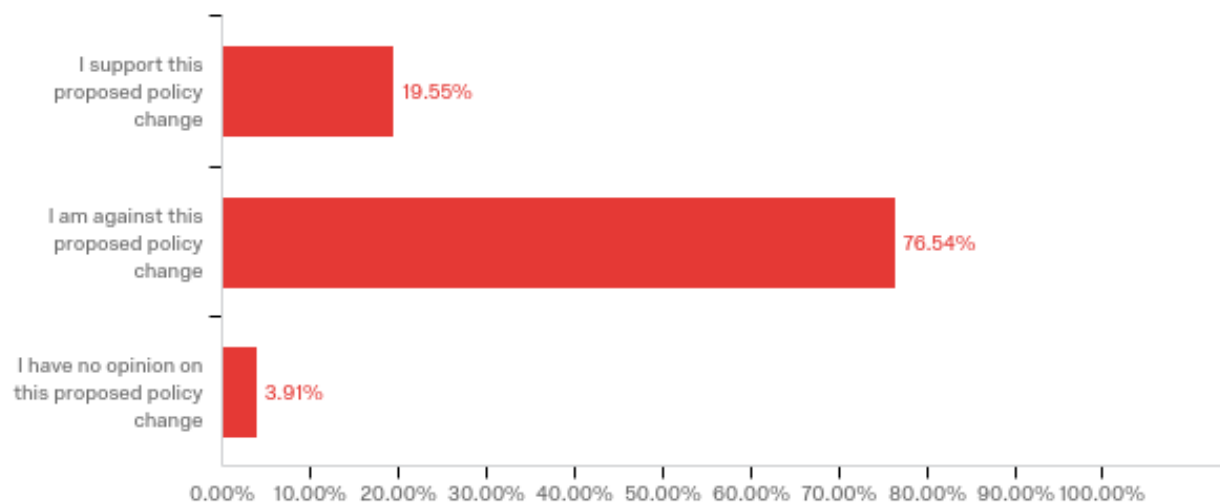
## Recommendations from CAOS:

- In the policy document, *reference to regular, periodic post-tenure review should be removed and separated from the EPPR section* because EPPR is a different, triggered process.
- Periodic post-tenure review should be done systematically with a clear set of procedures and is a separate process, with separate goals, from academic program review. Faculty members are responsible for many components of the success of a program, and should be held accountable for those, but are subject to leadership, enrollment and resource limitations that may be out of faculty control. Individual faculty underperformance should be identified well before it has an impact on program effectiveness.
- *The tenured faculty review component of academic program review should be deferred until the annual (June) or Fall meeting when the work currently underway regarding program effectiveness and program metrics has come to some conclusions and agreed upon metrics.* System-wide guidelines for program review, and the handling of underperforming programs, should be subject to a different, new Board policy with a focus on the program's overall quality and financial health.
- *In the short term, systematic, periodic post-tenure review, based on assembly of annual reviews and perhaps customized by campus mission, enables the timely, regular and comprehensive review of all aspects of tenured faculty performance.* The CAOs endorsed a portion of language provided by one contingent of the UFC: "...the President shall establish, [subject to] Board approval, procedures to establish internal, discipline-based faculty peer reviews based on the annual reviews to affirm the clarity, consistency and candor of the reviews of tenured faculty no less often than 7 years. The procedures for this periodic review shall provide for appropriate staggering of reviews to avoid excessive administrative burden at any given time."

