



Webinar

Yes We Can: Approaches to Post-Tenure Faculty Review

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Introduction & Agenda

How did we get here? A History of Post-Tenure Review

Establishing a Post-Tenure Review Process

Meaningful Execution of Your Process

Key Terms

- **Tenure:** A tenured appointment is an indefinite appointment that can be terminated only for cause or under extraordinary circumstances such as financial exigency and program discontinuation. ([AAUP](#))
- **Post-Tenure Review:** The periodic, comprehensive performance review of a faculty member with tenure.




How did we get here? Where are we now?

A history of post-tenure review



Origins of Tenure and Post-tenure Review

**AAUP 1940 Statement of
Principles on Academic
Freedom and Tenure**

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- **1986: Amendments to Age Discrimination in Employment Act prohibited mandatory retirement for most workers—with exemption for higher education that delayed implementation until January 1, 1994**
 - **1994: Mandatory retirement age for faculty no longer permitted**

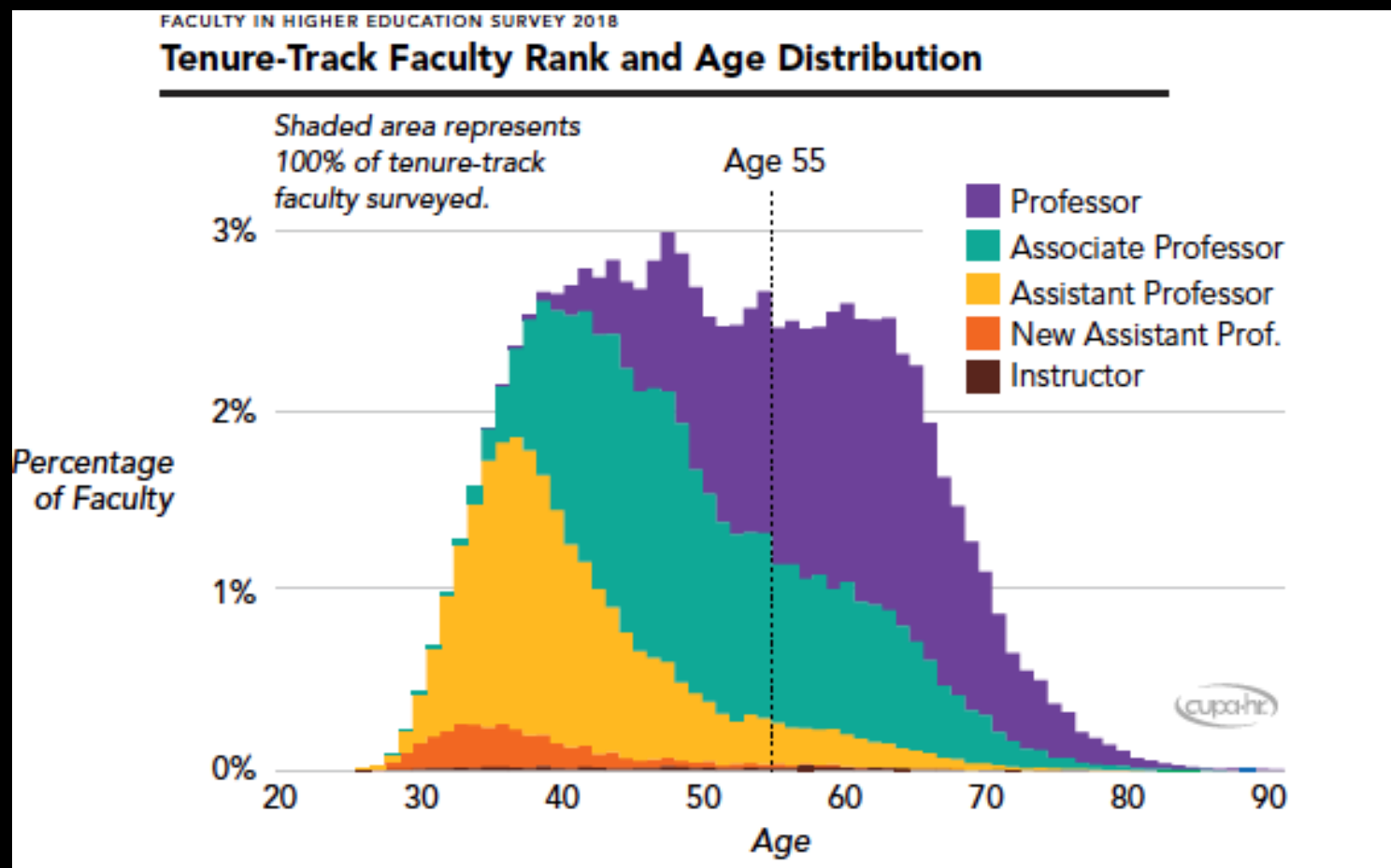
Shifting Toward a System of Review

"At most colleges and universities, **few faculty are likely to work past age 70**. Therefore, eliminating mandatory retirement would not pose a threat to tenure. Colleges and universities can dismiss tenured faculty . . . however, dismissal of faculty members for poor performance is rare now and likely to remain rare.

In response to larger concerns about faculty performance, **the committee recommends that faculty and administrators work to develop ways to offer faculty feedback on their performance**. Colleges and universities hoping to hire scholars in new fields or to change the balance of faculty research and teaching interests will need to encourage turnover using mechanisms other than performance evaluation and dismissal."

- [National Research Council, *Ending Mandatory Retirement for Faculty: The Consequences for Higher Education* \(1991\)](#)

