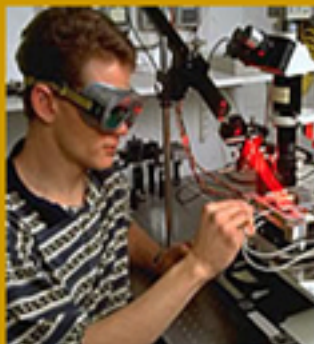


Report on Tenure-Related Processes at the University of Colorado



August 3, 2006

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I. EXECUTIVE SUMMARY

Purpose and Structure of this Report

The Advisory Committee on Tenure-Related Processes (ACTRP) was established by the University of Colorado's Board of Regents, in consultation with the Faculty Council, in March 2005 to conduct an independent, systematic and thorough review of all the university's processes and practices of awarding and maintaining tenure. The objective of this review was to identify any needed improvements. The findings and recommendations for improvements compiled in this report are made by the ACTRP to the Board of Regents, the president of the university, the Faculty Council and the public.

Goals of the ACTRP Tenure Review

- Rebuild public confidence in the university's tenure-related processes and tenure in general.
- Ensure that the university's students receive the best possible education by hiring, developing and maintaining a nationally acclaimed cadre of tenure-track faculty.
- Maximize the productivity of the university's investments in its faculty.
- Provide clear, understandable explanations of the importance of tenure and of the university's tenure-related processes to the public and to the university community.

This Executive Summary (section I of the report) summarizes and highlights the key findings and recommendations of the ACTRP. Section II of the report describes the background of the ACTRP review and the overall study methodology.

General Howell M. Estes, III (USAF, retired) was appointed as the Independent Study director with the proviso that his independent report be transmitted unaltered, along with the *ACTRP Report*, to the Board of Regents, the president and the Faculty Council. Section III contains the *Independent Report on Tenure-Related Processes at the University of Colorado* by the study director.

Section IV contains the 40 recommendations from the Advisory Committee on Tenure-Related Processes to the Board of Regents, the president and the Faculty Council.

In addition there are appendices describing the personnel and processes involved in preparing this report and documenting the faculty and public comments received on the *Independent Report on Tenure-Related Processes at the University of Colorado*.

Key Findings

▪ ***All Tenure-Related Processes***

- This was the most comprehensive, methodical and rigorous review of any university's tenure-related policies and procedures in recent history.
- Tenure-related processes at the university were benchmarked against 19 other major universities and 11 medical schools and were found to be very similar to those used nationwide.
- Tenure is fundamental to academic freedom and the free exchange of ideas, which in turn are essential to the intellectual health of the university.
- Major public research universities need tenure to compete for the best faculty.
- The university's tenure-related policies and procedures need to be clearly visible and understandable to the general public and to the university community.
- Tenure-related policies and implementation procedures need periodic, rigorous review and ongoing data collection to support such reviews. Specifically:
 - Random audits of the implementation of tenure-related processes are needed, and
 - Timely revisions to “primary unit criteria” (the faculty performance criteria established by each department) are needed.
- The primary unit criteria should be consistently used to mentor newer faculty and evaluate faculty at later points in their careers.
- The primary unit criteria should reflect both primary unit needs and goals and the strategic objectives of the university.
- If these 40 recommendations are adopted and implemented, the university will have one of the more rigorous and respected tenure systems in the nation.

▪ ***Processes Related to Granting Tenure***

- The university's tenure processes are sound and in general meet the benchmark of major research universities nationwide.
- However, in some cases implementation has not been as rigorous as it should have been.
- In granting tenure, established processes were not always followed, or in some cases no appropriate processes exist.
- Specifically, an audit of 95 tenure files found four major policy violations in granting of tenure.

▪ ***Processes Related to Post-Tenure Review***

- The post-tenure review processes were found to be in general agreement with standards at other major research universities. However, the post-tenure review process does not adequately address these issues:
 - The post-tenure review does not provide sufficient accountability for faculty performance.

- There is little substance to post-tenure review, and the process as implemented is ineffective in documenting individual faculty strengths and weaknesses.
 - There is no meaningful system of incentives and sanctions connected to the post-tenure review process.
- An ineffective post-tenure review process feeds a public perception of tenure as a “job for life,” regardless of the quality of faculty performance.
- ***Processes Related to Dismissal for Cause***
 - The dismissal-for-cause process takes too long.
 - The process and standards for removing tenured faculty from the classroom must be written into policy and consistently applied. This responds to the Independent Study’s conclusion that the bar for removing faculty from the classroom is too high.

Recommended Improvements

- Faculty evaluation, training, development and mentoring should be more systematic.
- Evaluations should be aligned with strategic objectives of the primary (e.g. departmental) unit and its criteria for granting tenure.
- Tenure process implementation, review and oversight must be improved and made more consistent across all departments of the university.
- Tenure-related policies and processes and their implementation must be periodically reviewed, with oversight by outside auditors, to provide more accountability, consistency and transparency.
- Post-tenure review must be strengthened.
- Meaningful incentives for good performance and enforceable sanctions for poor performance must be developed and implemented through the post-tenure review process.
- The dismissal-for-cause process should be shortened.
- Policies and procedures should be developed to respond to cases of teaching misconduct.
- Communication and explanation of the university’s tenure-related policies must be improved, both internally and externally.

Defining Success

If we were to look back in five to ten years, how would we know if this review of tenure-related processes had been successful?

- University faculty exercise leadership for and demonstrate commitment to implementing the recommendations resulting from this review.
- Accountability has been established throughout all tenure-related processes.

