

## TAMU Faculty Forum on Post Tenure Review

May 04, 2016

*Moderator:* Good morning. The Faculty Senate is hosting four sessions, this is the second of four sessions, in discussion of the changes to the university rule regarding post tenure review. Would the members of the committee like to make an opening statement or shall we sail into comments and questions?

*Respondent:* A couple of things. There's a bright side to this in case you're disturbed by it and that is whenever we open up a rule for revision there's also an opportunity to improve it and a lot of the comments we've gotten have had to do with the existing rule and not the proposed new rule and that's maybe a good thing. The second point I could make, just to guide the discussion, and keep us on the road, is that post tenure review itself is required by law so that in itself is not an issue. To clarify a couple of points, one is there has been a lot of concern expressed about a one year cycle. That needs to be clarified, there is no intent to have a one year post tenure review cycle. It's a three year cycle or five year cycle depending on what kind of discipline you're in. There were a couple of other things that have come to light that I think we'll probably deal with down the road already. In his role as Vice Provost, Mike convened the task force but he actually gave the faculty representatives-and I think there was one from every college-complete free reign. He didn't try to guide the discussion; he didn't try to point us in any particular direction except for an initial discussion about what the issues were that were driving the review. So the outcome was entirely the fault of the faculty members sitting around the table.

*Commentator:* Something that's come up is the specific definition of peer for peer review. Just because we have a lot of interest in the libraries about it and the sense is that it is the committee of professors that does the evaluations now for any of the tenured faculty but there's been a query from our Promotion & Tenure Committee now that perhaps the Associates should be involved in the evaluation process so can you clarify?

*Respondent:* That's a point, there are actually two peer reviews in the rule. One is the post tenure review itself, the other one is what we're now calling a comprehensive review-used to be the professional review. That point has come up and it was something else I was going to mention. I think it's a legitimate point and I think there needs to be some clarity about who's eligible to be a peer involved in these reviews, who appoints the reviewers, that all needs to be specified. There is some discussion required there I think. There are a couple of different models out there I believe but there is nothing in the rule itself that says and I think for people to be comfortable with that process that's something that needs to be remedied.

*Respondent2:* I would say from the perspective of the university and speaking as the former Dean of Faculties, we would have no trouble with anyone who has tenure to be sitting on the peer review committee for post tenure review. On the other hand, if a department chooses to have it only be the full professors, that's entirely their prerogative. It's really up to the unit to decide what's the right group and how that group is chosen. I don't know that you want the university guidelines to dictate how that's done. In some departments it's an elected committee, in other departments it's the promotion committee. Every department does it differently and I don't have any problem with that.

*Respondent:* I guess I would add one thing in the rule that isn't. Every department needs to be held accountable for putting on paper what their practice and policy is and posting it so everybody can see it.

*Moderator:* Is there anyone now who is verifying that the departments are doing that?

*Respondent2:* No one is verifying that the departments are doing it. Under the current rule, when someone receives a negative recommendation, that has to be reported to the Dean and to the Dean of Faculties. The number of people but not the names are provided to the System and to the Board. I think to the Board, I'm not 100% sure of that, but again, not the names just "...three people at Texas A&M". In the revision here, there's going to be a stipulation. Let me back up. I know for a fact that there are many departments that are not doing this, so one of the revisions in this rule is to say that every year the department will send forward the list of names that underwent peer review for that year and what was the outcome and that will go to the Dean of Faculties office also.

*Respondent:* I think the question was about the department policy, whether anybody is looking to see if the department has policies and procedures in place.

*Respondent2:* Dean of Faculties. The Dean of Faculties asks and yells. The Dean of Faculties tries and they certainly prod and they are posted when they get them. It's just like with the promotion and tenure rules, the same thing, they're supposed to be posted. Most departments have their post tenure review rule as part of their promotion and tenure rule but not all. I would say the vast majority are posted but there are some departments who just never seem to respond.

*Moderator:* I think we lost our Health Science colleagues. Questions, comments, concerns? So one of the observations that I found, just to get something going for discussion, is the idea that the annual review process potentially needs to change because now this has the criteria of 'unsatisfactory', 'needs improvement', and 'satisfactory'; and you're pointing out that not all departments use those terms, currently, and don't have those levels of assessment. How does that correlate, or how do we make that correlate with the rule? The new rule, for post tenure review. Or, do you see that as two different things? They have a review that is done for post tenure review purposes and one that is done on an annual basis to provide feedback.

