

**Joint Legislative Audit and Review Commission  
of the Virginia General Assembly**



**Exploratory Study:  
Tenure and Post-Tenure Review Policies at  
Virginia Public Colleges and Universities**

**Staff Briefing  
Dr. Greg Rest  
July 12, 2004**

# Introduction

---

2

## Staff for this study:

**Glen Tittermary, Deputy Director**

**Greg Rest, Project Leader**

**Aris Bearse**

**Kimberly Sarte**

**Christine Wolfe**

# Presentation Outline

---

3

 **Introduction**

**Background**

**Tenure at Public Institutions in Virginia**

**Conclusions**

# Study Mandate

---

- **Section 30-58.1C of the *Code of Virginia* authorizes JLARC to make “special studies and reports of the operations and functions of state agencies as it deems appropriate”**
- **At its November 2003 meeting, the Commission directed staff to complete an exploratory study of higher education tenure and post-tenure review policies**

# Study Issues

---

5

- **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

---

6

- Document and literature reviews
- Survey
- Data analysis
- Structured interviews

# Presentation Outline

---

7

Introduction

 Background

Tenure at Public Institutions in Virginia

Conclusions

# Key Features of Tenure System

---

8

- **Maximum of seven years in probationary period, resulting in “up-or-out” decision**
- **Dismissal of tenured faculty, except for financial exigency, is to be for cause and judicially determined**
- **After expiration of probationary period, faculty should have permanent or continuous tenure**
- **Process is “self-regulating” through committees of “peer” faculty members**

# Arguments for Tenure System

---

9

- **Status quo – heavily embedded in academic culture**
- **Protects academic freedom**
- **Provides economic incentive for long-term research**
- **Can enhance institution's competitiveness in hiring and retaining faculty**
- **Reinforces authority structure of institutions**
- **Enhances institutional missions of teaching, research/scholarship and service**

# Arguments Against Tenure System

---

10

- **Entrenches less productive faculty**
- **Insulates faculty from accountability and “real world” realities**
- **Limits institutional flexibility in staffing decisions**
- **Distorts incentives for teaching, research, and service**
- **Disadvantages women and minorities**
- **Hinders faculty who do not want to be evaluated through tenure process**
- **Process can be ambiguous and contradictory, and it takes up too much faculty time.**

# Approaches for Addressing Problems with Tenure System: Post-Tenure Review

---

11

- Entails re-evaluating performance of tenured professors periodically
- Addresses problems of unproductive faculty and unaccountability
- Most frequently-used form of modifying tenure system
- All Virginia public institutions with tenured faculty have adopted post-tenure review policies since mid-1990s

# Approaches for Addressing Problems with Tenure System: Renewable Term Contracts

---

12

- **Term contracts typically have three attributes:**
  - All appointments are for specific period of time
  - Renewable upon mutual agreement, without any “up or out” proviso
  - Contract intervals often increase with rank and length of service
  
- **Some institutions in U. S. have moved away from tenure system toward term contracts**

# Presentation Outline

---

13

Introduction and Summary of Findings

Background



**Tenure at Public Institutions in Virginia**

- Percentage of Faculty with Tenure or on Tenure Track
- Tenure Review and Post-Tenure Review Policies
- Number of Tenure Reviews and Post-Tenure Reviews, and Their Outcomes

Conclusions

# Percentage of Tenured and Tenure-Track Faculty at Virginia Institutions

---

14

- **Tenure system has strong presence at Virginia institutions:**
  - On average, in 2001 about 70 percent of full-time faculty at Virginia institutions are tenured or on tenure-track
  - Comparable percentage of full-time faculty at four-year public institutions nationwide: 72 percent
  
- **Several institutions have had more than 80 percent of their faculty either tenured or on tenure-track over the years:**
  - William and Mary, Longwood, Mary Washington, Radford, Virginia Military Institute, Richard Bland
  
- **Some large, doctoral institutions have relatively lower percentages:**
  - George Mason, University of Virginia, Virginia Commonwealth, Virginia Tech

# Percentage of Tenured and Tenure-Track Faculty at Virginia Institutions

(Continued)

---

15

- What do non-tenure-track faculty do?
  - At institutions with higher percentages of tenured and tenure-track faculty: primarily teaching positions
  - At institutions with lower percentages of tenured and tenure-track faculty: either teaching, or else clinical/research positions

# Key Characteristics of Tenure and Post-Tenure Review Policies

---

16

## ■ Most recent review of policies

Most institutions have reviewed or revised both their tenure review policy and post-tenure review policy in last four years

## ■ Annual evaluation

- All institutions annually review all faculty.
- Annual review is key to entire faculty evaluation process working properly