- Independent audits of tenure-related processes are conducted and are considered routine.
- Primary unit (departmental) criteria, which inform faculty hiring, tenure, promotion and post-tenure evaluation, are regularly reviewed, updated and calibrated to advance campus goals and universitywide strategic objectives.
- Faculty development programs provide mentoring and support services for all pre-tenure faculty.
- Timely review of tenure-related processes occurs throughout the university.
- University systemwide and individual campus goals, including those for diversity, are established, communicated, and understood throughout the institution.
- Post-tenure review effectively evaluates faculty and maximizes their productivity through the use of effective incentives and enforced sanctions.
- The university's tenure-related processes and results are communicated regularly to and are understandable by the public.
- Loopholes in the tenure process are closed.
- The university establishes a system that ensures the effective implementation of these recommendations, with enforced sanctions for noncompliance.

Conclusion

This report represents a major step taken by the University of Colorado to restore public confidence in tenure as practiced at the university. If the recommendations contained in this report are fully implemented, the University of Colorado will have a “better than best practices” tenure program that supports the vitality and productivity of the university, its faculty, and its students and that is understood and supported by the public.

II. BACKGROUND AND OVERVIEW

In response to concerns about tenure review processes at the University of Colorado (CU), the Board of Regents of the University of Colorado, in collaboration with the University System Faculty Council, passed a resolution on March 24, 2005 authorizing a comprehensive systemwide review of the processes for awarding and maintaining tenure. (Please see Appendix A for the full resolution.) This resolution states that the study will include the processes for awarding tenure at the time of initial appointment and after a probationary period, as well as the processes for post-tenure review. The resolution was approved by members of the Board of Regents, and was also supported by the president of the CU system, the CU systemwide Faculty Council, and each of the three university campus chancellors.

The resolution directs that the “review shall be conducted under the direction of a distinguished individual from outside academia with the assistance of a working group retained for the purpose.” The following section outlines the structure of the review process, as determined by the members of the regent-appointed Advisory Committee on Tenure-Related Processes (ACTRP), the group charged with oversight of the study process.

Structure of the Review Process

The following groups and individuals participated in the review of tenure-related processes: Advisory Committee for Tenure-Related Processes (“ACTRP”), the study director (Howell M. Estes, III), the external working group (PricewaterhouseCoopers), the internal working group, and the campus resource groups (campus and system resource persons). Each of these groups and their roles and responsibilities are described below.

The **ACTRP**, appointed by the Board of Regents, is charged with the following:

- Approval and oversight of the review process
- Appointment of the study director
- Identification of the external working group through a subcommittee charged with that responsibility
- Identification of the internal working group
- Communication with internal and external constituents
- Solicitation of feedback from the university community related to the *Independent Report on Tenure-Related Processes at the University of Colorado*
- Development of the final *ACTRP Report* with recommendations for the Board of Regents, the president, and the Faculty Council

The appointed members of the ACTRP are listed in Appendix B.

The **Study Director** Howell M. Estes, III, conducted the study, using an external working group and an internal working group. (See Appendix C for General Estes' biography.) The study director was responsible for writing the *Independent Report on Tenure-Related Processes at the University of Colorado*, which is included in its entirety as Section III of this report and serves as the basis for most of the ACTRP recommendations. Director Estes is a voting member of the ACTRP.

The **external working group** consisted of contracted consultants from PricewaterhouseCoopers. (See Appendix D for a list of the PwC consultants who served as the external working group.) The external working group was responsible for the following: examination of tenure processes nationally; identification of best practices; examination of tenure processes at CU, including a confidential random audit of their implementation; and preparation of an independent set of findings for the study director. A set of questions developed by the ACTRP served to guide the efforts of the external working group (See "Areas of Inquiry" below.) The external working group interacted with campus resource groups during the study process, but did not interact with the internal working group until after the study was completed and drafting of the *Independent Report on Tenure-Related Processes at the University of Colorado* began.