## *Survey of Faculty Opinions on Board of Trustees Tenure Policy Change*

March 2nd 2018

**We surveyed the faculty on the proposed change to the EPPR policy. Overall, over 75% of the respondents opposed the policy change. There were 665 respondents; 313 of them provided written responses.**



#	Answer	%	Count
1	I support this proposed policy change	19.55%	130
2	I am against this proposed policy change	76.54%	509
3	I have no opinion on this proposed policy change	3.91%	26
	Total	100%	665

## In Favor:

Most of those in favor of the proposed changes did not leave comments. Only ten did, and some were largely perfunctory, stating that it was “good” or “reasonable.” Three cited a perception that tenured faculty stop being productive and such a review would lead to greater productivity. The most substantive of the comments are included below:

- I strongly support the initiative to establish a procedure/plan regarding a comprehensive peer-review for every tenured faculty member at UT campus no less often than every six years. I believe that this initiative will lead to the significant improvement in the productivity of many tenured faculty.
- We all know of underperforming faculty who are protected by tenure - this is an example of how tenure is not protecting academic freedom, but greatly limits academic units from performing their responsibilities.
- Tenured faculty need to be reviewed with a more critical eye than they are now. It seems once one makes tenure, there is less review of the individual. It would be a nice idea to change this.
- This policy as stated does not revoke tenure. It simply states that even tenured faculty should be reviewed periodically. Having tenure should not give a faculty member a free pass to escape periodic reviews. Those who are against this appear to have something to hide. Those who continue to do good work will continue to have good reviews.
- I think it is not necessarily a bad idea to have reviews of faculty to encourage productivity, but I appreciate that the faculty senate and administration are trying to prevent this from becoming an arbitrary thing with which the Board can just surprise a faculty member or department.
- I fully agree with ridding the university system of dead wood. However, I do not agree with running everybody through an enhanced review process at least every six years, wasting tax payer money in this process, just so the dead wood cannot sue for being treated "unfairly" or differently. If the vast majority of us are meeting or exceeding expectations on our annual evaluations, we do not need to be swept up in yet more paperwork and red tape. It is unnecessary. Just get to the point and do it. Bad evaluations = re-evaluation. Period. Leave the rest of us out of this. [This respondent indicated they supported the policy change. The comment suggests that they oppose it.]

## Opposed

Of the 303 opposed comments, some key recurring themes were the burden or effort required (126 commenters mentioned this in some form), the idea that the 6-year review was unnecessary or redundant (86 respondents indicated this), the challenge to hire or retain quality faculty (50 mentioned this; 25 mentioned that they or colleagues would leave if this policy were implemented). Thirty-four respondents indicated a sense of breached trust with the Board or saw it as an attack on tenured faculty, with many (30) seeing the danger of the

Board being able to politically target specific departments, something that erodes academic freedom and threatens our accreditation.

One key point made by a commenter is that we can accurately predict precisely how much effort is required: half of all tenured faculty each year will need to be involved in peer reviewing colleagues, if we assume a 3-person review committee. So if a department has 12 tenured faculty, that means 2 are being evaluated each year. With a three person committee for each, that means 6 faculty—or half the tenured faculty in the department—will need to be peer reviewers each year. If we add the two being evaluated, this means that over half of a department, every year, will be involved in this process. Given that it takes a considerable amount time to produce and assess a portfolio, one could estimate this time and calculate a significant number of total faculty hours devoted to this work. And this effort would not include the time and effort to secure external reviewers, which many take to be the proper meaning of “peer review.” If this is not the case, clarification would be appreciated.

In fact, clarity was a key problem for many of the commenters, particularly the lack of clarity around what “underperforming” might mean, and what criteria would determine this assessment.

There was a general feeling that the current EPPR policy was sufficient to guarantee faculty accountability and that a mandatory comprehensive peer review every six years would add unnecessary work and distract faculty from the teaching and research mission of the university.

### Representative Comments with Key Points Highlighted

I believe the current policy of annual reviews is more than adequate for identifying concerns with faculty performance and providing the means to address those **concerns. The proposed change is over-burdensome and is not an effective use of administrative or faculty time.** I suspect people outside of the university do not realize the amount of faculty time and effort involved in developing a dossier and the amount of faculty and administrative time involved in reviewing and evaluating the dossiers. **The cost/benefit analysis suggests this would not be an effective use of taxpayer money, particularly since we already have an effective process for review in place.** The total amount of paperwork we are already required to do just means there is less time to serve the mission of the land grant university through teaching, research, and service. Adding more administrative time to the faculty workload is simply not efficient. We have an effective process of review and evaluation in place now. I am already seeing Ph.D. students having second thoughts about going into academia after seeing what is required of their professors for promotion and tenure and the pressure to bring in research dollars and publish throughout their careers. It can be perceived as a very grueling process.