*Respondent:* I think for a lot of departments, it's just a matter of nomenclature. They use the same things they may just have slightly different terminology. I think for some departments there is a disconnect and they need to define it. I know some departments that use a point system. They add up; you get points in research and points in service and points in teaching and then they add them up. All they need to do is define what the point spread is for each of these categories. It may be true, I don't remember all 85 departments annual review guidelines, that there are some departments that don't have anything in between 'satisfactory' and 'unsatisfactory'. If that provision stays in this then they may need to decide how to do that. Whether they want it as part of their annual review process or they only want it as reporting out for the post tenure review. The two can be done together; the two can be separated, or the two can have the same review with two different reporting outs. Which is, for example, what my department does, we get out score for the annual review process and at the very end, the department says "your ranking for purposes of post tenure review is satisfactory/unsatisfactory". All of those are fine.

*Moderator:* Janice you look like you want to say something.

*Commentator:* I was looking to see how many people are here.

*Commentator2:* I had another question related to 4.1 in the draft that indicated that the comprehensive professional review will be initiated either with three consecutive overall unsatisfactory... or an unsatisfactory peer review or at the request of the department head or faculty member? I'm curious why that provision is in there.

*Respondent:* I don't know why it's got put in there because that provision has been in there for years and I don't remember the history of it. I can tell you why I think it's in there which may or may not be why it got put in there in the beginning. So, the faculty member can choose to trigger it. Let's say the faculty member is getting really low reviews by their department head and they think that's undeserved and they really want an external review to assess them and rebut what the department head is saying. That might be a reason why a faculty member might choose to have a comprehensive review done. A department head might choose to do so, and I kind of know of some cases but they haven't really been triggered, where they believe a faculty member has just really stopped performing and they don't want to wait three years before giving them a warning to get their act together. So they may want to trigger the professional review to send a strong message that "even your peers think you're not doing what you're supposed to be doing". In the five years that I know the records, I have heard it discussed. I've never yet seen it done. That's my guess as to why the provision is in there.

*Respondent2:* I think I can answer that question because I was on the first task force that did post tenure review. The argument we made going in, first of all, was that it takes at least six years to earn tenure it ought to take at least six years to lose it. We also thought that if we had people struggling we wanted mechanisms to catch that early because much of what was intended by the original rule was for people to have access to advice and resources that would help them get back on track. Our feeling when we did that was we wanted some kind of mitigation as early as possible. That is, by the way, why, at least some of us, particularly me, argued for three year cycles as opposed to just meeting the state requirement. If you have somebody that's not performing well, you don't want that to go on for five or six years before somebody actually catches it because then you'd be in such a deep hole that you'd never get out. The basic policy/rule that was written in the first place was mostly written the way it was to meet the state requirement, which at the time wasn't law yet but I was clearly coming, and at the same time protect the faculty and provide as much protection and help as possible. That was the rationale for it.

*Respondent:* If I could just address one thing. I've had a lot of people ask me "so why do we have these two levels of peer review?" and the answer is "to make life easier". For 95% of people it's pretty obvious there's not a problem so they want a peer review that is very simple to do, meets the standards of the law, and isn't an undue burden on anyone. But then, if someone's performance is not up to the level that is expected then we trigger a very serious review where people can really look into the full depth of what's going on. That's why we have a two level review that a lot of universities don't have because our underlying assumption is that 90-95% of the people are doing just fine and why bother them making them generate a bunch of dossier material when they don't need to.

*Commentator:* Maybe not a question, just feedback from people that I've spoken with in my college and in my department. One other department head in our college expressed a lot of concern about the single 'unsatisfactory' causing overall 'unsatisfactory' which is new to this document and found that to be galling and really inappropriate and strong language said he "absolutely opposes it because a faculty member could be 'unsatisfactory' in one category and excellent- exceeds expectations- in both of the

others and be far more valuable to the department than a faculty member who was just satisfactory in all three or even 'needs improvement' in one and 'satisfactory' and the other two." We felt that was really counterproductive and would cause damage to departments. That is feedback from another department head. I don't necessarily see that myself, in my department, but that was given to me by another department head. In our department, the vast majority of the feedback I hear is that there is way too much power in these documents given to department heads and that it's inappropriate that any sort of professional review should be triggered by administrators alone. There should only ever be peer review involved in anything with serious consequences like that. Again, I'm not saying that, it is feedback that I've heard from multiple faculty members in our department. Neither of these are questions, just feedback.

*Moderator:* I would say that's feedback that was echoed in our other session as well so there is a great deal of concern that we've heard about that.

*Commentator:* In your tenure as Dean of Faculty and now as Associate Provost have you had any case of a faculty that has gone through a process like this and had to be let go? The reason for that question is, our department head said in his estimation it's going to take about 6 years and then by the time of all of the appeals there is no department head that has serious concern about operating a department that will devote the amount of time and energy and effort to pursue one faculty member that is not performing.