Today's Reality



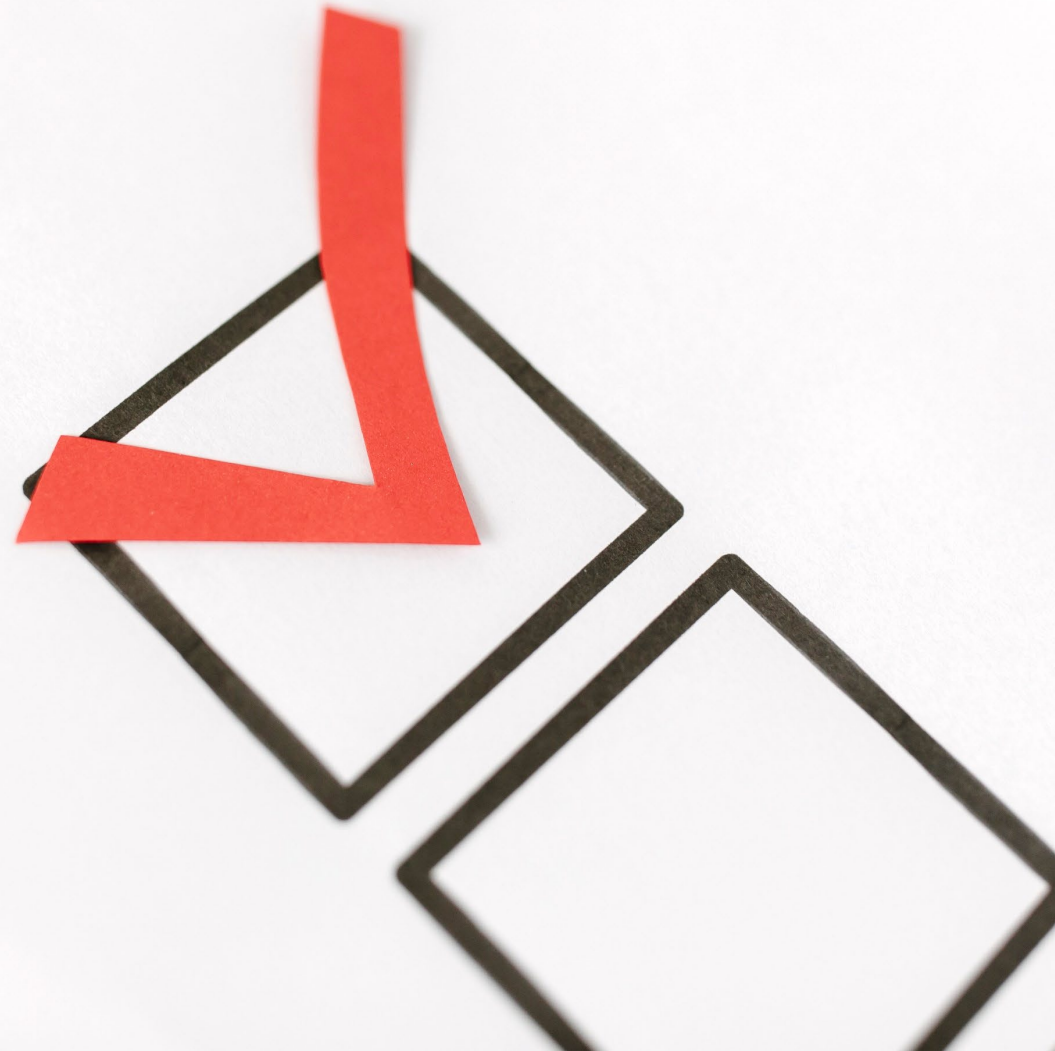
Support for Post-tenure Review

- Gives structured model for evaluation
- Increased accountability to peers, students, institution
- Tool to recognize and reward high achievers
- Enhanced professional development



Support for Post-tenure Review

- Identify and rehabilitate underperformers
- Opportunity to document and build support for dismissing chronically underperformers
- External expectations and perceptions (trustees, politicians, public)



