

**JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION
OF THE VIRGINIA GENERAL ASSEMBLY**

**SPECIAL REPORT:
Tenure and Post-Tenure Review
Policies at Virginia's Public
Colleges and Universities**

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Philip A. Leone

Preface

At its November 10, 2003 meeting, the Joint Legislative Audit and Review Commission (JLARC) approved exploratory study planning relating to higher education tenure policies, particularly post-tenure review. This special report is a result of that exploratory effort. JLARC staff gathered information from all 16 public institutions of higher education in Virginia that grant tenure to their faculty. This report includes summaries of the relevant policies in effect at each institution.

This exploratory study has two main findings. First, Virginia's public colleges and universities have all adopted pre- and post-tenure review policies as recommended by the Commission on the Future of Higher Education in 1995 (and specified in the Appropriation Act of the 1996 General Assembly). Second, the institutions generally appear to be diligent in ensuring that tenured faculty remain productive, with institutional officials most frequently citing a rigorous annual review process as the critical element supporting their post-tenure review processes.

The JLARC staff presented the findings from this exploratory study to the Commission as part of the July 12, 2004, JLARC meeting. Some members expressed concern that tenure is not implemented consistently across institutions. Although it was concluded that no additional planning or research by JLARC staff appeared necessary at the present time, members of the Commission reserved the right to request further study in the future.

On behalf of the JLARC staff, I would like to thank Virginia's public colleges and universities for their cooperation during this study.


Philip A. Leone
Director

August 18, 2004

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I. Introduction

On November 10, 2003, the Joint Legislative Audit and Review Commission directed staff to examine tenure and post-tenure review policies at public institutions of higher education in Virginia (Appendix A). There are currently 16 public colleges and universities in Virginia with tenured faculty. These institutions include six doctoral institutions (the College of William and Mary, George Mason University, Old Dominion University, the University of Virginia, Virginia Commonwealth University, and Virginia Tech), nine comprehensive institutions (Christopher Newport University, James Madison University, Longwood University, Norfolk State University, Radford University, the University of Mary Washington, the University of Virginia's College at Wise, Virginia Military Institute, and Virginia State University), and one two-year college (Richard Bland College). As part of the context for this exploratory study, this chapter describes the tenure system as it can be seen in the United States in general, and discusses some of its perceived strengths and weaknesses. This chapter also describes the research activities used for this exploratory study.

TENURE AT INSTITUTIONS OF HIGHER EDUCATION IN THE UNITED STATES

The literature on tenure that is available nationwide provides some background on the origins and the defining characteristics of the tenure system. This body of literature also articulates some of the primary reasons for and against having a tenure system, and discusses approaches that have been taken to address some of the problems identified with the tenure system.

Origins and Defining Characteristics of Tenure Systems

Until the late nineteenth century, there were many different conditions for employment at American colleges and universities. For example, at Harvard there was a two-track system in place in the early 1800's: one track consisted of professors with endowed chairs, and the other track consisted of employees with yearly renewable contracts. Alternative systems were common at state institutions. For example, at the University of Wisconsin, the Board of Regents was initially required to elect professors at each annual meeting. Later, in 1867, this policy was changed to state that "the terms of office of every officer of the university" were to be continued "at pleasure, unless otherwise expressly provided." This diversity in employment conditions also led to some highly publicized cases of dismissal, as well as legal challenges to university authority. Examples of these cases and legal challenges are:

- In 1856, Professor Benjamin Hedrick was dismissed from the University of North Carolina for supporting a candidate for United States president, John C. Fremont.

- In 1858, the Board of Regents of the University of Wisconsin, acting according to by-laws that required professors to be elected annually, terminated all faculty contracts.
- In 1878, the Kansas Supreme Court ruled in *Mudge v. Board of Regents of Kansas State Agricultural College* that the Regents must abide by by-laws requiring three months notice prior to dismissal, despite the legislative statute granting absolute discretion to the Board.
- In 1898, in *Kelsey v. New York Medical School*, the state appellate court ruled that conflicting by-laws requirements in cases of dismissal are to be resolved in favor of the “pleasure of the Board” as the ultimate principle.
- In 1899, in *DeVol v. Board of Regents of the University of Arizona*, the state court ruled that the statute giving the Board of Regents the power to dismiss “when in their judgment the interests of the University required it” laid a positive obligation on the Board not to delay dismissals for any period of time. This ruling contradicted that of *Mudge v. Board of Regents of Kansas State Agricultural College*, and came to be seen as taking precedence over it.

The American Association of University Professors (AAUP) was formed in the early twentieth century as a guild to care for the “institutional and societal interests of professors.” The AAUP played a major role in standardizing the conditions of employment at American colleges and universities. The AAUP 1940 *Statement of Principles on Academic Freedom and Tenure* established widespread agreement on what the tenure system entails (as a standardized set of conditions of employment of faculty at American colleges and universities). The 1940 AAUP *Statement*, which is still used as a reference, articulates some key features of the tenure system that are standard practice in the vast majority of colleges and universities today:

- After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure.
- There is a maximum of seven years in the probationary period, resulting in an up-or-out decision.
- Dismissal of tenured faculty, except for financial exigency, is to be for cause and judicially determined.

Further, it is common practice for institutions to have the tenure system’s process “self-regulating” through committees of “peer” faculty members carrying out much of the rules and procedures for evaluating faculty members.

Arguments for the Tenure System

Reasons that have been given for having a tenure system include: (1) tenure is now part of the status quo and is heavily embedded in academic practice and culture; (2) tenure protects academic freedom; (3) there are economic reasons for tenure; (4) tenure reinforces the authority structure of institutions; and (5) tenure enhances an institution's ability to fulfill its missions of research/scholarship and service.

Embedded in Academic Culture. Tenure is part of the status quo at public four-year colleges and universities in Virginia. As shown in Exhibit 1, currently that status quo has resulted in Virginia public institutions ranking well compared to colleges and universities nationwide. Virginia has one of the most highly regarded state systems of higher education in the country. According to the State Council of Higher Education for Virginia, Virginia's system of higher education is recognized globally as a model of excellence in learning, leadership, and research, and as a catalyst for economic prosperity and an enhanced quality of life.

For decades, the tenure system has been the predominant set of conditions for faculty employment at more than 97 percent of American public colleges and universities nationwide. Tenure is generally considered an innate part of academic culture and represents a faculty member's rite of passage into the professoriate. The predominance of the tenure system grew at the same time as more emphasis was placed on research in institutions of higher education.

In the 19th century, American colleges and universities came under the influence of the German research model, which was primarily engaged in scientific inquiry. Concurrent with the emergence of the research university was a growing culture of professionalism in America. The professionalization of higher education in America shifted the emphasis of college and university professors from teaching and service to discipline-focused careers for the purpose of advancing knowledge in the academic field.

One study (by Eugene Rice in *The Making of a New American Scholar*) observed that by 1974 a consensus had emerged on what it meant to be an academic professional:

1. Research is the central professional endeavor and focus of academic life.
2. Quality in the profession is maintained by peer review and professional autonomy.
3. Knowledge is pursued for its own sake.

Exhibit 1

How Virginia's Public Colleges and Universities Rank

- Several Virginia universities are highly ranked in *U.S. News and World Report's* 2004 ranking of America's best colleges:
 - The University of Virginia is the **top public national university—doctoral** (tied with the University of California—Berkeley), the College of William and Mary is 6th, and Virginia Tech is 32nd.
 - Among public master's universities, James Madison, Mary Washington, and Longwood are ranked 1st, 2nd, and 10th, respectively, in the southern region.¹
 - Virginia Military Institute is the top public liberal arts college—bachelor's.²
- *U.S. News and World Report* also ranks the **best graduate programs** in the nation, and the State has several programs in the top 50:
 - Three law schools in the top 50 – University of Virginia (#9), William and Mary (#28), and George Mason (#40)
 - Two graduate engineering programs in the top 50 – Virginia Tech (#26) and the University of Virginia (#38)
 - Three graduate education programs in the top 50 – University of Virginia (#21), Virginia Commonwealth University (#39), and William and Mary (#44)
 - The University of Virginia's business school is ranked 11th in the nation, and its medical school is ranked 27th for research and 26th for primary care
 - Virginia Commonwealth University's sculpture and nurse anesthesia programs are ranked 1st in the nation
- *Kiplinger's* ranked the **100 best values in public colleges** in 2003, based on a variety of quality and cost measures.³ Virginia had six universities in the top 100, including two in the top five: University of Virginia (#2), William and Mary (#3), Virginia Tech (#10), Mary Washington (#46), James Madison (#51), and George Mason (#70).

¹Master's institutions provide a full range of undergraduate and master's programs, but offer few, if any, doctoral programs.

²This category includes liberal arts colleges that emphasize undergraduate education and award at least half of their degrees in the liberal arts disciplines.

³Quality measures include factors such as admission rates, student-faculty ratios, four- and six-year graduation rates, and per-student expenditures for instruction. Cost measures include factors such as total cost for in-state students, average percentage of financial need met by aid, and average amount of debt a student accumulates before graduation.

Source: Advancing Virginia Through Higher Education: The Systemwide Strategic Plan for Higher Education, December 2002 (SCHEV); Final Report of the Blue Ribbon Commission on Higher Education, February 2000; America's Best Colleges 2004, usnews.com; and 100 Best Values in Public Colleges, Kiplinger.com.

4. The pursuit of knowledge is best organized by discipline.
5. Reputations are established in national and international professional associations.
6. Professional rewards and mobility accrue to those who persistently accentuate their specialization.

By that time, tenure was generally considered as a primary reward for good academic performance (defined with greater emphasis on research and scholarship). The prospect of eliminating tenure was seen as a major cultural change analogous to other professions (such as lawyers) no longer providing to associates the opportunity of becoming a partner in the firm. As such a strong part of academic culture in the United States, departure from the tenure system could result in a competitive disadvantage when trying to hire and retain faculty.

Academic Freedom. The conventional argument for tenure is that it protects faculty members from political and religious forces within and outside of universities, which could stifle independent thought. The 1940 AAUP *Statement of Principles on Academic Freedom and Tenure* specifies that academic freedom and tenure are both essential to the mission of colleges and universities.

Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning.

Tenure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability.

In protecting academic freedom in teaching, in research, and of speech, it has been argued that tenure allows independent and objective assessment in colleges and universities. This includes the evaluation of students, as well as assessing the work of other academic professionals. For example, tenure helps insulate faculty from potential pressures that may arise when evaluating students whose families have provided large donations to the university. The credibility of evaluating other academic professionals' work, such as through the refereeing process, also depends on the independence of such reviews and judgments. Further, tenure may provide protection and independence in the assessment of tenure-track faculty by already tenured faculty at the university.

It has also been argued that the tenure system creates a general climate of unconstrained discovery and criticism at a university more generally. Such a climate promotes both individual and social learning, and enhances the overall university environment for both students and faculty.

Economic Reasons. Some of the justifications for tenure have been made in terms of labor economics. One argument is that with tenure, individuals may be more willing to pursue research in areas that may eventually have long-term benefits, but are less likely to have an immediate or near-term benefit. Because the "pay off" time horizon for this research may be quite extended, individuals may be unwilling to pursue research in these areas without a strong level of job security.

A related reason is that the esoteric nature of some faculty members' work may diminish the market value of their skills because the narrow focus of their spe-

cialization may not translate into alternative job opportunities in the market place. Although such skills may not be valued in the mainstream market place yet, it may still be desirable to have individuals pursuing research in these areas which may ultimately lead to changes in the way we view science or history, practice medicine, or conduct business.

Another argument is that tenure can enhance an institution's competitiveness in hiring and retaining faculty. From this perspective, tenure (or the opportunity for tenure) is one of several components of a compensation package — like health insurance — that may be used to attract a potential employee in lieu of higher wages. The prestige of tenure, which is also related to the prestige of an institution, may be another intangible benefit an institution may offer in lieu of higher wages when hiring and retaining faculty.

One economist, Richard B. McKenzie, has characterized tenure as the “prize” to induce promising junior faculty members to endure six or seven years of probation during which they put in inordinate amounts of effort and have to accept the risk of being denied a job, while working for wages well below the value of their effort. In order to induce promising faculty members to accurately assess their abilities and to confess their limits, universities have established what amount to tournaments (that is, teaching and research competitions) among new faculty members. The competitors know that only some among them will be promoted and retained.

Since standards for tenure differ from one university to another, universities offer prospective faculty members an opportunity, in effect, to self-select and go to a university where they think they are likely to make the tenure grade. The prospects of being denied tenure may cause many (but not all) weak candidates to avoid universities that have tough tenure standards, given the probability that they would have to accept wages well below market value during the probation period. In this way, the tenure tournaments can reduce to some extent the costs institutions incur in gathering information and making decisions, because they force recruits to be somewhat more honest in their dealings and to self-select.

Competition for the limited number of “prized positions” often may drive new faculty members to exert a level of effort and produce a level of output that exceeds the value of their current compensation. To induce prospective faculty to exert the amount of effort necessary to be ability-revealing, universities must offer a “prize” that potential recruits consider worth the effort. In other words, the recruits must expect the future reward to compensate them for the extra effort they expend in the tournament and for the risk associated with not “winning.” In the absence of tenure (or some similar device), universities would find it more difficult to make a credible commitment that prospective recruits, who make the necessary competitive investment during the probationary period by accepting below-market wages for above-market effort, will receive an income stream that compensates them for all costs, including the required risks.

Reinforces Authority Structure of Institutions. A key feature of the tenure system has been the process of peer review in evaluating the work of faculty members. A typical peer review scenario is to have committees of other tenured fac-

ulty from the department, the school, and the university evaluate the candidate's dossier (which may include a curriculum vita, student evaluations, evidence of research achievements and service accomplishments, letters of recommendation, and past performance reviews). Although the review process is separate from tenure itself, it has come to be considered such an integral part of the traditional tenure system that the benefits of the review process have been used to argue in favor of the whole tenure system.

One argument is that the review process for tenure provides faculty members themselves a voice in key institutional matters that affect the "who, what, and how" of teaching and research. A faculty member's peers are considered to be the most qualified to evaluate that individual's accomplishments in research, teaching, and service. "Democratizing" key institutional personnel decisions through the peer review process has been characterized as a way in which tenure strengthens the authority structure of the institution.

Another way that tenure can be seen as reinforcing the authority structure of institutions is that it promotes stability and continuity. One consequence of the tenure system is that it may deter faculty from leaving an institution once they have received tenure. This deterrence would be due to the amount of effort put into achieving tenure, and the possibility of having to go through some probationary period again at another institution. The job stability afforded by tenure helps ensure that institutions and their departments maintain a certain number of faculty who are experienced with the missions of the institutions. Given the importance of peer evaluation and mentoring within academic departments, retaining experienced faculty is beneficial for the institution, new faculty members, and the students.

Enhancing Institutional Missions of Teaching, Research/Scholarship and Service. Another argument in support of tenure is that the tenure system enhances the traditional faculty roles of teaching, research, and public service. Nearly all tenured and tenure-track faculty are expected to contribute to the institution and their fields of study in each of these areas. The rationale for maintaining these three duties of each faculty member is that they complement each other and help to advance knowledge in the field of study. Conducting independent research brings new knowledge into the field of study and enhances the learning experience of students in the classroom. Similarly, teaching students provides a forum for new ideas that may enhance a professor's research. Service, in the form of serving on university and departmental committees, provides a mentoring system for junior faculty and also provides for an exchange of information between faculty to broaden the knowledge base in the departments.

Depending on the mission of the institution and the position of the faculty member, the emphasis on each of the three roles may differ. Large research universities may naturally place a higher priority on research and scholarship, while small liberal arts colleges may place a higher priority on teaching. Faculty seeking tenure may be inclined to focus on publishing their research in order to bolster their chances for achieving tenure, while older faculty who have already achieved tenure may be more inclined to focus on mentoring junior faculty and serving on various committees.

Despite differences in institutional missions and faculty positions, faculty are generally expected to contribute to some extent in teaching, research, and service. The tenure system supports this climate by requiring faculty to demonstrate their contributions in each of the areas when applying for tenure. Tenure may be denied if a faculty member is found to be deficient in any of the three areas. Furthermore, merit evaluations and post-tenure review of tenured faculty also help to ensure that no area is neglected.

Arguments Against the Tenure System

Reasons that have been given for doubting the value of the tenure system include: (1) tenure entrenches less productive faculty; (2) tenure insulates faculty from accountability and economic and other realities; (3) tenure limits institutional flexibility and staffing decisions; (4) tenure distorts the incentives for research, teaching, and service; (5) the tenure system disadvantages women and minorities; (6) the tenure system hinders staff who do not want to be evaluated by their peers; (7) the tenure process can be ambiguous and contradictory; and (8) the process for tenure and post-tenure review takes too much faculty time.

Entrenches Less Productive Faculty. Some critics of tenure have argued that it allows faculty who have earned tenure “to rest on their laurels.” They may invest more of their time and effort in attending faraway conferences and producing unreadable research than in teaching or developing practical insights. Other tenured faculty may simply make little effort to enhance their status. These points have been hotly contested in the literature.

Insulates Faculty from Accountability and “Real World” Realities. Another argument is that tenured faculty are less accountable, and are insulated from economic or other “real world” realities. In particular, this notion has several components. One is that there is no mechanism to make tenured faculty at State institutions directly accountable to the taxpayers funding them. Likewise, tenured faculty have secure jobs, while the taxpayers funding them may be experiencing economic recession and layoffs. Further, tenured faculty are shielded from repercussions to which most citizens would be subjected if they were to take controversial positions or make ill-advised statements, whether related or unrelated to their jobs.

Limits Institutional Flexibility in Staffing Decisions. Having already committed positions through tenure constrains the institution as to who else can be recruited by a department, college, or university, and how much they can be paid. Consequently, having more highly-paid tenured faculty may result in an institution having fewer junior faculty positions who may have newer, “fresher” ideas than some tenured faculty, and having less money to pay them. Tenure may also limit a university’s flexibility to alter the makeup of its academic programs. For example, a university may not be able to close a department/program that is not cost effective, has very few students, or is duplicative with programs at other nearby universities, because tenured faculty would have to be placed elsewhere or the university would have to settle with them financially. Conversely, a university may not be able to de-

velop new programs that are now on the cutting edge because funds are tied up with tenured faculty in programs that are no longer “state of the art.”

Distorts Incentives for Research, Teaching, and Service. Under the tenure system, junior faculty may be obsessed with achieving tenure and have much more incentive to “publish or perish” – that is, to focus more on research/scholarship than teaching or service. While some institutions may state that teaching or service is also very important in evaluating candidates for tenure, professional norms in higher education still seem to place research as the central professional endeavor and focus of academic life. As professional norms reinforce greater loyalty to the discipline (as a national or international phenomenon) than to the specific college or university, the incentives prior to tenure review may undergo some permutation to emphasize more what tends to be recognized by the discipline than by the specific institution.

Disadvantages to Women and Minorities. A frequent criticism of the tenure system is that women and minority faculty are at a disadvantage. One of the primary reasons for this is that women and minority faculty have entered the profession in more recent years as formerly-closed positions have become available. Older faculty, predominantly white males, continue to hold many tenured positions. In addition, women and minority faculty tend to have greater service obligations than their colleagues. Because universities seek diversity on their various committees, women and minorities are called upon more often to serve on committees, leaving them less time for research. In addition, female and minority faculty members frequently end up advising more students than is typical, albeit often in an unofficial capacity, because students seek them out. Again, these activities may take time away from research, which seems to be the most important criterion universities consider when granting tenure. A further complication for women faculty is that they may be competing for tenure during their child bearing and child rearing years, which can put them at a considerable disadvantage compared to other faculty members who can give more attention to research in the crucial period leading up to tenure.

Hinders Faculty Who Do Not Want to be Evaluated Through the Tenure Process. Another criticism of the tenure system is that it may turn qualified people away from academic jobs and make recruitment more difficult. The departments in the most prestigious institutions may never have a problem finding recruits for a “tenure tournament,” but some departments at less prestigious institutions may. Especially in booming economic times, when job opportunities outside of academia abound, these departments may have difficulty finding talented candidates who would be willing to devote several years of higher effort for lower compensation and no guarantee of job security.

Process Can Be Ambiguous and Contradictory. The process of judging a tenure candidate generally is based on three main criteria – teaching, research and publishing, and service. The process of judging a candidate can vary widely among universities. Within a university, the emphasis placed on any one of the three components can shift over the years. There are many examples in recent literature of academics who feel they have been denied tenure unfairly. Many complain that

the process is unfair because it involves shifting standards, subjective teaching evaluations, or prejudiced colleagues. In some cases, the opinion of one person may override the decision of an entire tenure committee. A person denied tenure has the right to appeal the decision, and can even file a lawsuit against the university. But the price of taking these actions can be very high, and there can be a high degree of uncertainty as to whether a negative tenure decision would be overturned.

Process Takes Too Much Faculty Time. Given the serious consequences of a tenure decision, much time and effort is invested in the tenure review and post-tenure review processes. While all faculty are expected to spend substantial amounts of time in teaching and research, it also appears that a large amount of tenured faculty time is spent on committees evaluating other faculty. Although a peer review process may reinforce an institution's authority in making important personnel decisions, it also appears to have a high cost in terms of faculty time and effort that could have been spent on teaching and research.

Approaches for Addressing Problems with the Tenure System

There appear to be two schools of thought on how to deal with the perceived problems of the tenure system. One focuses on maintaining tenure but changing some of its conditions or the process, primarily by having some form of post-tenure review. Another is to avoid tenure altogether, and instead to rely more on renewable contracts for fixed periods of time. In Virginia, the 1994 Commission on the Future of Higher Education put the State on a track to implement post-tenure review.

Post-Tenure Review. In recent years, in response to critics who argue that tenure means professors have a job for life regardless of their performance, many colleges and universities have been moving to re-evaluate the performance of tenured professors every few years. Administrators at these institutions seem convinced that post-tenure reviews are the best way to demonstrate accountability to the public and to defend the tradition of tenure from critics.

Many states have focused on some form of post-tenure review as the primary means of modifying the tenure system at state institutions. For example, in South Carolina, state legislators explicitly tied appropriations to the creation of a post-tenure review process, in which tenured faculty are evaluated every six years, and in which a substandard rating results in a set of specific goals, which, if unmet, could eventually lead to dismissal. In another example, there were proposals before the Texas legislature calling for post-tenure review and for a tenured professor to be fired in the case of two consecutive substandard evaluations. In an attempt to avoid the harsher aspects of this proposal, the Regents of the University of Texas imposed the requirement that professors undergo post-tenure review every five years, and included a review process that allowed for the possibility of a termination hearing in the event of poor evaluations. In addition to South Carolina, Texas, and Virginia, similar examples of state universities adopting post-tenure review policies in some form have also occurred in at least 29 other states (listed in Exhibit 2).

Exhibit 2 Other States with Public Universities Adopting Post-Tenure Review Policies				
Alaska	Florida	Iowa	Minnesota	North Dakota
Arizona	Georgia	Kansas	Montana	Oregon
Arkansas	Hawaii	Kentucky	Nebraska	Tennessee
California	Idaho	Louisiana	New Jersey	Utah
Colorado	Illinois	Maine	New Mexico	Wisconsin
Delaware	Indiana	Maryland	North Carolina	
Source: Christine M. Licata and Joseph C. Morreale, <i>Post-Tenure Review: Policies, Practices and Precautions</i> , American Association for Higher Education Working Paper 12, March 1997; and Christine M. Licata and Joseph C. Morreale, "Post –Tenure Review: National Trends, Questions and Concerns," <i>Innovative Higher Education</i> , Vol. 24, No. 1, Fall 1999.				

Post-tenure review is not a new idea. Some private institutions had it prior to 1980, including: St. Lawrence University, Coe College, Earlham College, and Carleton College. One of the largest public systems of higher education in the United States, the California State University system, adopted periodic evaluation of tenured faculty in the 1970s. However, the number of institutions with post-tenure review policies has grown the most in the 1990s.

Virginia's Legislative Mandate for Post-Tenure Review. In Virginia, all 16 institutions with tenure systems have adopted some form of a post-tenure review policy. This change was recommended by the Commission on the Future of Higher Education, which was created by Senate Joint Resolution 139 of the 1994 General Assembly. (Appendix B is an excerpt of the Commission's report findings and recommendations related to tenure.) Further, this change was mandated by the 1996 General Assembly, which stipulated that any institution whose pre-and post-tenure review policies were not approved by the State Council of Higher Education and the Secretary of Education would not be eligible for the faculty salary raises that were due to go into effect in December 1997. As discussed in more detail in Chapter III, Virginia institutions of higher education appear to have complied with these clear statements of legislative intent.

Renewable Term Contracts. A number of institutions in the United States have moved away from the tenure system toward term contracts. Further, there are private colleges that operate entirely without tenure, and those that have dual tracks (tenure track and contract-based non-tenure track). The colleges that operate entirely without tenure are, almost by definition, outside the mainstream of higher education.

Although there are various permutations, faculty employment contracts without tenure typically have three attributes. First, all appointments are for a specific period of time. Second, the contracts are renewable upon mutual agreement, without any "up or out" proviso. Third, contract intervals are often variable, normally based upon seniority by rank and length of service.

For example, at Azusa Pacific University (which operates entirely with contracts instead of tenure), the standard sequence includes three 1-year contracts, two 3-year contracts, and then 5-year contracts. At Hampshire College (which also operates entirely without tenure), the first appointment is for three years, the second appointment is for four years, and ten-year “de facto tenure” appointments are made thereafter. The first ten-year contract carries automatic promotion to associate professor.