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This holds the potential for an incredible drain on the time of productive faculty. **I am for ensuring faculty performance at all ranks. The current policy provides for that,** and if it does not, then new administrators need to be hired. If the current policy is not being used effectively to ensure the performance of tenured faculty then current administrators are not doing their jobs. **This appears to be a thinly veiled attempt to provide upper**

**level administrators an opportunity to get rid of expensive faculty in programs that they don't like, and hold the clear potential to undermine tenure.** This is exactly the sort of policy change that was a first step in other institutions that have seen tenure eroded or eliminated. It's the kind of policy change that would make me need a massive salary increase at UT the next time I get an external offer. More likely, I would just leave.

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I am not in principle opposed to post-tenure review, and in fact we already undergo yearly review currently. This seems to request two changes:

1. The addition of a more rigorous complete peer review every six years. **It is unclear what the results of this peer review would be** - at that point, would someone then have tenure removed? So is this essentially asking faculty members to go through the full tenure process every 6 years? **The amount of pressure on departments and the mental health of faculty (getting tenure is an extremely stressful process,** and it is hard to imagine extending this process indefinitely). Would the result just be an adjustment of duties to reflect where they are at in their professional academic career? If they were deemed unsatisfactory, would they have an opportunity to make adjustments and come up for re-review? I guess my question is asking, "to what end would we be undergoing this process?" Is it punitive only?

2. **The re-review being triggered by an underperforming program seems solely as a way to de-tenure people who are working in a program / department that the University wants to get rid of** to be more "efficient." Or maybe the intention is to help the unit become more productive by flagging where you can help faculty become more productive? Once again, it is the intention behind this policy that is missing. If changes are being made, I guess I would just like to hear more about why these changes need to occur.

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Despite the wording of certain parts of this proposal, it seems clear that, taken together with the proposed changes to the make-up of the BoT (which as I understand it, would remove faculty representation), this proposal would effectively mean the end of tenure at UT as we know it. I cannot emphasize strongly enough how profound an impact such a proposal would have on our University. **First, as a young Assistant Professor, had such a proposal been passed while I was considering the job, I almost certainly would have avoided accepting a job at UT.** While of course it is incumbent on all scholars to remain productive and active, both as researchers and teachers, **the vague nature of this proposal would preclude any sense of security or stability as I pursue my research and teaching agendas.** Second, **the review process is completely undefined, and no objective criteria (or even reasonable subjective criteria) have been put forward.** Again, this sort of vague, cloudy language smacks of potential sacking of certain professors for essentially whatever political or social reasons the BoT deems sufficient. Third, going forward, I can unequivocally guarantee that this sort of proposal would put UT at an extreme disadvantage when trying to attract top-tier candidates for job positions. If, as has been emphasized to me since my initial campus visit, the vision for UT is to join the top-25 public research institutions in the US, this proposal will mean sacrificing that goal. It is, simply put, completely incompatible. **The BoT is deluding itself if it thinks that top researchers in any field would join a faculty that does not have a process by which job security is attainable. It is deluding itself if it thinks that top researchers would join a faculty that is not able to pursue open research and teaching agendas.** We can either move forward toward

our goal of joining the elite public universities and enhancing the prestige of Tennessee education, or we can become a stereotype of the backward south that rejects science and the unencumbered pursuit of science. There really is no middle ground. I sincerely and truly hope that this proposal is rejected, and that further those pushing such an agenda would be exposed as the enemies of higher public education that they are.