Opposition to Post-tenure Review

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

The Association emphasizes that no procedure for evaluation of faculty should be used to weaken or undermine the principles of academic freedom and tenure. **The Association cautions particularly against allowing any general system of evaluation to be used as grounds for dismissal or other disciplinary sanctions."**

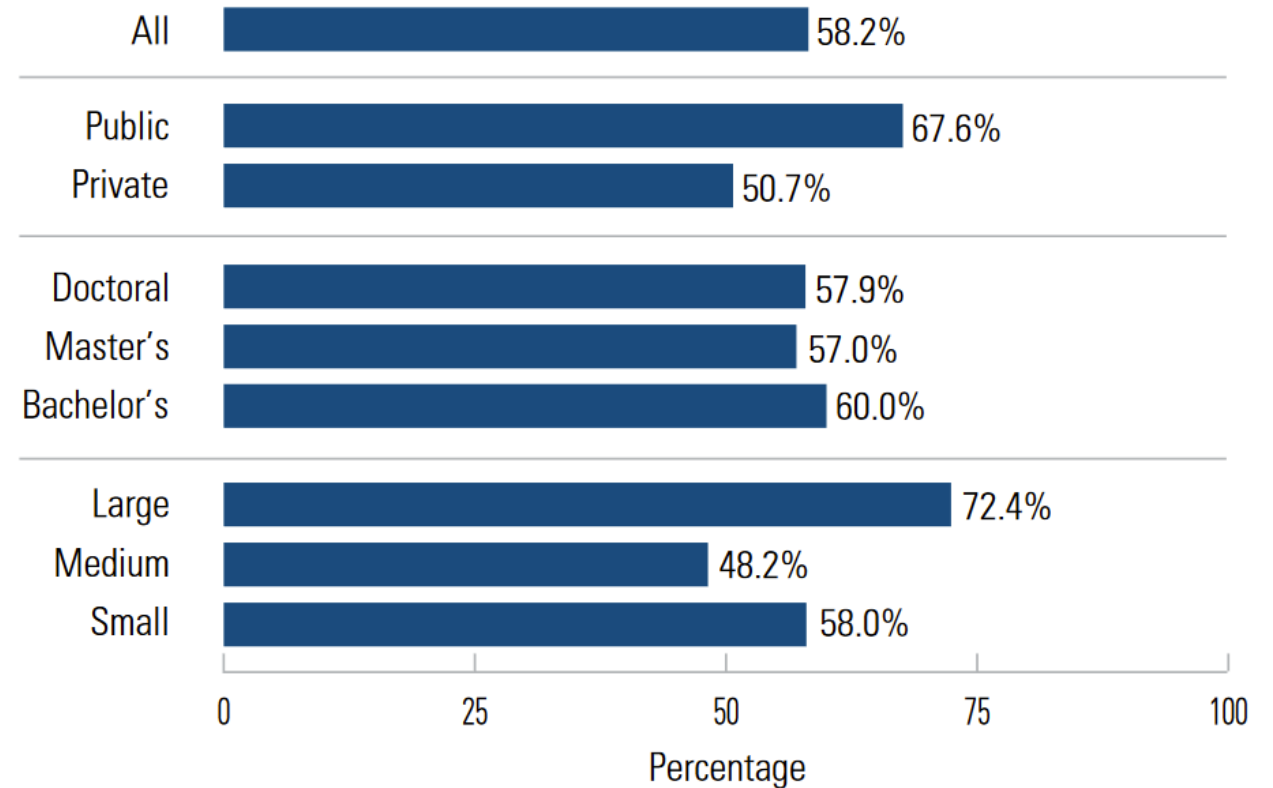
- [AAUP, Post-tenure Review: An AAUP Response \(1999\)](#)