*Respondent:* I'm not sure what to say about a department head who is unwilling to do their job. Yes, it does take a long time and I think that's intentional for the protection of the faculty members. So what has happened in the history that I know? I would say that on average perhaps two to three people a year get triggered by the peer review or three years of unsatisfactory annual reviews. I would say not a single one of those has been dismissed due to that but that have, in a small number of cases, have actually remediated, were put on a plan and fixed what the issue was, in a much larger number of cases have either negotiated that they go off the tenure-track and go onto the senior professor track and just focus on teaching if their teaching is strong but their scholarship has gone away, or in some other cases have put together a retirement/separation plan. You know, "give me three/five years and I will give up tenure/ go away". I would say a vast majority of the outcomes are some sort of separation voluntarily by the faculty member. We have not yet dismissed anyone through this mechanism. I would note that, as a cautionary tale, say someone fails the comprehensive professional review, is assigned a remediation plan, fails to implement to satisfactorily succeed as that plan, then there is no automatic what's-next. It's the department head's decision or the dean's decision on what it is they want to do. This is sufficient grounds to revoke tenure, if they chose to do that, and then the faculty member has the right to appeal to CAFRT. There are multiple levels of protection for a tenured faculty member. If you think about it, there are at least three different peer processes that are taking place, but that has not yet happened. I'm trying to think when the last time we revoked tenure for someone on this campus- say 5 years ago? We revoke tenure I'm saying on average once every 5 years.

*Moderator:* Addressing the concerns that were brought up about a department head feeling that someone who is very useful and productive could be unsatisfactory in one category. Does that lend itself to the idea of having two separate assessments, one that is their annual review and one that is their overall ranking for post tenure review where the department head could then say this person is 'satisfactory' for post tenure review? In the rule it specifically addresses three categories.

*Respondent:* What is the question, can you please clarify?

*Moderator:* Dr. Benedik was saying that there could be a review that is done for the annual review feedback and coincidentally one done for post tenure review.

*Respondent:* Oh you were getting at the issue raised at the last Faculty Senate meeting by the head of Mathematics that was arguing for, basically he was objecting to the notion that you can't go to zero in each category. Actually speaking for myself, I kind of share that concern. On the other hand there is a provision in the rule for exceptions provided they are approved by the dean and the provost, or maybe it's the department head and the dean.

*Respondent2:* Yes, department head and the dean.

*Respondent:* So you could make an exception. Now whether that is sufficient to cover that contingency I don't know, but I'm thinking there is kind of a conflict there between the no/zero activity in any category, that we were aiming for, and the notion that if you have someone performing at a very high level in two areas and not in the other, that could be counterproductive to management in either part. I think that's an issue we need to go back and take up and see if there's a way we can deal with it in the rule. I think that's a point well taken.

*Respondent2:* I had a number of comments along those lines. Some people, for example, say that we have this outstanding research scholar who's doing phenomenal research with multiple grants, great career, but we're not putting him in the classroom, so this is a problem. It's not a problem. I would presume this person has graduate students; graduate education counts. It's whatever you as a department head is assigning that individual's duties, how well they're doing. There's a lot of flexibility in how the department head crafts the duties of the faculty member. The question is are they performing those duties satisfactorily? In the absence of any exceptions or any unusual assignments then the expectation is that they are doing all three well. The whole point of the added line in there was to permit exceptions for those relatively rare, but nonetheless, there are, individuals who are doing unusual things. I have no problem with that whatsoever. There's also the permission that this is not an absolute. There is a provision in there that the dean can make an exception. So you can have a faculty member who's 'unsatisfactory', but they know this person, their spouse or partner is undergoing cancer therapy- whatever. There's all sorts of exceptions taking place. Dean, at the request of the department head can grant an exception- he can say "we know things are going on here, let's just not worry about it for now". Not a problem.

*Commentator:* Is there any reason why that has to go to the dean? Why can't the department head handle that? The higher you go in administration, the worse. That should be the guiding rule.

*Respondent:* It needs to go to the dean. That provision was in there because some people have expressed the concern that department heads will take care of their buddies. The case in point that has been raised by one of our colleagues a couple of times is-

*Commentator:* That could only go on for four years. It can't go on for 18- the department head is reappointed every four years.

*Respondent:* Well, but, the post tenure review-

*Commentator:* It's reviewed by the dean. If the dean doesn't like it they don't have to reappoint them. I don't think that's a valid concern. I shouldn't say it's not a valid concern but it doesn't concern me.

*Respondent:* I was going to say one of the worst things we, as a task force, could have done is to discount peoples' concerns. Whether you're right or not is another question, but they are concerns.

*Moderator:* I think perhaps one of the reasons there's concern about that is because in some colleges the positions remain with the department, in other colleges the positions go back to the dean and those positions could then be transferred to another department. There's been, in conjunction with the academic analytics and the use of that, I know in my college that was brought up the other day, that there's-unfounded or not-concern or suspicion or mistrust about what the ultimate goal of this is. I realize that that was not the committee's intent but that was the perception of some of the faculty members which is unfortunate.