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Implementation of this proposed policy will only lead to further bureaucratic red tape that hampers faculty members from performing the job they were trained and hired to do: teach, do research, and provide service to the community. Most faculty members have dedicated their lives to their profession, the students, and their institution. **To perform meaningful research that can bring insight and assistance to our constituents takes a large amount of time and effort and projects routinely take 5+ years to complete given their complexity and the requirement of large data sets to perform meaningful analysis.** Most faculty members routinely work 60-70+ hours/week at their institution and then continue to work on emails and other computer projects while at home given the already overburdened work effort assigned to them. Furthermore, having this policy will significantly impede efforts to recruit highly qualified candidates to Tennessee institutions. Collectively, this policy will only weaken the teaching system with the state and lead Tennessee falling behind in its efforts of teaching and research excellence.

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I don't think the BOT understands what they are asking for. **The peer review process for tenure requires dozens of hours of work from the faculty member being reviewed, dozens of hours of work from the external peer reviewers that need to comment on the faculty, and dozens of hours of work from the faculty and administrators who need to complete the review.** Completing that kind of peer review for 1/6 of our senior faculty every year, in addition to those going for tenure, would be entirely untenable. And that doesn't even take into account the fact that **UT would be risking their accreditation**, driving away desirable faculty, and putting the kibosh on our ever achieving top 25 standing. This is a bad idea.

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**Wouldn't the Board of Trustees responsibilities to all parties (faculty and non-faculty citizens alike) be served better by prospective professional development of faculty rather than retrospective review?** How does the policy change align with Post-Tenure Review at the peer and peer-aspirational universities in UTK's Journey to the Top 25? "Why create this huge policy where everyone has to jump through hoops to change the behavior of a few people who may not change their behavior in the end?" ~

Post-Tenure Faculty Review and Renewal: Experienced Voices (<https://www.amazon.com/Post-Tenure-Faculty-Review-Renewal-Experienced/dp/1563770539>)

Implementing Post Tenure Review (<http://cgi.stanford.edu/~dept-ctl/tomprof/posting.php?ID=381>)

Post-Tenure Review: An AAUP Response (<https://www.aaup.org/report/post-tenure-review-aaup-response>)

Most Professors Hate Post-Tenure Review. A Better Approach Might Look Like This.

(<https://www.chronicle.com/article/Most-Professors-Hate/242483>)

Post-Tenure Blues (<https://www.insidehighered.com/news/2012/03/02/what-does-post-tenure-review-really-mean>)

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I do see that this second version is a substantial improvement with respect to the first one. However, concerns remain: **The current formulation does not specify whether peer review means internal or external. It puts an undue burden on the departments.** In our department, it would be like adding four or five (post)tenure dossiers each year on top of the normal tenure and promotion reviews that we conduct each year. We'll soon run out of letter writers and reviewers will stop writing, which in turn would negatively reflect on the faculty member. It will devastate our faculty recruiting effort and there will be a faculty exodus. I understand that the Board also wants more influence on tenure decisions. Respectfully, I think that the board is simply not qualified to second guess the collective wisdom of the faculty, Deans, and Provost in tenure, promotion, and retention decisions. **It would also allow the Board to retaliate against individual faculty and thus stifle academic freedom and free speech.** The proposed text should clearly state that personnel decisions ultimate rests with the chief academic officer, not with the board of trustees.

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The University of Tennessee possesses a number of mechanisms to evaluate the performance of faculty and departments. All tenured, tenure-track and non-tenure faculty and staff undergo Annual Performance Reviews. Departments undergo periodic Academic Program Reviews, in addition to external accreditation through SACS (Southern Association of Colleges and Schools) or discipline-specific organizations such as ABET (Accreditation Board of Engineering and Technology). **These regularly scheduled evaluations allow for the identification of various issues, including under-performing faculty.** The current EPPR (Enhanced Post-Tenure Performance Review) policy has in place an automatic trigger for more detailed evaluation of faculty who receive annual reviews in which they fail to meet expectations. EPPR is a rigorous process in which a committee of peers and administrators evaluate an individual faculty. While the EPPR policy provides the faculty member an opportunity to right the ship, it also fulfills the first step in an administrative process, which can lead to revocation of tenure.