Term appointments could be coupled with the benefits normally associated with tenured faculty, such as travel funds and sabbaticals. For example, Webster University has established a non-tenure track as an option, alongside a tenure track, for “regular” faculty. By the start of the third year, faculty must declare a “preliminary choice” to be on the tenure track or the faculty development leave (FDL) track. FDL faculty are eligible for leaves of one semester at half pay in year four, or one semester at full pay in year five, or one semester and one summer at full pay in year six. Tenured faculty are eligible for a one-year sabbatical at half pay or one semester at full pay in year seven.

Since the 1970s, the Virginia Community College System (VCCS) has used renewable term contracts instead of granting tenure to faculty. However, the American Association of University Professors (AAUP) voted in their 1975 annual meeting to censure the VCCS because the action “had been taken without the faculty’s previous knowledge and contrary to the faculty’s expressed wishes.” Since that time, the VCCS has changed its policies to include provisions for academic due process that did not exist when the censure was imposed. Further, in recent years, with the concurrence of the chancellor, the State board of the VCCS approved the following changes:

- After six years of full-time faculty service, indefinite retention is assumed unless the administration demonstrates cause for termination at an appropriate hearing.
- Safeguards against faculty layoffs.
- A stronger statement on academic freedom.

Because of these changes, at its June 2003 annual meeting, the AAUP removed the VCCS from its list of “Censured Administrations.” Overall, the recent changes appear to be moving the VCCS policy toward something resembling tenure, even if it is not called tenure (although there does not appear to be an “up or out after seven years” proviso).

JLARC REVIEW

In gathering preliminary information on tenure in Virginia’s public institutions of higher education, JLARC staff developed three main issues to be addressed:

- What are the tenure and post-tenure review policies of Virginia public colleges and universities that have tenured faculty?
- What accounts for changes in the percentages of tenured and tenure-track faculty at each institution?
- How do these institutions ensure that tenured faculty remain productive?

Research Activities

This exploratory study examined these issues through four main research activities: (1) document and literature reviews; (2) a survey of institutional officials; (3) data analysis; and (4) structured interviews with institutional officials.

Document and Literature Reviews. All 16 institutions provided JLARC staff with copies of their tenure and post-tenure review policies. Most of these policies are published in the institutions' faculty handbooks (many of which are available online), which provide additional details concerning the employment conditions and the annual evaluation of faculty, potential disciplinary actions, and appeals procedures. JLARC staff also conducted extensive literature reviews. Journal articles, books, studies, and working papers regarding the tenure system and employment conditions of college and university faculty were reviewed.

Survey of Virginia Public Colleges and Universities. JLARC staff conducted a survey of the 16 public colleges and universities in the Commonwealth with tenured faculty, to complement with quantitative data the qualitative information from their tenure and post-tenure review policies. Among the items asked are: the number and frequency of outcomes of tenure reviews conducted during the 2002-03 academic year; the number and frequency of outcomes of post-tenure reviews that were conducted from the 1998-99 through the 2002-03 academic years; how many tenured, tenure-track, and non-tenure-track faculty were at each school or college of the institution during the 2002-03 academic year; how many of the full-time non-tenure-track were visiting, teaching, research, or in-residence faculty; and the number of graduate teaching assistants that were employed by the institution during the 2002-03 academic year. The results of this survey are shown in the institutional profiles in Appendix C.

Data Analysis. In addition to the survey data, JLARC staff analyzed data on faculty that are collected by the federal government from all institutions of higher education in the nation. The source of this data set is the Integrated Postsecondary Education Data System (IPEDS), produced by the National Center for Education Statistics. The IPEDS database is updated biennially. JLARC staff used the IPEDS data to compare the percentages of tenured and tenure-track faculty at Virginia public institutions with public institutions nationally. IPEDS data were also used to indicate how the tenure composition of faculty at each institution may have changed over time.

Structured Interviews. JLARC staff conducted structured, on-site interviews with administrators from all 16 public colleges and universities in Virginia with tenured faculty. These interviews were used to follow up on questions JLARC staff had regarding each institution's tenure and post-tenure review policies, any outstanding issues from the survey, and other questions regarding non-tenure-track faculty. Notes from these interviews are included in each institution's profile shown in Appendix C.

Report Organization

This report is organized into three chapters and three appendixes. Chapter I provides background information on tenure and the review processes associated with the tenure system, as it can be seen in general across the nation. This chapter also provides background information on the JLARC review that was done for this exploratory study. Appendix A provides further information on the mandate for this exploratory study. Appendix B provides the portion of the report of the Commission on the Future of Higher Education which addresses tenure.

Chapter II focuses on tenure at the 16 Virginia public institutions in particular. This chapter shows the percentages of faculty in the tenure system at each institution, and discusses the overall patterns in tenure and post-tenure review processes across all 16 institutions. Appendix C supplements the chapter with additional information specific to each institution regarding: tenured, tenure-track, and non-tenure track faculty; and tenure and post-tenure reviews.

Chapter III discusses the conclusions that can be drawn from this exploratory study, and identifies specifically how the colleges and universities have responded to the legislature's call in the late 1990s for changes to the tenure and post-tenure review system.

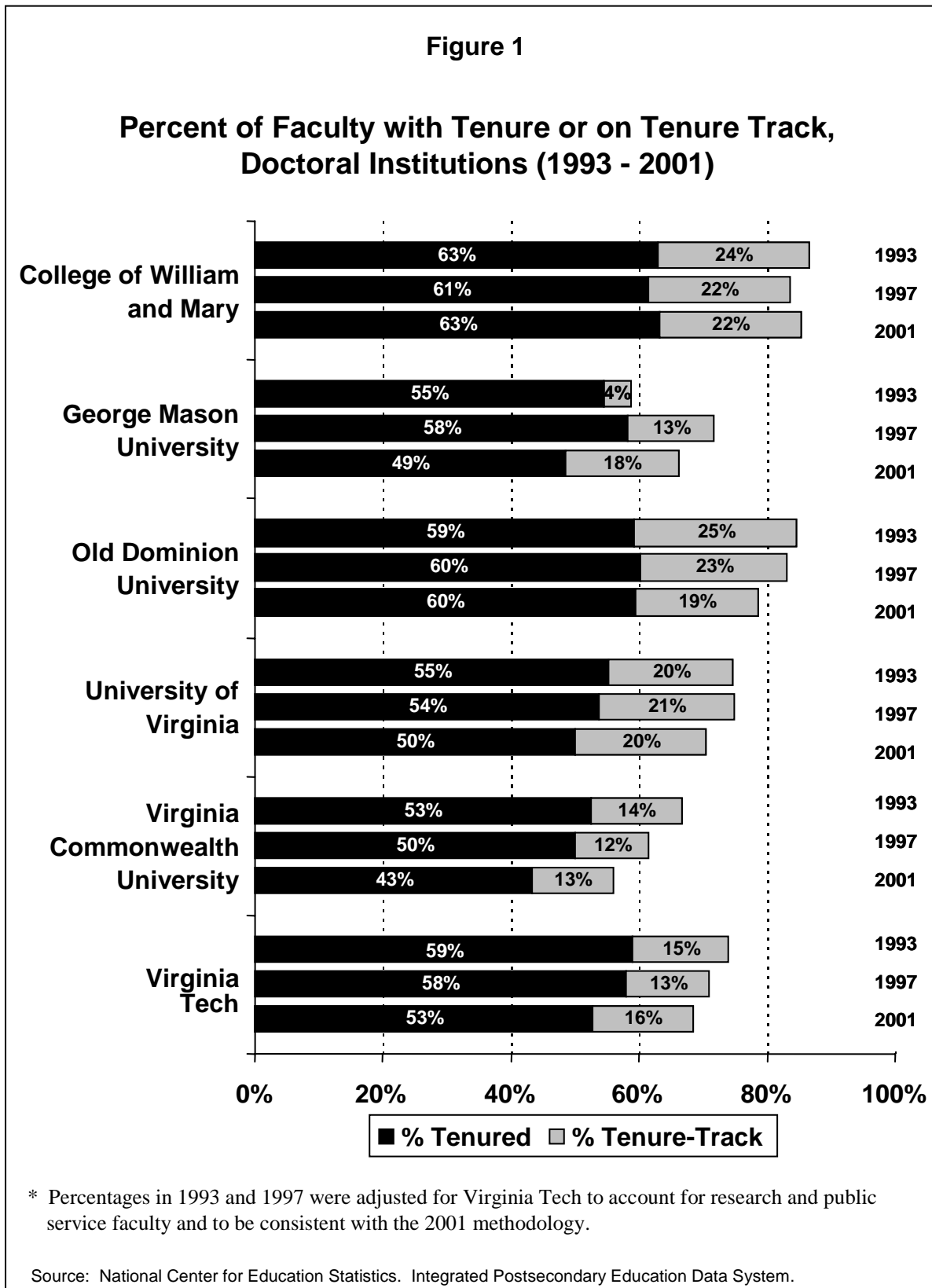
II. TENURE AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN VIRGINIA

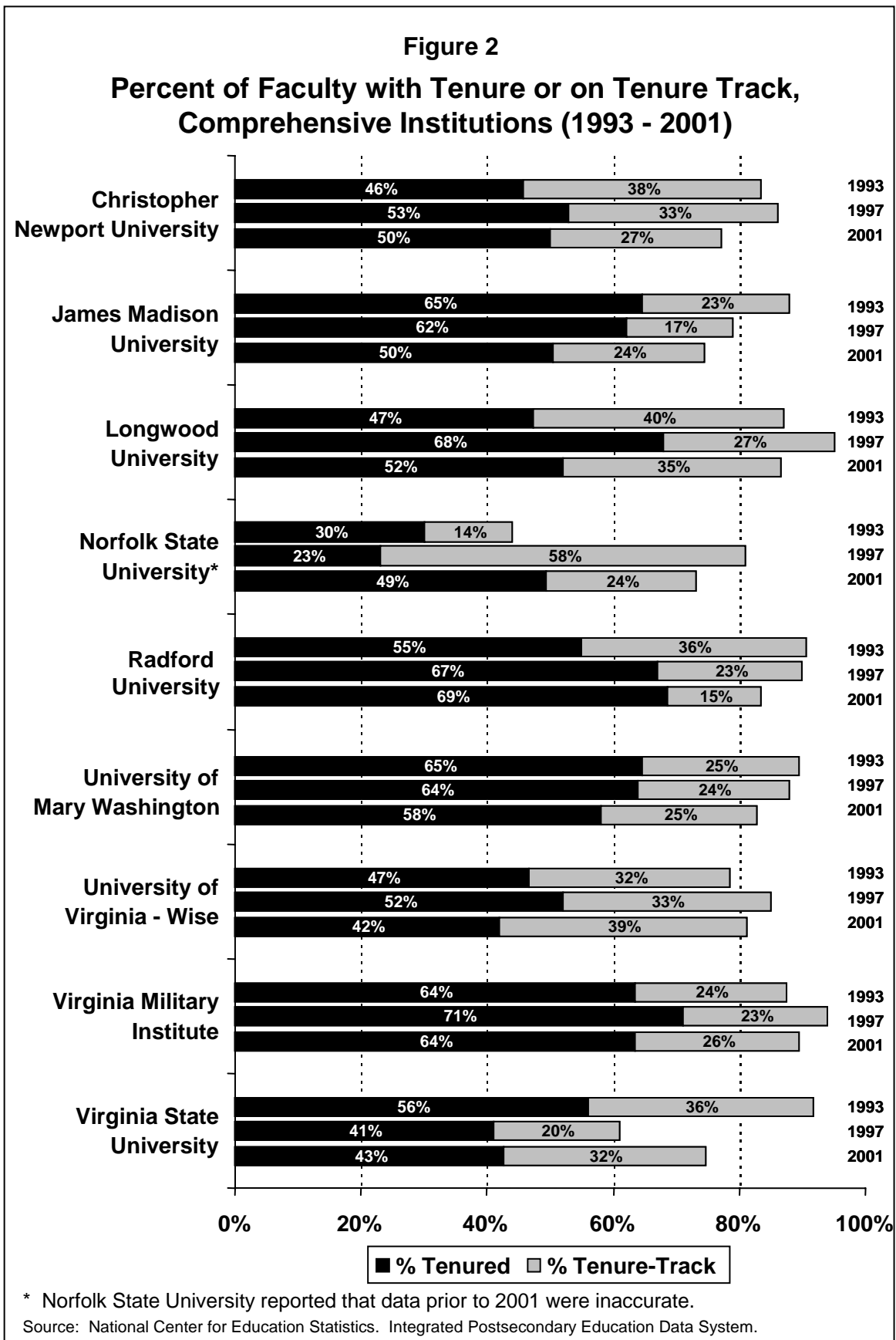
The 16 public colleges and universities in Virginia that grant tenure to their faculty are part of a network of more than 3,000 institutions of higher education in the United States. Tenure is part of a national system, and is not unique to Virginia. To provide a sense of the scope and nature of the tenure system in various Virginia institutions, this chapter discusses the specific implementation of tenure (including post-tenure review) in Virginia institutions. Three snapshots in time are presented to illustrate how the occurrence of tenure may be relatively stable at some institutions, while it may be changing over time at others. The question of whether there is a link between the number of tenured faculty and the number of graduate teaching assistants is also addressed. Then an overview of the tenure review and post-tenure review policies at these Virginia institutions is presented, along with a summary of the numbers of individuals who recently underwent these processes at each institution.

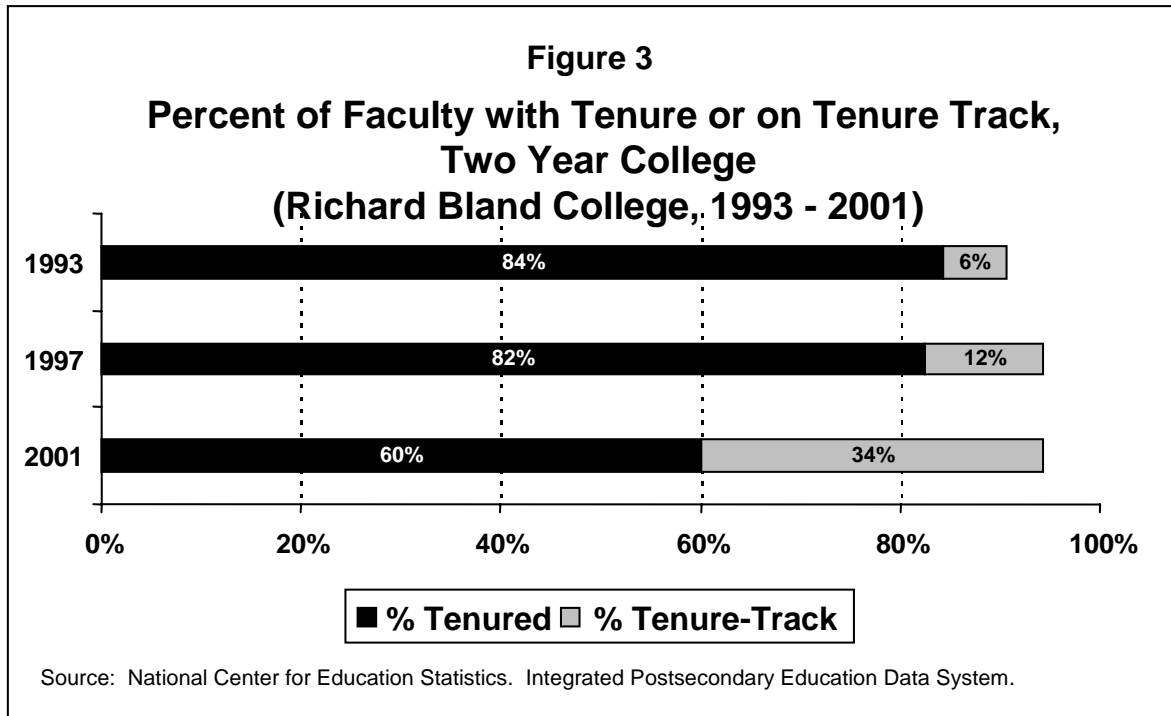
PERCENTAGE OF TENURED AND TENURE-TRACK FACULTY AT VIRGINIA INSTITUTIONS

Figures 1, 2, and 3 indicate that, at any point in time from 1993 to 2001, most full-time instructional faculty at the 16 Virginia institutions have been in the tenure system. At most of the 16 institutions, approximately half or more of the faculty are tenured. When the percentages of tenure-track faculty are added, on average about 70 percent of the full-time faculty at public institutions in Virginia in 2001 were in the tenure system. The comparable percentage of full-time instructional faculty nationwide who were tenured or tenure-track at four-year public institutions in 2001 was 72 percent. This percentage has declined from 78 percent in 1993 and 74 percent in 1997. Overall, the tenure system clearly has a very strong presence at the 16 public institutions in Virginia, and the strong presence of tenure at these institutions is not atypical compared to public institutions nationwide.

Figures 1, 2, and 3 also illustrate some other notable features: (1) some institutions have consistently had relatively higher percentages of their faculty in the tenure system than others; (2) other institutions have consistently had lower percentages of their faculty in the tenure system; and (3) the percentages of tenured or tenure-track faculty at two institutions appear to have been changing substantially in recent years.







Institutions with Higher Percentages of Tenured and Tenure-Track Faculty

Several institutions have consistently had over 80 percent of their faculty either tenured or on tenure-track over the years. The institutions that appear to have consistently been on the high end are: William and Mary, Longwood, Mary Washington, Radford, Virginia Military Institute, and Richard Bland College. These institutions are considerably smaller than the research institutions, which have relatively lower percentages of tenured or tenure-track faculty. Further, when examining the schools and colleges within each of these “high end” institutions (see Appendix C), the percentages of tenured and tenure-track faculty tend to be consistently close to or greater than 80 percent in all schools and colleges. Table 1 shows that the remainder, the non-tenure-track faculty who are hired full-time by most of these institutions, tend to be primarily for teaching. The one exception is the College of William and Mary, which has the most non-tenure-track faculty in the “visiting” category. Visiting faculty often temporarily replace tenured (or tenure-track) faculty who are on leave.

Table 1 Primary Functions of Full-Time Non-Tenured/Non-Tenure-Track Faculty* (at Institutions with Higher Concentrations of Tenured/ Tenure-Track Faculty)						
	College of William and Mary	Longwood University	Radford University	University of Mary Washington	Virginia Military Institute	Richard Bland College
Visiting	38		1	14		
Teaching	28	20	39	22	14	1
Research	8					
Clinical	2		4			
In-Residence Faculty	1					
*Includes faculty who are employed by academic schools and colleges listed in institutional profiles in Appendix C. Does not include faculty who are employed by athletic departments, extension service, administration, or entities other than the schools and colleges listed for each institution in Appendix C. Source: JLARC staff survey of Virginia public colleges and universities.						

Institutions with Lower Percentages of Tenured and Tenure-Track Faculty

Some institutions have tended to stay at the low end of the range, when comparing their percentages to the other public institutions over time. Virginia Commonwealth University (VCU) has consistently had among the lowest percentages of full-time faculty who were tenured or on tenure-track. The University of Virginia (UVA), Virginia Tech, and George Mason University (GMU) have also tended to be on the low end across the years, although not as low as VCU in most years. Officials at these four universities report that one reason for the lower percentages was the growing numbers of non-tenure-track research positions at these research institutions.

In particular, the University of Virginia and Virginia Commonwealth University both have large medical schools. In fact, the medical schools were the colleges within each university that had the largest number of faculty (as shown in the institutional profiles in Appendix C). The medical schools have hired hundreds of non-tenure-track clinical or research positions, which in part has reduced the total institutional percentages of tenured and tenure-track faculty.

Certain schools or colleges at each of these four large institutions tend to have proportionally more non-tenured faculty, as shown in the institutional profiles in Appendix C. Schools and colleges at VCU with relatively large proportions of non-tenure-track full-time faculty, in addition to the medical college, include: allied health professions; dentistry; education; nursing; pharmacy; and social work. At UVA, in addition to the medical school, the schools of nursing and continuing and professional studies have large proportions of non-tenure-track faculty. At Virginia

Tech, the colleges of agriculture and life sciences, natural resources, and science have the highest proportions of full-time non-tenure-track faculty. At GMU, the schools with the highest proportions of full-time non-tenure-track faculty are: computational sciences; the Institute for Conflict Analysis and Resolution; the Krasnow Institute; management; nursing and health science; and public policy.

Tenure and tenure-track faculty are generally expected to spend considerable amounts of their time and effort in three areas: teaching, research/scholarship, and service. In contrast, non-tenure-track faculty are often hired to concentrate in one of these areas, most frequently teaching or research. Table 2 shows that while a substantial portion of non-tenure-track faculty at GMU, UVA, VCU and Virginia Tech is hired to focus on teaching, a large number is also hired at these four institutions primarily to conduct research (or, in the case of institutions with medical schools, to see patients in a clinical setting while also instructing students).

Table 2 Primary Functions of Full-Time Non-Tenured/Non-Tenure-Track Faculty* (at Institutions with Lower Concentrations of Tenured/ Tenure-Track Faculty)				
	George Mason University	University of Virginia	Virginia Commonwealth University	Virginia Tech
Visiting		8		28
Teaching	216	207	123	183
Research	147	89	589	438
Clinical		281	4	
*Includes faculty who are employed by academic schools and colleges listed in institutional profiles in Appendix C. Does not include faculty who are employed by athletic departments, extension service, administration, or entities other than the schools and colleges listed for each institution in Appendix C.				
Source: JLARC staff survey of Virginia public colleges and universities.				

Institutions with Changing Percentages

The percentages at two other institutions appear to have undergone substantial change over time. Norfolk State's percentages appear to have moved from the very low end in 1993 to near the middle-to-high end in more recent years. However, when JLARC staff asked about these numbers, officials at Norfolk State said that the method of reporting the data in 1993 and 1997 has changed, compared to the method used in 2001. Therefore, while the 2001 percentages are accurate, the percentages from the other years are not.

Virginia State's percentages appear to have experienced the most fluctuation: from the high end in 1993 to the low end in 1997, and to somewhere in the middle in 2001. Virginia State officials attributed this fluctuation to unusually high numbers of retirements, particularly after the State's early retirement plan in 1993.

Graduate Teaching Assistants

JLARC staff were asked to examine whether there is a link between the number of tenured faculty and the number of graduate teaching assistants at each of the institutions. Table 3 addresses that question.

Table 3 shows that the institutions with the higher numbers of graduate teaching assistants also tend to have higher numbers of tenured faculty. But the institutions with the higher *percentages* of tenured faculty tend to have few or no graduate teaching assistants.

Table 3 Number of Graduate Teaching Assistants, Tenured Faculty, and Graduate/First-Professional Enrollments at Virginia Public Colleges and Universities			
	Number of Graduate Teaching Assistants	Number of Tenured Faculty	Number of Graduate/First- Professional Students
<u>Doctoral Institutions</u>			
College of William and Mary	149	362	2,037
George Mason University	326	491	11,173
Old Dominion University	433	361	6,846
University of Virginia	927	1,010	9,248
Virginia Commonwealth University	588	759	8,458
Virginia Tech	936	1,023	6,407
<u>Comprehensive Institutions</u>			
Christopher Newport University	5	104	132
James Madison University	27	339	1,212
Longwood University	0	86	567
Norfolk State University	4	158	807
Radford University	23	240	1,052
University of Mary Washington	0	118	572
University of Virginia's College at Wise	0	35	0
Virginia Military Institute	0	63	0
Virginia State University	4	94	900
<u>Two-Year Institution</u>			
Richard Bland College	0	19	0
Source: JLARC staff survey of Virginia public colleges and universities; State Council of Higher Education for Virginia, Fall 2003 enrollment headcounts.			

Conversely, the four research institutions with more non-tenure-track faculty (and relatively lower percentages of tenured faculty) are the ones with the highest numbers of graduate teaching assistants. All six of the doctoral institutions have relatively higher numbers of graduate teaching assistants. These six institutions also had higher numbers of graduate or first-professional students enrolled in the

fall of 2003 as well. (First- professional students include students enrolled in professional programs such as law and medicine.) The percentage of graduate/first-professional students who were graduate teaching assistants during the 2002-03 academic year at these six institutions ranges from seven percent at VCU to nearly 15 percent at Virginia Tech. When JLARC staff asked about graduate teaching assistants, officials at Virginia Tech responded that part of their mission as a doctoral institution is to train graduate students for careers in academics, so these graduate students need to have the teaching experience. Overall, the number of graduate teaching assistants appears to be more closely linked to the mission of the institution (and the size of its graduate student enrollment) than to the number or percentage of tenured faculty at the institution.

TENURE REVIEW AND POST-TENURE REVIEW POLICIES AT VIRGINIA INSTITUTIONS

The key overall characteristics of tenure review and post-tenure review policies at the 16 institutions are summarized collectively in this section. Then the number of individuals who have participated in the tenure and post-tenure review processes recently at each institution is discussed. In the 2002-03 school year, there were 251 tenure reviews across all 16 institutions. In the past five years (1998-99 through 2002-03), there were 400 cases that went beyond the normal annual evaluations and underwent the full post-tenure review processes of the 16 institutions.

Key Characteristics of Tenure and Post-Tenure Review Policies at Virginia Institutions

While Appendix C provides a more detailed summary of each institution's specific tenure and post-tenure review policies, the institutions' policies have many characteristics in common. This commonality is not unexpected, for several reasons. One reason is that the 1940 *Statement of Principles on Academic Freedom and Tenure* has essentially standardized nationwide the conditions of employment at institutions with tenure systems. Another reason is that Virginia institutions are in communication with each other, and with other institutions nationwide; they can observe the experiences of various institutions with alternative faculty management practices and policies, and choose the policies they see as working best. A third reason is discussed further in Chapter III: in the mid 1990s the State provided two strong impetuses for the institutions to develop the tenure and post-tenure review policies that exist today. One was the specific recommendations of the Commission on the Future of Higher Education in late 1995. Another was the Appropriation Act of the 1996 General Assembly stipulating that State funds would be withheld from institutions that did not develop pre- and post-tenure review policies meeting the approval of the State Council of Higher Education for Virginia and the Secretary of Education.