*Commentator:* Department heads are never appointed in the old buddy way anymore at this university. Department head selections are very rigorous. They have to pass a big standard and I think the concerns about higher administration to me at least would outweigh the concerns that you might get a buddy-buddy situation. It's always balance.

*Commentator:* I just want to go back to an earlier comment about- is there a specification for the number of categories? So we have 'superior, satisfactory, needs improvement, unsatisfactory'-

*Commentator2:* The document says as a minimum you've got 'unsatisfactory, needs improvement, satisfactory'.

*Respondent:* No 'superior'. Well they're either satisfactory or not. You could have it but it's useless. As long as you're above the threshold you're fine.

*Commentator:* What about annual review, are the categories-?

*Respondent:* Departments can choose whatever they want.

*Commentator:* Because if you take all of those together and map it to our typical grading scheme, 'superior' is A, 'satisfactory' is B or C, 'needs improvement' is D, and 'unsatisfactory' is F, but I don't know that the categories are specified. You're saying that there is a list, that there has to be at least three categories of 'satisfactory, unsatisfactory, needs improvement'?

*Respondent:* In this version of it, in this provision-

*Moderator:* In this rule.

*Respondent:* In this revision to the rule. The previous version of the rule was 'satisfactory, unsatisfactory'.

*Moderator:* So they've added another negative.

*Commentator:* Then the question is: what's the boundary between 'needs improvement' and 'unsatisfactory' because obviously 'unsatisfactory' needs improvement. Is that a judgement that the person is incapable of improvement?

*Moderator:* Right. In some departments they use 'needs improvement' as a motivating tool, not saying that the person is really 'unsatisfactory' but "we'd like to see more from you". Now it has officially become a negative, unfortunately, with the way the rule is now.

*Respondent:* I should let Rick speak to what the intent of the committee was, but I think what the intent of the committee was on that was to say that there are concerns that a small number of faculty who are performing the minimal-whatever the minimal level is possible- and anyone who is really performing minimally in two categories is of concern. That's a new addition, the committee was unanimous on it, it went forward, but it's obviously open for discussion.

*Moderator:* But doesn't that contradict with the "should not go to zero"?

*Respondent:* I don't know why it contradicts it. .

*Moderator:* Well I mean if a person, and again I'm not trying to derail this but I'm waiting on feedback from y'all, if a person- The first part of this said "we don't want people to go to zero in categories" which is assume would mean they would get an 'unsatisfactory'. So then if a person isn't at zero how do you protect potentially a faculty member when 'needs improvement' is subjective based on what the department's doing? What if they're not at zero but they're not at 100 so they need improvement?

*Respondent:* I mean it's all subjective. 'Unsatisfactory' might not necessarily be zero, some departments could define "our normal expectation is 10 papers a year and anything below 3 us 'unsatisfactory'". The faculty in the department choose what the metrics are in the department and they can set that bar wherever they want to.

*Moderator:* I'm curious, how many of you in your departments have participated in the development of criteria for what's 'satisfactory' and what's 'unsatisfactory'? (5 hands raised, 3 hands not) Ok, is that for annual review or post tenure review or both?

*Respondent:* Let me try to explain, I think my memory serves as to why the task force put that in and I think the reason was that we were moving to a case where you can't go to zero in any category. We felt like 'satisfactory' to 'unsatisfactory' was too big a step, you maybe needs something between those to alert the faculty member before you get to the point of triggering something more serious. We wanted something for the gray area. Whether that's something we should do or not, people have expressed concern about it, so I think we should go back and have another look.

*Commentator:* One thing you might want to look at is the possibility or putting 'exceeds' in there- a fourth category that is beyond satisfactory.

*Moderator:* Do you mean as a way to outweigh the negatives?

*Commentator:* Yeah, to outweigh an 'N' for example. I get that two 'N's equals a 'U' but two 'N's and an 'E' might not be a 'U'. I think there is a lot of value in some departments for people who are extreme achievers in one category and 'unsatisfactory' in two, you're not going to get that but maybe an 'N', and 'S' and an 'E' and I'd not want to call that 'unsatisfactory'. Or two 'N's and an 'E' rather is what I mean.

*Respondent:* So I hear the argument, but I have yet to see an individual who is doing excellent in one area and unsatisfactory in another. I mean, people who are doing really high quality work in one area

are doing reasonable work in other areas. That's not to say that they are exceptional in all areas but I have never seen someone who is 'exceptional' here and 'unsatisfactory' here.

*Commentator:* Michael what we are doing here is we are putting rules into code that will affect people's lives. Just because we haven't seen it, I think it's incumbent on us to try to image the niche cases. We need to write this in a way that includes things that are going to come up.