There are four primary issues with the revised, proposed policy, which would institute a regularly scheduled EPPR of all university faculty and an EPPR of all faculty within a given department or program, on an as-needed basis. **The first issue is one of inefficiency. This policy is redundant. There already exist mechanisms to evaluate individual faculty.** These mechanisms automatically trigger EPPR. The proposed policy includes non-tenured faculty as well, including tenure-track faculty and lecturers. The annual scrutiny of tenure-track faculty is already very rigorous. In our department, we annually measure assistant professors' performance against all of the "essential criteria" for tenure as defined by the department and college. There is an annual faculty vote to retain them. Tenure-track faculty members need no additional review. Non-tenure track faculty members are typically on one-year or three-year contracts. Their review is also regular and thorough. The preparation by all faculty members, including those with tenure, for the annual review is non-trivial. In addition to the new Elements requirements, a document that runs tens of pages is prepared annually, summarizing the teaching,



research and service activities and substantiating their effectiveness through such measures as citation analyses and student assessment of the instruction. In short, faculty members already devote a non-negligible portion of their time to self- and peer-assessment. There is no component of review in this new proposal that is not already implemented. In terms of efficiency, this proposed policy is completely redundant and a poor use of limited resources. **The second issue with the proposed policy is its detrimental impact on the ability to recruit talented faculty. A systematically vulnerable tenure relative to other universities puts the University of Tennessee at a disadvantage with respect to recruiting the best faculty in the world.** The goal of University of Tennessee to have its strengths reflected well in national rankings depends critically on its ability to attract quality faculty. Any university, lacking a reputation for robust tenure, would be hurt by this policy. **The third issue with the proposed policy is its effect on morale.** As noted above, EPPR provides the mechanism for loss of tenure. Uniformly applying a punitive process, like EPPR, to all faculty members, including average and high performers, is so clearly a waste of time of the subject and the committee that one questions the intent of the policy. To needlessly review the credentials of our “superstars” along with rank and file faculty who annually meet expectations is detrimental to morale. To the extent that poor morale negatively impacts the functioning of the department, this policy harms the constituents of the university, namely the students and their parents. **The fourth and final issue with the proposed policy is that it exacerbates the relationship between organizations that ostensibly share a common goal of improving the lives of Tennesseans.** Nationally, we are in the midst of experiencing a polarization of our society. This polarization has resulted in dysfunction of the federal government and a deterioration of American civility. The enhanced scrutiny of universities, including attempts to systematically weaken tenure, is a national phenomenon, with its origin in the politicization of universities as liberal centers depicted as at odds with conservative state legislatures. Yielding to this polarization will not benefit Tennesseans. On the contrary, it invites the same dysfunction that has paralyzed the federal government. To best serve Tennesseans and to fulfill their roles in oversight of the University of Tennessee, the members of the Board of Trustees should not succumb to adversarial partisanship, in which the students at the University of Tennessee are the biggest casualties. On the contrary, they are encouraged to recognize their roles as partners with the faculty at the University of Tennessee and to seek jointly avenues, which further their common mission. There is a simple reality. The vast majority of the members of the faculty members at the University of Tennessee are dedicating their lives to the education of the young people of Tennessee. No portion of this proposed policy will help them accomplish this task.

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One important logistical point: If all members of the program are to undergo peer-review, who will do it? Will external reviewers from other institutions be brought in, will faculty from other programs within the university be brought in (in which case, how will they be trained to avoid unfair evaluations due to differences among professions), or **will members within the program evaluate one another (even though the program is being flagged as failing as a whole)?**

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This policy is a solution in search of a problem. The proposed policy arises from several dubious assumptions that can clearly be read between the lines, and appear to reflect a lack of familiarity with the everyday processes of selecting new faculty and assessing their performance.

