

**THE UNIVERSITY OF WEST FLORIDA
NOTICE OF PROPOSED AMENDMENT TO REGULATION**

DATE: October 26, 2023

REGULATION TITLE AND NUMBER: UWF REGULATION 2.001, Post-Tenure Review

PURPOSE AND EFFECT: The purpose of this amendment is to bring the regulation further into alignment with Florida BOG Regulation 10.003, Post-Tenure Faculty Review.

SUMMARY: The proposed amendment to this regulation is as follows:

- Further defines supervisor for purposes of providing reviews
- Provides for exceptions to the timing of a faculty member's post-tenure review
- Clarifies materials to be reviewed by the dean
- Provides direction for appeals
- Clarifies items to be included in audit reports

AUTHORITY TO AMEND THE REGULATION: Florida BOG Reg. 10.003

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION AMENDMENT: Gary Liguori, Provost

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendment in whole or in part after notice, or proceed with adopting the regulation amendment. The comments must identify the regulation(s) on which you are commenting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED AMENDMENT TO THE REGULATION OR CHALLENGE: Jessica Whittle, Paralegal, Office of the General Counsel at jwhittle@uwf.edu or 850-474-3420 or Office of the General Counsel, Building 10, 11000 University Parkway, Pensacola, Florida 32514.

THE FULL TEXT OF THE REGULATION: The full text of the proposed amendment to the regulation is attached below this Notice. The full text of the proposed amendment and existing regulation is also posted on UWF's website: <https://uwf.edu/offices/board-of-trustees/regulations/>



Regulations

Number: UWF/REG-2.001
Title: Post-Tenure Review
Responsible
Department: Office of the Provost

I. General Statement

The purpose of the Post-Tenure Review is to ensure high standards of quality and productivity among the tenured faculty in the State University System. All tenured faculty at the University of West Florida (the “University”) are required to undergo a periodic post-tenure review. Post-tenure review is intended to recognize and honor exceptional achievement, affirm continued academic professional development, enable a faculty member who has fallen below performance norms to pursue a performance improvement plan and return to expected levels of productivity, and identify faculty members whose pattern of performance is unacceptable and inconsistent with professional standards.

II. Timing and Eligibility

A. Each tenured faculty member shall have a comprehensive post-tenure review of five years of performance in the fifth year following the last promotion or the last comprehensive review, whichever is later. For faculty hired with tenure, the hire date shall constitute the date of the last promotion.

B. Tenured faculty in administrative roles (chairs, directors, or higher) shall be reviewed annually by their direct supervisors, supervisors, the dean or the Provost as applicable. Upon returning to a 1.0 FTE faculty role, these faculty shall undergo post-tenure review by the fifth year following a return to a full-time faculty appointment.

B-C. Exceptions to the timing of a faculty member’s post-tenure review may be made for extenuating, unforeseen circumstances. Exceptions granted to tenured faculty members shall be disclosed in the Provost’s report to the President and the Board of Trustees required by Section VI.

III. Review Requirements

Tenured faculty are expected to meet expectations associated with assigned duties in research, teaching, and service. Positive sustained contributions are expected in all assigned work areas.

Percent effort in areas of assignment may vary as a career evolves. A decrease in effort and thus expectation in one category should be balanced with a concomitant increase in another category. Except in the case of significant other responsibilities, tenured faculty should retain a minimum of 10% (unless otherwise approved by the Provost) research, scholarship, or creative work.

- A. The comprehensive post-tenure review shall include consideration of the following:
1. The level of accomplishment and productivity relative to the faculty member's assigned duties in research, teaching, service, and other assignments including extension, clinical, and administrative assignments;
 2. The faculty member's history of professional conduct and performance of academic responsibilities to the University and its students;
 3. Any substantiated disciplinary actions in the personnel file including but not limited to the faculty member's non-compliance with state law, BOG regulations, and University regulations and policies; Unapproved absences from teaching assigned courses; Substantiated student complaints; and Other relevant measures of faculty conduct as appropriate.
- B. Criteria for rating faculty performance in work assigned shall be clarified by each college and department in terms tailored to the college and department disciplines through departmental bylaws and consistent with University standards. The criteria for rating faculty performance shall be initiated by unit faculty with final approval of the Provost.

Rating categories for Post-Tenure Review shall include the following University-level guidance:

1. Exceeds expectations – a clear and significant level of accomplishment beyond the average performance of faculty across the faculty member's discipline and unit.
2. Meets expectations – expected level of accomplishment compared to faculty across the faculty member's discipline and unit.
3. Does not meet expectations – performance falls below the normal range of annual variation in performance compared to faculty across the faculty member's discipline and unit but is capable of improvement.
4. Unsatisfactory – failure to meet expectations that reflect disregard or failure to follow previous advice or other efforts to provide correction or assistance, or performance involves incompetence or misconduct as defined in applicable University regulations and policies.