## ■ Frequency of full post-tenure review process

- Four institutions require all tenured faculty to undergo full process every five or six years
- Full process can be “triggered” by results of annual evaluation

# Key Characteristics of Tenure and Post-Tenure Review Policies

(Continued)

---

17

- **Exceptions for full post-tenure review process**
  - Faculty member agrees to retire soon
  - Faculty in administrative positions
  
- **Central participants**
  - **Tenure review**
    - At large institutions, typically occurs on three levels: department, school or college, university
    - At each level, separate “peer review” committee composed of faculty members
    - Granting of tenure must be approved by institution’s president and board of visitors
  
  - **Post-tenure review**
    - Generally occurs at departmental level only
    - Most institutions have “peer review” committee of tenured faculty

# Key Characteristics of Tenure and Post-Tenure Review Policies

(Continued)

---

18

## ■ Information collected

### ● Tenure review

- Candidate for tenure assembles dossier or file to be reviewed by committees on department, college, and university levels.
- File often includes:
  - Curriculum vita
  - Summary of student evaluations
  - All past written evaluations or performance reviews
  - Letters of recommendation
  - Other evidence of teaching effectiveness, scholarship/research, and service

### ● Post-tenure review

- At some institutions, same basic information as for tenure review
- Other institutions place more emphasis on
  - Past and present evaluations and self evaluations
  - Results of reviews of past performance used to develop self-improvement plans

# **Key Characteristics of Tenure and Post-Tenure Review Policies**

(Continued)

---

19

## **■ Criteria / standards:**

### **● Three underlying criteria**

- Teaching**
- Scholarship and research**
- Service to university and community**

### **● Some institutions give more weight to teaching criterion**

## **■ Consequences if post-tenure review finds deficient performance:**

### **● Self-improvement plan for addressing identified deficiencies developed and implemented in one to two years**

- If objectives of plan are not met within timeframe, sanctions (such as reduction in salary, suspension, or dismissal for cause) may be imposed**

# **Key Characteristics of Tenure and Post-Tenure Review Policies**

(Continued)

---

20

## **■ Appeals process**

- Faculty members generally provided some means to appeal tenure or post-tenure review decisions, at least on grounds that process was procedurally flawed
- Specific appeals processes and key participants vary greatly from one institution to another

## **■ Indirect effects of post-tenure review process**

- Most frequently cited: faculty members retire to avoid undergoing process
- Post-tenure review enhances annual review process
- Helped some faculty members improve performance

# Number of Tenure Reviews and Their Outcomes (2002-03 Academic Year)

---

21

- Across all 16 institutions, 251 tenure reviews
  - 231 cases were awarded tenure (92 percent)
  - 20 cases were denied tenure (8 percent)
  
- Notable exceptions
  - University of Virginia: 48 tenure reviews
    - 38 cases were awarded tenure (79 percent)
    - 10 cases were denied tenure (11 percent)
  - Christopher Newport University: 6 tenure reviews
    - 4 cases were awarded tenure (67 percent)
    - 2 cases were denied tenure (33 percent)
  - Other institutions awarded tenure to 100 percent of their faculty members undergoing tenure review:
    - James Madison, Longwood, Radford, Mary Washington, UVa-Wise, Virginia State, Richard Bland

# **Number of Tenure Reviews and Their Outcomes**

## **(Continued)**

---

22

- **Institutional officials say high percentages of cases awarded tenure is not surprising, because:**
  - **Large amount of time and effort is spent evaluating tenure-track faculty years before tenure review occurs;**
  - **Less-qualified faculty tend to be “weeded out” in probationary period prior to tenure decision;**
  - **Effective use of probationary reappointment review process addresses performance problems long before tenure review**
  
- **Officials at University of Virginia reported about half of those faculty that begin as assistant professors are eventually awarded tenure**

# **Number of Post-Tenure Reviews and Their Outcomes (1998-99 through 2002-03 Academic Years)**

---

23

- **Two institutions (Norfolk State and Virginia State) did not conduct any post-tenure reviews during this time period**
  - **Norfolk State officials said their old annual evaluation process did not support post-tenure review; however, recently revised annual evaluation process now does**
  - **Virginia State officials**
    - **Did not indicate any problems with review process during 1998-99 through 2002-03 academic years**
    - **Said there are four pending post-tenure review cases in 2003-04 academic year**