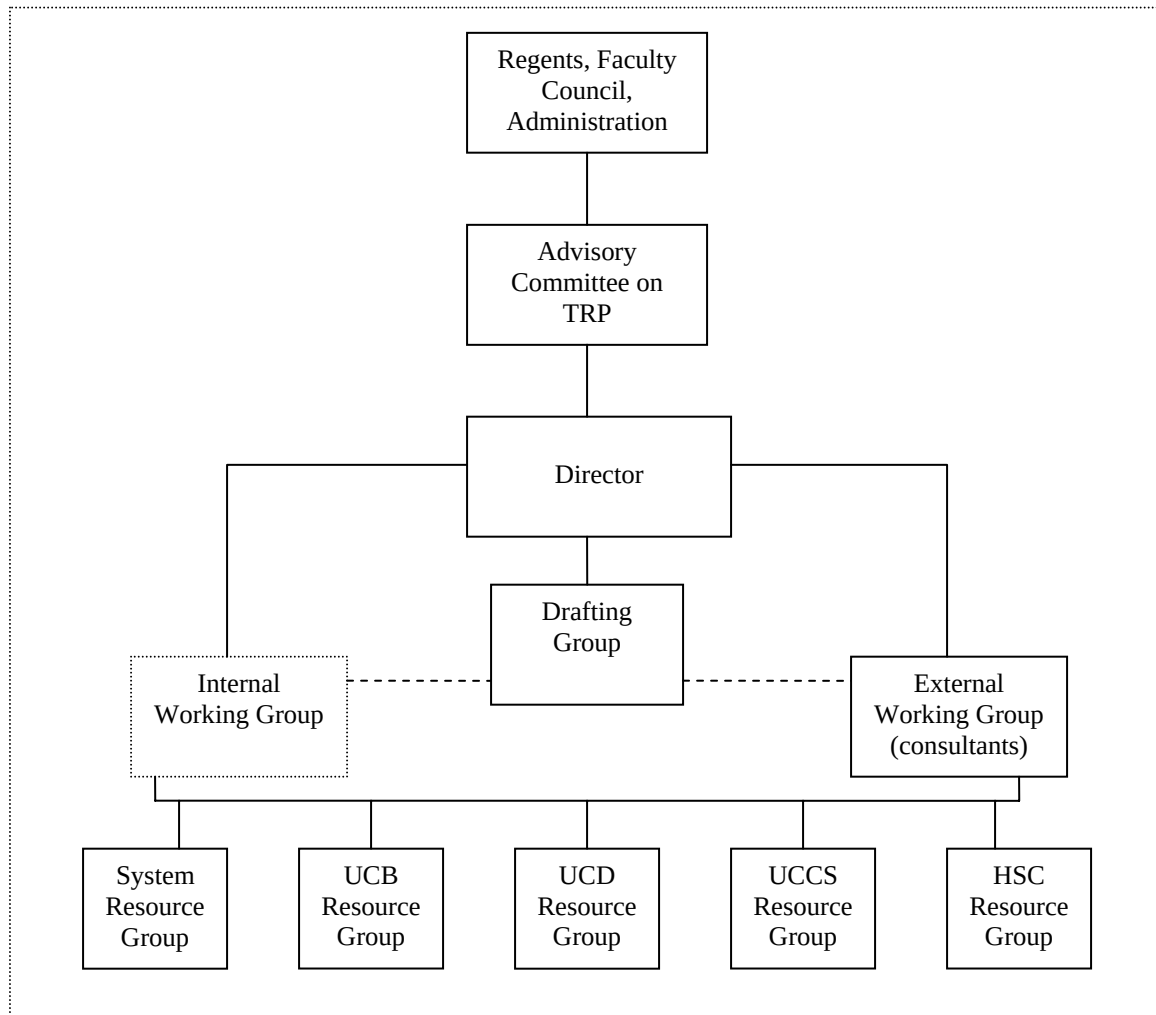
The **internal working group** consisted of CU faculty, administration and students. (See Appendix E for a list of the members of the internal working group.) The internal working group was also responsible for the examination of tenure processes at CU and the preparation of a set of preliminary findings for the study director. This group worked in parallel with the external working group, but they did not interact. The internal working group also worked with the campus resource groups to collect the information needed to prepare its findings. The work of the internal working group was completed when it submitted its findings to the study director, although a subset of the internal working group assisted the study director as part of the drafting group for the final report.

The **campus resource groups** consisted of the vice chancellor for academic affairs at the University of Colorado at Boulder (UCB), the University of Colorado at Colorado Springs (UCCS), and the University of Colorado at Denver and Health Sciences Center (UCDHSC) Fitzsimons and 9th Avenue campuses; at the downtown Denver campus (UCD), the associate vice chancellor for faculty affairs served in this role. (See Appendix F for a list of the members of the campus resource groups.) These academic leaders served as the primary liaisons to the internal and external working groups, as well as key faculty members identified by each campus who were also members of the campus resource groups. The CU system office also identified a resource group from its academic affairs unit. The campus resource groups provided data, policies, and names of appropriate campus contacts for interviews by the external and internal working groups. Campus resource groups did not provide evaluative information for the working groups, however.

A **drafting group**, consisting of a subcommittee of members from the external and internal working groups, assisted the study director in drafting the *Independent Report on Tenure-Related Processes at the University of Colorado* for submission to the ACTRP

and the Board of Regents. The goal of the drafting group was to develop a consensus report based on the information gleaned from the preliminary reports submitted by the external and internal working groups.

A detailed chart outlining the various components of the study process appears below:



Additional information about the study process, participants, and relevant Regental laws and policies are maintained on the ACTRP Web site at:
<http://www.cusys.edu/tenurereview/>.

Areas of Inquiry

The ACTRP developed a statement of the areas of inquiry for this study as well as a list of deliverables and a timeline. The areas of inquiry and list of deliverables from the *Independent Report on Tenure-Related Processes at the University of Colorado* follow.

The following areas of inquiry statement guided the efforts of both the external and internal working groups.

- I. General areas of inquiry applicable to all tenure-related processes include the following:
 - A. Are the university's laws, policies, and procedures on (1) hiring tenure-track faculty, (2) reappointment, promotion, and tenure, and (3) post-tenure review understandable and easily accessible?
 - B. What are the major differences in tenure-related processes among the schools and campuses? The School of Medicine has several important variations in its tenure-related processes, which may raise distinct questions. The consultant will most likely need to revise or reframe specific questions for the School of Medicine case (and perhaps other cases).
 - C. Are these policies and procedures followed at the primary unit and upper levels through the president's office?
 - D. Are the specific parties responsible for the tenure-related criteria and processes for the various primary units, schools, and campuses identified clearly? How are these criteria and processes reviewed and approved? By whom and how frequently are reviews conducted and approvals made?
 - E. Are these policies and procedures effective in the recruitment, selection, retention and tenure of highly qualified faculty who align with institutional missions and who offer long-term strategic value to the primary unit, the school/college, and the university, including the value of diversity?
 - F. Should changes be made in these policies and procedures to improve their effectiveness in (1) the hiring of tenure-track faculty, (2) the reappointment, promotion, and tenure of tenure-track candidates, and (3) post-tenure review?
 - G. Are candidates informed in a timely fashion about the progress of their reviews through these procedures?
 - H. What benchmarks and best practices are available from other institutions against which our tenure practices could be measured?
 - I. Are there processes in place to identify deficiencies in tenure-related processes?
- II. Areas of inquiry related to specific tenure-related processes include the following:
 - A. Search and Hiring Processes.