*Respondent2:* I would add that one of the problems with any kind of evaluation is that the people being evaluated have to have a concept of confidence in the fairness of the process. That's really what we're after. That's what we're talking about here. Some of these things that concern people, if you look at the record, there may be no evidence that they should be concerned about it. That doesn't stop them from being concerned about it. If we can craft a rule that satisfies most people, gets into their comfort zone, then that's what we ought to do.

*Respondent:* As an example, I'm not quite addressing this but a different one. Like I said, I'm not, although I wrote the revision to the rule based on the document of the task force, I'm not wedded to any of this stuff. I just went and collected feedback and put most of the recommendations of the task force into the revised rule. There was one thing that I just heard unanimous opposition to so I didn't even bother putting that in, which was the 20% figure, no one understood what that meant so I said "ok let's skip it". Now, as an example, people are really worried about the one year figure which has been there forever, but whatever. One could easily say on any given year if a department head believes a faculty member's work is of concern they can put it forward to the peer committee in the department without waiting for the six-year. I don't have a problem with that, that's the same effect. That's an example of a simple revision that addresses the issue of not having to wait six years.

*Moderator:* Could you clarify that? I didn't quite get that down.

*Respondent:* So right now the rule says that either a department head or a faculty member could trigger a comprehensive review, and you could revise that and say a department head can trigger an out of cycle peer review at any time. Of course the faculty member can request a comprehensive review at any time.

*Commentator:* How many departments do peer review every year?

*Respondent:* I would say-this is a real ball park figure-I would say a third to a half do peer review every year.

*Respondent2:* Some do peer review more.

*Moderator:* In my department we have only every done it when we were told we need to make sure we are getting our post tenure review and then our faculty got together and voted on what was considered satisfactory and then as satisfactory with respect to post tenure review and then people were assessed on that criteria.

*Commentator:* To what extent are you wanting the peer review process-

*Respondent2:* I think we need to clarify here because we have a lower case peer review as part of our annual evaluations. It's really the department heads evaluation but he sits down with the executive committee, we mostly reached a consensus, sometimes I chose to give a slightly different evaluation

that the committee would have but I made sure they knew before the end of the discussion where I was going to take it. It was always a matter of one step up or one step down based on the record. But that's not the formal peer review. I don't think the rule says you've got a formal one-year peer review cycle. It's supposed to be the average of the three annual reviews if there's peer participation in the annual review. So we need to, that needs to be clarified. There's no one-year PTR cycle intended in the rule.

*Respondent:* It's true if there's a group of peers participating in the annual review process that meets the criteria that the state has mandated, so that works. What's also clear, what I didn't put in the rule but I put in my email communication to everyone, is that I would expect all departments to address, if there's an annual peer review, how that satisfies the post tenure review process. Is it the average of three years? Is it any one year? Is it every fifth year? I don't care, but most departments have never actually answered that questions and I just asked, please be sure in your deliberations when you're formulating your departmental policy that you answer that question because faculty don't know and I think that's a problem.

*Commentator:* So the peer review committee, whatever group that is, that group needs to assess teaching or librarianship in addition to research and service. Is that correct?

*Respondent:* Yep.

*Commentator:* Because we have a very deliberate divided process where the administrative line assesses librarianship and the committee of professors for the tenured faculty assess research and service. There is no real crossover. The dean sees the whole thing but he told one of our professors he didn't even read the research and service when he signed off on it. The committee of professors is very committed to making sure that we have a hand in the process because we feel like we're the custodians of those criterion standards. To address the issue of procedural justice and you're aware of this, the library has really worked hard to codify a lot of things to make sure that the rules are understood and very objective and fair. That's one of our interests- in making sure things are clear and there's an assured governance process because department heads do change. We don't actually have department heads at all so we have a person who makes determinations.

*Respondent:* I was on the committee with Rick and Mike. Let me go back to the very basics. When this was first brought up, this was in an officers meeting with the provost, Angie and I, and Len Bierman. One of the concerns raised by the provost was that we have situations, and I think they're rare, I think Mike has stated that, where a faculty member who has tenure is, in effect, doing the same work as a non-tenure track faculty, carrying the same load but making significantly more. The words used to describe that were sort of retired in place of everything but meeting classes. One of the overriding concerns that we went into this committee with was equity. The other overriding concern was some degree of uniformity in general but leaving the details to the individual units. I agree with what's said here. The feedback I've gotten as Speaker is a lot of concern about the point that was raised by several colleagues here that the department head could, on his or her own, cause a comprehensive review. That has always been in the rule and it's something that obviously needs to be addressed and clarified. I think, no matter what we put into this, it's got to be general guidelines, and leave it to the discretion and to the judgement of the units. I think some valid points have been made here and I would formally ask Mike to reconvene the committee to make recommendations based on the feedback that individual members of the committee and the faculty senate have and I know you have also exposed this to deans, department heads and so forth, and I ask what kind of feedback have you gotten from them?