Most Recent Review of the Policies by the Institution. Nine (out of 16) institutions have reviewed or revised both their tenure review policy and post-tenure review policy in the last four years. Three institutions have reviewed either their tenure review policy or their post-tenure review policy in the last four years (while

the other policy was last reviewed or revised sometime between 1995 and 1999). The other four institutions have most recently reviewed both policies sometime between 1995 and 1999, although three institutions have indicated that their policies are currently under review.

Annual Evaluation. All institutions have an annual review of all (including tenured) faculty, often by department chairs and deans. Officials at all institutions have reported that the annual evaluation is key to the entire faculty evaluation process working properly. Annual reviews are used to determine raises in salary, although officials at institutions without large endowments have said that the lack of State money for merit pay has been a problem in recent years. Officials at most institutions have also emphasized that reviews of tenure-track faculty (such as during or after the third year at the institution) have been an important source of feedback for individuals regarding their progress toward tenure.

Frequency of Full Post-Tenure Review Process. At all institutions (except Richard Bland College), the full process can be “triggered” by the results of the annual evaluation (such as two consecutive or three unsatisfactory ratings within the last five years). In this way, the post-tenure review process depends heavily upon having a meaningful annual review process in place. Further, four institutions (William and Mary, UVA-Wise, Richard Bland, and Christopher Newport starting in the 2004-05 academic year) require all tenured faculty to undergo the full process every five or six years, regardless of their annual review ratings.

Exceptions and Exemptions to Full Post-Tenure Review Process. Among the institutions solely with “trigger” policies, there is no further post-tenure review if the annual evaluation has a rating of satisfactory or better. One institution also states in its policy that an exception is made if the faculty member has signed an agreement to retire within the succeeding two years. Officials at several other institutions said that this practice is carried out informally, although it is not explicitly stated in the policy. Further, another institution does not require faculty who take administrative positions (whose teaching responsibility is less than 50 percent of their total responsibilities) to undergo post-tenure review.

Central Participants. Tenure review at large institutions typically occurs on three levels: the department, the school or college, and the university level. At each level, there is often a separate “peer review” committee composed of faculty members, along with key administrators (such as the department chair, the college dean, and the provost or university vice president for academic affairs). The granting of tenure must be approved by the institution’s president and board of visitors.

Post-tenure review generally tends to occur at the department level rather than on the university level. Most (13 out of 16) institutions have a committee of tenured faculty involved in some sort of peer review process. The other three (George Mason, Old Dominion, and Mary Washington) have a smaller number of participants, with the department head primarily handling the review process, and, if necessary, the involvement of the school dean or the university provost.

Information Collected. About half of the institutions specify in their policies that the candidate for tenure assemble a dossier or file, which is used for reviews of the candidate by the committees on the department, college, and university levels. This file often includes: a curriculum vita; summary of student evaluations; all past written evaluations or performance reviews; letters of recommendation; and other evidence of teaching effectiveness, scholarship and research, and service. The other half of the institutions do not specify that the candidate create such a file, but they appear to use the same kind of information that often goes into a candidate's file. However, there appears to be some variation in the form the information collected can take. For example, at Virginia Military Institute, the department head writes a report of the candidate's performance, which is signed by all tenured members of the department (and if any tenured member does not concur, he or she may attach a minority report).

The institutions' policies appear to vary in specifying the information to be collected for post-tenure review. Some (such as Virginia Commonwealth, Virginia Tech, Longwood, Mary Washington, Christopher Newport, and Richard Bland) appear to require the same basic information for post-tenure review as for tenure review. The post-tenure review policies at others (such as Old Dominion, James Madison, and Virginia Military Institute) appear to place more emphasis on past and present evaluations and self evaluations, or on the results of reviews of past performance that are used to develop self-improvement plans (such as George Mason, the University of Virginia, and Radford).

Criteria / Standards. Three underlying criteria appear common to most institutions, in both tenure review and post-tenure review: effective teaching; scholarship and research; and service to the university and community. Some institutions give more weight to the teaching criterion. Some institutions mention other criteria as well, such as possession of a doctorate or other appropriate terminal degree, or future departmental programming directions in various subfields. In their post-tenure review policies, some institutions explicitly mention progress toward meeting goals within the timetable specified in self-improvement plans.

Consequences if Post-Tenure Review Finds Deficient Performance. In all cases, if the post-tenure review process finds that the faculty member's performance is below satisfactory, a self improvement plan for addressing the identified deficiencies is to be developed and implemented in generally one to two years. If the faculty member has not made reasonable progress in meeting the objectives of the plan within the timeframe, sanctions may be imposed. Sanctions can include reduction in salary, suspension without pay, or dismissal for cause.

Appeals Process. Faculty members are generally provided some means to appeal tenure review or post-tenure review decisions, at least on grounds that the process followed was procedurally flawed and resulted in the decision being arbitrary or based on incomplete information. But the specific appeals processes and key participants vary greatly from one institution to another. The institutional-level summary in Appendix C shows the variety of appeal processes at the different institutions.

Indirect Effects of Post-Tenure Review Process. Officials at most institutions reported that the most frequent indirect outcome is that many faculty members who would otherwise undergo post-tenure review avoid the process by retiring. Another indirect effect cited by some officials is that the post-tenure review process enhances the annual review process. A strong annual review process is essential for the post-tenure review process to work properly. The post-tenure review policy can also give the annual review process “some teeth,” by specifying the possible consequences of continued unsatisfactory performance. Some officials also said that the post-tenure review process has indeed helped some faculty members to improve their performance.

NUMBER OF FACULTY UNDERGOING TENURE REVIEW AND POST-TENURE REVIEW IN RECENT YEARS

To provide a sense of how frequently the tenure review and post-tenure review policies are actually implemented at the institutions, JLARC staff obtained data from the institutions regarding: (1) tenure reviews that were carried out in the most recently completed academic year (2002-03); and (2) post-tenure reviews that had taken place in the most recent five academic years (1998-99 through 2002-03). This section outlines the frequency of these tenure reviews and post-tenure reviews, and their outcomes.

Tenure Reviews

Table 4 shows the number of tenure reviews that occurred at each institution during the 2002-03 academic year, and their outcomes. With the exception of the University of Virginia and Christopher Newport University, approximately 96 percent of the candidates who were subject to tenure review that year at the remaining 14 institutions were eventually awarded tenure. Officials at these other institutions said this high rate is not surprising, given that a tremendous amount of time and effort is spent evaluating tenure-track faculty years before the tenure review occurs. For example, at Virginia Tech, officials said that very few tenure-track faculty would be denied tenure because less-qualified faculty would tend to be “weeded out” in the six-year probationary period prior to the tenure decision. Virginia Tech officials indicate that the use of an effective probationary reappointment review process (conducted after the second and fourth years) enables performance problems to be addressed long before the tenure review occurs.

In contrast, officials at the University of Virginia reported about half of those faculty that begin as assistant professors at the university are eventually awarded tenure. According to UVA officials, the more elite the university, the less likely it is to award tenure.

Post-Tenure Reviews

Based on the annual evaluations, an institution may monitor poorly-performing tenured faculty before a post-tenure review process takes place. To illus-

Table 4 Number of Tenure Reviews and Their Outcomes (in 2002-03 Academic Year)			
	Total Number of Tenure Reviews	Awarded Tenure*	Denied Tenure
Doctoral Institutions			
College of William and Mary	14	14	0
George Mason University	31	30	1
Old Dominion University	13	13	0
University of Virginia	48	38	10
Virginia Commonwealth University	40	38	2
Virginia Tech	43	40	3
Comprehensive Institutions			
Christopher Newport University	6	4	2
James Madison University	13	13	0
Longwood University	6	6	0
Norfolk State University	9	8	1
Radford University	1	1	0
University of Mary Washington	5	5	0
University of Virginia's College at Wise	4	4	0
Virginia Military Institute	9	8	1
Virginia State University	8	8	0
Two-Year Institution			
Richard Bland College	1	1	0
TOTAL	251	231	20
* Includes cases that were initially denied tenure but were successfully appealed.			
Source: JLARC staff survey of Virginia public colleges and universities.			

trate the impact of this monitoring, Virginia Tech officials gave JLARC staff a chart summarizing the outcomes of 26 individual cases of tenured faculty who may have been subject to post-tenure review or other sanctions across six academic years. Exhibit 3 shows that Virginia Tech has options for taking actions against poor-performing tenured faculty besides post-tenure review. The most frequent outcome of the cases shown in Exhibit 3 is that the faculty member retired or resigned, without a post-tenure review being conducted.

Further, Tables 5 and 6 show the outcomes of all post-tenure review cases in the past five years across the 16 Virginia public colleges and universities. Tables 5 and 6 show several patterns that warrant some further explanation. For instance, Table 5 shows that two institutions did not conduct any post-tenure reviews in the past five years, while some other institutions have conducted many post-tenure reviews in addition to the annual evaluations that all faculty undergo.

**Exhibit 3: Outcome Tracking of Virginia Tech Tenured Faculty Subject to
Post-Tenure Review Policy or Other Sanction/Termination Actions, 1998-2003**

Case No.	1998 (Year 1)	1999 (Year 2)	2000 (Year 3)	2001 (Year 4)	2002 (Year 5)	2003 (Year 6)
1	1 st Unsatisfactory	2 nd Unsatisfactory	Resigned			
2	1 st Unsatisfactory	2 nd Unsatisfactory	Retired			
3	1 st Unsatisfactory	Performance Improved				Retired
4	1 st Unsatisfactory	Initiated dismissal for cause proceedings. Conducted through several levels of appeal.				
5		Retired				
6			Retired			
7			Retired			
8			Retired			
9		1 st Unsatisfactory	Retired			
10		1 st Unsatisfactory	Resigned			
11			1 st Unsatisfactory	2 nd Unsatisfactory	Post-Tenure Review conducted. Found satisfactory. Warning letter. Retired.	
12				Dismissed for cause.		
13				1 st Unsatisfactory	Retired	
14				1 st Unsatisfactory	Retired	
15				Warning letter		1 st Unsatisfactory
16				Warning letter	Improved	
17				1 st Unsatisfactory	Retired	
18				1 st Unsatisfactory	Improved	
19					Negotiated retirement	
20					Negotiated retirement after beginning dismissal for cause	
21						1 st Unsatisfactory
22						1 st Unsatisfactory
23						1 st Unsatisfactory
24						1 st Unsatisfactory
25						1 st Unsatisfactory
26						1 st Unsatisfactory

Source: Office of the Provost, Virginia Tech, 2004.

Table 5 Number of Post-Tenure Reviews and Their Outcomes (from 1998-99 through 2002-03 Academic Years)					
	Total Post-Tenure Reviews	No Problems or Needs Identified	Incomplete Reviews Due to Termination	All Improvement Expectations Met	Expectations for Improvement <u>Not Met</u>
<u>Doctoral Institutions</u>					
College of William and Mary	252	231	11	4	6
George Mason University	9		6	3	
Old Dominion University	4		3	1	
University of Virginia	28		5	6	17
Virginia Commonwealth University	5	1	2		2
Virginia Tech	20		13	4	3
<u>Comprehensive Institutions</u>					
Christopher Newport University	25	18	6	1	
James Madison University	4		2		2
Longwood University	2			1	1
Norfolk State University	0				
Radford University	3*		2		
University of Mary Washington	1		1		
University of Virginia's College at Wise	17	17			
Virginia Military Institute	11		1	6	4
Virginia State University	0				
<u>Two-Year Institution</u>					
Richard Bland College	19	19			
TOTAL	400	286	52	26	35
* One case is still pending.					
Source: JLARC staff survey of Virginia public colleges and universities.					

Institutions with No Post-Tenure Reviews. Two institutions (Norfolk State and Virginia State) did not conduct any post-tenure reviews in the past five years. Officials at these two institutions reported that no tenured faculty received the unsatisfactory annual evaluations necessary to trigger post-tenure reviews. Officials at Norfolk State University (NSU) said that the previous instrument used for annual evaluations may have been the reason why NSU had no post-tenure reviews in the past five years. Recently, NSU has developed an improved annual evaluation instrument that can make finer distinctions in faculty performance. The 2003-04 academic year has been the first full year of implementation of the new instrument. NSU officials indicated that they believe the revised annual evaluation now supports the post-tenure review process, when the previous version did not.

In contrast, when interviewed by JLARC staff, officials at Virginia State University (VSU) did not indicate that they were aware of any problems in their annual evaluation process during the five-year period (from the 1998-99 through the 2002-03 academic years). Officials did report that there were four post-tenure review cases pending during the 2003-04 academic year, but did not attribute these four cases to any particular changes in the evaluation process. VSU officials mentioned, however, that the tenure process tends to “weed out” underperforming faculty, and that having the post-tenure review process in place ensures more accountability for faculty performance.

Institutions with Routinely Scheduled Post-Tenure Reviews of All Faculty. During the past five years, three institutions (the College of William and Mary, the University of Virginia’s College at Wise, and Richard Bland College) had regularly scheduled full post-tenure reviews of all tenured faculty over a five- or six-year cycle, in addition to the normal annual evaluation. These routinely scheduled post-tenure reviews of all tenured faculty resulted in 92 to 100 percent of the cases at these three institutions falling into the “No Problems or Needs Identified” category.

Christopher Newport University (CNU) will also be requiring scheduled post-tenure reviews of all tenured faculty every six years, starting in the 2004-05 academic year. But during the past five years, CNU did not have this requirement. CNU officials attributed the 18 cases falling in the “No Problems or Needs Identified” category to faculty members actually requesting a post-tenure review. For example, if a faculty member is thinking about seeking a promotion, but is not sure how he or she will be received, asking for a post-tenure review is a way to “test the waters” and demonstrate his or her credentials. Similarly, a requested post-tenure review may explain why Virginia Commonwealth University has one case falling in the “No Problems or Needs Identified” category.

Incomplete Post-Tenure Reviews Due to Termination. Table 5 also shows that at most institutions, a substantial portion of the post-tenure review cases are incomplete, because the faculty member terminated employment before the review process was finished. Although there are several reasons why a faculty member may terminate employment (such as resignation or death), the most frequent form of termination among incomplete cases of post-tenure review appears to be retirement.

ulty can retire, but still continue to teach part time for a finite period, such as up to five years. The other outcomes and sanctions resulting from post-tenure review are also shown in Table 6. Only two cases (out of the 400 cases of post-tenure review in the past five years) resulted in dismissal or termination.

III. Conclusions

Concern regarding the tenure system at Virginia public colleges and universities is not new to the General Assembly. In 1994, the General Assembly passed SJR 139, which created the Commission on the Future of Higher Education. While addressing other issues as well, the Commission made several recommendations regarding tenure and faculty performance. This chapter examines how closely the institutions now appear to have followed the Commission's recommendations, as well as the subsequent stipulations by the General Assembly regarding tenure and post-tenure review policies that were made in early 1996. The chapter also summarizes, from the institutions' point of view, how they ensure that tenured faculty remain productive.

THE COMMISSION ON THE FUTURE OF HIGHER EDUCATION'S RECOMMENDATIONS

The Commission on the Future of Higher Education appeared to have concerns from the outset regarding tenure at Virginia's public institutions. The Commission's report from 1996 states:

The general public, with corporate executives among the more outspoken, are asking pointed questions about the meaning of tenure as we approach the new world of the 21st century. Many commission members, especially those of us who are not academics, admit to an intuitive, almost visceral, reaction against that aspect of tenure that appears to guarantee lifetime employment....[F]or the general public and corporate executives, tenure is about an entrenched system that is perceived to place a much higher premium on research than on teaching, that causes the institution to be inflexible rather than flexible, and that appears to ensure employment regardless of performance.

The Commission stated two general points:

- Tenure should be awarded for reasons that make sense to the general public; and
- Tenure, once achieved, must be followed by performance reviews that have real and substantial consequences.

In particular, the Commission made some specific statements about what the institutions should do by July 1, 1997, regarding tenure and post-tenure review. These statements, with some elaboration to explain their meaning, are shown in Exhibit 4. The 1996 General Assembly provided the institutions an incentive to follow the recommendations of the Commission. The Appropriation Act stated that any institution whose pre- and post-tenure review policies were not approved by the State Council of Higher Education for Virginia and the Secretary of Education would

not be eligible for the faculty salary raises that were to go into effect in that bien-nium. Information collected for this exploratory study indicate that, in general, the institutions have complied with the recommendations listed in Exhibit 4.

Institutions Have Complied with Recommendations

Chapter II and the institutional profiles in Appendix C clearly show that the institutions' policies on tenure and post-tenure review all follow the first three sets of recommendations listed in Exhibit 4. All institutions have adopted institution-wide policies. They all have processes for regular evaluation of tenured faculty. They all exhibit the listed characteristics of an "effective post-tenure review policy."

Exhibit 4

Commission on the Future of Higher Education Recommendations on Tenure and Post-Tenure Review

- ***"There should be institution-wide policies and general criteria for the application of tenure-track agreements with faculty."*** Tenure-track decisions should not be left solely to the department where the faculty member belongs.
- ***"The faculty of the colleges and universities, working with the administration of those institutions, must take the responsibility to develop and support a process for regular evaluation of tenured faculty that leads to continuous improvement in their teaching, research, and service, or results in negative actions such as dismissal."*** The board of visitors of each institution should require the development of this process. The process should make clear that sanctions for unsatisfactory performance include reduction in salary and dismissal. The evaluations should be conducted according to a reasonable, periodic schedule that fits each institution. Standards of performance should, at a minimum, relate to each of the faculty member's responsibilities.
- ***"An effective post-tenure review policy should exhibit the following characteristics:***
- ***It should be the product of a joint effort by the faculty and administration, integrated with the regular faculty evaluation policy;***
- ***It should be developmental in nature so that a tenured faculty member who is not performing at the desired level has the opportunity to develop goals and a plan to meet the expectations together with the administration;***
- ***It should include a timetable to achieve the mutually agreed-upon goals;***

(Continues on next page)

Exhibit 4 (Continued)

**Commission on the Future of Higher Education
Recommendations on Tenure and Post-Tenure Review**

- *The review should be systematic and uniformly applied, provide for due process, and be connected to the existing means available to faculty to redress grievances;*
- *The evaluations should be conducted according to a reasonable, periodic schedule that fits each institution."*
- *"The institutions...should establish and maintain a clear balance between teaching and scholarship in tenure decisions." The Commission stated that the scales now tip too heavily toward scholarship and research. Instead, the Commission said that the tenure-track agreement need not, in each and every case, require that scholarly works be published. Instead, tenure should not be denied to those faculty members who have chosen to be excellent teachers, but not necessarily published scholars as well.*
- *Other elements for recruiting and retaining a quality faculty [that relate directly to tenure review and post-tenure review processes]:*
 - *Real evaluation about reappointment during the probationary period,*
 - *A systematic and in-depth pre-tenure review process,*
 - *A readiness for faculty peers to take the responsibility to make hard decisions about the reappointment and tenure recommendations of their colleagues who are not achieving expectations in teaching, research, and service.*

Note. Emphasis (noted by underlining) added by JLARC staff.

Source: Commission on the Future of Higher Education in Virginia, *Making Connections: Matching Virginia Higher Education's Strengths with the Commonwealth's Needs*. Senate Document No. 26, 1996.

What is not so clear is whether all of the institutions have actually followed their policies in the past five years. The fact that two institutions (Norfolk State University and Virginia State University) have not had any post-tenure reviews in the past five years raises this question. Officials at Norfolk State said that the annual review process that was in place during this time did not adequately support its post-tenure review policies; however, the new annual review process that is being implemented for the first time this year should address this problem. Virginia State officials, in contrast, did not provide specific reasons as to why there were no post-tenure reviews in the past five years, other than to say that there were no unsatisfactory annual reviews (although officials report that in this current year there are four post-tenure reviews underway).

The institutions appear to have complied with the other recommendations in Exhibit 4 as well. Although the evidence may not be as clearly shown in Chapter II, much of it can be derived from the institutional profiles in Appendix C. The remainder of this section summarizes how the institutions appear to be in compliance with the other recommendations.

Balance Between Teaching and Scholarship

In their faculty handbooks, all institutions state that there are three primary criteria on which tenure decisions are based: teaching, research and scholarship, and service. Many institutions have taken extra steps to highlight the teaching function. For example, George Mason University has a “genuine excellence in teaching” program, in which a faculty member who demonstrates excellent teaching can be considered for tenure without as much emphasis on research and publishing. Other institutions, such as Christopher Newport University and the University of Mary Washington, state explicitly in their policies that teaching effectiveness is the first priority in tenure decisions.

Evaluation of Reappointment During the Probationary Period

Tenure-track faculty generally have a probationary period of six or seven years. During this period, they have contracts of employment for limited amounts of time (such as one or two years), which means they must be reappointed multiple times during this probationary period if they are to stay at the institution. In interviews with JLARC staff, officials at the institutions emphasized how the evaluations from the reappointment process inform these faculty members about their progress toward tenure. The reappointment process also provides the institutions a means for “weeding out” those who would not be awarded tenure well before the full tenure review.

Pre-Tenure Review

Tenure-track faculty are subject to pre-tenure peer reviews to let them know their progress toward tenure. Most institutions have a pre-tenure review during the third year of the probationary period. Some institutions do it more frequently, such as during the second and fourth year, or during each year of the probationary period.

Peers Make Recommendations on Reappointment and Tenure

It is clear (from the “Central Participants” discussed in Chapter II and listed in the institutional profiles in Appendix C) that a committee of faculty peers plays a central role in all tenure decisions. A review of the reappointment processes (as documented in the faculty handbooks of the institutions) also indicates that faculty peers generally have a role in reappointment decisions. But the nature and conditions of their participation can vary greatly from one institution to another.

ENSURING TENURED FACULTY REMAIN PRODUCTIVE

JLARC staff asked officials at all 16 institutions to summarize how they ensure that tenured faculty continue to be productive. The individual responses can be found in the institutional profiles in Appendix C. The responses can also be summarized in terms of several themes that JLARC staff heard repeatedly.

The Annual Evaluation Is Central to the Post-Tenure Review Process

Almost all institutional officials interviewed by JLARC staff emphasized how a rigorous annual review process is the real backbone to their evaluation of tenured faculty. In many cases, it is the screen that identifies areas of concern and determines whether a more in-depth post-tenure review process is necessary. All faculty members receive a substantial amount of feedback every year from their annual reviews. Consequently, most institutions have dedicated much effort in the annual evaluation instruments or statements of faculty expectations on which annual reviews are based. Another reason for the annual review to be taken seriously by tenured faculty is because it is generally tied to salary adjustments.

The Tenure Process Itself Tends to Select Those Who Would Most Likely Remain Productive

Officials at several institutions told JLARC staff that tenure-track faculty members who stay through the entire probationary period, and who are not “weeded out” through the reappointment process or pre-tenure reviews, are the ones who have developed solid records of achievement in teaching, scholarship, and service. Faculty members who receive unfavorable pre-tenure reviews tend to exit the system prior to the tenure review (either through not having their contracts renewed, or leaving voluntarily). The faculty members who are granted tenure already have a strong teaching and research record, and tend to like teaching, research, and service activities. Therefore, they have a greater likelihood of remaining active in these areas after tenure is granted.

Incentive for Promotion to Full Professor Exists After Tenure Is Attained

Officials at one institution said that even after tenure is attained, there is still room for promotion, which would provide tenured faculty members an incentive to remain productive. Tenure is most often awarded at the same time as promotion to the associate professor level. The process for being promoted to full professor takes eight to ten years on average after tenure is attained.

There Is Peer Pressure to Remain Productive

One institutional official told JLARC staff, “The main reason faculty try to stay productive is peer driven.” Officials at other institutions said that if a faculty member is not performing up to standards, peers tend to make that individual aware of it. “Everybody is having to do more with less,” so if anyone is not carrying

his or her load, it is noticed. Officials at another institution noted that peer pressure is why in general, “it is good to have colleagues reviewing each other.”

Institutions Make Clear Their Expectations

Officials at some institutions mentioned that another way of ensuring that tenured faculty continue to be productive is that the expectations are clearly spelled out. Some institutions do it through their university handbook. Another does it through its annual faculty evaluation instrument. Yet another has its own Statement of Faculty Expectations.

Reward Systems Also Help Ensure Productivity

Some officials indicated that while post-tenure review may provide the means to impose punishments when faculty are unproductive, there are also rewards that encourage productivity as well. These rewards include competitive educational leave programs, professional development opportunities supported by the institution, and awards.

The most important reward in the past has been merit pay. But merit pay has not provided much incentive for performance in recent years at some institutions, according to institutional officials. Officials have attributed this problem to the fact that in recent years, there has been no State funding for faculty salary raises. This situation especially affects those institutions that do not have sufficient endowment funds to supplement State funding for faculty salaries. However, the 2004 General Assembly appropriated a three percent increase in funding for faculty salaries, which could be used by the institutions to revitalize their merit pay programs in the near future. Moreover, several colleges and universities have recently announced that additional funds provided by the institutions will be used for faculty retention purposes.

Appendix A

Study Mandate

Section 30-58.1C of the *Code of Virginia* specifies that the Joint Legislative Audit and Review Commission has the power to make “special studies and reports of the operations and functions of state agencies as it deems appropriate.” At its November 10, 2003 meeting, the Commission unanimously voted in favor of approving exploratory study planning relating to higher education tenure policies, particularly post-tenure review.