1. Are the current application, search, recruitment, and hiring processes for tenure-track faculty effective in identifying, attracting, and hiring viable and productive tenure-track candidates who meet identified primary unit needs, including the need for diversity?

B. Faculty Development and Retention.

1. What policies and practices are in place for mentoring tenure-track faculty? Are they implemented?
2. Are tenure-track candidates adequately informed of the primary unit criteria for reaching decisions about a candidate's performance? Are the primary unit criteria effective in guiding reappointment and tenure decisions which benefit the university? How do these criteria compare to those at other universities?
3. Do the faculty development and mentoring processes result in the retention of promising candidates who meet the missions and strategic needs of the primary unit, the college/school, and the institution, including the need for diversity?
4. To what extent is the reappointment review effective in the mentoring process?
5. Are post-tenure reviews and professional plans effective means for faculty development and evaluation?

C. Annual Evaluation.

1. How rigorous is the annual evaluation process in each of the categories being evaluated?
2. How effective is the current process for annual review in preparing candidates for comprehensive review?
3. Are there appropriate linkages between the outcome of the annual review of a candidate and the comprehensive and tenure reviews? To what extent should tenure review consider the accumulation of annual reviews in its process?
4. Is the annual evaluation process after tenure effective in identifying and addressing performance issues?

D. Reappointment and Comprehensive Review.

1. How rigorous and effective is the evaluation process at the comprehensive review?
2. Are the reappointment and comprehensive review processes designed to move forward those candidates who meet primary unit needs and are qualified for tenure?
3. To what extent do the institutions use the comprehensive review as an opportunity to evaluate the candidate's long-term strategic value to the primary unit and to what extent do they evaluate if they are consistent with the goals and objectives of the school/college and the institution?
4. To what extent do other institutions use the comprehensive review as an opportunity to evaluate the candidate's professional conduct as part of the reappointment process?

E. Tenure Review.

1. How rigorous and effective is the evaluation process at tenure review?
2. Is the tenure review process designed to result in the tenure of candidates who are likely to make significant and continuing contributions?
3. To what extent and how do other institutions use the tenure review as an opportunity to evaluate the candidate's professional conduct?
4. To what extent do other institutions evaluate the candidate's long-term strategic value to the primary unit to see if this is consistent with the goals and objectives of the school/college and the institution?

F. Post-Tenure Review.

1. How rigorous and effective is the evaluation process at time of post-tenure review?
2. Are the current locus and levels of review appropriate and sufficient?
3. Does the post-tenure process result in the timely identification of performance deficiencies and lead to appropriate action for addressing those deficiencies?
4. To what extent and how do other institutions use the post-tenure review as an opportunity to evaluate the candidate's professional conduct?

5. To what extent do other institutions evaluate the candidate's long-term strategic value to the primary unit to see if this is consistent with the goals and objectives of the school/college and the institution?

G. Dismissal for Cause.

1. Is the existing dismissal-for-cause process timely and effective in dismissing tenured faculty members?

Independent Report on Tenure-Related Processes at the University of Colorado

Based on the work of the internal and external working groups, the study director was asked to compile a report that addressed these four principal topics:

- I. Identify and document the university's tenure-related policies.
 - A. What are the university's main tenure-related policies?
 - B. Are they understandable and accessible?
 - C. How are the policies established and applied at individual school levels? How is such implementation monitored? How is the implementation reviewed or overseen?
 - D. How do they vary across campuses and units of the university?
- II. Evaluate these tenure-related policies and their implementation in practice.
 - A. Are these policies effective at achieving their stated purpose(s)?
 - B. Is there consistent compliance with these policies?
 - C. What do the results of a confidential random audit of the implementation of the university's tenure-related processes indicate?
- III. Examine tenure-related policies and practices at other institutions.
 - A. What examples at other institutions would allow for the university to compare and evaluate the relative effectiveness of its tenure-related processes and practices?
 - B. What best practices can be identified at other institutions that may be applicable to the university?
- IV. Recommend changes.
 - A. What changes are recommended to the university's tenure-related processes?

Because this study appeared to be path-breaking in its nature and extent, there were no templates available for defining the expected course and duration of the study. While the ACTRP expected this study to be an iterative process, with the scope and details of the inquiry being subject to change as the study progressed, the final study conformed to the original areas of inquiry and the list of deliverables outlined above.

UNIVERSITY OF COLORADO



Independent Report on Tenure-Related Processes at the University of Colorado

April 24, 2006

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4. <i>What are the major differences in tenure-related processes among the schools and campuses?</i>	<i>32</i>
5. <i>Are these policies and procedures followed at the primary unit and upper levels through the president's office?</i>	<i>58</i>
6. <i>Are these tenure-related processes effective at achieving their stated purpose(s)?</i>	<i>59</i>
7. <i>Are the specific parties responsible for the tenure-related criteria and processes for the various primary units, schools, and campuses identified clearly? How are these criteria and processes reviewed and approved? By whom and how frequently are reviews conducted and approvals made?.....</i>	<i>60</i>
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I. EXECUTIVE SUMMARY

In March 2005, in response to a resolution of the Faculty Council of the University of Colorado, the Board of Regents of the University of Colorado, in collaboration with the University System Faculty Council, passed a resolution authorizing a “comprehensive system-wide review of the processes for awarding and maintaining tenure.” The resolution was approved by the Board of Regents, and supported by the president of the CU System, the CU System-wide Faculty Council, and each of the three university campus chancellors.