The assumptions: 1. The UT administration is not ensuring that faculty are effectively serving student needs;

2. Underperforming academic departments are not being held to any accountability; and departmental underperformance should somehow trigger review of all the faculty in that unit;

3. Adding another layer of bureaucratic assessment via six-year reviews will somehow be better than the rolling three-year assessment used now; and that such a plan is workable.

My responses to these assumptions made by this policy are as follows:

1. The recent assessment of student satisfaction via the Campus Student Experience Survey Forum (now being unveiled) suggests that students and faculty are meshing well and that the vast majority of students find UT to be a positive experience. There need to be facts presented to prove this assumption and similar contentions. Anecdotes from persons here and there should not be used to develop long-term policies detrimental to attracting and retaining an outstanding faculty.
2. What is an underperforming department? Has this been defined? In my college, department heads have been removed, sent back to the regular faculty ranks, or encouraged to retire in order to bring in new direction; and over the years, we have had faculty members who did not receive tenure or left because they saw the writing on the wall. Faculty value the reputation of their department and take their metrics seriously. This BofT assumption strongly implies that UT hires people haphazardly and without serious thought. This is absolutely untrue. I have served on many search committees and chaired several. I daresay a new faculty search is nearly as intensive as that for a new Chancellor or Dean, certainly far more thorough than for a football or basketball coach. The objection I've heard is that there is a problem with most faculty being rated satisfactory or above. This idea is absurd. A bell curve is not what we want!!!! What we want and need are highly qualified people who excel in their work over the long run, to the benefit of students and the reputation of UT. The faculty of this university is not the same as the workforce for a manufacturer or a service provider. Every faculty member at UT has the terminal degree for their profession, which means they have shown the aptitude, persistence and communication skills to be admitted into the academic world following a rigorous search for the best candidate.
3. The new EPPR program will obviate the need for much of the reviewing proposed in this policy. Its long-ago predecessor, an enhanced review system based on poor ratings, worked in my college. Two or three faculty who could not or would not develop better research/teaching programs retired early. With better administrative oversight the EPPR system should work well to enhance performance of lagging faculty. The six-year plan is likely to be a flop. Why? There are thousands of tenured faculty on this campus. Divide the number by six. Now you have an approximate number that have to be reviewed every year in the form of a comprehensive peer review. This means several hundred committees (large or small) each year, carefully (note the word intensively is the proposal) assessing performance. How do we normally do that in a standard peer review for promotion? We solicit letters from five or more peers at other institutions or concerns who can speak knowledgeably about the faculty member's qualifications and suitability for the job he/she has. Now multiply the number of peer reviews by 5 to get the number of letters to be sent out. If experience is a judge, you will need more like 8 or 10 letters because some people don't respond. **The point here is that the process is hopelessly bureaucratic and will bog down under its own weight. Of more importance is the time that other faculty will spend on this process year after year after year, to the detriment of research and teaching (what they were hired for!).**

The Trustees should keep in mind that faculty governance is integral to the functioning of this very good university. Demanding this unrealistic six-year approach will not work because it is a top-down approach in which the faculty have not had a sufficient voice. EPPR addresses all the problems of low-performing faculty. It provides mechanisms for determining low productivity, a trigger that get the process started, and a plan to improve the faculty member's work; failing that, there are alternatives that include termination. Finally, all faculty are subject to the results of the rolling three-year average for assessing quality of work, and should be meeting with their department head every year to discuss how they can be better. Finally, despite the unctuous opening sentence, the wording of the policy leaves open the distinct possibility of the Board subverting the principle of tenure, via the six-year plan, to get rid of faculty it doesn't like. Such actions would destroy the reputation of UTK and ruin its stated mission of "...discovery and dissemination of truth through teaching, research, and service."