Appendix B

Excerpts from the Report of the Commission on the Future of Higher Education in Virginia (Senate Document No. 26, 1996, pages 7-10)

Faculty Tenure

The general public, with corporate executives among the more outspoken, are asking pointed questions about the meaning of tenure as we approach the new world of the 21st century. Many commission members, especially those of us who are not academics, admit to an intuitive, almost visceral, reaction against that aspect of tenure that appears to guarantee lifetime employment.

Academic freedom is not at question. It is universally accepted that faculty scholars must have the freedom to follow their inquiries wherever they may lead, regardless of whether their work is popular or in accord with conventional notions of truth. And, faculty must be assured of their freedom of speech to share their scholarship. Tenure has historically protected this freedom of inquiry, although a strong body of case law and other legal protections also now exist.

The value of the faculty in general and the high esteem with which we hold the faculty as a body are, likewise, not at question. We cherish the faculty. The faculty are higher education.

However, for the general public and corporate executives, tenure is about an entrenched system that is perceived to place a much higher premium on research than on teaching, that causes the institution to be inflexible than flexible, and that appears to ensure employment regardless of performance. As higher education attempts to keep pace with the rest of society and restructure itself to meet today's requirements, these aspects of tenure do not fit.

It is essential at the outset of the discussion to recognize that tenure is not a parochial issue for Virginia. Tenure is a national system. Virginia's colleges and universities are part of a vast network of more than 3,000 institutions of higher education in the United States. It is not practical nor advantageous for Virginia to consider the abolition of tenure for faculty at its public colleges and universities. The consequence would be the decline of those institutions who compete for faculty in a national and international marketplace. While we might not lose the most outstanding faculty who are at our colleges and universities, our efforts to hire the best for the next generation of scholars could be damaged. (We note that this is not as much an issue for the community colleges because they do not have a tenure system in place on their campuses, their market for faculty recruitment tends to be local rather than national, and because community college faculty generally do not build national reputations on the basis of their research or scholarship.)

The institutions, with their boards of visitors taking the lead, should establish and maintain a clear balance between teaching and scholarship in tenure decisions. The scales now tip too heavily toward scholarship. Both are important, but balance is essential. The general public sees little value in a tenured faculty member renowned in his field who is not interested in passing on the products of his scholarship to students. Tenure based almost entirely on publish or perish encourages the production of such faculty. The tenure-track agreement need not, in each and every case, require that scholarly works be published. Tenure should not be denied to those faculty members who have chosen, and so demonstrated, that they wish to be excellent teachers but not necessarily published scholars, as well.

The faculty member is expected to divide his loyalties between his discipline on the one hand, and his institution and his students, his community and his state on the other hand. The responsibility of faculty scholars is to create new knowledge and to help the next generation of students become thoughtful, independent citizens. Ideally, all faculty involved in research have the skills to incorporate their findings and scholarship into the classroom. In our view, knowledge is not advanced if it does not reach the student.

Beginning with guidance from the boards of visitors, our colleges and universities must become more business-like about tenure. There should be institution-wide policies and general criteria for the application of tenure-track agreements with faculty. The tenured faculty member is a highly valued resource for the entire university and its student body, for the community and the state; tenure-track decisions should not be left solely to the department where the faculty member belongs.

And, the board of visitors and administration must not feel under siege by organizations or traditions that stifle flexibility in the use of faculty resources as the board considers which programs to scale back or discontinue and which programs to accelerate or initiate. Ways must be found, perhaps through retraining or through inter-collegiate cooperation, to facilitate faculty mobility to accommodate changes in demand and direction of the curriculum.

The rapid pace of change in technologically advanced economies means that the activities of any institution must change radically, possibly several times, during the lifetime of any professional person. Those who remain flexible not only can adjust to change but also can shape it creatively and remain useful to the institution.

Which brings us to the lifetime job aspect of tenure. If a job is not being done satisfactorily, the incumbent must be replaced. This is why we have emphasized the importance of rigorous post-tenure performance review in this report, and why we commend the Council of Higher Education for doing so in its review of restructuring progress.

The development of post-tenure review policies and procedures is an important factor in effectively addressing the concerns raised about tenure. The faculty of the colleges and universities, working with the administration of those institutions, must take the responsibility to develop and support a process for regu-

lar evaluation of tenured faculty that leads to continuous improvement in their teaching, research, and service, or results in negative actions such as dismissal.

The evaluations should be conducted according to a reasonable, periodic schedule that fits each institution. Standards of performance should, at a minimum, relate to each of the faculty member's responsibilities. Peer review is but part of the story. Contributions to the ability of the institution to serve its constituencies must receive at least equal weight.

An effective post-tenure review policy should exhibit the following characteristics. It should be the product of a joint effort by the faculty and administration, integrated with the regular faculty evaluation policy; it should be developmental in nature so that a tenured faculty member who is not performing at the desired level has the opportunity to develop goals and a plan to meet the expectations together with the administration; and it should include a timetable to achieve the mutually agreed-upon goals. The review should be systematic and uniformly applied, provide for due process, and be connected to the existing means available to faculty to redress grievances.

However, the implementation of a post-tenure review policy by itself is not sufficient to address the larger issue of how to recruit and retain a quality faculty. The other elements that need to be included are an effective faculty recruitment process that includes careful screening criteria for all tenure track positions, real evaluation about reappointment during the probationary period, a systematic and in-depth pre-tenure review process, the availability of faculty development opportunities for growth and remediation, and a readiness for faculty peers to take the responsibility to make hard decisions about the reappointment and tenure recommendations of their colleagues who are not achieving expectations in teaching, research, and service.

The commission recommends that each state-supported college and university be directed to adopt and include in its restructuring plan institution-wide policies and programs for both the determination of tenure and for post-tenure performance review. Such policies and programs should begin no later than July 1, 1997, and should include the requirement for a written agreement between the institution administration and each faculty member regarding the duties and responsibilities of each faculty member. The Council of Higher Education should submit a report to the 1997 General Assembly detailing the progress each institution is making toward the development of these policies and programs.

In summary, if tenure systems are to remain viable in higher education, tenure should be awarded for reasons that make sense to the general public. And tenure, once achieved, must be followed by performance reviews that have real and substantial consequences.

Appendix C

Profiles of Individual Institutions

Doctoral Institutions

College of William and Mary	C-3
George Mason University	C-7
Old Dominion University	C-11
University of Virginia	C-15
Virginia Commonwealth University	C-19
Virginia Tech	C-23

Comprehensive Institutions

Christopher Newport University	C-27
James Madison University	C-31
Longwood University	C-35
Norfolk State University	C-39
Radford University	C-43
University of Mary Washington	C-47
University of Virginia's College at Wise	C-51
Virginia Military Institute	C-55
Virginia State University	C-59

Two-Year Institution

Richard Bland College	C-63
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The College of William and Mary

Summary of Tenure and Post-Tenure Review Policies

<i>Policy Characteristics</i>	<i>Summary or Status</i>
<i>Year Policies Last Reviewed by Institution</i>	<i>Tenure review:</i> 1996. <i>Post-tenure review</i> 2001.
<i>Annual Evaluation / Review of Faculty</i>	Department chair and deans submit annual merit evaluations for setting salary increments
<i>Frequency of Full Post-Tenure Review Process</i>	Occurs on 6th anniversary of faculty member's last review for promotion. Can also be triggered by unsatisfactory annual reviews in two consecutive years or two of the three preceding years.
<i>Post-Tenure Review Process Exemptions and Exceptions</i>	Exception if faculty member has signed an agreement to retire within the succeeding two years.
<i>Central Participants in Tenure or Post-Tenure Review</i>	<i>Tenure review:</i> departmental or school faculty committee; department chair or dean; provost; finalized by president and board of visitors. <i>Post-tenure review:</i> faculty personnel committee; department chair and/or dean; provost kept informed.
<i>Information Collected</i>	<i>Tenure review:</i> Candidate assembles a dossier, including: curriculum vitae; all publications candidate has written; all teaching evaluations (including student evaluations and peer evaluations); a self statement covering past accomplishments and future plans in areas of teaching, research, and service; at least four objective external reviewers of candidate's scholarship. <i>Post-tenure review:</i> Curriculum vitae, all teaching evaluations since the faculty member's last evaluation, and a self-statement.
<i>Criteria / Standards</i>	Possession of professional education, experience, and degrees appropriate or necessary; conscientious and effective teaching; research and scholarship; professional service; participation in college governance.
<i>Consequences If Post-Tenure Review Finds Deficient Performance</i>	Faculty member develops performance plan to address any area(s) of deficiency. Assessment of progress made in implementing performance plan is conducted by faculty personnel committee in one to two years. If the overall performance continues to be unsatisfactory, disciplinary action is taken. Such action may include suspension or termination.
<i>Appeals Process</i>	<i>Tenure review:</i> Candidate may appeal to provost to request reconsideration by decision-making authorities. <i>Tenure and post-tenure review:</i> Cases of procedural irregularities may be appealed to Procedural Review Committee or the Grievance and Hearing Committee.

The College of William and Mary

(continued)

Summary of Tenure and Post-Tenure Review Statistics

Total Tenure Reviews (during 2002-03 academic year): 14

Awarded Tenure: 14
 Denied Tenure: 0 Appeals: 0 Successful Appeals: 0

Total Post-Tenure Reviews (from 1998-99 through 2002-03 academic years): 252

No problems/needs identified:	231			
Incomplete reviews due to termination:	11			
All improvement expectations met:	4			
Expectations for improvement <u>not</u> met:	6			
		Results:	No sanctions:	
			Phased retirement:	6
			Mandatory teacher training:	
			Workload/assignment changes:	
			Ineligibility for travel funding or professional development leave:	
			Salary reduction or ineligibility for increase:	
			Demotion in rank:	
			Suspension:	
			Dismissal/Termination:	
			Other:	

Tenure Status of Full-Time Faculty (during 2002-03 academic year):

<i>College/School</i>	<i>Tenured</i>	<i>Tenure-Track</i>	<i>Neither Tenured Nor Tenure-Track</i>	<i>Total</i>
College or Arts and Sciences	241	98	54	393
School of Business Administration	31	11	10	52
School of Education	26	8	1	35
School of Marine Science	41	8	8	57
School of Law	23	3	4	30

Non-Tenure-Track, Full-Time Faculty Categorized (during 2002-03 academic year):

Visiting	38
Teaching	28
Research	8
Clinical	2
In-Residence Faculty	1
Other	0

Fall 2003 Enrollments (Headcounts)

Number of undergraduate students:	5,786
Number of graduate or first professional students:	2,037
Number of graduate teaching assistants:	149

The College of William and Mary (continued)

Additional Notes from Interview During Site Visit

- **Under what circumstances are full-time faculty hired for non-tenure-track positions?**

On the main campus (the Virginia Institute of Marine Science has different policies), there are some faculty who are on fixed term appointments (that is., five years or less). (This only applies if the position is funded with State money. If a position is grant funded, the person can be on a longer-term fixed contract.) There is one exception to this, which was approved two years ago. The College of William and Mary (W&M) will allow an instructor in foreign languages to be granted rolling five-year contracts if the instructor is an exemplary teacher, and is willing to teach the introductory language courses. W&M only allows one of these positions per language (and there are eight languages taught); there is only one language instructor who is on a rolling five-year contract at this time. This could open the possibility of other similar exceptions in the future, such as in physical education and music.

Also, about 12 faculty were grandfathered in. Several have retired, and there are about four of these faculty now (in creative writing and kinesiology).

W&M does not have a lot of adjunct faculty. There are probably more in the professional schools. They typically use adjuncts if they have faculty on leave. They also use them in very special instances; for example, they use a physician for a freshman medical seminar, or they have librarians who also teach a couple of courses.

- **Are faculty allowed to choose non-tenure-track employment? Approximately what percentage of candidates desire non-tenure-track full-time positions?**

No, positions are advertised as being either tenure track or fixed term appointments.

- **Is it typical to grant tenure to all faculty who are up for tenure?**

No, they usually grant tenure to about 80 to 90 percent of candidates. The critical question is how many in the original class received tenure. When looking at the original cohort, only about 60 percent of them would receive tenure. They have a rigorous third-year review during the probationary period, and they send a candidate a very clear signal about what they need to do achieve tenure, or about whether it is even possible for them to achieve tenure.

W&M rarely brings in a faculty member with tenure, but it does happen sometimes. They will also give credit to a faculty member who has taught at another university. If they hire someone who has tenure at another university, they usually require them to teach for a year before granting them tenure. W&M does allow faculty to request early promotion and tenure (that is, they can have a probationary period that is shorter than six years).

- **What are the indirect outcomes of having a post-tenure review policy in place?**

Post-tenure review has had “an energizing effect on some faculty.” There are some counter-incentives built into tenure, so having a post-tenure review process is important.

The College of William and Mary (continued)

Unsatisfactory performance is usually caused by some life event, such as an illness. These things often cannot be fixed by post-tenure review. However, there is no question that post-tenure review can help faculty improve. Although post-tenure reviews have persuaded some faculty to leave, there are also faculty who have turned themselves around. The problem is that W&M has not had the resources to put a real faculty development process in place. College administrators say they need a pool of resources for “re-tooling” faculty, especially in certain fast-changing disciplines.

W&M is looking into implementing a phased retirement plan, similar to what Virginia Tech has. Under the plan, faculty can retire, but still continue to teach $\frac{1}{4}$ or $\frac{1}{2}$ time for a period of up to five years. The college or the individual can terminate the agreement at any time. Faculty members are often afraid to retire because they are not sure what they will do with themselves, so a phased retirement plan softens the blow for them. Most faculty in phased retirement plans end up teaching for only one year, because they find plenty of other things to occupy their time.

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- **Have there been any complaints from faculty regarding how much time and effort is taken up by the tenure review process or the post-tenure review process?**

Faculty don't complain about the tenure process because they know how high the stakes are.

Faculty do complain about the time and effort involved with the post-tenure review process, and that's one of the reasons why they are thinking of changing it.

Currently, the two types of post-tenure reviews are (1) scheduled and (2) unscheduled. All faculty members are subject to scheduled post-tenure reviews on the sixth anniversary of their last promotion evaluation. In addition, a faculty member can have an unscheduled post-tenure review if he/she receives two out of three unsatisfactory annual merit reviews, or if a faculty member is rated unsatisfactory in teaching performance during the annual merit review.

W&M may discontinue the scheduled post-tenure reviews if a faculty member has no unsatisfactory annual reviews and is in the top half or top two-thirds (they haven't decided yet) of all faculty in the department. If someone is consistently at the bottom, he or she might still have a scheduled post-tenure review, but it doesn't seem to make sense to have the top faculty jump through these hoops. If they do eliminate the scheduled post-tenure reviews, they will have to ensure that the annual merit evaluations (on which unscheduled post-tenure reviews are based) are real evaluations.

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- **Overall, how does William and Mary ensure that tenured faculty continue to be productive?**

Underlying all of the processes, policies, and procedures involved with the annual reviews and post-tenure reviews, are the cultural expectations of the university. (What is it that the university values? What are the cultural expectations of the university? What do the president, provost, and deans articulate as the university's values?) The university's values and expectations have to be engrained in the faculty and they have to be consistent, and the values and expectations have to align with the tenure and post-tenure review procedures/processes. This may be easier at a smaller school such as W&M, and is probably more difficult at schools with varying missions, such as Virginia Tech or ODU.

George Mason University

Summary of Tenure and Post-Tenure Review Policies

<i>Policy Characteristics</i>	<i>Summary or Status</i>
<i>Year Policies Last Reviewed by Institution</i>	2003
<i>Annual Evaluation / Review of Faculty</i>	All faculty are reviewed annually.
<i>Frequency of Full Post-Tenure Review Process</i>	Failure to receive a satisfactory rating during any annual review will trigger a more extensive post-tenure review process.
<i>Post-Tenure Review Process Exemptions and Exceptions</i>	None.
<i>Central Participants in Tenure or Post-Tenure Review</i>	<i>Tenure review:</i> "local academic unit administrator" (for example, department chair); program or department faculty committee on promotion and tenure; school, college, or institute faculty committee on promotion and tenure; dean/director of school, college, or institute; forwarded to president and board of visitors. <i>Post-tenure review:</i> local academic unit administrator; if deficiencies are not rectified, provost.
<i>Information Collected</i>	<i>Tenure review:</i> dossiers are prepared by candidates in accordance with the formal guidelines provided by the collegiate dean or institute director; external references. <i>Post-tenure review:</i> written plan of action to correct areas of unsatisfactory performance.
<i>Criteria / Standards</i>	<i>Tenure review:</i> teaching, scholarship, professional service, university service. <i>Post-tenure review:</i> plan of action for correcting unsatisfactory performance.
<i>Consequences If Post-Tenure Review Finds Deficient Performance</i>	Failure to rectify the deficiencies identified in the plan of action will result in the imposition of a sanction, or, in extreme cases, the initiation of dismissal proceedings.
<i>Appeals Process</i>	For all cases involving reappointment, promotion, and tenure, candidates receiving a negative decision may file a petition for appeal with the chair of the faculty senate and the provost. The chair of the senate forms an appeal board of three tenured faculty members. If the petitioner has at least one vote, the case is submitted to the president. The candidate may appeal the case to the chair of the faculty and academic standards committee of the board of visitors.

George Mason University

(continued)

Summary of Tenure and Post-Tenure Review Statistics

Total Tenure Reviews (during 2002-03 academic year): 31

Awarded Tenure: 30

Denied Tenure: 1 Appeals: 0 Successful Appeals: 0

Total Post-Tenure Reviews (from 1998-99 through 2002-03 academic years): 9

No problems/needs identified:

Incomplete reviews due to termination: 6

All improvement expectations met: 3

Expectations for improvement not met:

Results: No sanctions:

Phased retirement:

Mandatory teacher training:

Workload/assignment changes:

Ineligibility for travel funding or professional development leave:

Salary reduction or ineligibility for increase:

Demotion in rank:

Suspension:

Dismissal/Termination:

Other :

Tenure Status of Full-Time Faculty (during 2002-03 academic year):

<i>College/School</i>	<i>Tenured</i>	<i>Tenure-Track</i>	<i>Neither Tenured Nor Tenure-Track</i>	<i>Total</i>
Arts and Sciences	267	75	133	475
Computational Sciences	18	9	70	97
Inst. For Conflict Analysis and Resolution	5	2	4	11
Graduate School of Education	39	36	19	94
Information Technology and Engineering	67	16	27	110
Krasnow Institute	2	1	9	12
Law	24	8	11	43
Management	20	24	24	68
Nursing and Health Science	14	11	21	46
Public Policy	21	5	24	50
Visual and Performing Arts	14	20	9	43

Non-Tenure-Track, Full-Time Faculty Categorized (during 2002-03 academic year):

Visiting	
Teaching	216
Research	147
Clinical	
In-Residence Faculty	
Other (Coaches)	3

Fall 2003 Enrollments (Headcounts)

Number of undergraduate students:	17,073
Number of graduate or first professional students:	11,173
Number of graduate teaching assistants:	326

George Mason University

(continued)

Additional Notes from Interview During Site Visit

- **Are there policies or processes related to the implementation of tenure at George Mason that are unique to this institution?**

GMU has a “genuine excellence in teaching” program. If a faculty member demonstrates excellent teaching, he or she can get tenure without a much emphasis on research and publishing.

- **When looking at the percentages of full time faculty who were tenured and on tenure-track in 1993, 1997 and 2001 (from National Center for Education Statistics IPEDS data), there was some fluctuation across these years. What accounts for this fluctuation, other than retirement and replacement?**

Several factors explain why change has occurred. First, GMU has had some retirements over the past five to ten years. Most of the retirements have occurred in the college of arts sciences and the graduate school of education. Second, GMU’s student enrollment has grown very rapidly, as it is now the largest university in the State. It has grown by 4,000 students in the past three years. Because of rapid enrollment growth, GMU has been doing a lot of hiring, and new hires are generally junior faculty. So there is a larger base. Third, within the last year or two, GMU has begun offering fixed-term contracts for restricted faculty to meet the teaching demands of the institution. These contracts are for a three-year term, and may be reappointed. These faculty may also be promoted.

- **Under what circumstances are full-time faculty hired for non-tenure-track positions?**

High enrollment pressures create the need for more teachers.

The computational sciences school is new, and has a lot of sponsored program money. Many of these faculty are hired on fixed-term contracts.

- **Are faculty allowed to choose non-tenure-track employment?**

The position is advertised first as either tenure-track or fixed-term. Faculty can petition to change from tenure-track to term, but very few of these petitions have been approved.

- **Were there items in our survey that need some further comment or discussion?**

Some institutions count librarians as instructional faculty. GMU counts them as professional faculty. Slight differences in the numbers of non-tenured, non-tenure-track faculty could be because of librarians, or it could be people on leave.

- **What are the indirect outcomes of having a post-tenure review policy in place?**

Retirements are an indirect outcome, but GMU may not have as many faculty near retirement age as other institutions – because GMU is a relatively young institution.

Also, the deans and department chairs take annual evaluations much more seriously since post-tenure review was implemented.

- **Have there been any complaints from faculty regarding how much time and effort is taken up by the tenure review process or the post-tenure review process?**

One or two deans were concerned about the time factor. It could be three to five years before significant action is taken against a non-performing faculty member.

- **Overall, how does George Mason ensure that tenured faculty continue to be productive?**

The annual evaluation is central to the post-tenure review process. Further, GMU is growing a lot and adding degree programs, so the activity level has to stay high. If someone gets tenure and decides to do nothing, they'll get "run over."

GMU has a very thorough promotion and tenure process. About 80 percent of the faculty who are initially hired on tenure-track eventually get tenure. GMU offers a three-year initial appointment. Faculty may not be renewed but for a one-year terminal contract. By the sixth year, they usually have a strong research and teaching record.

The post-tenure review process serves as a wake-up call.

Old Dominion University

Summary of Tenure and Post-Tenure Review Policies

Policy Characteristics	Summary or Status
Year Policies Last Reviewed by Institution	<i>Tenure review policy:</i> 2003. <i>Post-tenure review policy:</i> 2002.
Annual Evaluation / Review of Faculty	All faculty undergo annual review.
Frequency of Full Post-Tenure Review Process	Triggered by two consecutive annual reviews stating serious deficiency in teaching, research, and/or service.
Post-Tenure Review Process Exemptions and Exceptions	No post-tenure review if no deficiencies are identified in annual evaluation. The second consecutive unsatisfactory annual review may result in post-tenure review, at the discretion of the department chair or dean of the school.
Central Participants in Tenure or Post-Tenure Review	<i>Tenure review:</i> at least four external reviewers of candidate's research; departmental committee of tenured faculty; department chair; tenure committee of college; dean of college; university promotion and tenure committee; provost; vice president for academic affairs. <i>Post-tenure review:</i> department chair, dean.
Information Collected	<i>Tenure review:</i> evidence of effective teaching; evidence of successful performance in research (in departments offering graduate work); faculty information sheets; chair's evaluation; material provided by candidate; external evaluation of the quality of the candidate's research performance, from nationally recognized experts in the candidate's field. <i>Post-tenure review:</i> teaching, research, and service record from previous evaluations; teaching evaluations by student questionnaires; strategic development plan to address deficiencies.
Criteria / Standards	<i>Tenure review:</i> external reviewers evaluate quality of candidate's scholarship and scholarly reputation; long term needs of department (for example, need for specialist in candidate's area, department's tenure structure); evidence of effective teaching; candidate must meet minimum requirements for rank of associate professor. <i>Post-tenure review:</i> progress in meeting goals outlined in strategic development plan within agree-upon timetable.
Consequences If Post Tenure Review Finds Deficient Performance	A faculty member who fails to make progress in meeting goals outlined in strategic development plan within agreed-upon timetable may be subject to disciplinary actions up to and including a major sanction as described in "Faculty Sanctions" section in Faculty Handbook .
Appeals Process	<i>Tenure review:</i> Faculty member may request that the president review a negative decision of the provost and vice president for academic affairs. Faculty member may request further review by board of visitors or its designated committee. <i>Post-tenure review:</i> A faculty member who disagrees with the administrative decision to initiate a post-tenure review may file a grievance and go through the grievance process. The department chair's decision for a post-tenure review may be appealed to the dean of the college. Objections to the dean's decision may be appealed to the provost and vice president for academic affairs.

Old Dominion University

(continued)

Summary of Tenure and Post-Tenure Review Statistics

Total Tenure Reviews (during 2002-03 academic year): 13

Awarded Tenure: 13

Denied Tenure: 0

Appeals: 0

Successful Appeals: 0

Total Post-Tenure Reviews (from 1998-99 through 2002-03 academic years): 4

No problems/needs identified:

Incomplete reviews due to termination: 3

All improvement expectations met: 1

Expectations for improvement not met:

Results: No sanctions:

Phased retirement:

Mandatory teacher training:

Workload/assignment changes:

Ineligibility for travel funding or professional development leave:

Salary reduction or ineligibility for increase:

Demotion in rank:

Suspension:

Dismissal/Termination:

Other :

Tenure Status of Full-Time Faculty (during 2002-03 academic year):

<i>College/School</i>	<i>Tenured</i>	<i>Tenure-Track</i>	<i>Neither Tenured Nor Tenure-Track</i>	<i>Total</i>
Arts and Letters	89	30	25	144
Business and Public Administration	47	24	13	84
Education (Darden)	40	17	22	79
Engineering and Technology	52	7	14	73
Health Sciences	20	19	7	46
Sciences	113	22	15	150

Non-Tenure-Track, Full-Time Faculty Categorized (during 2002-03 academic year):

Visiting	3
Teaching	75
Research	4
Clinical	
In-Residence Faculty	2
Other (Coaches)	

Fall 2003 Enrollments (Headcounts)

Number of undergraduate students:	14,209
Number of graduate or first professional students:	6,593
Number of graduate teaching assistants:	433

Old Dominion University

(continued)

Additional Notes from Interview During Site Visit

- **Are there policies or processes related to the implementation of tenure at Old Dominion that are unique to this institution?**

ODU was the first college in the State to implement post-tenure review. The impetus for post-tenure review came from the Board of Visitors. Many of the other institutions modeled their post-tenure review programs on ODU's program. ODU policy provides that tenure-track faculty may exclude up to one year of the probationary period for justifiable cause such as care-giving responsibilities associated with the birth or adoption of a child, serious personal or immediate family illness, or other serious extenuating circumstances.