This resolution of the board specified that the Independent Study “shall be conducted under the direction of a distinguished individual from outside academia.” The Independent Study was also structured to involve an internal working group, composed of representatives from the University of Colorado, and an external working group, composed of individuals external to the university. (Please see Appendix A for a list of internal and external working group members.) While both groups were charged with similar tasks, they were also instructed to work entirely independently of each other and were not permitted to share any information regarding their approaches to the project, the information they were collecting, or their final observations.

The working groups engaged in a number of study activities including:

- surveys of internal stakeholders and 158 interviews with vice chancellors, deans, department chairs, chairs of review committees, members of review committees, and faculty
- 10 responses to benchmarking data requests
- 16 interviews, by phone and in person, with individuals from academic institutions and schools of medicine deemed to exemplify best practices
- review of 95 individual tenure files and the discussion of 48 of those files with relevant department chairs/deans
- the collection and analysis of data from each campus of the university, including all four schools at the Health Sciences Center, related to faculty departures during the probationary period and voting results during the tenure review
- the collection of both CU policies and policies at institutions seen to embody best practices, which included 19 academic institutions and 11 schools of medicine, and the comparison of CU policies against such best practices
- the study of the relevant literature, such as policy documents developed by the American Association of University Professors (AAUP)

(Please see Appendix B for a more detailed discussion of the study approach and methodology.)

The Independent Study was structured by the detailed questions about the tenure-related processes at the University of Colorado outlined in the Request for Proposal's Statement of Work. The questions outlined areas of inquiry regarding tenure-related processes in the following areas: all tenure-related processes, search and hiring processes, faculty development and retention, annual evaluation, reappointment and comprehensive review, tenure review, post-tenure review, and dismissal for cause.

The study director was asked to gather the necessary data and produce an independent report that answered the questions posed under each of the areas of inquiry listed below. After both working groups finished their data collection and completed their findings, the study director assembled a drafting group composed of members of both working groups to produce the Independent Study. The study director was also charged with disseminate the report simultaneously to the public, the Board of Regents and the regent-appointed committee.

As there were a limited number of areas, including but not limited to tenure review, post-tenure review, and dismissal for cause, that were either cause for concern or gave rise to a significant number of recommendations, these areas and the related recommendations developed by the Independent Study members are the focus of the executive summary. In addition, the executive summary also discusses general areas of inquiry pertaining to tenure-related processes but focuses on recommendations designed to address deficiencies. The responses, conclusions, and recommendations in all areas of inquiry are discussed in detail in the body of the report.

General Areas of Inquiry Pertaining to All Tenure-Related Processes

What are the university's main tenure-related processes?

These were determined to include:

- Hiring tenure-track faculty
- Hiring with tenure
- Annual evaluations
- Performance improvement agreements/remediation plans
- Second-year review (UCCS only)
- Comprehensive review
- Promotion
- Tenure review
- Post-tenure review
- Dismissal for cause

Are the university's laws, policies, and procedures on (1) hiring tenure track faculty, (2) reappointment, promotion, and tenure, and (3) post-tenure review understandable and easily accessible?

The university's laws, policies, and procedures for tenure and tenure-related processes were reported to be clear and understandable for those within the University System. Overall, those involved in overseeing the execution of the process have a good understanding of the general

processes. The same level of understanding was not always apparent with respect to the detailed *specifics* involved. Those who oversee the process, particularly department chairs, sometimes find it challenging to manage the many specific requirements involved. This is complicated by the fact that these details may change annually. In terms of accessibility, most, though not all, tenure-related policies can be found on publicly accessible Web sites. Further, the Independent Study members felt the explanations of tenure and tenure-related processes were not always written so they could be understood easily by the general public.

Recommendation: The university's laws, policies, and procedures for tenure and tenure-related processes should be easily accessible and understandable, not only to the candidates for tenure, but to the public in general by methods such as posting them on campus or system Web sites. This increased accessibility will help underscore the transparency that currently characterizes the process.

Recommendation: Training related to tenure review processes must be strengthened, especially at the department chair level.

How are the tenure-related processes established and applied at individual school levels? How is such implementation monitored? How is the implementation reviewed or overseen?

Campus wide tenure-related policies are established and approved ultimately by the chancellor of each campus. The application and monitoring of those policies occurs informally through the Vice Chancellor's Advisory Committee or its equivalent. However, no formal, regular audit of the tenure case files takes place to ensure the processes are followed. Departmental processes are embodied in departmental bylaws. All processes must be consistent with regent law.

Recommendation: A random audit of tenure case files should occur every five years to ensure policies/processes are being followed, perhaps conducted by an external group of faculty or consultants.

What are the major differences in tenure-related processes among the schools and campuses?

While substantial variation in tenure-related processes exists among departments, all variations noted in the Independent Study are permissible because they occur under the umbrella of regent policy. Most of the differences are logical and grow from the fact that the disciplines and manner in which one demonstrates excellence in those disciplines vary greatly across the university. Criteria for receiving tenure are, therefore, best defined by the disciplines themselves. However, in general, it would be beneficial to increase the level of consistency across departments where possible.

Recommendation: To the extent that differences in criteria and practices among primary units exist, it is imperative that every primary unit/department continue to apply these criteria and practices consistently to all tenure candidates within that department.

Recommendation: The chairs of the Vice Chancellor's Advisory Committee (or similar committee) from each campus should meet at least annually to discuss policies and potential changes to help increase consistency and the sharing of best practices with respect to tenure-related practices.

Are these policies and procedures followed at the primary unit and upper levels through the president's office?

Are these tenure-related processes effective at achieving their stated purpose(s)?

Should changes be made in these policies and procedures to improve their effectiveness in (1) hiring of tenure-track faculty, (2) the reappointment, promotion, and tenure of tenure track candidates, and (3) post-tenure review?