*Moderator:* I think it might be a good idea to get feedback from the provost directly because I have a little bit of a-not different-recollection of what she said but she also said that she was concerned about having the peer review happening more frequently than the five or six years because of the time that was involved. She also said, as far as the equity standpoint, she also made the point that if there was a faculty member who had been remarkable and had contributed a great deal throughout their career that perhaps that would be a person that we would not want to necessarily have triggered on this. I think she qualified that a bit so equity from my recollection of the conversation wasn't the huge driver on that, it was something that was said and it was definitely a point, but she also applied a caveat to that as well.

*Respondent:* The equity issue, one thing that I would say slightly different than you, I think that there are in fact tenured faculty members who are only teaching and whose teaching load is less than academic professional track faculty and double the salary. That's a problem. That's a real problem.

*Moderator:* That's where she made the comment though that in some cases it might be because of their other issues.

*Respondent:* So let's see, it would be my preference not to reconvene the task force. I prefer that the faculty senate actually recommend revisions to the rule, because it's at the faculty senate right now and I think y'all can-as has happened in the past- propose your revisions, pass them by the faculty senate, and they will then get reviewed by the other appropriate bodies that participate in rule review. You asked what other feedback I've gotten. The deans really had no feedback other than not understanding what 20% meant. The department heads, I didn't get anything back from the Department Head Council, I got individual feedback from department heads that wasn't significantly different from what George said. Actually I think most of it was from one of your other department head colleagues in Science. Basically not much. I met with CPI and I met with Distinguished Professors. DP's didn't say a whole lot, CPI was really concerned about 20%. The provost is concerned about someone that's had an outstanding 30 year career and is finally fading in their scholarship and we don't want to penalize that person and I think there are provisions in here that permit that to happen and a long enough trigger. One of the questions is: how long is someone allowed to slide? I think most of us would say five years is probably not a problem, 20 years probably is. I don't know how to work that out. I'm not sure you need to write that in the rule because I think there's enough flexibility that a dean and department head could figure out how to handle-

*Respondent2:* I think the concern- and 20% was pulled out of the air-but the concern was it shouldn't go to zero.

*Respondent:* Yeah, exactly and that's what it states in the rule now.

*Moderator:* Right and that's what I was saying, there's a conflict between the 'unsatisfactory' and 'needs improvement' is my concern and that goes back to what you say about a person who perhaps is stellar in other areas but needs improvement in something. It also is defined in the peer committee as well and it says so they have to now define what 'needs improvement' is as well.

*Commentator:* This is just a point of clarification. I think the zero refers to load rather than performance.

*Moderator:* No.

*Commentator:* That's the way I read it.

*Respondent:* It could refer to research, it could refer to service-

*Commentator:* Right, right- quantity not quality.

*Moderator:* No.

*Respondent2:* So, it differs in the category. So in research it would be quantity, presumably. In teaching, one presumes they're going up in front of a class but they may be doing an absolutely miserable job, so that would be quality.

*Commentator:* I took that zero to be less about how they're doing and more an assessment of what they're doing. Their research is zero, then they're doing nothing, not that what they're doing is unsatisfactory

*Moderator:* Well it depends on how the department defines it and how the department would define 'needs improvement' now as well.

*Respondent:* I want to address another thing, you brought up what the provost said about how often the review is. She was not addressing those departments that have peer review every year. She expressed to me she was concerned, most of the deans and I haven't heard from the department heads, thought every three years was too often, they're already struggling getting their departments doing it every five to six years, so they thought that was just pushing it too hard, and that would be her opinion. On the other hand, if the faculty said we want it every three years that would be fine, but I think she agreed, she was of the opinion that's probably pushing too hard on it.

*Moderator:* Are there questions or comments?

*Commentator:* I want to go back to the idea of the amount of work or the expected work. One of the questions that we've had come up is we have some administrators that have chosen to go to 100% librarianship for purposes of merit. In years previously they were not assessed in research and service at all, not for purposes of promotion or post tenure review. This past year it came up that, oh no, they need to be assessed, so there has to be the assumption that there will be at least a minimum amount of effort in those areas, whatever they may negotiate for merit. I was just curious, if you have an administrator who has said "I'm 100% administration and I'm not going to do research and service anymore", is that acceptable? Is their tenure in abeyance during this time or do they need to meet a minimum standard?