- **Under what circumstances are full-time faculty hired for non-tenure-track positions?**

ODU hires ABDs as instructors with one-year annual reappointments. ODU also hires lecturers and senior lecturers. Senior lecturers are offered three-year contracts with the idea to bring in very talented teachers with no research expectations. Senior library staff are also faculty who are not tenured.

Budget reductions have caused a bi-modal distribution among the faculty. ODU now has a lot of senior faculty and young faculty, but not as much in the middle ranks. The private colleges were offering better money and lured many faculty away, and it will be very difficult to replace them.

- **Are faculty allowed to choose non-tenure-track employment?**

No. ODU makes the decision when the position is advertised.

- **Were there items in our survey that need further comment?**

ODU has not had to sanction a faculty member yet. They try to keep the process positive to improve faculty performance.

- **What are the indirect outcomes of having a post-tenure review policy in place?**

Retirement is the main indirect effect. There is a correlation between the importance placed on evaluations by faculty members and the amount of merit pay increases available. Reward money creates an incentive for faculty to perform and to take the evaluations seriously.

- **Have there been any complaints from faculty regarding how much time and effort is taken up by the tenure review process or the post-tenure review process?**

No. The evaluation system is pretty well integrated into the institution, and faculty are well aware of expectations.

Old Dominion University

(continued)

- **Overall, how does Old Dominion ensure that tenured faculty continue to be productive?**

Post-tenure review comes to life following the regular annual review process. It was implemented by the Board of Visitors. Previously, faculty were evaluated every three years. Now, all faculty are evaluated every year. ODU opted not to reevaluate all faculty for tenure on a rolling basis, but rather to use the annual evaluations as a trigger for post-tenure review. The post-tenure review has “teeth”, as faculty can be terminated. However, ODU has chosen to use post-tenure review as primarily a developmental tool rather than a punitive one.

Twenty-five faculty have gone through the post-tenure review process. Nineteen chose to retire while six wrote development plans and fulfilled them. They have never had to terminate a faculty member because of failure to implement a development plan.

ODU has a pre-tenure review after three years for tenure-track faculty. A lot of faculty get unfavorable reviews and exit the system prior to tenure evaluation. There is a real stigma attached to denial of tenure, and most faculty and the administration would rather they leave prior to the tenure evaluation.

University of Virginia

Summary of Tenure and Post-Tenure Review Policies

Policy Characteristics	Summary or Status
Year Policies Last Reviewed by Institution	<i>Tenure review:</i> 2000. <i>Post-tenure review:</i> 2003.
Annual Evaluation / Review of Faculty	All faculty members, including tenured faculty, are subject to annual evaluations.
Frequency of Full Post-Tenure Review Process	In cases where the annual review reveals unacceptable performance in any area of responsibility, normally over a period of two years.
Post-Tenure Review Process Exemptions and Exceptions	None in policy, but if faculty members decided to resign or retire, no post-tenure review would occur.
Central Participants in Tenure or Post-Tenure Review	<i>Tenure review:</i> Faculty in department and scholars outside university who provide references; dean; dean's promotion and tenure committee; provost's promotion and tenure committee; approval of provost, president, and board of visitors. <i>Post-tenure review:</i> Department chair; dean; peer review committee, if requested by faculty member; provost makes decision regarding suspension or termination.
Information Collected	<i>Tenure review:</i> Typically (although can be different for each school or department): curriculum vitae; copies of all publications and manuscripts awaiting publication; prose statement from candidate describing work in progress and teaching and research plans; copy of Third Year Review; report of candidate's teaching performance; departmental evaluation of candidate's published work and career trajectory; evaluation of service to department, university, profession, and Commonwealth; eight to ten letters solicited from outside experts assessing candidate's work and professional standing; all available review of candidate's published work or work submitted for publication; letter from department chair. <i>Post-tenure review:</i> Depends on the improvement plan that is developed by faculty member after an unsatisfactory annual review.
Criteria / Standards	Student instruction, scholarship and research (and/or creative activity), and service to the university, profession, and public.
Consequences If Post-Tenure Review Finds Deficient Performance	Depending on the context and severity of the unacceptable performance, "appropriate" remedial action may include developing an agreed-upon work plan, a reassignment of duties and responsibilities, written notice that performance in specified respects must be improved, or other actions designed to improve faculty member's performance within one to three years. In cases where unacceptable performance is not corrected, faculty member may have salary reduced or may be suspended or terminated from university employment.
Appeals Process	<i>Tenure review:</i> Candidate may request provost to review negative recommendations; provost may refer such appeals to provost's promotion and tenure committee. <i>Post-tenure review:</i> Faculty members who face possible suspension or termination may appeal through formal grievance procedures.

University of Virginia

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Summary of Tenure and Post-Tenure Review Statistics

Total Tenure Reviews (during 2002-03 academic year): 48

Awarded Tenure: 37
 Denied Tenure: 11 Appeals: 4 Successful Appeals: 1

Total Post-Tenure Reviews (from 1998-99 through 2002-03 academic years): 28

No problems/needs identified: 5
 Incomplete reviews due to termination: 5
 All improvement expectations met: 6
 Expectations for improvement not met: 17

Results: No sanctions: 11
 Phased retirement: 1
 Mandatory teacher training: 1
 Workload/assignment changes: 3
 Ineligibility for travel funding or professional development leave: 3
 Salary reduction or ineligibility for increase: 3
 Demotion in rank: 2
 Suspension: 2
 Dismissal/Termination: 2
 Other (Resigned in order to avoid termination): 2

Tenure Status of Full-Time Faculty (during 2002-03 academic year):

<i>College/School</i>	<i>Tenured</i>	<i>Tenure-Track</i>	<i>Neither Tenured Nor Tenure-Track</i>	<i>Total</i>
Architecture	27	9	6	42
Arts & Sciences	397	90	119	606
Continuing and Prof. Studies	0	0	7	7
Education (Curry)	54	17	20	91
Business (Darden)	36	14	10	60
Engineering and Applied Science	101	39	34	174
Law	43	15	13	71
Commerce	36	10	6	52
Medicine	303	193	328	824
Nursing	13	7	16	36
Other	0	0	41	41

Non-Tenure-Track, Full-Time Faculty Categorized (during 2002-03 academic year):

Visiting 8
 Teaching 207
 Research 89
 Clinical 281
 In-Residence Faculty
 Other* 15
 *Public Service Faculty

Fall 2003 Enrollments (Headcounts)

Number of undergraduate students: 13,829
 Number of graduate or first professional students: 9,248
 Number of graduate teaching assistants: 927

Additional Notes from Interview During Site Visit

- **Overall, how does the University of Virginia ensure that tenured faculty continue to be productive?**

UVA has rigorous annual reviews coupled with post-tenure reviews. The main reason faculty try to stay productive is peer driven. They are driven to be excellent. The review process checks up on faculty, but it does not inspire them. The reviews of their peers, including international peers, and students are important. People are judging you internationally based only on what you have written. UVA also gives out teaching awards. But generally, the university focuses on excellence in scholarship.

A number of issues are dealt with in the annual review process. If a problem is identified and dealt with, then there is no post-tenure review. Review of faculty members is constant, and the degree of accountability is higher than many people think. Annual reviews are the metric that all salary increases are based on. There is a university-wide policy on which annual reviews are based that is very general. However, the different departments write their own descriptions of specific annual review criteria. Faculty members are compared against others in their field, not against faculty members in other departments at UVA.

- **Are post-tenure reviews effective at getting staff who are declining to be productive again?**

Most of these situations are self-correcting. For example, if a faculty member cannot get external funding anymore, maybe he/she will naturally change to more teaching. In the arts and sciences, the service burden changes. The better people give more service. The university tries to protect junior people to give them more time for research, so the senior faculty give more service. A lot of this service is not just within the university but includes serving on international societies and other functions. This improves the status of the university. In summary, by the time someone gets to post-tenure review, he or she already should have responded to problems that have been identified, but did not.

Two years of unacceptable annual reviews would trigger a post-tenure review. The review will focus on particular areas that need to improve. (One thing to be aware of is that some areas, for example research, are often cyclical.) Department heads and deans are often looking for patterns in the annual reviews. Toward the end of a faculty member's career, there may be a pattern of decline that triggers a post-tenure review.

- **When looking at the percentages of full time faculty who were tenured and on tenure-track in 1993, 1997 and 2001 (from National Center for Education Statistics IPEDS data), there was a slight decrease in the percentage of tenured faculty in 2001. What accounts for this decrease?**

There has been an increase in non-tenure track faculty, particularly researchers that are not tenure track, which reduces the percentage of tenure track faculty. For example, there has been an increase in research faculty in medicine. The number of full-time non-tenure track faculty in the medical school increased from 12 percent to 20 percent in 2000. The Federal research budget also has quadrupled in recent years, which has contributed to the increase in non-tenure track research faculty.

University of Virginia

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There probably has not been a big change in the number of tenure-eligible faculty. If the number of tenured faculty was going up by much, UVA would worry that it was getting too top heavy. UVA has tried to limit the number of adjuncts.

- **Under what circumstances are full-time faculty hired for non-tenure-track positions?**

There are three circumstances:

1. Full-time researchers.
 2. Faculty that are teaching a large number of classes full-time but are not carrying out other functions, such as research. These types of faculty might be found in specialized areas for which there is student demand, such as some of the Asian languages. This allows more flexibility for the university.
 3. Clinical faculty at the medical schools. These faculty still see patients, but they also have students. There are hundreds of clinical faculty at UVA. They are classified as instructional.
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- **Are faculty allowed to choose non-tenure-track employment?**

Faculty are very rarely allowed to choose their type of employment. Normally UVA advertises a position as a particular position type. Tenure-track and non-tenure track positions are pretty well segregated.

- **Is it typical for the University of Virginia to deny tenure to over 20 percent of the candidates who are reviewed?**

The tenure results shown for the 2002-03 academic year are typical for UVA since the tenure process is a fairly constant one. Only 50 percent of those that begin as assistant professors get tenure. The more elite the school, the less likely it is to give tenure. The Ivy League has become unreasonable about not granting tenure. One would hope a candidate ends up deserving of tenure, because the replacement costs of faculty are astounding. During the probationary period, faculty are reviewed every year and there is a third-year peer review.

- **What are the indirect outcomes of having a post-tenure review policy in place?**

Retirement is the most common indirect outcome. For those who took phased retirement, the post-tenure review process pushes them over the line to retire.

- **Have there been any complaints from faculty regarding how much time and effort is taken up by the tenure review process or the post-tenure review process?**

There have been no complaints, particularly for tenure. Time and effort is built into the process for tenure for both the review committees and the tenure candidates. Some feel that tenure is what faculty members get instead of money. The evaluation process is long, but everyone realizes the benefits and takes the process very seriously.

Virginia Commonwealth University

Summary of Tenure and Post-Tenure Review Policies

Policy Characteristics	Summary or Status
Year Policies Last Reviewed by Institution	2003.
Annual Evaluation / Review of Faculty	All faculty have a written annual evaluation.
Frequency of Full Post-Tenure Review Process	Triggered by an overall unsatisfactory rating on the annual evaluation. (Rating categories are: excellent, very good, satisfactory, needs improvement, and unsatisfactory.)
Post-Tenure Review Process Exemptions and Exceptions	No additional post-tenure review if no overall unsatisfactory rating in annual evaluation.
Central Participants in Tenure or Post-Tenure Review	<p><i>Tenure review:</i> Peer committee (tenured faculty primarily from the school); department chair; school promotion and tenure committee; dean of school; vice-president for academic affairs or for health sciences; president and Board of Visitors.</p> <p><i>Post-tenure review:</i> post-tenure review panel (five tenured faculty members, at least two from faculty member's department and at least one from another department), which reports to department chair and dean of school.</p>
Information Collected	<p><i>Tenure review:</i> Candidate develops a file following guidelines established by the department. The file includes information on credentials and experience; demonstrated quality in teaching; demonstrated continuing scholarship and professional growth; demonstrated performance of service responsibilities; and demonstrated performance of responsibilities unique to the school or department. The file would include as supporting documentation: student evaluations, individualized work plans, prior reviews, and written internal and external evaluations.</p> <p><i>Post-tenure review:</i> department's work load policy; any written agreement about the faculty member's role and performance expectations; all annual evaluations; faculty member's current vita; statement of activities since the most recent annual evaluation.</p>
Criteria / Standards	<p><i>Tenure review:</i> appropriate credentials and experience; demonstrated quality in teaching; demonstrated continuing scholarship and professional growth; demonstrated performance of service responsibilities; additional special criteria unique to a given school and/or department.</p> <p><i>Post-tenure review:</i> Specific criteria are set by the different schools and departments. General university-wide criteria are included in the "Faculty Roles and Rewards Policy" section of the Faculty Handbook.</p>
Consequences If Post-Tenure Review Finds Deficient Performance	If the post-tenure review panel finds that the faculty member's performance was unsatisfactory during the period in question, the panel, department chair and/or dean, and the faculty member will develop a two-year improvement plan. At the end of the first year of the improvement plan, the panel will either recommend continuation of the plan through the second year, modification of the plan, or if it is evident that no progress has been made toward improvement, it shall recommend to the chair and/or dean that they initiate dismissal for cause. At the end of the two-year plan, the panel will reconvene and again conduct a review of the faculty member's performance. If it finds that the faculty member's performance has been satisfactory, the review process ends. If it finds that the faculty member's performance is unsatisfactory, it shall recommend dismissal for cause.
Appeals Process	All appeals concerning tenure or post-tenure reviews go to the University Appeal Committee. The Committee contacts those review bodies identified with the decision being appealed. After reviewing the record and hearing testimony, the Committee shall take one of the following actions and shall forward its recommendation to the president: (1) vote to support the appellant; (2) vote to deny the appellant; or (3) decide that the candidate's file should be reconsidered at a prior level of review.

Virginia Commonwealth University

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Summary of Tenure and Post-Tenure Review Statistics

Total Tenure Reviews (during 2002-03 academic year): 40

Awarded Tenure: 37

Denied Tenure: 3

Appeals: 2

Successful Appeals: 1

Total Post-Tenure Reviews (from 1998-99 through 2002-03 academic years): 5

No problems/needs identified: 1

Incomplete reviews due to termination: 2

All improvement expectations met:

Expectations for improvement not met: 2

Results: No sanctions:

Phased retirement: 1

Mandatory teacher training:

Workload/assignment changes: 1

Ineligibility for travel funding or professional development leave:

Salary reduction or ineligibility for increase:

Demotion in rank:

Suspension:

Dismissal/Termination:

Other:

Tenure Status of Full-Time Faculty (during 2002-03 academic year):

<i>College/School</i>	<i>Tenured</i>	<i>Tenure-Track</i>	<i>Neither Tenured Nor Tenure-Track</i>	<i>Total</i>
Humanities and Sciences	174	38	68	280
Allied Health Professions	26	13	29	68
School of the Arts	85	22	44	151
Business	80	4	14	98
Dentistry	33	8	21	62
Education	30	14	63	107
Engineering	27	11	4	42
Medicine	247	40	370	657
Nursing	14	7	10	31
Pharmacy	19	7	32	58
Social Work	23	4	23	50
Other Academic Areas	1	0	38	39

Non-Tenure-Track, Full-Time Faculty Categorized (during 2002-03 academic year):

Visiting

Teaching 123

Research 589

Clinical 4

In-Residence Faculty

Other* 204

*Research assistants & associates

Fall 2003 Enrollments (Headcounts)

Number of undergraduate students: 18,312

Number of graduate or first professional students: 8,458

Number of graduate teaching assistants: 588

Additional Notes from Interview During Site Visit

- **Are there policies or processes related to the implementation of tenure at VCU that are unique to this institution?**

1. VCU changed its policy last year to allow collateral (non-tenured) faculty to serve on the promotion committees for other collateral faculty.
 2. The University Promotion and Tenure Policy Review Committee formulates general instructions and schedules, receives written guidelines for promotion and tenure from each unit where academic personnel actions are initiated, reviews those guidelines for clarity and conformity with the University Faculty Promotion and Tenure Policy and Procedures document, performs an in-depth review of all steps of the promotion and tenure review processes in each school on a rotating three-year basis, and reports annually to the president and faculty. Additionally, there is a university-wide appeals committee, which considers appeals from decisions not to award promotion or tenure and appeals from decisions to terminate a tenured faculty member for cause.
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- **When looking at the percentages of full-time faculty who were tenured and on tenure-track in 1993, 1997 and 2001 (from National Center for Education Statistics IPEDS data), VCU's percentage of full-time faculty with tenure or on tenure track has declined over this period. Has VCU instituted a policy to reduce the portion of full-time faculty who are tenured or on tenure-track?**

VCU has no formal policy to decrease the percentage of tenured faculty. This decrease occurred for several reasons:

1. VCU has hired more faculty that are 100 percent research and clinical and are not on tenure-track.
2. In addition to the State WTA program, VCU has offered an alternative severance option and an early retirement incentive program that have provided incentives for eligible tenured faculty, with management approval, to retire or resign to accept other positions outside the university. The alternative severance option and early retirement incentive program are tools for academic restructuring.
3. There has been less money available to hire full-time faculty.
4. VCU has hired more collateral faculty to provide increased flexibility during a time of budgetary uncertainty. Generally, collateral faculty are paid less than tenure-track faculty. Some collateral faculty do not have doctoral degrees, but all meet SACS and discipline guidelines on faculty qualifications. VCU has a low number of graduate TAs relative to other universities, and uses more collateral faculty, in part because VCU is able to attract talented, qualified people from the local area.

VCU is actively building its tenured faculty and is planning to fill vacancies with tenured faculty. Basically, VCU tried to refresh its tenured faculty with early retirement options, but then was faced with budget cuts that prevented them from filling the vacancies with new tenured or tenure-track faculty.

Among tenure-track faculty who are reviewed for tenure, there are a low number of tenure denials, in part, because VCU has a third-year review of tenure-track faculty. This review is very

Virginia Commonwealth University

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useful. VCU would not want someone to stay who is ultimately going to be denied tenure. The third-year review is a win-win situation for both the university and the candidate. The third-year review has been around for at least ten years.

- **Under what circumstances are full-time faculty hired for non-tenure-track positions?**

This responsibility is entrusted with the deans, who pay attention to enrollment patterns. Where possible, VCU prefers to hire tenure-track faculty. However, many research faculty are purposefully hired on collateral contracts.

Collateral faculty generally are hired on one- to five-year contracts, and the contracts can be renewed. Occasionally, collateral faculty apply for tenure-track positions at other universities.

- **Are faculty allowed to choose non-tenure-track employment?**

No. VCU decides when it advertises a position whether it is tenure-track. The deans make this decision based on enrollment and budgets. VCU wants to increase the number of tenured and tenure track faculty, but needs a stable budget.

- **Were there items in the survey that need further comment or elaboration?**

"Research" and "clinical" designations are not mutually exclusive. Of the 589 non-tenure research faculty reported, 318 have appointments in clinical departments.

- **What are the indirect outcomes of having a post-tenure review policy in place?**

Keeping faculty productive is the main thing. Retirements may also be an indirect effect.

- **Have there been any complaints from faculty regarding how much time and effort is taken up by the tenure review process or the post-tenure review process?**

There have been no complaints. Faculty are aware of the importance of these processes, particularly for tenure.

- **Overall, how does VCU ensure that tenured faculty continue to be productive?**

Deans and department chairs focus on faculty workload and productivity at the unit level. Annual evaluations also play a role. Annual evaluations are based on assigned workloads. Faculty are evaluated based on their particular teaching or research assignments. Faculty members teach four, six, or eight courses (over the entire year) depending on the amount of research they conduct. When coupled with faculty roles and rewards, post-tenure review allows for progression and professional development and maximizes the opportunity for faculty to contribute to departmental/school goals and objectives.

Summary of Tenure and Post-Tenure Review Policies

Policy Characteristics	Summary or Status
Year Policies Last Reviewed by Institution	2003
Annual Evaluation / Review of Faculty	All faculty are reviewed annually.
Frequency of Full Post-Tenure Review Process	Triggered when faculty member receives "unsatisfactory" rating during annual performance review for two successive years
Post-Tenure Review Process Exemptions and Exceptions	No additional post-tenure review if no unsatisfactory ratings in annual evaluations. Review may be waived or postponed in extenuating circumstances (such as health problems).
Central Participants in Tenure or Post-Tenure Review	<i>Tenure review:</i> departmental committee and head or chair; college committee and dean; university committee and provost. <i>Post-tenure review:</i> departmental promotion and tenure committee; department head or chair; dean; report to provost.
Information Collected	<i>Tenure review</i> candidate dossier consists of: resume; recommendation statements; candidate's statement; evidence of teaching and advising effectiveness, including student evaluations; research, scholarly, and creative achievements; outreach professional accomplishments, including committee service. <i>Post-tenure review</i> dossier includes: up-to-date curriculum vitae; the past two or more faculty activity reports; teaching assessments; description of activities and accomplishments since the last faculty activity report. Last two annual evaluations and supporting materials are also included in post-tenure review.
Criteria / Standards	<i>Tenure review:</i> Candidate demonstrating high level of general competence in (1) teaching, (2) research, and (3) outreach. Beyond basic foundation of competence, tenure decisions will be influenced by signs of genuine excellence in one or two areas. Tenure decisions shall also reflect future departmental program directions, and shall maintain flexibility by preserving opportunities to appoint new faculty in various sub-fields of department. <i>Post tenure review:</i> departmental standards for (1) instruction, (2) activity in and contribution to the academic discipline, (3) contributions to collective life of department, college, and university, and (4) university's outreach.
Consequences If Post Tenure Review Finds Deficient Performance	Departmental committee review may result in one of the following outcomes: certification of satisfactory performance; or certification of deficiencies, with a recommendation for (1) a period of remediation (not more than two years), (2) sanction other than dismissal for cause (such as demotion in rank, reduction in salary, or suspension without pay), or (3) dismissal for cause.
Appeals Process	<i>Tenure review:</i> faculty member may appeal negative department decision to college committee on tenure and promotion, and to dean; positive college-level decision is sent with dossier to university committee (as in normal review process). If department decision is positive but college-level decision is negative, candidate may appeal decision to provost and university committee. <i>Post-tenure review:</i> faculty member may appeal recommendation for severe sanction (including dismissal for cause) to a formal hearing panel and to Board of Visitors, as specified in section 2.11.3 of Faculty Handbook.

Virginia Tech

(continued)

Summary of Tenure and Post-Tenure Review Statistics

Total Tenure Reviews (during 2002-03 academic year): 43

Awarded Tenure: 37

Denied Tenure: 6 Appeals: 4 Successful Appeals: 3

Total Post-Tenure Reviews (from 1998-99 through 2002-03 academic years): 20

No problems/needs identified:

Incomplete reviews due to termination: 13

All improvement expectations met: 4

Expectations for improvement not met: 3

Results: No sanctions:

Phased retirement:

Mandatory teacher training:

Workload/assignment changes:

Ineligibility for travel funding or professional development leave:

Salary reduction or ineligibility for increase:

Demotion in rank:

Suspension:

Dismissal/Termination: 2

Other (Still pending): 1

Tenure Status of Full-Time Faculty (during 2002-03 academic year):

<i>College/School</i>	<i>Tenured</i>	<i>Tenure-Track</i>	<i>Neither Tenured Nor Tenure-Track</i>	<i>Total</i>
Agriculture and Life Sciences	167	58	106	331
Architecture and Urban Studies	70	22	33	125
Business (Pamplin)	85	24	11	120
Engineering	210	71	108	389
Liberal Arts and Human Sciences	220	64	114	398
Natural Resources	42	14	38	94
Science	171	30	97	298
Veterinary Medicine	58	16	13	87

Non-Tenure-Track, Full-Time Faculty Categorized (during 2002-03 academic year):

Visiting 28

Teaching 183

Research 438

Clinical

In-Residence Faculty

Other* 749

*Includes administrative and professional faculty such as extension agents, coaches, counselors, and librarians

Fall 2003 Enrollments (Headcounts)

Number of undergraduate students: 21,348

Number of graduate or first professional students: 6,407

Number of graduate teaching assistants: 936

Virginia Tech (continued)

Additional Notes from Interview During Site Visit

- **Are there policies or processes related to the implementation of tenure at Virginia Tech that are unique to this institution?**

Not really. Virginia Tech cannot afford to be out of line with national norms, because they need to recruit faculty.

Virginia Tech's post-tenure review policy was adopted by their Board of Visitors following the directive from the General Assembly included in the Appropriation Act. They adopted the ODU process of using post-tenure review when triggered by unsatisfactory annual reviews.