Are there processes in place to identify deficiencies in tenure-related processes?

For the most part, tenure-related policies and procedures are followed at the primary unit and upper levels across the university, though deviations have occurred. In addition, the tenure review process has a self-correcting component (in the form of multilevel review) that identifies and corrects errors as they occur. The tenure-related processes in place at the university are effective at achieving their stated purpose(s). Steps can be taken to ensure that this continues to be the case. While informal and indirect means exist, there are no formal mechanisms in place to identify/correct deficiencies in tenure-related processes. Recommendations below relate to strengthening the university's tenure-related processes and to providing a mechanism to address deficiencies in the processes.

Recommendation: Training related to tenure review processes must be strengthened, especially at the department chair level.

Recommendation: The chairs of the Vice Chancellor's Advisory Committee (or similar committee) from each campus should meet at least annually to discuss policies and potential changes to help increase consistency and the sharing of best practices with respect to tenure-related practices.

Recommendation: A random audit of tenure case files should occur every five years to ensure policies/processes are being followed, perhaps conducted by an external group of faculty or consultants.

Recommendation: The university should develop an administrative policy statement that requires a reevaluation of primary unit criteria for granting tenure, along with the related mentoring and faculty development programs, by every primary unit and a re-approval by deans and vice chancellors of academic affairs as part of program review, which happens on a seven-year cycle.

Recommendation: A review of university tenure policies and processes should occur on no more than a 10-year cycle.

Are the specific parties responsible for the tenure-related criteria and processes for the various primary units, schools, and campuses identified clearly? How are these criteria and processes reviewed and approved? By whom and how frequently are reviews conducted and approvals made?

While the specific parties responsible for the tenure-related criteria and processes are clearly identified and there is a formal process for review and approval of those policies, such reviews are not mandated.

Recommendation: The university should develop an administrative policy statement that requires a reevaluation of primary unit criteria for granting tenure, along with the related mentoring and faculty development programs by every primary unit and a re-approval by deans and vice chancellors of academic affairs as part of program review, which happens on a seven-year cycle.

Primary unit criteria refer to the discipline-specific performance standards set by the primary unit (department, school, etc) that define the quantity and quality of accomplishment in teaching, research, and service that a faculty member must achieve in order to be awarded tenure.

Are these policies and procedures effective in the recruitment, selection, retention and tenure of highly qualified faculty who align with institutional missions and who offer long-term strategic value to the primary unit, the school/college, and the university, including the value of diversity?

The policies and procedures identified during the course of this study are effective in the recruitment, selection, retention, and tenure of highly qualified faculty who align with institutional missions and who offer long term strategic value. These procedures point to an ongoing “culling process” that begins with hiring and continues through the tenure review and beyond, which ensures that only the best faculty are recruited, tenured, and retained.

Recommendation: Since granting tenure is a process that begins with hiring, continues through the probationary period, and culminates with the tenure review, data should be collected on a systematic, ongoing basis on both attrition rates throughout the entire process, as well as the specific results of tenure votes, whether unanimous or split, at each level of review. These data should be used to improve the process that culminates in the granting of tenure.

Are candidates informed in a timely fashion about the progress of their reviews through these procedures?

Candidates are informed in a timely fashion about the progress of their reviews through all tenure-related procedures.

Recommendation: None.

What benchmarks and best practices are available from other institutions against which our tenure practices could be measured?

The AAUP's "Statement of Principles on Academic Freedom and Tenure" is generally regarded in the academic community as the definitive articulation of the principles and practices of tenure. The Independent Study benchmarked University of Colorado practices against these principles and found that CU adhered to all the standards set by the AAUP.

The Independent Study's benchmarking efforts also involved comparison to two separate sets of institutions and best practices, one made up of 19 academic institutions, that is, either institutions without a medical school or that part of the university outside the medical school, and another of 11 medical schools. (Please see Appendix C for the benchmarking report.)

With few exceptions, the University of Colorado processes align with the consensus/best practices among the benchmark institutions and in some cases are more stringent. These exceptions were noted primarily in the School of Medicine. These consensus best practices are not included in the executive summary but can be found throughout the report in the form of text boxes located in the appropriate sections; three worthy of note are presented here:

- At one institution, post-tenure review is performed by a college-level committee rather than at the departmental level, and is used to routinely adjust workload assignments. Compensation increases at this institution are related to elements of the workload, and faculty are encouraged to shift their workload into areas where they can achieve an "excellent" rating and a higher salary increase. This facilitates the shift of faculty time into teaching, as research efforts decrease later in some faculty careers.
- As the result of a study that indicated that the immediate loss associated with hiring a junior faculty member into a tenure-track position who fails to achieve tenure could be as high as \$1.21 million, a second institution developed a rigorous junior faculty development program. Faculty typically take advantage of the program during their second year. During the course of this program, every member is "taken through" what they need to know to succeed in the academic environment. The program also has the added benefit of fostering collaboration among junior faculty.
- At a third institution, the offer letter sent to new hires, in addition to documenting salary, discussing the nature and term of the appointment, and setting out expectations, also names the new hire's mentor.

Recommendation: In cases where University of Colorado policies do not align with best practices, they should be reviewed and brought into closer agreement where appropriate.

Areas of Inquiry Related to Specific Tenure-related Processes—Search and Hiring Processes

Are the current application, search, recruitment, and hiring processes for tenure-track faculty effective in identifying, attracting, and hiring viable and productive tenure-track candidates who meet the identified primary unit needs, including the need for diversity?

Current recruitment and hiring processes for tenure-track faculty are effective in identifying and hiring productive tenure-track candidates who meet identified needs.