IV. Process Requirements

- A. The faculty member shall complete a dossier demonstrating performance relative to assigned duties over the previous five years, along with highlighting relevant accomplishments, and submit the dossier to the appropriate department chair (or individual responsible for conducting the annual evaluation, such as program director, or designated supervisor; hereafter referred to as “chair”).
- B. The faculty member’s chair shall review (1) the faculty member’s university-designated dossier of expectations and accomplishments, (2) the last five years of work assignments and annual performance reviews by the chair, and (3) the faculty member’s disciplinary record in their personnel file covering the past five years.
- C. The faculty member’s chair shall provide a written assessment certifying the level of achievement and including, if applicable, any concerns regarding professional conduct, academic responsibilities, and performance during the period under review. The chair is not responsible for assigning a performance rating.
- D. The faculty member’s chair shall forward the dossier, work assignments and annual evaluations, and the chair’s letter to the dean of the college for review.
- E. The dean of the college shall ~~only~~ review ~~the all~~ materials ~~submitted provided~~ by the ~~candidate faculty member’s department to the chair and the chair’s letter~~.
- F. The dean of the college shall add to the materials a brief letter assessing the level of achievement during the period under review. The letter shall include any concerns regarding professional conduct, academic responsibilities, and performance. The letter shall also include the dean’s recommended performance rating using the criteria established by unit faculty and approved by the department head, dean, and Provost and the rating scale described above in section III.B.1.
- G. The dean of the college shall forward the packet and recommendation to the Provost for review.
- H. The Provost shall review the packet and the recommendation provided by the dean of the college. The Provost may consult with an advisory committee.
- I. With guidance and oversight from the University President, the Provost will rate the faculty member’s professional conduct, academic responsibilities, and performance during the review period. The Provost may accept, reject, or modify the dean’s recommended rating. Each faculty member reviewed will receive one of the performance ratings established in section III. B. 1. above.
- J. The Provost shall notify the faculty member, the faculty member’s chair, and the appropriate college dean of the outcome.

V. Outcomes

- A. For each faculty member who receives a final performance rating of “exceeds expectations” or “meets expectations,” the appropriate college dean, in consultation with the faculty member’s chair, shall recommend to the Provost appropriate recognition and/or compensation in accordance with the faculty member’s performance and University regulations and policies. The Provost shall make the final determination regarding recognition and/or compensation.
- B. For each faculty member who receives a final performance rating of “does not meet expectations,” the dean, in consultation with the faculty member and the faculty member’s chair, shall propose a performance improvement plan to the Provost.
1. The plan must include a deadline for the faculty member to achieve the requirements of the performance improvement plan. The deadline may not extend more than 12 months past the date the faculty member receives the improvement plan. The Provost shall make final decisions regarding the requirements of each performance improvement plan.
 - ~~1.~~
 2. Faculty receiving a "does not meet expectations" rating on a Post-Tenure Review will enter into a performance improvement plan. The performance improvement plan will be developed by the chair in concert with the dean. The faculty member will be provided with an opportunity to provide input into the performance improvement plan. The performance improvement plan shall outline each of the areas needing attention and improvement. The performance improvement plan shall provide specific performance targets and a time period for achieving the targets not to extend more than 12 months past the date the faculty member receives the improvement plan. The performance improvement plan must be approved by the Provost. The chair will meet regularly with the faculty member to review progress toward meeting the performance targets. However, it is the responsibility of the faculty member to attain the performance targets specified in the performance improvement plan within the specified time frame and demonstrate competency in their position.
 3. Each faculty member who fails to meet the requirements of a performance improvement plan receives a final performance rating of “unsatisfactory” and shall receive a notice of termination from the Provost, pursuant to applicable University processes.
- C. Final decisions regarding post-tenure review may be appealed under this regulation or the applicable collective bargaining agreement. Pursuant to Section 1001.741, Fla. Stat., the decision may not be appealed beyond the President or designee and is not subject to arbitration.

VI. Monitoring and Reporting

A. Annual Report

The Provost shall report annually to the President and Board of Trustees (“BOT”) the outcomes of the post-tenure review process for the prior fiscal year.

B. Audit

1. Beginning January 1, 2024, and continuing every three years thereafter, the Chief Audit Executive or designee must audit the post-tenure review process for the prior fiscal year. A final report of the audit must be presented to the BOT by the Provost or the Chief Audit Executive by July 1.
2. The audit report must include:
 - a. The number of tenured faculty in each of the four performance rating categories;
 - b. The University’s response, ~~if any, in to each faculty member’s rating incases of~~ each category; and
 - c. Any findings of non-compliance with applicable state laws, BOG regulations, and University regulations and policies.
3. The BOT shall review the audit report at its next regularly scheduled meeting of the full board after the report is finalized by the Chief Audit Executive. The BOT shall consider the report and adopt it on its action item agenda.
 - a. If the University is in compliance, then a copy of the adopted audit report shall be provided to the BOG.
 - b. If the University is not in compliance, then the Chief Audit Executive must present the report to the BOG at its next regularly scheduled meeting.

Effective Date: ~~September 14, 2023~~[date]

Authority: BOG Regulation 10.003, Post-Tenure Faculty Review

History: Adopted September 14, 2023; ~~revised~~ [date]

Last review: September 2023