Every department writes its own minimum standards document for faculty explaining satisfactory performance in teaching, research, and service. Faculty committees in five different departments developed draft documents as part of a pilot project. These documents were then shared with the remaining departments as models. All documents were required to protect the faculty member's right to academic freedom. The university approved the departmental standards documents once they were found to be acceptable.

- **When looking at the percentages of full time faculty who were tenured and on tenure-track in 1993, 1997 and 2001 (from National Center for Education Statistics IPEDS data), there was some fluctuation across these years. What accounts for this fluctuation, other than retirement and replacement?**

Prior to 1998, Virginia Tech reported only "instructional" faculty as part of the faculty count for the IPEDS report. This reporting practice left out a significant number of teaching and research faculty with heavier assignments in research and public service, funded as part of the land grant mission. Inclusion of these faculty members (particular in research) resulted in a larger denominator and the ratio of tenured faculty to total faculty went down. Also, Virginia Tech lost more than 100 tenured faculty members to early retirement as part of the recent budget reductions, and additional faculty to other institutions because of lack of money for adequate pay raises. (Virginia Tech uses endowments to supplement salaries of 115 faculty members).

Sponsored research funding is only available in large amounts in some colleges. Business has had little or no sponsored research funding. Science, Engineering, and Agriculture get sponsored research funding and have more fixed-term contract staff.

- **Under what circumstances are full-time faculty hired for non-tenure-track positions?**

When they need someone to teach only or do research only. Instructors may teach four courses per semester instead of one or two. Instructors are often used to teach foreign languages, English composition, and math courses.

Somebody may be on leave, and Virginia Tech will bring in a visiting faculty member to fill the position in the short-term.

- **Are faculty allowed to choose non-tenure-track employment? Approximately what percentage of candidates desire non-tenure-track full-time positions?**

No. They have had one instance of a faculty member wanting out of a tenure position.

Virginia Tech (continued)

- **What are the indirect outcomes of having a post-tenure review policy in place?**

Eighty percent of the cases of poor performance resign upon notification of “unsatisfactory performance” that would lead to post-tenure review.

- **Were there items in our survey that need additional comment?**

Virginia Tech originally reported 40 cases undergoing tenure review in which tenure was awarded. This number includes the three cases in which tenure was initially denied but was successfully appealed. In order to avoid counting the three successful appeals twice, and to maintain consistency with how the other institutions reported their numbers, JLARC staff reported 37 cases that were awarded tenure, with the three cases that were successfully appealed being counted in the “denied tenure” category (although that decision was later reversed in those three cases).

- **Have there been any complaints from faculty regarding how much time and effort is taken up by the tenure review process or the post-tenure review process?**

For tenure review, the process is burdensome, but faculty expect it. This is part of university culture. Faculty would be upset if they did not go through the full process.

- **Overall, how does Virginia Tech ensure that tenured faculty continue to be productive?**

Every faculty member has an annual evaluation, with every department specifying minimum standards of performance. Raises in salary are tied to the annual evaluations. Last year, about two dozen faculty members got no raise in salary because of poor performance, which sent them a clear signal.

There is the incentive to reach full professor, and the process takes eight to ten years on average after tenure is attained. Faculty productivity is tied to the institution’s performance measures, such as the number of publications. Virginia Tech also uses its faculty performance to measure the national competitiveness of the university.

The tenure process itself tends to weed out those who would be unproductive, so that those who make it tend to continue to be productive after tenure is awarded. Very few faculty who stay through the tenure review process get turned down for tenure, because those who would not be awarded tenure are weeded out in the six years prior to the tenure review decision. Some are counseled to leave, some are terminated. Tenure-track faculty are subject to two-year and four-year reviews to let them know of their progress toward tenure.

Peer pressure is also a very good motivator. If a faculty member is not performing up to standards, they are made aware of it. Everybody is having to do more with less, so if anyone is not carrying his or her load, it is noticed.

Christopher Newport University

Summary of Tenure and Post-Tenure Review Policies

<i>Policy Characteristics</i>	<i>Summary or Status</i>
<i>Year Policies Last Reviewed by Institution</i>	Tenure review policy: 1997. Post-tenure review policy: 2004 (awaiting approval by president)
<i>Annual Evaluation / Review of Faculty</i>	Annual peer review process required of tenure-track faculty; all other faculty evaluated annually by deans and provost.
<i>Frequency of Full Post-Tenure Review Process</i>	New policy calls for scheduled and unscheduled reviews. Scheduled reviews occur every six years (although if a faculty member has an unscheduled review during that six-year period, it re-sets the clock). Unscheduled reviews occur when faculty member has two unsatisfactory annual reviews in three consecutive years.
<i>Post-Tenure Review Process Exemptions and Exceptions</i>	Policy does not state any exemptions, but it is always possible for a faculty member to request an exemption, and for the university to grant it.
<i>Central Participants in Tenure or Post-Tenure Review</i>	"Peer review" process applies to both tenure review and full post-tenure review. Participants are: five to seven members of department on "peer group," including department chair; dean; university committee; provost; final approval of president and (for the award of tenure, but not for post-tenure review decisions) board of visitors.
<i>Information Collected</i>	Each faculty member provides (1) annual activities report (highlighting teaching, professional development, and service activities), and (2) dossier, including: curriculum vita; all previous annual activities reports; all summary statements, decisions, and recommendations from previous evaluations; instructional evaluation reports; documentation of teaching, such as course syllabi and examinations; documentation of professional development (such as published papers, manuscripts in progress, papers delivered at professional meetings); documentation of service both inside and outside university. Additional information reviewed includes: (3) student ratings of instruction, and (4) department enrollment patterns and projections.
<i>Criteria / Standards</i>	Long range needs of the department and university. Three major areas of evaluation of candidate: (1) teaching effectiveness (the most important element of the evaluation); (2) professional development; and (3) service.
<i>Consequences If Post-Tenure Review Finds Deficient Performance</i>	Tenured faculty member will be required to develop an acceptable plan for remedying identified deficiencies. Failure by tenured faculty member to meet expectations for improvement will result in one of the standard sanctions, including dismissal for cause.
<i>Appeals Process</i>	No appeals process is specified in the sections of the University Handbook addressing the tenure review and post-tenure review process. However, the faculty member may qualify to go through the grievance process, as specified in Section XI of the University Handbook.

Christopher Newport University

(continued)

Summary of Tenure and Post-Tenure Review Statistics

Total Tenure Reviews (during 2002-03 academic year): 6

Awarded Tenure: 4
 Denied Tenure: 2 Appeals: 0 Successful Appeals: 0

Total Post-Tenure Reviews (from 1998-99 through 2002-03 academic years): 25

No problems/needs identified: 18
 Incomplete reviews due to termination: 6
 All improvement expectations met: 1
 Expectations for improvement not met:

Results: No sanctions:
 Phased retirement:
 Mandatory teacher training:
 Workload/assignment changes:
 Ineligibility for travel funding or professional development leave:
 Salary reduction or ineligibility for increase:
 Demotion in rank:
 Suspension:
 Dismissal/Termination:
 Other:

Tenure Status of Full-Time Faculty (during 2002-03 academic year):

<i>College/School</i>	<i>Tenured</i>	<i>Tenure-Track</i>	<i>Neither Tenured Nor Tenure-Track</i>	<i>Total</i>
Liberal Arts and Sciences	87	46	26	159
Business	14	9	3	26
Library	3	2	0	5
Sponsored Research	0	0	13	13

Non-Tenure-Track, Full-Time Faculty Categorized (during 2002-03 academic year):

Visiting
 Teaching 29
 Research 13
 Clinical
 In-Residence Faculty
 Other

Fall 2003 Enrollments (Headcounts)

Number of undergraduate students: 4,680
 Number of graduate or first professional students: 132
 Number of graduate teaching assistants: 5

Christopher Newport University

(continued)

Additional Notes from Interview During Site Visit

Every probationary tenure-track and tenured faculty member undergoes an annual review. Deans are in charge of the annual review process. The annual reviews are based on teaching, scholarship, and service. They are the basis for merit raises, and they also trigger post-tenure review (which is a more elaborate process that they call peer review). Post-tenure review involves the preparation of a dossier. The dossier is reviewed by peers, then the dean makes his/her judgment. Then it goes to the faculty review committee. After that review, it goes to the provost, then the president. (So post-tenure review involves a review by two peer groups.)

Some faculty have actually asked for a post-tenure review. For example, if someone is thinking about going up for a promotion, but is not sure how they will be received, they may ask for a post-tenure review to test the waters. They may also request a post-tenure review to demonstrate their credentials.

- **Under what circumstances are full-time faculty hired for non-tenure-track positions?**

There are several:

1. If they want to fill a tenure-track position but the search is unsuccessful, CNU will advertise locally (that is, from Richmond to Virginia Beach) for a restricted employee for one year, which will allow them to continue their search for a permanent candidate. These restricted employees typically do not have terminal degrees.
2. If a faculty member takes a leave of absence, they will hire someone to fill the spot temporarily.
3. There are also a certain number of positions (about ten) that they fill with individuals on restricted appointments for courses that are taught in large numbers of sections. (These faculty will often stay for years and years.) For example, there are five individuals with master's degrees in the English department who primarily teach the Freshman Composition course. CNU has no intention of letting go of these positions at the end of each year. It permits them to not hire faculty who are more expensive than they need. They are, in effect, "positions that never grow up." There are also a couple of these positions in the math department, and one in management.
4. Sometimes they will write an job advertisement that says they will consider hiring someone who does not yet have their doctorate on a restricted appointment, with the understanding that once they finish their doctorate, they can go through peer review to change their status to the tenure track. This usually happens about once a year.

CNU has traditionally had a heavy dependence on adjunct faculty (about 50 FTEs this year). They are short about 40-50 salaried faculty, and this is who the adjuncts fill in for.

- **Are faculty allowed to choose non-tenure-track employment?**

Yes, although nobody has done this.

Christopher Newport University

(continued)

- **If post-tenure reviews in the past five years were triggered by unsatisfactory reviews, then why are there 18 post-tenure reviews where no problems or needs for improvement were identified?**

These 18 post-tenure reviews were probably not triggered by an unsatisfactory review. They were probably cases where the faculty member requested a post-tenure review (as described earlier).

- **What are the indirect outcomes of having a post-tenure review policy in place?**

The hope is that the post-tenure review process charts a path for improvement. This is good for both the individual and the university, and is the best possible side effect of post-tenure review. But it is not clear how often this happens. There is only one person in the 2002-03 academic year who went through the process and met all expectations for improvement.

Another indirect effect is that it keeps those responsible for the quality of the academic program more involved in the program. They get to see course evaluations and other information, so they know more about what's going on in the classrooms.

- **Have there been any complaints from faculty regarding how much time and effort is taken up by the tenure review process or the post-tenure review process?**

Yes, but mostly about the burden of post-tenure review (having to put together a dossier). There is always grumbling about the amount of information in the dossiers, but for all the grumbling, there has never been a proposal for change that everyone agreed would be an improvement. The new policy requiring scheduled post-tenure reviews will help this because faculty will have to keep their dossiers up to date.

- **Overall, how does Christopher Newport ensure that tenured faculty continue to be productive?**

1. They make clear their expectations (spelled out in the University Handbook)
2. There is an annual evaluation process (it's an abbreviated summary and does not involve peer review, but it is effective for identifying concerns)
3. There is a peer review process, which allows concerns to be addressed
4. Finally, if necessary, they have dismissal for cause

Tenured appointments, properly administered, are a good thing for universities. "Properly administered" is the key. The problems with tenure lie in not knowing how to deal with it. For example, when senior administrators are worried about being in the middle of discord, or are worried about being sued, then tenure does not work as well. If a university has good clear policies, then tenure is manageable.

A good tenure review process is also key. The idea that "tenure candidates are given tenure because you can't find anything wrong with them" is wrong. Universities need to evaluate candidates from the point of view of "what works best for this university?" It is not enough to say that a candidate is tolerable. Tenure is an enormous investment by the university, so the degree of rigor has to be high.

James Madison University

Summary of Tenure and Post-Tenure Review Policies

Policy Characteristics	Summary or Status
Year Policies Last Reviewed by Institution	2001
Annual Evaluation / Review of Faculty	All faculty have an annual review, which is directly tied to merit pay.
Frequency of Full Post-Tenure Review Process	Triggered when faculty member receives "unsatisfactory" rating in two of the three most recent annual performance reviews
Post-Tenure Review Process Exemptions and Exceptions	No additional post-tenure review if no unsatisfactory ratings in annual evaluations.
Central Participants in Tenure or Post-Tenure Review	<i>Tenure review:</i> academic unit (department) head; academic unit personnel advisory committee; dean; vice president for academic affairs; recommendation forwarded to president and board of visitors. <i>Post-tenure review:</i> academic unit head; academic unit personnel advisory committee; dean; vice president for academic affairs.
Information Collected	<i>Tenure review:</i> candidate provides summary of activities and accomplishments in the areas of teaching, scholarly achievement and professional qualifications, and professional service. <i>Post-tenure review:</i> faculty member's evaluations from last three years.
Criteria / Standards	<i>Tenure review:</i> candidate must meet standards for promotion to associate professor. Candidate's performance evaluated in terms of teaching, scholarly achievement and professional qualifications, and professional service. Other criteria include need for faculty member in the particular academic unit or academic specialization; program reduction or elimination; financial exigency; or conduct. <i>Post-tenure review:</i> Teaching, scholarly achievement and professional qualifications, and professional service.
Consequences If Post Tenure Review Finds Deficient Performance	Academic unit head, in consultation with faculty member, develops remediation plan. The plan includes specification of activities to be performed. The tenured faculty member has the remainder of the academic year and the next full academic year to accomplish objectives of the plan. If the academic unit personnel advisory committee, dean, and vice president for academic affairs determine that the faculty member has not satisfactorily completed the objectives of the plan, sanctions may be imposed. Sanctions include reduction in salary and dismissal.
Appeals Process	<i>Tenure review:</i> faculty member may appeal negative decision to Faculty Appeals Committee. Committee may grant, or else deny, a hearing. <i>Post-tenure review:</i> faculty member may appeal remediation decision or plan contents to vice president for academic affairs. Sanctions may be appealed to Faculty Appeals Committee. Committee determines whether a hearing is warranted.

James Madison University

(continued)

Summary of Tenure and Post-Tenure Review Statistics

Total Tenure Reviews (during 2002-03 academic year): 13

Awarded Tenure: 13

Denied Tenure: 0 Appeals: 0 Successful Appeals: 0

Total Post-Tenure Reviews (from 1998-99 through 2002-03 academic years): 4

No problems/needs identified:

Incomplete reviews due to termination: 2

All improvement expectations met:

Expectations for improvement not met: 2

Results: No sanctions:

Phased retirement: 2

Mandatory teacher training:

Workload/assignment changes:

Ineligibility for travel funding or professional development leave:

Salary reduction or ineligibility for increase:

Demotion in rank:

Suspension:

Dismissal/Termination:

Other:

Tenure Status of Full-Time Faculty (during 2002-03 academic year):

<i>College/School</i>	<i>Tenured</i>	<i>Tenure-Track</i>	<i>Neither Tenured Nor Tenure-Track</i>	<i>Total</i>
Arts and Letters	130	70	72	272
Business	56	30	26	112
Education	22	15	5	42
Integrated Science and Technology	73	42	56	171
Science and Mathematics	57	24	17	98
Assessment and Research Studies		3	2	5
General Education	1		1	2
Library			1	1

Non-Tenure-Track, Full-Time Faculty Categorized (during 2002-03 academic year):

Visiting	1
Teaching	180
Research	2
Clinical	2
In-Residence Faculty	
Other	

Fall 2003 Enrollments (Headcounts)

Number of undergraduate students:	14,991
Number of graduate or first professional students:	1,212
Number of graduate teaching assistants:	27

Additional Notes from Interview During Site Visit

- **When looking at the percentages of full time faculty who were tenured and on tenure-track in 1993, 1997 and 2001 (from National Center for Education Statistics IPEDS data), there was a decrease in the percentage of tenured faculty between 1997 and 2001. What might have accounted for this decrease?**

The Board of Visitors of James Madison University asked the administration to monitor the percentage of tenured and tenure track faculty in the mid to late 1990s to make certain that the university was not in danger of losing its flexibility in staffing. Consequently, the Board adopted a policy that no department could have more than 75 percent tenured faculty. As another partial answer to this concern, a new type of contract was created by the administration and adopted by the Board.

The university used this type of contract extensively in the late 1990's, and with the attrition of retiring and departing tenured and tenure-track faculty members, and few new tenured or tenure-track faculty members being hired, the percentages started to drop. There does not appear to be any real difference in the talent pool between tenure track faculty and those on RTA contracts.

Budget difficulties have also played a part in the loss of tenured and tenure-track faculty members, who are lured away from James Madison University by offers of more money, a lighter teaching load, and more start-up dollars at other institutions. Retaining faculty is getting more difficult, especially in health and business.

- **Under what circumstances are full-time faculty hired for non-tenure-track positions?**

The Renewable Term Appointment (RTA) is for a single year in its initial term, and it is renewed automatically each year unless the university gives notice of non-renewal. The RTA contract is intended to attract faculty members of distinction to meet long-term staffing needs and to provide appointees with a degree of job security while retaining the ability to shift staffing resources as the needs of programs fluctuate. The university also used Fixed-Term Appointments, which are not renewable.

- **Are faculty allowed to choose non-tenure-track employment? Approximately what percentage of candidates desire non-tenure-track full-time positions?**

Faculty may apply for non-tenure-track employment, according to the position as described in the advertisement. The percentage of positions listed as non-tenure-track is currently about fifteen percent.

- **What are the indirect outcomes of having a post-tenure review policy in place?**

During the 1998-2003 timeframe, the university had 89 retirements. Of these, 38 were faculty that had an impending post tenure review. They chose to retire through our incentive retirement system rather than undergo post tenure review. This has clearly been the trend, in that faculty who are failing to meet their responsibilities choose to opt out of the university rather than endure the post tenure review process. In our view, this is an excellent outcome given that the post tenure review process can take four years and an enormous amount of faculty and staff time.

James Madison University

(continued)

Another indirect effect is that the post-tenure review process enhances the annual review process.

- **Have there been any complaints from faculty regarding how much time and effort is taken up by the tenure review process or the post-tenure review process?**

Faculty members occasionally have complained about the time and effort taken up by their responsibilities to review their colleagues for tenure. Such complaints have usually centered on the occasional "bubble" of tenure candidates who may happen in any department when a large cohort of entering faculty are all up for tenure review simultaneously. However, generally the faculty takes its responsibility as the advisor of the university on matters of tenure very seriously, and would be highly critical of any short-cuts in or truncation of this process. Faculty members do not complain about the amount of time and effort in applying for tenure, as the positive result is a degree of job security they could not achieve otherwise.

- **Overall, how does James Madison ensure that tenured faculty continue to be productive?**

The first method of ensuring productivity in tenured faculty members is through the annual evaluation process. Each faculty member's performance is evaluated annually by his or her academic unit head. This evaluation is tied directly to salary adjustments. Unsatisfactory evaluations of tenured faculty members result in mandatory professional development plans, and in the case of a second unsatisfactory evaluation, in post-tenure review. Evaluation is continuous, and the annual review process is very intense.

The second method of ensuring productivity in tenured faculty members is through the use of a reward system, including competitive educational leave programs, professional development opportunities supported by the university, and awards. Rewards through merit pay have collapsed in recent years. JMU does not have much endowment funds to supplement State funding for merit pay, and the State is not providing much funding for merit pay now.

Longwood University

Summary of Tenure and Post-Tenure Review Policies

<i>Policy Characteristics</i>	<i>Summary or Status</i>
<i>Year Policies Last Reviewed by Institution</i>	Tenure review: 2001. Post-tenure review: 1999.
<i>Annual Evaluation / Review of Faculty</i>	All faculty members are reviewed through the annual review process. Pre-tenure reviews during 1st, 2nd, 4th, and 5th years.
<i>Frequency of Full Post-Tenure Review Process</i>	Two consecutive or three less-than-satisfactory overall reviews within five years triggers post-tenure review.
<i>Post-Tenure Review Process Exemptions and Exceptions</i>	If there are no less-than-satisfactory overall annual reviews, there are no post-tenure reviews.
<i>Central Participants in Tenure or Post-Tenure Review</i>	Tenure and post-tenure reviews have same central participants: department tenure committee; department chair; review reported to dean, Provost and Vice President for Academic Affairs
<i>Information Collected</i>	Professional file, including: curriculum vitae; most recent syllabus for each course taught regularly; summaries of student evaluations; additional material submitted by candidate or specified by department; self-evaluation of professional teaching development and philosophy. Committee members also observe candidate's classroom performance.
<i>Criteria / Standards</i>	(1) Possession of recognized terminal degree; (2) Quality teaching, service and scholarship as defined by departmental standards
<i>Consequences If Post-Tenure Review Finds Deficient Performance</i>	Tenured faculty member will develop two-year plan to address areas of concern, to be approved by department tenure committee. If at the end of two-year period, faculty member has failed to make reasonable progress (as determined by dean, department chair, and tenure committee), chair will recommend one-year terminating contract for faculty member.
<i>Appeals Process</i>	Candidate may request that department-level review committee and/or department chair reconsider conclusions of review.

Longwood University

(continued)

Summary of Tenure and Post-Tenure Review Statistics

Total Tenure Reviews (during 2002-03 academic year): 6

Awarded Tenure: 6

Denied Tenure: 0

Appeals: 0

Successful Appeals: 0

Total Post-Tenure Reviews (from 1998-99 through 2002-03 academic years): 2

No problems/needs identified:

Incomplete reviews due to termination:

All improvement expectations met: 1

Expectations for improvement not met: 1

Results: No sanctions:

Phased retirement: 1

Mandatory teacher training:

Workload/assignment changes:

Ineligibility for travel funding or professional development leave:

Salary reduction or ineligibility for increase:

Demotion in rank:

Suspension:

Dismissal/Termination:

Other:

Tenure Status of Full-Time Faculty (during 2002-03 academic year):

<i>College/School</i>	<i>Tenured</i>	<i>Tenure-Track</i>	<i>Neither Tenured Nor Tenure-Track</i>	<i>Total</i>
Arts and Sciences	55	41	15	111
Business and Economics	11	9	1	21
Education and Human Services	20	15	4	39

Non-Tenure-Track, Full-Time Faculty Categorized (during 2002-03 academic year):

Visiting	
Teaching	20
Research	
Clinical	
In-Residence Faculty	
Other	

Fall 2003 Enrollments (Headcounts)

Number of undergraduate students:	3,685
Number of graduate or first professional students:	567
Number of graduate teaching assistants:	0

Longwood University

(continued)

Additional Notes from Interview During Site Visit

Longwood is reviewing its tenure policy during the 2003-2004 year. The university maintains a continual review of the tenure process.

- **Are there policies or processes related to the implementation of tenure at Longwood that are unique to this institution?**

Each department develops specific tenure guidelines. Other institutions may not develop their tenure guidelines department by department.

- **When looking at the percentages of full time faculty who were tenured and on tenure-track in 1993, 1997 and 2001 (from National Center for Education Statistics IPEDS data), there was some fluctuation across these years. What accounts for this fluctuation?**

Retirements and new additions of faculty account for the changes in the percentage of tenured and tenure-track faculty. Longwood's enrollment has grown from 3,100 students to 3,700 students, which has resulted in a need to increase total faculty. In 1997 there was an early retirement plan that lasted for three years. Because tenured faculty retired, this resulted in a decrease in the percentage of tenured faculty.

Longwood has also experienced faculty members leaving for other states because Virginia is not giving salary increases. This includes tenured faculty. On average, salaries have increased by \$10,000 for faculty members who have gone to other states.

- **Under what circumstances are full-time faculty hired for non-tenure-track positions?**

Longwood hires individuals for lecture positions, which are full-time positions but not tenure track. These are typically new positions that are not tenured because the university does not know whether it will have continued demand for them. Lecture positions tend to be in areas such as English, math, or biology. These positions help meet the demands for teaching students, although individuals often will only have a master's degree. An existing tenured position would never be converted to a non-tenured lecture position.

A university could not hold on to the best faculty without tenure. The lecture positions are one-year contracts that can only be renewed up to six years. Longwood does not want to give these positions de facto tenure because these faculty are not pulling the same weight in committees or advising.

- **Are faculty allowed to choose non-tenure-track employment?**

The university designates whether a position will be tenure-track. You would need a carrot, like higher salary, to offer non-tenured faculty.

Longwood University

(continued)

- **Were there items in our survey that need further discussion?**

In the 2002-03 academic year, tenure was awarded in all cases of tenure review. Tenure has been denied in the past, but the university tries to deal with any problems by the fifth year of probation of tenure-track faculty.

The number of post-tenure reviews (two) is low because many issues are dealt with through the on-going process of annual reviews. Department chairs should be working with faculty if there is a deficiency. There really should be no problem if a national search is done and the the university develops people once they are hired. Post-tenure review should be a developmental process in which action is taken if staff development does not work. There is a high cost when hiring a new faculty member. Therefore, trying to develop faculty is the best approach.

For the one review in which the faculty member met all expectations for improvement, the faculty member maintained their tenured status but will always be in jeopardy. Phased retirement typically occurs when a faculty member's performance is not where it should be.

Longwood has a policy against the use of graduate teaching assistants.

- **What are the indirect outcomes of having a post-tenure review policy in place?**

The indirect effects are that:

1. they help faculty members to improve, or
2. they nudge them to retire (many of the retirements were caused by faculty who wanted to avoid a post-tenure review).

This hasn't been an issue for the junior faculty. Longwood is a strong teaching institution.

Annual reviews are most important because raises, tenure, and merit increases are based on them. Raises are important because they give the annual reviews teeth.