It is important for the general public to understand the rigor and effort that go into the hiring process. There are generally a very large number of applicants for any single position; anecdotal evidence indicates this number can range from 100 to 300. These applicants are being culled from a truly international, scholarly environment. This pool is scrutinized and the top 10 or 15 candidates (or semifinalists) are identified. These semifinalists are interviewed, which often involves members of the department and/or school/college traveling to a conference where the candidates are in attendance. From these interviews, two or three finalists are invited to campus, where they are interviewed by the department, dean, and chancellor. During this visit, the finalists give a presentation on their research and are often required to teach a class, with feedback being provided by department faculty and students.

Recommendation: All new hires should be required to sign a Statement of Responsibility outlining their responsibilities upon hire. (Please see Appendix D for a sample form.)

Areas of Inquiry Related to Specific Tenure-related Processes—Faculty Development and Retention

Hiring processes at the University of Colorado have become increasingly rigorous over the past decade, with more exacting standards being applied and a greater number of applications for each position being received. Searches are conducted on a national basis, and sometimes an international basis, to identify the very best candidates. Faculty development is critical in seeking and retaining these high-quality hires. Simply put, it is not enough to hire the best; efforts must be made to ensure those hires remain the best. This is one of the main purposes of faculty development.

What policies and practices are in place for mentoring tenure-track faculty? Are they implemented?

The Laws of the Regents assign responsibility for mentoring faculty to primary unit chairs. Mentoring and guidance take place in varying formats and with various levels of rigor across campuses. Some units, not fully engaged in the past, have recently made a concerted effort to improve their mentoring of junior colleagues. The lack of mentoring may have become noticeable in units that have recruited women and minority faculty but failed to retain them.

Successful mentoring is imperative for ongoing research and teaching productivity. While mentoring exists across the university, opportunities exist to strengthen current practices.

Recommendation: Campuses or colleges/schools should develop means to identify best practices for coaching tenure-track faculty through the tenure process. The administration should disseminate these best practices across all campuses.

Recommendation: Training related to tenure review processes must be strengthened, especially at the department chair level.

Recommendation: The chairs of the Vice Chancellor's Advisory Committee (or similar committee) from each campus should meet at least annually to discuss policies and potential changes to help increase consistency and the sharing of best practices with respect to tenure-related practices.

Are tenure-track candidates adequately informed of the primary unit criteria for reaching decisions about a candidate's performance? Are the primary unit criteria effective in guiding reappointment and tenure decisions which benefit the university? How do these criteria compare to those at other universities?

The department-level review of tenure included in the Independent Study indicates that tenure-track candidates are adequately informed of the primary unit criteria, and these criteria are effective in guiding reappointment and tenure decisions to the benefit the university as a whole. These criteria also compare favorably to those at other universities.

Recommendation: None.

Do the faculty development and mentoring processes result in the retention of promising candidates who meet the missions and strategic needs of the primary unit, the college/school, and the institution, including the need for diversity?

On the whole, this study seems to indicate that development and mentoring processes are working. As indicated above, the university does have a number of development and mentoring processes, and in general, the university has been able to retain promising candidates, though the level of retention of underrepresented faculty is less than desired. But the connection between these processes and retention is not entirely clear. The University of Colorado hires exceptionally well-qualified individuals. In some cases it may be that their retention has more to do with their own talents, drive, and entrepreneurial spirit than with CU's mentoring. On the other hand, some of those who leave because their careers are not flourishing would have benefited from better faculty development resources and mentoring. Scholarly writing on the subject supports this conclusion.

Recommendation: The university should initiate mentoring efforts aimed at improving retention.

Recommendation: Data on both attrition rates throughout the tenure process and specific results of tenure votes at each level of review should be collected in a systematic fashion and used to improve the mentoring process.

To what extent is the reappointment (comprehensive) review effective in the mentoring process?

In the past, the comprehensive review was not utilized effectively as part of pre-tenure mentoring, but over the past decade, this review has become more important in guiding junior faculty through the tenure process. A candidate who needs to rededicate his or her efforts in one area or another in order to be approved for tenure gets significant feedback at the point of comprehensive review. Departments are also charged with providing specific mentoring to assist the candidate to achieve the necessary performance standards.

Recommendation: None.

Are post-tenure reviews and professional plans effective means for faculty development and evaluation?

Doubts have been expressed at each campus about the effectiveness of post-tenure review (PTR), both with respect to faculty development and reward (incentives) and performance evaluation and remediation (sanctions). Lack of resources to assist a faculty member with development needs has been cited as a weakness of the process, as has the inability to hold underperforming faculty accountable. Post-tenure reviews and the related professional plans do not seem to be effective means for faculty development and evaluation. One tool in the university's policy toolkit that is probably underutilized is the differential workload.

Recommendation: Post-tenure review should continue to occur via peer review (committee not individual) and should be subject to review at dean and vice chancellor levels. Each campus must be charged with assuring a more rigorous process of evaluating faculty performance and strengthening faculty development.

Recommendation: Post-tenure review should be revised to provide incentives for faculty reward and development and sanctions for faculty discipline and remediation. The university should review the tools available for both to ensure the desired results are being achieved. These tools should be effective enough to incentivize their use.

Areas of Inquiry Related to Specific Tenure-related Processes—Annual Evaluation

Each campus conducts an annual salary merit review for faculty. Annual review of faculty, which is part of the salary merit process, varies in rigor, as well as in process. Faculty fill out detailed reports, called the Faculty Report of Professional Activities (FRPA) every year. In these

reports, they detail their teaching activities, such as the number of courses taught and the number of students in each, the number of students pursuing independent studies and theses, and new courses developed. They describe their research endeavors, including grants applied for and awarded, and journal articles and books in process, submitted, and/or accepted for publication. They describe their university, professional, and community service and, in the case of the Health Sciences Center faculty, their clinical activities. In addition, faculty update the goals and objectives that they included in their professional plans. In the annual evaluation process, the chair or committee compares the previous year's professional plan with the current FRPA's account of accomplishments.