Commonality of Post- tenure Review

Source: AAUP, 2022 Survey of
Tenure Practices

FIGURE 8

Institutions that have a post-tenure review program



Source: 2022 AAUP Tenure Survey.

Note: Findings are from four-year institutions with a tenure system.



Developing Post-tenure Review Process

Who wants it?

Administration

Governing Board

Students

PR Pressures

Faculty themselves

Legislative and Board Level Push for Post- Tenure Review

Georgia

- In October 2021, the Georgia Board of Regents made significant changes to the state systems post-tenure review process.

Florida

- In April 2022, Ron DeSantis signed [SB 7044](#), which establishes a new posttenure, five-year review cycle for professors at public institutions.

Creating a Stakeholder-led Team

President

Provost

Deans and
Department
Chairs

Faculty

Human
Resources

Counsel

Considerations for Drafting a Policy

Frequency/timing of review

- How often will you evaluate? Annually? Three Years? Five Years? Seven Years? If the faculty member receives negative annual review(s)?

Timeline for evaluation

- Key deadlines and important dates
- Whether to align with other review cycles (e.g., tenure reviews)

Process

- Who will conduct the evaluation? Peer Committee? Department Chair? Provost?
- What are they looking for? Evaluation criteria?
- What are they reviewing?

Considerations for Drafting a Policy

Consequences

- How many teeth, if any, does this policy have?

What happens with review

- Who has access?

Appeal rights

- Will you permit an appeal?
- If so, for what reasons and to whom?

Faculty ownership of process

Thinking through the process...

What are your resources?

Who does the review (faculty peers, dep't chair, etc.)

Administrative burdens

Avoiding ambiguity around required steps

Targeting poor performers vs. Review of all



Effectively Implementing Post-tenure Review

We have the policy! ... Now what?

Training

- Writing meaningful and honest reviews; avoiding review inflation
- Documenting performance issues
 - Memos to file, internal email trails, and other contemporaneous records

Setting expectations with faculty

Addressing
faculty
misconduct
and
performance
issues

Disciplinary actions

Remediation resources

Tensions between academic
freedom and actionable
performance issues

What about unionized faculties?



Importance of review even with non-tenured faculty populations



Collective bargaining considerations



Beware of arbitrations!



Questions?

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