- **Have there been any complaints from faculty regarding how much time and effort is taken up by the tenure review process or the post-tenure review process?**

There are always issues about how extensive the tenure process is. Longwood does not have enough experience with post-tenure review to comment on the burden, although some of the same activities would occur in the post-tenure reviews as the tenure reviews – for example, observation of teaching.

- **Overall, how does Longwood ensure that tenured faculty continue to be productive?**

The annual reviews are the most important. Faculty members set their goals in May for the next year and establish a strategic workplan. The overall institution guidelines/criteria for the annual review process are in the faculty policies and procedures manual. Each department also has its own guidelines/criteria.

Norfolk State University

Summary of Tenure and Post-Tenure Review Policies

Policy Characteristics	Summary or Status
Year Policies Last Reviewed by Institution	2003
Annual Evaluation / Review of Faculty	Annual evaluation is required of all teaching faculty, including tenured faculty.
Frequency of Full Post-Tenure Review Process	Failure to meet minimal obligations and standards for two consecutive or three non-consecutive annual evaluations within five years triggers post-tenure review.
Post-Tenure Review Process Exemptions and Exceptions	None
Central Participants in Tenure or Post-Tenure Review	<p><i>Tenure review:</i> evaluation committee "of the academic unit" (e.g., department); department chair; dean; vice president for academic affairs; recommendations forwarded to president and board of visitors.</p> <p><i>Post-tenure review:</i> evaluation committee of three tenured faculty members; dean; vice president for academic affairs</p>
Information Collected	<p><i>Tenure review:</i> Application for Tenure, including listing of prior academic positions, education, professional experience, professional presentations (including publications, research projects and grants, and honors), university and community service; documentation of items listed in Application for Tenure; annual review data.</p> <p><i>Post-tenure review:</i> same as portfolio provided for annual evaluation. Portfolio includes curriculum vita, course syllabi, student assessments, and documentation supporting evaluation of teaching, scholarly activity, professional development and service, university service, and community service.</p>
Criteria / Standards	<p><i>Tenure review:</i> possession of the doctorate or terminal degree. Documented evidence of very good, excellent or exceptional ratings in teaching, research and service.</p> <p><i>Post-tenure review:</i> same criteria as the annual evaluation in five areas: teaching (including teaching experience and teaching performance), research and grantsmanship, and community, university and professional service.</p>
Consequences If Post Tenure Review Finds Deficient Performance	If unsatisfactory performance is not corrected within two years, the consequence will be dismissal of the tenured faculty member.
Appeals Process	Faculty member may contest decisions made in annual evaluation to a school appeals committee, consisting of one faculty representative from each department in the school. After the school appeal, faculty member may appeal to vice president for academic affairs or to faculty senate grievance committee.

Norfolk State University

(continued)

Summary of Tenure and Post-Tenure Review Statistics

Total Tenure Reviews (during 2002-03 academic year): 9

Awarded Tenure: 8

Denied Tenure: 1

Appeals: 0

Successful Appeals: 0

Total Post-Tenure Reviews (from 1998-99 through 2002-03 academic years): 0

No problems/needs identified:

Incomplete reviews due to termination:

All improvement expectations met:

Expectations for improvement not met:

Results: No sanctions:

Phased retirement:

Mandatory teacher training:

Workload/assignment changes:

Ineligibility for travel funding or professional development leave:

Salary reduction or ineligibility for increase:

Demotion in rank:

Suspension:

Dismissal/Termination:

Other:

Tenure Status of Full-Time Faculty (during 2002-03 academic year):

<i>College/School</i>	<i>Tenured</i>	<i>Tenure-Track</i>	<i>Neither Tenured Nor Tenure-Track</i>	<i>Total</i>
Business	18	10	4	32
Education	17	10	10	37
Liberal Arts	58	20	27	105
Science and Technology	50	35	31	116
Social Work	15	5	4	24

Non-Tenure-Track, Full-Time Faculty Categorized (during 2002-03 academic year):

Visiting	1
Teaching	69
Research	6
Clinical	
In-Residence Faculty	
Other	

Fall 2003 Enrollments (Headcounts)

Number of undergraduate students:	6,039
Number of graduate or first professional students:	807
Number of graduate teaching assistants:	4

Additional Notes from Interview During Site Visit

- **When looking at the percentages of full time faculty who were tenured and on tenure-track in 1993, 1997 and 2001 (from National Center for Education Statistics IPEDS data), Norfolk State's percentages fluctuated across these years more than most institutions'. What accounts for these fluctuations?**

One reason has to do with the method of reporting. NSU used the State's PMIS system to report data to IPEDS. There was a lag time between when faculty were appointed or terminated and when the data was present in the PMIS report. In 1997, some of the 58 percent classified as tenure track shown should have been classified as multi-year contract faculty (non-tenure track). Also, there was a major buyout of faculty for early retirement, which caused some fluctuation in the tenure percentages. The tenure numbers were never really as low as shown in 1993 or 1997. Since 2001, the data have been pretty consistent.

If more than two-thirds of the faculty are tenured, the institution is in a "danger zone." The institution becomes "locked in" as there is not enough flexibility to make needed or desired changes. Also, they may want some infusion of younger faculty. NSU tries to keep the percentage of tenured faculty at about 50 percent.

- **Under what circumstances are full-time faculty hired for non-tenure-track positions?**

When there is a short-term need for a person, for example, replacing someone on leave. The person may not have a terminal degree and would not be considered for a tenure-track position. NSU normally offers an initial one-year contract and then offers 2, 3, 4, and 5-year renewals.

- **Are faculty allowed to choose non-tenure-track employment?**

Yes. Some may not want to "jump through the hoops." NSU offered faculty the choice of switching to term contracts. They had to choose by April 2001. Also, tenure-track faculty can request switching to a fixed-term contract by petitioning the vice president for academic affairs.

- **Why were no post-tenure reviews reported from the 1998-99 academic year through the 2002-03 academic year?**

There were none in the past five years. Now, NSU has a better annual evaluation instrument, which is in its first full year of implementation. NSU realized that the previous instrument may have been the reason for no faculty members coming up for post-tenure review. Two consecutive or three out of five unsatisfactory annual reviews will result in post-tenure review.

- **What are the indirect outcomes of having a post-tenure review policy in place**

A better annual evaluation instrument resulted from post-tenure review. The previous instrument did not support the post-tenure review process.

Norfolk State University

(continued)

- **Have there been complaints from faculty regarding how much time and effort is taken up by the tenure review process or the post-tenure review process?**

Yes. The faculty accept it but have complained about it. However, the faculty were involved in developing the policy.

- **Overall, how does Norfolk State ensure that tenured faculty continue to be productive?**

The new annual evaluation instrument is key. It can make more fine-grained distinctions in faculty performance. NSU is in a continuous mode of improving faculty evaluation policies. They could be better, and they are getting better. The standards are now clearly defined for faculty expectations.

Radford University

Summary of Tenure and Post-Tenure Review Policies

Policy Characteristics	Summary or Status
Year Policies Last Reviewed by Institution	2003.
Annual Evaluation / Review of Faculty	All faculty undergo annual evaluation, which is tied to merit pay when available.
Frequency of Full Post-Tenure Review Process	If annual evaluation overall rating or rating in the evaluation category of "teaching" is below "meets expectations," then in-depth review is triggered.
Post-Tenure Review Process Exemptions and Exceptions	None
Central Participants in Tenure or Post-Tenure Review	<p><i>Tenure review:</i> department personnel committee; department chair; college dean; vice president for academic affairs; president; board of visitors.</p> <p><i>Post-tenure review:</i> ad hoc committee of three tenured faculty members; department chair; reports to college dean.</p>
Information Collected	<p><i>Tenure review:</i> candidate provides statement justifying the granting of tenure, all past evaluations (including a summary of student evaluations and faculty evaluations), current curriculum vita.</p> <p><i>Post-tenure review:</i> a strategic plan is developed for remedying identified performance weaknesses, including specific actions to overcome weaknesses, a timetable of no more than two years, measures to assess improved performance.</p>
Criteria / Standards	<p><i>Tenure review:</i> the three primary criteria are teaching, professional contributions, and university service.</p> <p><i>Post-tenure review:</i> annual evaluations in succeeding years will address progress toward meeting goals defined in strategic plan.</p>
Consequences If Post-Tenure Review Finds Deficient Performance	If tenured faculty member fails to achieve improvements identified in strategic plan within agreed-upon timeframe, then he or she will submit a written explanation to ad hoc committee and department chair. Committee, with department chair, may respond in one of three ways: (1) agree with faculty member's explanation; (2) determine that explanation justifies extension of improvement plan; or (3) recommend appropriate sanctions be imposed. Available sanctions include mandatory teacher training support, changes in course assignments, ineligibility for salary increases, ineligibility for faculty professional development leave, phased retirement, and dismissal.
Appeals Process	Recommendations relating to tenure, post-tenure review, and termination for cause are open to faculty appeals procedures, which are specified in section 1.8 of the Radford University Teaching and Research Faculty Handbook.

Radford University

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Summary of Tenure and Post-Tenure Review Statistics

Total Tenure Reviews (during 2002-03 academic year): 1

Awarded Tenure: 1
 Denied Tenure: 0 Appeals: Successful Appeals:

Total Post-Tenure Reviews (from 1998-99 through 2002-03 academic years): 3

No problems/needs identified:	
Incomplete reviews due to termination:	2
All improvement expectations met:	
Expectations for improvement <u>not</u> met:	
	Results:
	No sanctions:
	Phased retirement:
	Mandatory teacher training:
	Workload/assignment changes:
Ineligibility for travel funding or professional development leave:	
Salary reduction or ineligibility for increase:	
	Demotion in rank:
	Suspension:
	Dismissal/Termination:
	Other (still pending): 1

Tenure Status of Full-Time Faculty (during 2002-03 academic year):

<i>College/School</i>	<i>Tenured</i>	<i>Tenure-Track</i>	<i>Neither Tenured Nor Tenure-Track</i>	<i>Total</i>
Arts and Sciences	128	24	18	170
Business and Economics	24	7	1	32
Education and Human Development	27	13	4	44
Health and Human Services	22	11	13	46
Visual and Performing Arts	33	8	4	45
Information Science and Technology	6	5	4	15

Non-Tenure-Track, Full-Time Faculty Categorized (during 2002-03 academic year):

Visiting	1
Teaching	39
Research	
Clinical	4
In-Residence Faculty	
Other	

Fall 2003 Enrollments (Headcounts)

Number of undergraduate students: 6,039
 Number of graduate or first professional students: 807
 Number of graduate teaching assistants: 23

Additional Notes from Interview During Site Visit

- **Are there policies or processes related to the implementation of tenure at Radford that are unique to this institution?**

Radford is unique among Virginia institutions in that one unsatisfactory annual review will trigger the post-tenure review process. A rating below three on a scale of one to five in any of the three areas results in an overall unsatisfactory review.

- **When looking at the percentages of full time faculty who were tenured and on tenure-track in 1993, 1997 and 2001 (from National Center for Education Statistics IPEDS data), there was an increase in the percentage of faculty with tenure over these years. What are the reasons, if any, for this increase?**

Radford did not have sufficient funds to hire full-time faculty and began to use more part-time adjuncts. Also, they hire two types of full-time non-tenure-track positions: full-time temporary and special purpose.

The 1996 Workforce Transition Act caused over 70 faculty members to retire. Many of these had to be replaced with non-tenure-track positions.

- **Under what circumstances are full-time faculty hired for non-tenure-track positions?**

Full-time temporary faculty are hired to fill short-term needs. They are hired for up to three years on an annually renewable contract. These faculty may have a service and research load in addition to their teaching responsibilities.

Special purpose faculty are used primarily for teaching. These are hired on annual contracts which may be renewed indefinitely.

- **Are faculty allowed to choose non-tenure-track employment?**

Radford generally makes the decision prior to advertising for the position. In the past, only one person asked to be removed from a tenure-track position and placed on contract.

- **Were there items in our survey that need further comment or elaboration?**

Although there were only three post-tenure reviews, every faculty member is evaluated annually and receives feedback.

There are two types of feedback which faculty receive each year. The annual reviews focus on the past year, and, for tenure-track candidates, there is a comment on how the candidate is progressing toward tenure. The other type of feedback is the annual reappointment process of tenure-track faculty (who must re-apply for their job every year while they are on probation). In these reviews, the focus is more cumulative. And this process affects whether tenure-track faculty stay at the university long enough for the tenure review.

Radford University

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- **What are the indirect outcomes of having a post-tenure review policy in place?**

Post-tenure review has gotten some people's attention. It is one of the things they use to motivate faculty, in addition to merit pay and professional development money.

The Workforce Transition Act caused some outstanding faculty members to retire as well as others that probably would have faced post-tenure review.

- **Have there been any complaints from faculty regarding how much time and effort is taken up by the tenure review process or the post-tenure review process**

No. They know what to expect. There are more complaints about time spent on annual evaluations than on tenure reviews.

- **Overall, how does Radford ensure that tenured faculty continue to be productive?**

Radford ensures that faculty members continue to be productive through annual reviews and merit pay when it is available. Also, tenure-track faculty must be reappointed on an annual basis. Thus, if they get to the tenure review stage after six years, the institution is well aware of the merits of the faculty member in question. The tenure review process is a way of picking the faculty who have a pattern of achievement, and who like teaching, research, and service.

Department chairs are evaluated as faculty and as chairs by the Dean and personnel committees within each department.

University of Mary Washington

Summary of Tenure and Post-Tenure Review Policies

<i>Policy Characteristics</i>	<i>Summary or Status</i>
<i>Year Policies Last Reviewed by Institution</i>	1999
<i>Annual Evaluation / Review of Faculty?</i>	All faculty are subject to annual reviews.
<i>Frequency of Full Post-Tenure Review Process</i>	Triggered by three unsatisfactory annual ratings in four years. After receiving one unsatisfactory annual rating, tenured faculty member submits a development plan to address shortcomings identified in annual performance evaluation. If faculty member receives two additional annual performance ratings of unsatisfactory in next three years, then an unsatisfactory performance review is conducted by the Promotion and Tenure Committee.
<i>Post-Tenure Review Process Exemptions and Exceptions</i>	None
<i>Central Participants in Tenure or Post-Tenure Review</i>	<i>Tenure review:</i> Promotion and Tenure Committee (composed of seven tenured faculty members); Department chair; Dean. <i>Post tenure review:</i> Department chair, Promotion and Tenure Committee, President.
<i>Information Collected</i>	<i>Tenure review:</i> Tenure credentials file, to include: all annual performance reviews; individual's degrees and date received; letters of recommendation from each tenured faculty member in department; any other documents, materials (including publications), or letters of recommendation by others, as desired by candidate. <i>Post-tenure review:</i> Faculty member must submit a performance review credentials file, which addresses teaching, professional activity, and service.
<i>Criteria / Standards</i>	Possession of the doctorate, special competence, or a terminal degree appropriate to teaching field. Performance evaluated in terms of: (1) teaching effectiveness (first priority); (2) professional development (including publications, grants, participation in professional organizations); and (3) advising and service (including committee work).
<i>Consequences If Post-Tenure Review Finds Deficient Performance</i>	No salary increase for subsequent year after receiving unsatisfactory annual rating. After unsatisfactory performance review, Promotion and Tenure Committee may recommend: (1) no additional sanction; (2) sanction other than dismissal for cause; or (3) dismissal for cause (professional incompetence or lack of teaching effectiveness). President makes final decision on what action to take.
<i>Appeals Process</i>	<i>Tenure review:</i> Candidate may request Dean to establish Tenure Appeal Advisory Committee, to reconsider original committee's recommendations. Committee reports to Dean. If Dean recommends withholding tenure, candidate may appeal to President and Board of Visitors. <i>Post tenure review:</i> Faculty member may appeal results of annual performance evaluation to the President.

University of Mary Washington

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Summary of Tenure and Post-Tenure Review Statistics

Total Tenure Reviews (during 2002-03 academic year): 5

Awarded Tenure: 5
 Denied Tenure: 0 Appeals: 0 Successful Appeals: 0

Total Post-Tenure Reviews (from 1998-99 through 2002-03 academic years): 1

No problems/needs identified:
 Incomplete reviews due to termination: 1
 All improvement expectations met:
 Expectations for improvement not met:

Results: No sanctions:
 Phased retirement:
 Mandatory teacher training:
 Workload/assignment changes:
 Ineligibility for travel funding or professional development leave:
 Salary reduction or ineligibility for increase:
 Demotion in rank:
 Suspension:
 Dismissal/Termination:
 Other:

Tenure Status of Full-Time Faculty (during 2002-03 academic year):

<i>College/School</i>	<i>Tenured</i>	<i>Tenure-Track</i>	<i>Neither Tenured Nor Tenure-Track</i>	<i>Total</i>
Mary Washington College	118	47	42	207

Non-Tenure-Track, Full-Time Faculty Categorized (during 2002-03 academic year):

Visiting	14
Teaching	22
Research	
Clinical	
In-Residence Faculty	
Other	6

Fall 2003 Enrollments (Headcounts)

Number of undergraduate students: 4,220
 Number of graduate or first professional students: 572
 Number of graduate teaching assistants: 0

Additional Notes from Interview During Site Visit

- **There was a slight decrease in the percentage of tenured faculty in 2001, compared to 1993 and 1997. What accounts for this decrease?**

The decrease in the percentage of tenure/tenure-track faculty in 2001 is due to retirements and the opening of the James Monroe Center for Graduate and Professional Studies in 1999. The faculty at the Center are not tenured because the academic offerings “ebb and flow” based on local demand – so they don’t want to have tenured faculty in a subject area where there is little demand. Now that Mary Washington College is moving to university status, there has been some discussion about whether the JMC staff should be tenured, but there are currently no plans to make them tenured.

- **Under what circumstances are full-time faculty hired for non-tenure-track positions?**

There are three basic types of non-tenure-track positions:

1. They sometimes hire full-time temporary people as substitutes (for example, if someone is out on family leave).
 2. They also have visiting faculty (contracts can only be renewed three times).
 3. They have some faculty on renewable term appointments. These are generally continuing faculty, but they do not have terminal degrees. These staff are generally used for foreign language classes or mathematics. There is no limit on the number of times their contracts can be renewed.
-

- **Are faculty allowed to choose non-tenure-track employment?**

No.

- **Were there items in the JLARC survey that need additional comment?**

The response to one question shows that Mary Washington granted tenure to everyone who was up for it. Tenure is seldom denied. They have two mandatory contract renewal periods during the first and third years of their probationary status, and this is where poor-performing faculty are weeded out. So underperforming faculty usually don’t make it to the tenure process. (Although few faculty are let go during the first and third year contract renewal periods.)

- **What are the indirect outcomes of having a post-tenure review policy in place?**

Mary Washington does not do many post-tenure reviews because they have real annual performance evaluations. The system is working – the administration does not have people that they are concerned about.

- **Have there been any complaints from faculty regarding how much time and effort is taken up by the tenure review process or the post-tenure review process?**

Yes, tenure candidates spend all summer putting together their information for tenure review. The members of the Promotion and Tenure Committee also complain about the amount of work

University of Mary Washington

(continued)

involved (they usually have about 12 to 15 faculty up for promotion and tenure each year). But no one thinks the process should be changed. Mary Washington's process is pretty typical.

- **Overall, how does Mary Washington ensure that tenured faculty continue to be productive?**

The annual review is key. Mary Washington has been doing annual reviews for about 12 years.

University of Virginia's College at Wise

Summary of Tenure and Post-Tenure Review Policies

Policy Characteristics	Summary or Status
Year Policies Last Reviewed by Institution	<i>Tenure policy:</i> 1995 (currently under review). <i>Post-tenure review policy:</i> 1997.
Annual Evaluation / Review of Faculty	All faculty are evaluated annually by the department chairs. The Dean evaluates the department chairs annually.
Frequency of Full Post-Tenure Review Process	Five years. The department chair and dean may also initiate post-tenure review at any time if a faculty member has more than one unsatisfactory rating on annual evaluations.
Post-Tenure Review Process Exemptions and Exceptions	Faculty who take administrative positions (whose teaching responsibility is less than 50 percent of their total responsibilities) do not have to undergo post-tenure review.
Central Participants in Tenure or Post-Tenure Review	<i>Tenure review:</i> department chair; recommendations from three faculty members; secret ballot vote by members of department; faculty committee on evaluation; academic dean; recommendations forwarded to provost, chancellor, president and board of visitors of University of Virginia. <i>Post-tenure review:</i> department chair; committee of three tenured faculty members; academic dean; approved by provost.
Information Collected	<i>Tenure review:</i> three letters of recommendation for tenure, including one from department chair; student evaluations for at least three years; statements of professional activities for at least three years; annual evaluations for at least three years; results of department's secret ballot. <i>Post-tenure review:</i> faculty member's self-appraisal in past performance in teaching, scholarship, and service, and statement of plans for future professional development; evaluations for five preceding years; student evaluation reports from five preceding years; annual reports from five preceding years.
Criteria / Standards	Teaching, scholarship, and service.
Consequences If Post-Tenure Review Finds Deficient Performance	A conference must be held with the academic dean, the department chair, and the faculty member, to determine the actions required to remove the deficiencies or deal with the problem. Faculty member has a specified time (ranging from six months to three years) to remove deficiencies. At end of period, a conference is held to determine the degree of compliance with the stipulations. This conference includes the reviewee, the academic dean, the department chair, and the post-tenure review committee. If the faculty member has been found to have major deficiencies in job performance and has not corrected them in the agreed-upon time period, then the provost initiates dismissal proceedings.
Appeals Process	<i>Tenure review:</i> A faculty member may request the Faculty Relations Committee to review the procedural issues in a tenure case (but the committee will not reassess the substantive judgments). <i>Post-tenure review:</i> A faculty member may appeal any possible outcomes of post-tenure review to the chancellor.

University of Virginia's College at Wise

(continued)

Summary of Tenure and Post-Tenure Review Statistics

Total Tenure Reviews (during 2002-03 academic year): 4

Awarded Tenure: 4
Denied Tenure: 0 Appeals: Successful Appeals:

Total Post-Tenure Reviews (from 1998-99 through 2002-03 academic years): 17

No problems/needs identified: 17
Incomplete reviews due to termination:
All improvement expectations met:
Expectations for improvement not met:

Results: No sanctions:
Phased retirement:
Mandatory teacher training:
Workload/assignment changes:
Ineligibility for travel funding or professional development leave:
Salary reduction or ineligibility for increase:
Demotion in rank:
Suspension:
Dismissal/Termination:
Other (still pending): 1

Tenure Status of Full-Time Faculty (during 2002-03 academic year):

College/School	Tenured	Tenure-Track	Neither Tenured Nor Tenure-Track	Total
UVa-Wise	35	24	11	70

Non-Tenure-Track, Full-Time Faculty Categorized (during 2002-03 academic year):

Visiting	1
Teaching	10
Research	
Clinical	
In-Residence Faculty	
Other	

Fall 2003 Enrollments (Headcounts)

Number of undergraduate students:	1,703
Number of graduate or first professional students:	0
Number of graduate teaching assistants:	0

University of Virginia's College at Wise (continued)

Additional Notes from Interview During Site Visit

UVA-Wise is currently examining its tenure policy. The college is considering increasing the research/scholarship component. Currently, tenure decisions are based on 50 percent teaching, 25 percent scholarship, and 25 percent university service. Professors teach 12 hours per semester at UVA-Wise, which makes finding time to do research difficult.

UVA-Wise would like the faculty to do more research because it would improve the institution's ranking among its peers and improve teaching in the classroom.

- **When looking at the percentages of full-time faculty who were tenured and on tenure-track in 1993, 1997 and 2001 (from National Center for Education Statistics IPEDS data), there were large percentages of tenure-track faculty when compared to other institutions. What accounts for these large percentages?**

UVA-Wise became a four-year institution in 1968 (it had been a two-year institution). When it became a four-year institution, a large group of new faculty were hired. A lot of these faculty members retired in the 1990s, and UVA-Wise hired a large bulk of new faculty, most of which were tenure-track. UVA-Wise hired 26 new faculty members in 1992 alone.

Our philosophy is that students should have classes taught by full-time faculty with the highest qualifications possible. Additionally, since we are a baccalaureate granting institution only, we do not have graduate teaching assistants. In this area, we also do not have adjuncts available in many disciplines. And, finally, it is difficult to recruit in a rural area not close to any larger metropolitan center. Faculty do not generally want to come here for anything less than a tenure track position.

- **Under what circumstances are full-time faculty hired for non-tenure-track positions?**

Non-tenure-track faculty are generally hired when searches for tenure-track faculty have failed. It is difficult to hire and retain qualified tenure-track faculty due to the location of the college. UVA-Wise hires teaching fellows, who have a master's degree or are "all but dissertation (ABD)." Teaching fellows can stay up to six years, and the reappointment decision is made annually. Some of the excellent teaching fellows are given three-year contracts. Also, general faculty, such as administrative faculty, are not tenured and may be asked to teach.

As our enrollment grows, particularly the freshman segment, we need more seats in lower division, general education classes. However, we cannot always afford to hire tenure-track faculty with Ph.D.'s to provide these seats. In this situation, we often hire Teaching Fellows, those with masters or who are ABD, as stated to teach additional sections of the general education courses.

- **Are faculty allowed to choose non-tenure-track employment?**

UVA-Wise does not have a stated policy to address this. They have allowed one faculty member to leave the tenure track and become an instructor.

University of Virginia's College at Wise

(continued)

- **What are the indirect outcomes of having a post-tenure review policy in place?**

Post-tenure review encourages retirement of unproductive faculty.