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I cannot express strongly enough how AGAINST this proposal I am. The proposed policy change effectively ends tenure at UTK. To be clear, the issue is NOT the willingness of faculty to be evaluated to make sure that faculty are still working at a satisfactory level. We already have annual performance reviews. In addition, there are now circumstances that can trigger an EPPR. This proposal would add a new channel under the control of the President and the Board. There are HUGE PROBLEMS with this approach:

1. **the proposal hijacks authority and jurisdiction over academic quality** away from UTK administration to the President and the Board
2. at the same time, the Governor's proposal to reduce the size of the Board and change the makeup to eliminate any and all higher education employees, is making its way through the TN legislature
3. if #2 occurs, **this proposal becomes even more dangerous as it allows the President and the wholly outside and appointed Board to select -- target, might be a better term-- "underperforming" units as a whole.**
4. Furthermore regarding this evaluation of all faculty in a unit: It is not fair for individual faculty to be re-evaluated on the basis of the evaluation of their unit. If any were underperforming to begin with, then that would have been flagged in the annual review and existing EPPR policy.
5. The proposed "comprehensive peer review no less often than every six years" amounts to the end of job security. As stated it is a bit vague, but the implication is that every 6 years one could be terminated. This is the **END OF TENURE.**
  - a) This 6 year cycle will completely demoralize faculty who after the initial probationary period (assistant professor) do not expect to have to "prove" their worthiness as employees again. In effect, it puts the onus on faculty members to prove they are worthy of being (re)employed for the next 6 years.
  - b) It would be a tremendous waste of faculty and administrator time and resources to conduct these comprehensive reviews.

c) Assuming it would be as comprehensive as tenure review, it would rely on the willingness of peer scholars at outside (non-UTK) institutions to provide free labor

d) As the economists say, there would be incredibly high opportunity costs involved in loss time for our core activities of research, teaching and advising. If the Board truly "recognizes its fiduciary responsibility to students, parents, and all citizens of Tennessee," it would stop this nonsense now.

**In sum, this proposal appears to be no less than a frontal attack on the academic freedom of faculty at UTK.** It is in line with the attacks on faculty in other states such as Wisconsin. I hope that the Faculty Senate can work in alliance with UTK Administration (assuming they are willing), AAUP, UCW, and UTK students to oppose this usurpation of independence and academic freedom. I hope we can educate politicians, parents, and Tennessee citizens at large about the measurable and unmeasurable values of the University and how this policy would erode any potential greatness that we seek.

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Having all tenured faculty receive a comprehensive peer review every 6 years will be a complete waste of time. Say we have  $N$  tenured faculty. Then  $N/6$  will be evaluated every year. A three person committee means  $3N/6 = N/2$  faculty have to be involved. **In plain English: half the tenured faculty will be wasting their time on this every year!** The only way to drive the number down is to have some serve on multiple committees and waste even more of their time. How is that supposed to "recognize fiduciary responsibility"?

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Tenured faculty certainly do sometimes hit rough spots of unproductive research and declining teaching, but these should be dealt with by more and more initiatives for positive mentoring and vision-building (such as mentoring matrix, cross-department initiatives, etc.) not seemingly punitive and administratively burdensome reviews (any extra paperwork is burdensome, even if spread out). Often, a bit of "wandering in the wilderness" comes before the most productive breakthroughs in academic work, and so **continuously tightening the surveillance of faculty will actually choke off the most productive research and teaching efforts, and replace it instead with a constant need to "appear" productive, even if that productivity is actually superficial.** Instead, encouraging support, vision, and communication across all stakeholders will foster an environment for really impactful ideas to flourish. **If the fear is that certain units are underperforming because of lack of appropriate effort, then we should consider more ways that legislators, Board members, and members of the public can interact more directly with tenured professors, to experience the dedication and drive that the vast majority of them have.** If anything, apathy is most likely to arise from a feeling of constantly being beaten down by a system that appears to be only interested in crunching "productivity" numbers and doesn't value a faculty member's care for students and deep creative vision for research. And, there should be no provisions that would, even in appearance, allow for the Board to discriminate against a subject area or set of ideas. That will immediately turn away the best and brightest from coming to UT.