# **Number of Post-Tenure Reviews and Their Outcomes (1998-99 through 2002-03 Academic Years) (Continued)**

---

24

- **400 post-tenure reviews were conducted in five academic years at remaining 14 public institutions**
- **286 post-tenure reviews resulted in “no problems or needs identified”**
  - **Three institutions (William and Mary, UVa-Wise, and Richard Bland) had regularly scheduled full post-tenure reviews for all tenured faculty over five- or six-year cycle. About 93 percent of these cases resulted in “no problems identified”**
  - **Some institutions had faculty requesting post-tenure review (to “test the waters” for promotion)**
- **52 post-tenure review cases were incomplete due to termination**
- **26 cases resulted in “all expectations for improvement were met”**

# Number of Post-Tenure Reviews and Their Outcomes (1998-99 through 2002-03 Academic Years) (Continued)

---

25

- 35 cases resulted in “expectations for improvement were not met:”
  - Phased retirement: 21 cases
  - Mandatory teacher training: 3 cases
  - Workload / assignment changes: 2 cases
  - Salary reduction / ineligibility for increase: 3 cases
  - Dismissal / termination: 2 cases
  - Other (resigned, retired, or pending): 4 cases
  
- Of 400 cases of post-tenure review:
  - 2 cases resulted in actual dismissal
  - 76 cases resulted in termination (mostly through retirement or resignation)
  - 26 cases resulted in improved performance

# Presentation Outline

---

26

Introduction

Background

Tenure at Public Institutions in Virginia



**Conclusions**

- **Institutions' Compliance with Recommendations of the Commission on the Future of Higher Education**
- **How Institutions Say They Ensure that Tenured Faculty Remain Productive**

# Commission on the Future of Higher Education

---

27

- **Created by General Assembly in 1994 (through SJR 139)**
- **Stated two general points:**
  - **Tenure should be awarded for reasons that make sense to the general public;**
  - **Tenure, once achieved, must be followed by performance reviews that have real and substantial consequences.**
- **Made recommendations regarding tenure and post-tenure review, to be implemented by institutions by July 1, 1997**
- **Commission's recommendations were enforced by Item 528F.2 of 1996 Appropriation Act**

**Faculty salary increases shall be allotted only to those institutions of higher education which have faculty evaluation plans to include regular, rigorous pre- and post-tenure performance reviews acceptable to the Secretary of Education and the State Council of Higher Education**

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

---

28

- ***“There should be institution-wide policies and general criteria for the application of tenure-track agreements with faculty.”***
- ***“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.”***
- ***“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;***
  - ***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.”***

# Commission on the Future of Higher Education Recommendations on Tenure and Post-Tenure Review (Continued)

---

29

- ***“The institutions...should establish and maintain a clear balance between teaching and scholarship in tenure decisions.”***
  
- ***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.***

# Institutions Have Complied with Recommendations

---

30

- All institutions have adopted institution-wide policies
- All have processes for regular evaluation of tenured faculty
- All exhibit characteristics of “effective post-tenure review policy”
- Balance between teaching and scholarship has been adopted:
  - In faculty handbooks, all institutions state three primary criteria for tenure decisions: teaching, research and scholarship, and service
  - Some institutions highlight their teaching function
- All have evaluation of reappointment during probationary period:
  - Tenure-track faculty generally have contracts of employment for one or two years, so must be reappointed multiple times during probationary period
  - Evaluations from reappointment process inform tenure-track faculty about their progress toward tenure
  - Reappointment process provides means for “weeding out” those who would not be awarded tenure, well before tenure review

# **Institutions Have Complied with Recommendations (Continued)**

---

31

- **Pre-tenure review implemented in all institutions:**
  - **Tenure-track faculty at most institutions have pre-tenure review (to let them know their progress toward tenure) during third year of probationary period**
  - **Some institutions do it more frequently, such as**
    - **during second and fourth year, or**
    - **during each year of probationary period**
  
- **Peers make recommendations on tenure and reappointment**
  - **At all institutions, committee of faculty peers is among central participants in all tenure decisions**
  - **Faculty handbooks indicate that faculty peers generally have a role in reappointment decisions, though nature and conditions of their participation can vary greatly**

# Ensuring Tenured Faculty Remain Productive

---

32

- Annual evaluation is central to post-tenure review process
- Tenure process itself tends to select those who would most likely remain productive
- Incentive for promotion to full professor exists after tenure is attained
- There is peer pressure to remain productive
- Institutions make clear their expectations
- Reward systems also help ensure productivity

# Summary of Findings

---

- **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
  - as specified in the Appropriation Act of the 1996 General Assembly
- **The institutions generally appear to be diligent in ensuring that tenured faculty remain productive**
- **Institutional officials most frequently cited a rigorous annual review process as the critical element supporting their post-tenure review processes**
- **No additional planning or study appears to be necessary in this topic area**