- **Have there been any complaints from faculty regarding how much time and effort is taken up by the tenure review process or the post-tenure review process?**

Members of the Faculty Evaluation Committee often complain about the amount of time it takes them to evaluate and make decisions on tenure and promotion. However, they expect it and are glad the process is faculty-driven.

- **Overall, how does UVA-Wise ensure that tenured faculty continue to be productive?**

Faculty are evaluated annually by the department chairs, and these evaluations are tied to merit pay. Last year, raises were given to every faculty member except those who received an unsatisfactory rating.

Poor student evaluations also alert the department chairs when faculty are not performing at a high level. UVA-Wise is also starting to look at peer evaluation of teaching.

The Dean evaluates the department chairs annually.

UVA-Wise conducts pre-tenure reviews of tenure-track faculty after three years. One person was not renewed last year. Some faculty are advised to leave or improve if they want tenure. Others leave because of the 12-hour teaching requirement.

Virginia Military Institute

Summary of Tenure and Post-Tenure Review Policies

Policy Characteristics	Summary or Status
Year Policies Last Reviewed by Institution	1998, but also currently under review.
Annual Evaluation/Review of Faculty	Applies to all faculty (including those with tenure), based on criteria documented in Statement on Faculty Expectations, Statement of Expectations for Department Heads, and Faculty Merit Pay Plan.
Frequency of Full Post-Tenure Review Process	Two consecutive unsatisfactory ratings within five years triggers in-depth post-tenure review.
Post-Tenure Review Process Exemptions and Exceptions	In-depth post-tenure review not required if annual evaluations have ratings of commendable or higher.
Central Participants in Tenure or Post-Tenure Review	<p><i>Tenure review:</i> tenured members of department; department head; tenure and promotions committee; dean of the faculty; and superintendent.</p> <p><i>In-depth post-tenure review:</i> department head; Dean of Faculty selects a department head outside of the faculty member's department to serve as chair of review committee; other tenured faculty also serve on review committee.</p>
Information Collected	<p><i>Tenure review:</i> department head writes report of candidate's performance, which is signed by all tenured members of department (if any tenured member does not concur, he or she may attach a minority report).</p> <p><i>Post-tenure review:</i> annual evaluation includes faculty member's self-evaluation document, student evaluations of teaching, peer evaluations, issues discussed during performance review, and department head's written evaluation and rating. In-depth review committee evaluates the faculty member's performance in each of the four primary domains (teaching, scholarly engagement, professional citizenship, and cadet development), and submits report to Dean of Faculty.</p>
Criteria / Standards	<p><i>Tenure review :</i> excellent teaching; holds terminal degree; engages in research, scholarship, and/or creative work; maintains professional certifications and memberships; rapport and productive work with other faculty and staff; committee work; supports Institute's unique and comprehensive educational mission; academic mentoring and advising; participation in academic or extracurricular activities for cadets.</p> <p><i>In-depth post-tenure review:</i> teaching; research/scholarship; professional citizenship; cadet development.</p>
Consequences If Post-Tenure Review Finds Deficient Performance	Faculty member and department head develop written, agreed-upon Plan of Action that outlines goals, specifies activities to meet those goals, and provides a timetable to complete activities and achieve goals. A faculty member who fails to achieve the Plan of Action goals within the timetable (normally one year after completion of Plan of Action) will be subject to dismissal.
Appeals Process	Committee of five faculty members examines whether Institute's rules were followed, with report to dean and superintendent.

Virginia Military Institute

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Summary of Tenure and Post-Tenure Review Statistics

Total Tenure Reviews (during 2002-03 academic year): 9

Awarded Tenure:	8			
Denied Tenure:	1	Appeals:	0	Successful Appeals:
				0

Total Post-Tenure Reviews (from 1998-99 through 2002-03 academic years): 11

No problems/needs identified:			
Incomplete reviews due to termination:	1		
All improvement expectations met:	6		
Expectations for improvement <u>not</u> met:	4	Results:	No sanctions:
			Phased retirement:
			Mandatory teacher training:
			Workload/assignment changes:
			Ineligibility for travel funding or professional development leave:
			Salary reduction or ineligibility for increase:
			Demotion in rank:
			Suspension:
			Dismissal/Termination:
			Other (Retired):
			1

Tenure Status of Full-Time Faculty (during 2002-03 academic year):

<i>College/School</i>	<i>Tenured</i>	<i>Tenure-Track</i>	<i>Neither Tenured Nor Tenure-Track</i>	<i>Total</i>
Virginia Military Institute	63	30	14	107

Non-Tenure-Track, Full-Time Faculty Categorized (during 2002-03 academic year):

Visiting	
Teaching	14
Research	
Clinical	
In-Residence Faculty	
Other	

Fall 2003 Enrollments (Headcounts)

Number of undergraduate students:	1,333
Number of graduate or first professional students:	0
Number of graduate teaching assistants:	0

Virginia Military Institute

(continued)

Additional Notes from Interview During Site Visit

- **Overall, how does VMI ensure that tenured faculty continue to be productive?**

The Institute's Statement of Faculty Expectations is the "lynchpin" of faculty evaluation procedures. VMI places a great deal of time and effort in its annual review process, which means less time is needed for full post-tenure reviews. All faculty members receive substantive feedback every year. Also, tenure-track faculty get institutional feedback from their mid-tenure review after three years. There are four domains on which faculty are evaluated: teaching, scholarly engagement, professional citizenship, and cadet development.

The faculty merit pay plan is tied to the annual evaluation. Faculty are rated in each of the four domains ranging from outstanding, excellent, commendable, probationary to unsatisfactory. Any unsatisfactory rating in any domain results in an unsatisfactory overall rating. In addition to any two unsatisfactory annual reviews resulting in a full post-tenure review, faculty do not get pay raises when they receive probationary or unsatisfactory ratings.

- **Are there policies or processes related to the implementation of tenure at VMI that are unique to this institution?**

The Statement of Faculty Expectations may be unique to VMI. At least, it is new to VMI, as it was implemented in 2002. Also, the Statement of Expectations for Department Heads may be unique.

Another aspect of tenure and post-tenure review that is unique to VMI is that the domain of cadet development is a fourth criterion for evaluation, in addition to teaching, scholarship and service. Examples of cadet development activities include: advising; work with cadet organizations; and professional mentorship, including contributions to cadet leadership and character development.

- **Under what circumstances are full-time faculty hired for non-tenure-track positions?**

When the funding source is not continuous. VMI often uses five-year contracts supplemented with funds from donors. A one-year initial contract is often given before awarding a five-year contract. The administration will try to convert these positions to tenure-track if the faculty member is a good fit.

- **Are faculty allowed to choose non-tenure-track employment? Approximately what percentage of candidates desire non-tenure-track full-time positions?**

Yes. In specific cases, faculty choose non-tenure track positions. For example, faculty who plan to retire may choose to work on a non-tenure contract to free up a tenured slot. As a general rule, however, VMI does not want to encourage non-tenure track employment, nor do the faculty.

- **Were there items in our survey that need additional comment?**

The faculty evaluation process is in transition, and the numbers will look different five years from now. The change will result from the fact that VMI now has a clear expectation of faculty performance.

Virginia Military Institute

(continued)

VMI originally reported 385 post-tenure reviews on their survey. This is because they perceive annual reviews of tenured faculty to act as post-tenure reviews. JLARC staff reported 11 post-tenure reviews in the profile, in order to maintain consistency with other institutions' interpretation of post-tenure review: as an additional process after the faculty member has received an annual review.

- **What are the indirect outcomes of having a post-tenure review policy in place?**

Some faculty retire if they know post-tenure review will be triggered by their unsatisfactory annual reviews. Retirement appears to be the main indirect effect, although there are lots of other reasons for retirement.

- **Have there been any complaints from faculty regarding how much time and effort is taken up by the tenure review process or the post-tenure review process?**

Of course. Many faculty want to know why reviews must be annual. Faculty are being asked to do more. However, according to the Dean of Faculty, a majority of the faculty support the changes.

Virginia State University

Summary of Tenure and Post-Tenure Review Policies

Policy Characteristics	Summary or Status
Year Policies Last Re-viewed by Institution	<i>Tenure review policy:</i> 1995 (currently under review). <i>Post-tenure review policy:</i> 1997.
Annual Evaluation / Review of Faculty	All faculty members are evaluated annually. Annual evaluations are tied to pay for performance.
Frequency of Full Post-Tenure Review Process	Triggered by an overall unsatisfactory rating on the annual evaluation.
Post-Tenure Review Process Exemptions and Exceptions	No exceptions, unless faculty member is promoted to administrative position, which has its own evaluation process.
Central Participants in Tenure or Post-Tenure Review	<i>Tenure review:</i> Departmental committee (two tenured faculty members of dept); department chair; school dean; University Promotion and Tenure Committee; Provost/Vice President for Academic Affairs; President; Board of Visitors. <i>Post-tenure review:</i> Committee of three tenured faculty members from dept or school; department chair; ad-hoc university/school committee (three tenured faculty members); professional development plan reviewed by school dean/director and Provost.
Information Collected	<i>Tenure review:</i> candidate dossier, which includes: a completed application for tenure form; a curriculum vita; supporting documentation (such as: copies of publications; evidence of presentations, performances, or exhibits; unique course materials or teaching methods; course evaluations; committee assignments; evidence of public and professional service; honors and recognitions). <i>Post-tenure review:</i> professional development plan
Criteria/Standards	<i>Tenure review:</i> Candidate holds rank of at least associate professor; candidate has at least four years of full-time teaching experience at the college level, or its equivalent; candidate holds terminal degree (e.g. doctorate); candidate has been consistently (no less than 50%) rated "outstanding" in teaching effectiveness, at least "satisfactory" in scholarly research/creative activities and in professional service, and the candidate demonstrates potential for continuing professional growth in each area. <i>Post-tenure review:</i> whether the faculty member is making progress in achieving goals specified in one year professional development plan to address identified weaknesses.
Consequences If Post-Tenure Review Finds Deficient Performance	After first year of professional development plan, a final report is prepared by the committee which reviews the progress of faculty member, and recommends one of the following: (1) continue with the plan and extend it one more year; (2) termination of the faculty member for cause; or (3) determine that the faculty member has completed the post-tenure review. If a second year is granted, faculty member's progress is reevaluated by committee, which recommends either termination for cause or end of post-tenure review.
Appeals Process	<i>Tenure review:</i> Appeal procedures are specified in a section of faculty handbook titled, "Procedures for Appealing Adverse Decisions on Promotion, Tenure, Continuing Contract Status, or Termination". <i>Post-tenure review:</i> if a faculty member is recommended for termination for cause, at the request of the faculty member, a University appeals committee will be set up (in accordance with appeal procedures specified in the faculty handbook).

Virginia State University

(continued)

Summary of Tenure and Post-Tenure Review Statistics

Total Tenure Reviews (during 2002-03 academic year): 8

Awarded Tenure: 6

Denied Tenure: 2

Appeals: 2

Successful Appeals: 2

Total Post-Tenure Reviews (from 1998-99 through 2002-03 academic years): 0

No problems/needs identified:

Incomplete reviews due to termination:

All improvement expectations met:

Expectations for improvement not met:

Results: No sanctions:

Phased retirement:

Mandatory teacher training:

Workload/assignment changes:

Ineligibility for travel funding or professional development leave:

Salary reduction or ineligibility for increase:

Demotion in rank:

Suspension:

Dismissal/Termination:

Other:

Tenure Status of Full-Time Faculty (during 2002-03 academic year):

<i>College/School</i>	<i>Tenured</i>	<i>Tenure-Track</i>	<i>Neither Tenured Nor Tenure-Track</i>	<i>Total</i>
Engineering, Science and Technology	29	30	16	75
Business	20	11	3	34
Agriculture	4	5	28	37
Liberal Arts and Education	38	37	18	93
Other*	3	0	15	18

*Graduate Studies Faculty and administrators without tenure

Non-Tenure-Track, Full-Time Faculty Categorized (during 2002-03 academic year):

Visiting	
Teaching	60
Research	9
Clinical	
In-Residence Faculty	
Other	11

Fall 2003 Enrollments (Headcounts)

Number of undergraduate students:	4,033
Number of graduate or first professional students:	900
Number of graduate teaching assistants:	4

Additional Notes from Interview During Site Visit

- **When looking at the percentages of full time faculty who were tenured and on tenure-track in 1993, 1997 and 2001 (from National Center for Education Statistics IPEDS data), there is some fluctuation across these years. What accounts for this fluctuation?**

This fluctuation is almost certainly due to retirements. In 1993, the governor came out with a retirement plan, so they lost quite a few faculty. The same thing happened in 2001.

There are three main reasons that faculty leave an institution:

1. Retirement
2. Job at another institution
3. Disability/illness

The number of faculty who leave due to the last two reasons above remains fairly constant, but the number who leave due to retirement can fluctuate from year to year.

- **Under what circumstances are full-time faculty hired for non-tenure-track positions?**

If there is a teaching need that comes about unexpectedly (because of an increase in enrollment or a faculty member's illness), they will hire non-tenure-track staff. These are generally short-term positions.

They also hire long-term non-tenure-track faculty (adjuncts) for certain academic areas that tend to have fluctuating enrollments (such as English and math). For example, if the university enrolls 100 more freshmen than they expect, then they will need to have more faculty available to teach the courses that most students are required to take. They do have a few long-term adjuncts in these departments (that is, English and math), although they are trying to get away from this. (These staff can be adjuncts, or they can be hired on term contracts, which means that they are hired for a specific period of time).

VSU is a land grant university, and the staff in the agricultural program are handled differently than tenure track staff. Staff in the agricultural program are not eligible for tenure, but they have continuing contract status, which is just tenure by another name. It is similar to tenure in that they have to go through a probationary period.

- **Are faculty allowed to choose non-tenure-track employment?**

No, it is an institutional decision.

- **Why were all faculty who were up for tenure in the 2002-03 academic year granted tenure?**

The nature of the process is that tenure should not be denied if a faculty member gets through the probationary period. Faculty get annual reviews during this period, especially at year three, so faculty who are not going to get tenure should be weeded out before they make it to the tenure process.

Virginia State University

(continued)

- **Why were there were no post-tenure reviews from 1998-99 to 2002-03?**

No tenured faculty had received unsatisfactory reviews during that time period. There are four individuals in post-tenure review for the 2003-2004 year, but these cases have not been concluded.

- **What are the indirect outcomes of having a post-tenure review policy in place?**

Post-tenure review ensures more accountability for faculty performance.

- **Have there been any complaints from faculty regarding how much time and effort is taken up by the tenure review process or the post-tenure review process?**

Faculty do not complain about the time and effort involved, but they do complain if they get an unsatisfactory annual performance evaluation (many complain that they are not being treated fairly). So complaints are regarding the outcome of the process, rather than the process itself.

- **Overall, how does Virginia State ensure that tenured faculty continue to be productive?**

VSU has a good process in place, consisting of annual reviews and post-tenure review.

Richard Bland College

Summary of Tenure and Post-Tenure Review Policies

<i>Policy Characteristics</i>	<i>Summary or Status</i>
<i>Year Policies Last Reviewed by Institution</i>	2002
<i>Annual Evaluation / Review of Faculty</i>	All faculty (including all tenured faculty) receive an annual evaluation.
<i>Frequency of Full Post-Tenure Review Process</i>	All tenured faculty undergo the full review every five years.
<i>Post-Tenure Review Process Exemptions and Exceptions</i>	None stated in policies.
<i>Central Participants in Tenure or Post-Tenure Review</i>	Peer Review Committee is central to both tenure and post-tenure review processes. Peer Review Committee consists of: three tenured members of each of two Divisions; Division Chair; Provost.
<i>Information Collected</i>	Faculty member portfolio includes: curriculum vita; sampling of instructor-provided materials for courses; student course evaluations; list of committee service, committee chair evaluations, advising, discipline-, division-, and college-wide activities, professional development, and community service. Post-tenure review portfolio also includes Faculty Development Reports and Division Chair Evaluations
<i>Criteria / Standards</i>	Evaluations of: teaching load; course development; quality of testing; quality of committee service; quality of discipline-, division-, and college-wide activities, including advising; commitment to professional growth; representation of college in the community.
<i>Consequences If Post Tenure Review Finds Deficient Performance</i>	Provost's assessment, including: (1) faculty member's expected long-term contributions to college; (2) areas where improvement is needed; (3) plan for dealing with problem areas; (4) timetable for next three semesters to measure progress toward improvement. If timetable is not met, faculty member is subject to disciplinary actions.
<i>Appeals Process</i>	Ad hoc faculty committee, with report to President; in cases of suspension or termination, faculty member may request Board of Visitors' review.

Richard Bland College

(continued)

Summary of Tenure and Post-Tenure Review Statistics

Total Tenure Reviews (during 2002-03 academic year): 1

Awarded Tenure: 1

Denied Tenure: 0

Appeals:

Successful Appeals:

Total Post-Tenure Reviews (from 1998-99 through 2002-03 academic years): 19

No problems/needs identified: 19

Incomplete reviews due to termination:

All improvement expectations met:

Expectations for improvement not met:

Results: No sanctions:

Phased retirement:

Mandatory teacher training:

Workload/assignment changes:

Ineligibility for travel funding or professional development leave:

Salary reduction or ineligibility for increase:

Demotion in rank:

Suspension:

Dismissal/Termination:

Other:

Tenure Status of Full-Time Faculty (during 2002-03 academic year):

<i>College/School</i>	<i>Tenured</i>	<i>Tenure-Track</i>	<i>Neither Tenured Nor Tenure-Track</i>	<i>Total</i>
Richard Bland College	19	13	1	33

Non-Tenure-Track, Full-Time Faculty Categorized (during 2002-03 academic year):

Visiting	
Teaching	1
Research	
Clinical	
In-Residence Faculty	
Other	

Fall 2003 Enrollments (Headcounts)

Number of undergraduate students:	1,342
Number of graduate or first professional students:	0
Number of graduate teaching assistants:	0

Richard Bland College

(continued)

Additional Notes from Interview During Site Visit

Richard Bland College (RBC) started tenure in the mid-1970's. The College of William and Mary policies were a guide originally. The process has changed over the years with the addition of post-tenure review.

RBC's primary emphasis is on teaching. All faculty members teach 15 credits per semester.

- **Are there policies or processes related to the implementation of tenure at Richard Bland that are unique to this institution?**

Granting tenure is different when research is not a major issue. At RBC, the most important issues are working with students and helping them to transfer to four-year institutions.

Richard Bland now has 100 percent tenured and tenure track faculty because RBC has a very stable faculty and not much turnover. RBC has a significant number of faculty who have been at the college for 20 or more years. Some of these faculty members have been at RBC since the 1970s, when RBC started its tenure program by tenuring all faculty that had been employed by the college for over six years. In addition, RBC does not hire any faculty for long-term appointment that are not tenure track.

- **When looking at the percentages of full time faculty who were tenured and on tenure-track in 1993, 1997 and 2001 (from National Center for Education Statistics IPEDS data), the proportion of faculty in each category has changed over time. What accounts for the decrease in tenured faculty in 2001 (and the corresponding increase in tenure-track faculty?**

RBC has experienced a massive number of retirements. Now the college is bringing in new faculty members, which is why there is a large number of faculty on tenure track.

- **Under which circumstances are full-time faculty hired for non-tenure-track positions?**

Most new faculty members are offered tenure track when they are hired. RBC only hires non-tenure track positions if they need to temporarily fill a position. For example, a biology faculty member left on short notice, so RBC hired a non-tenure track person to temporarily fill the position until they find someone suitable to make an offer for a tenure-track position. The President has discretion over offering non-tenure track positions. RBC had one other example where a faculty member had different credentials than are typically needed for tenure. That member was not initially on tenure track, but was later on tenure track and eventually granted tenure.

- **Are faculty allowed to choose non-tenure-track employment?**

RBC would consider this if a faculty member requested it, but that has never happened.

Richard Bland College

(continued)

- **Were there items in the survey that need further comment or elaboration?**

Typically those on tenure track get tenure. RBC has a third-year review, which would give notice to any faculty members where it looked like tenure may be a problem.

RBC also has some part-time staff that are not tenured/ not tenure track, but the survey only asked for full-time staff members.

All faculty members are on RBC's post-tenure review cycle. However, faculty members hired within the past five years have not been through the process yet. JLARC staff noted that all of the post-tenure reviews were categorized as having no problems or needs for improvement. RBC responded that they have exceptional faculty members right now.

- **What are the indirect outcomes of having a post-tenure review policy in place?**

The post-tenure review process has resulted in some early retirements. The process also causes faculty members to take another look at themselves. It helps staff re-evaluate their notes and teaching if they are becoming stale.

- **Have there been any complaints from faculty regarding how much time and effort is taken up by the tenure review process or the post-tenure review process?**

There have been no complaints about the tenure process.

There were prior complaints about the post-tenure process, but RBC changed the process to make it less burdensome and paper intensive. The post-tenure review package is now just a compilation of the five most recent annual reviews. Faculty members do not have to add anything unless they want to.

- **Overall, how does Richard Bland College ensure that tenured faculty continue to be productive?**

Post-tenure review coupled with annual reviews is effective. Post-tenure review by itself is not effective. Most of RBC's professors still teach five classes per semester, which insures their productivity. Morale problems tend to be related to salary issues, such as the lack of salary increases.

In general, it is good to have colleagues reviewing each other.

JLARC Staff

DIRECTOR: PHILIP A. LEONE

● *DEPUTY DIRECTOR:* GLEN S. TITTERMARY

DIVISION CHIEFS: HAROLD E. GREER, III

ROBERT B. ROTZ

SECTION MANAGERS:

PATRICIA S. BISHOP, FISCAL & ADMINISTRATIVE SERVICES

JOHN W. LONG, PUBLICATIONS & GRAPHICS

● GREGORY J. REST, RESEARCH METHODS

WALTER L. SMILEY, FISCAL ANALYSIS

PROJECT TEAM LEADERS:

● ARIS W. BEARSE

ASHLEY S. COLVIN

LINDA B. FORD

ERIC H. MESSICK

NATHALIE MOLLIET-RIBET

● KIMBERLY A. SARTE

PROJECT TEAM STAFF:

JANICE G. BAAB

JUSTIN C. BROWN

WENDY N. BROWN

EILEEN T. FLECK

MICHELLE HEBERT-GIFFEN

ELLEN M. JACKSON

BRAD B. MARSH

JENNIFER N. JENKINS

JASON W. POWELL

TRACEY R. SMITH

● CHRISTINE D. WOLFE

KENT S. WYATT

ADMINISTRATIVE AND RESEARCH SUPPORT STAFF:

JOAN M. IRBY

BETSY M. JACKSON

PAULA C. LAMBERT

● Indicates JLARC staff with primary assignment to this project

Recent JLARC Reports

Review of the Performance and Management of the Virginia Department of Health, January 2000
Virginia's Medicaid Reimbursement to Nursing Facilities, January 2000
Final Report: Review of the Virginia Housing Development Authority, August 2000
Technical Status Report: An Overview of Expenditure Forecasting in Four Major State Programs, August 2000
Virginia's Welfare Reform Initiative: Follow-Up of Participant Outcomes, October 2000
Final Report: Child Support Enforcement, November 2000
Technical Report: The Cost of Raising Children, November 2000
Review of the Medicaid Inpatient Hospital Reimbursement System, December 2000
Special Inquiry: A Review of Child Support Enforcement and the Judicial Process, December 2000
Review of the Virginia Distribution Center, January 2001
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Review of RMA and Powhite Parkway Extension Toll Facility Operations, January 2001
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Special Report: Preservation of Revolutionary War Veteran Gravesites in Virginia, February 2001
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Review of State Aid to Public Libraries, July 2001
2001 Report to the General Assembly, October 2001
Review of the Virginia Small Business Development Center Program, December 2001
Equity and Efficiency of Highway Construction and Transit Funding, December 2001
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Review of State Spending: June 2002 Update
VRS Oversight Report No. 18: VRS Biennial Status and Semi-Annual Investment Report, July 2002
Special Report: Tax Compliance (October 2002)
Special Report: The Secretarial System (October 2002)
Special Report: State Business Incentive Grant Programs (November 2002)
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Special Report: Higher Education (November 2002)
Special Report: Medical Supplies and Pharmaceuticals (December 2002)
VRS Semi-Annual Investment Report No. 19 (December 2002)
The Future of the Chesapeake Bay Bridge-Tunnel, January 2003
Review of Information Technology Systems Development, January 2003
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Special Report: State Spending on Regional Health Planning Agencies (June 2003)
VRS Semi-Annual Investment Report No. 20 (July 2003)
2003 Report to the General Assembly (September 2003)
Technical Report: State Funding Formula for Educational Technology (September 2003)
Review of State Spending: December 2003 Update
Implementation Review: Virginia Information Technologies Agency, December 2003 Status Report
Review of Virginia's Activity in Maximizing Federal Grant Funding (December 2003)
Semi-Annual VRS Investment Report No. 21 (December 2003)
Best Practices for the Support Services of School Divisions (January 2004)
Acclimation of Virginia's Foreign-Born Population (January 2004)
Review of the State's Passenger Vehicle Fleet (January 2004)
Review of Factors and Practices Associated with School Performance in Virginia (January 2004)
Benchmarks: Virginia Compared to the Other States (July 2004)
Semi-Annual VRS Investment Report No. 22 (July 2004)
Special Report: Tenure and Post-Tenure Review Policies at Virginia's Public Colleges and Universities (August 2004)

JLARC
Suite 1100
General Assembly Building
Capitol Square
Richmond, Virginia 23219
(804) 786-1258 Fax: 371-0101
<http://jlarc.state.va.us>