*Respondent:* Let me express my opinion; I'm not speaking for the provost. I would say for some set of administrators who are truly 100% administration, then the process is in abeyance during the time they're in a role. I'm an example of that. I'm 100% appointment, no one expects me to teach; no one expects me to do research. I am writing papers, but I'm not reviewed on them. I'm 100% administration. The provost is, the president is, most of your deans are, and department heads vary. I absolutely think that it is permissible to put that into abeyance. Once they step down from that position then they need to be held accountable. For people who are part-time administrators and who are still doing other duties, I think a really good example of this might be someone who is an associate department head, or perhaps some department heads, they're expected to spend 50% of their time on administration, they're still teaching two courses, and presumably doing service. In some cases there may not be a

scholarship expectation, in other cases there may not be a teaching expectation, that's absolutely- it says in the rule people can be assigned other duties and they should be evaluated based on the duties that they are assigned. No problem. Again, this is always the duties they are assigned. If the department head doesn't put someone in the classroom, you can't give them a zero for teaching. Hopefully they are doing, if they are on the gold plate budget, they are doing other kinds of teaching, they're teaching graduate students, they're doing whatever, that's great. It's on what they are assigned. I had an issue with one department who had a person on Faculty Development Leave and when that person came back the department gave them a zero for teaching for the year and as dean of faculties I overturned that. That's absurd! You can't do that. Be reasonable here.

*Commentator:* I'm coming in a bit late so I apologize if this has been covered before. I think with the whole issue of PTR, we don't want it to be an administrative burden, as you said, doing it every three years. We do need to have something, I think the concept is a good idea, we need to have some kind of way of proving to ourselves and to stakeholders that we actually are productive in the five hours a week that we actually work, in the same week that football players work maybe 60 minutes a week, 16 weeks a year. No, but one of the challenges, and this is hard to put in a document, is making sure that faculty being reviewed are being assessed fairly, that this isn't being used by that wonderful phrase "those in power" to take advantage. On the other hand we want to make sure you don't have the other extreme of "we're all in this together" and we're going to protect our own. How you make sure that due process is observed, being fair to the faculty while being fair to the overall faculty, not just the departmental faculty, is a tricky balancing act. How you actually do that requires a deaf touch and a willingness to look.

Moderator: Are there questions or comments?

*Commentator:* Again I apologize for coming in to the conversation late. When the group made its decisions, you looked at what was happening at other peer universities, what they did, and are our percentages, how we rate, about the same as other universities? Or you didn't get into those numbers?

*Respondent:* Do you mean the number of people that-?

*Commentator:* No, what the results of their post tenure reviews are in terms of number.

*Respondent:* The only possible thing we can assess in that regard, and I have not looked at the data myself, I can only tell you what the provost has observed, we can, using a tool like Academic Analytics ask the question: what percent of tenured faculty in any one of our peer institutions has done no scholarship in the last five years? That question can be asked. I believe she has asked that question and she has said we have a somewhat higher percentage than most of our peer aspirant institutions. What I did myself is, I didn't look at our peer institutions, I did our own, and asked what percent of our tenured faculty have published nothing, that is visible on Academic Analytics within the last five years (which is their window)? The answer is, it was less than 10%. That includes, president, provost, deans, department heads, ect. I didn't go through one by one and rule those out I just did that number. So that's the best I can tell you. But no, people don't, people purposefully don't publish this kind of data.

*Respondent2:* Well that just opens another can of worms. If you're using Academic Analytics for that, you're going to have zero confidence on the part of the faculty because a huge part of the faculty believe that's a totally bogus tool. There is a move afoot in the senate to ask the provost about 10

questions about that just because many of us, including myself, believe that's a deeply flawed mechanism.

*Respondent:* I don't disagree with you. All I'm saying is, because that was the only tool available to ask the simple question, the valid number is less than 10%. That's already a really low number. However you want to do it, it's not 50%. Whether it's 5, 7 or 10, I don't think it matters for the question I just tried to answer. The validity of Academic Analytics for other things, as a comparative tool, is certainly open to discussion.

*Moderator:* Could you clarify for everyone, if this were to pass today, in its present form, which I don't think it would, but if it did, when would this go into effect? Would it go retroactively and look at peoples past performance for the past three years and immediately trigger or do you see this triggering after the next three years? How do you see that particularly since we don't have categories that necessarily correspond to that? Or do you want the department heads to go back and assess people for the past three years and say "ok this was an 'unsatisfactory' in this category and this was a 'needs improvement'"? How do you see it playing out?

*Respondent:* I don't see it being retroactive. I think departments can choose how they want to do it. What is see is that next year many departments will have to grapple with rewriting their post tenure review rules. I actually think that's a really good idea because I think a lot of departments have not asked the difficult questions on how they want to assess faculty for annual review, tenure, and post tenure review. I think that process is going to take a lot of departments a semester or longer, so I would envision this really kicks in the following year. I think departments can choose. I'm not going to look of departments' shoulders or the dean of faculties isn't or the provost isn't, this is how they want to do it. I think a department can choose how they want to do it going forward. I have no problem with them saying, here is year one, everyone's peer process is six years from now, or some staggered thing, three, four, five, six, whatever they want to do. I'm certainly not going to say that starting next year everyone has got to be reviewed for the past three years.

*Moderator:* So if somebody is, is that ok? Should you provide any guidance that they should not start evaluating retroactively? It seems like it could be done, some departments could do it immediately, and some departments might do it futuristically.

*Respondent:* I think that should be left up to the departments. If Faculty Senate wanted to issue guidance on that, that is also fine. I would caution putting all sorts of contingencies in the rule. There are other ways of addressing those kinds of issues without having to write it into the rule. If Faculty Senate, as an example, were to say "here's our proposed revisions to the rule, if these are accepted, we would like to see them implemented over this kind of timeframe". Not a problem.

*Respondent2:* That's exactly what I would say. I don't think it's fair to hold people to a new rule so maybe the preamble to the rule or the timeline for its implementation would say "effective XXX these are the criteria that will be used" instead of applying it retroactively to the past two or three years.

*Respondent3:* I think having a provision for us that says you can't go to zero in any category can't be applied retroactively. I would also point out that one of the issues that the task force was particularly concerned about was making sure every department actually does a post tenure review because it came to light that there are some departments who have never been in compliance with the law or the

university rule. They just haven't done it. That's why in this rule there is a requirement that department heads actually report to the dean that they've done this.

*Commentator:* Just to clarify, this will apply not only to the College Station campus but for all of the Texas A&M System?

*Respondent:* No.

*Commentator:* Only College Station?

*Respondent:* No, only to Texas A&M University, which is College Station, Galveston, Health Science Center, -

*Moderator:* Qatar.

*Respondent:* There's no tenure in Qatar.

*Moderator:* Oh, sorry.

*Respondent:* ..McAllen when it happens, but it's Texas A&M University. There is a System policy for post tenure review. Every campus in the system needs to have a post tenure review rule. They are different across different campuses, as one might expect. Different campuses have very different expectations.

*Moderator:* Any other questions or comments? You've got folks here who can answer your questions or those of your colleagues if you'd like to bring them forth. Feedback for the Faculty Senate on how that rule might be amended?

*Commentator:* It sounds like the next step is for the Faculty Senate to debate this? Or that's a possibility?

*Moderator:* I'm guessing that our speaker might be appointing a committee or a task force within the Faculty Senate to make revisions and I would be guessing that the senators that are on that, like Dr. Carlson here, would be on that committee.

*Respondent:* I'd like to again, have a session with the Faculty Senate as a whole because if we form a task force, just look around, there were three faculty members that came to the first forum, there's five here now, not counting the ones who are on the executive committee. I do think there are more than seven people who are concerned with this so I'd like to have the widest possible discussion with this. The problem is, I'm not sure we can do that at the May meeting but at least we can start and put in motion a definite plan, and I would ask Mike, what is the time frame we're looking at? We've got the May meeting and then the summer comes up and I'm pleased to pass this along to my successor Len Bierman, but I do think it's imperative that we get it started as soon as possible.

*Respondent2:* I don't think there's an absolute timeline these things do take a while. I would hope it would be done before next May. I think if you worked on it over the summer, whether you debate it then revise it or whether you propose a revision that could then be debated, since you kind of know what the big touch points are, it's your call. I would hope whether you want to have it approved or not or take it to a vote over the summer or have it approved very early in the fall, but not super long.

*Moderator:* Our summer is problematic. Even getting revisions out to our faculty for them to see might be construed as problematic.

*Respondent2:* I think if maybe you had some discussions and some revisions and then maybe brought a close to final product to the senate in September or October that would be fine. My preference would be that you not just put it on hold until September and then you start thinking about it in September and then it's not going to get on the agenda until February or March.

*Respondent:* I think we can establish that at the May meeting. This is a priority.

*Respondent2:* Yes it is a Faculty Senate issue. All revisions to faculty rules, we want them to be approved by Faculty Senate.

*Moderator:* Any other comments or questions? Feedback? Have we allayed any concerns or raised additional concerns?

*Commentator:* I'll give you a more positive feedback which is that most of the people I talked to do have a lot of confidence in this process. They're glad that this document is just written by the provost

*Moderator:* I hope that each of you would encourage your colleagues to, if they can't come to these sessions to provide feedback through you, but they can also email the senate directly with their concerns and that will be put into a document. Or they can reach out to their senators within each college and provide that feedback to the senators because the senators are going to be voting for them on this. It's really important that they provide their feedback to their senators.

*Respondent:* If they want explanations, I've had 10 or 15 faculty write me directly with specific concerns or questions and I addressed them as best as I could and in almost every case I never heard back again. I don't know how to interpret that but I'm happy to answer questions on this as well, as is the dean of faculties, as is the speaker.