How rigorous is the annual evaluation process in each of the categories being evaluated?

The annual evaluation involves a rigorous review of performance in teaching, research/scholarship, and service/clinical service. While the review is rigorous, it is not as detailed or involved as the comprehensive or tenure reviews.

Recommendation: None.

How effective is the current process for annual review in preparing candidates for comprehensive review?

Are there appropriate linkages between the outcome of the annual review of a candidate and the comprehensive and tenure review? To what extent should tenure review consider the accumulation of annual reviews in its process?

At most campuses, the annual review does not currently serve the aims of comprehensive review in an explicit fashion. Annual review is intended to examine productivity during the preceding year as well as success in teaching, research, clinical activity, and service and is used primarily to set merit pay increases. Further, a single-year snapshot of scholarly activities may not be a sufficient indication of progress toward tenure.

The different structure of the two reviews may hinder greater connection between them. The annual evaluation is often conducted by the chair, though regent policy calls for a peer review process. There is no peer evaluation of research, and the assessment of teaching performance is usually limited to student evaluations known as Faculty Course Questionnaires or FCQs. In contrast, comprehensive review is generally conducted by a review committee and involves a more detailed analysis of research and teaching performance, in part because of the four-year timeframe in which to judge trajectory toward tenure.

Recommendation: Annual review should be conducted through a peer-review process, consistent with regent policy.

Recommendation: Annual review should be changed to include regular assessment of the faculty member's progress toward meeting the standards for promotion and tenure, including a review of achievements and gaps and a discussion of needed changes. Chairs and departmental

committees involved in annual merit evaluations need to keep in mind the larger evaluative process of tenure and provide accurate feedback to tenure-track faculty, indicating concerns about the tenure record to junior faculty and indicated progress toward comprehensive review, tenure review, and/or promotion. This same principle should be applied in annual evaluation of tenured faculty in terms of their trajectory toward promotion and a positive post-tenure review.

Recommendation: Just as the criteria for annual review and tenure review should be tied, the evaluative language of the annual review should be consistent with the evaluative language of tenure and promotion, such as whether or not the faculty member is “on track toward excellence” in teaching or research.

Is the annual evaluation process after tenure effective in identifying and addressing performance issues?

The annual review process that occurs post-tenure can identify performance issues and address them through minimizing or denying pay increases, though, as reported anecdotally, in some cases there is a reluctance to apply the tool to identify and correct performance deficiencies. The limited resources available for merit increases in general mean that the distinction made between good performers and poor performers during the course of the annual review is not large.

The annual review does not provide individual ratings in teaching, research, and service, but rather requires the faculty member be given an overall rating. This can make it difficult to spot problems until they have become significant.

Recommendation: The annual review should be conducted through a peer-review process, consistent with regent policy.

Recommendation: The Independent Study strongly endorses documentation of deficiencies in the annual evaluation and using salary and workload differentiation to introduce incentives and sanctions into the process.

Areas of Inquiry Related to Specific Tenure-related Processes—Tenure Review

Tenure is founded on the need for academic freedom for faculty. Tenure provides this by preventing professors from being dismissed for advocating unpopular views or openly disagreeing with authorities or popular opinion. Tenured faculty can only be dismissed for adequate cause, extreme financial exigency, or program elimination. Tenure has become even more important to academic freedom as research has become more prevalent in universities. By providing a long-term institutional commitment, tenure allows faculty members to engage in research that may be controversial or may not yield quick results.

Another important reason for tenure is the need to provide an adequate cadre of excellent faculty for the institution. Tenure assures the presence of a core group of highly qualified individuals by guaranteeing each of them a prestigious position and a base salary. The rigorous process of

earning the award of tenure results in university faculty with the best possible qualifications and abilities.

Academic tenure is prevalent in university and college systems in the United States, particularly at research universities. A recent study conducted by the National Education Association (NEA) indicates that of all the faculty at public research universities, only 0.6% are at institutions without tenure. Since tenure is offered so universally, a university not offering tenure will be at a severe competitive disadvantage when trying to hire high-quality faculty.

As indicated by many of the individuals interviewed, tenure is not an event, but a process and one that begins with recruitment and hiring. The sentiment among interviewees is that successful tenure decisions grow from the rigorous nature of the faculty search, recruitment, and hiring processes. When viewed in light of the large number of applicants for any given position and the natural attrition that occurs during the probationary period, the award of tenure is a rare event. For example, there may be as many as 1,000 to 3,000 applicants or more for 10 positions at the university. Of these 10 eventual hires, data collected from the university indicate that roughly one-third will leave the university, for a variety of reasons, before the end of the probationary period. Of the remaining seven faculty, based on the sample set of cases reviewed, 95%, or essentially all seven, will be awarded tenure. When these numbers are studied as a whole, they indicate that, at the high end, only 0.7% of the 1,000 applicants for the 10 positions discussed above will ultimately be awarded tenure.

How rigorous and effective is the evaluation process at tenure review?

The process of earning tenure at the University of Colorado is extremely rigorous and adheres to the regents' standards across all campuses. Each primary unit formulates written criteria, which are consistent with the standards of the regents, to measure the performance of faculty in that unit. The tenure process is rigorous, transparent, selective, and self-correcting. It is taken very seriously, involves many steps, and works well. However, the process could be streamlined through greater reliance on electronic tools.

There is also variation in the details of the tenure process across campuses and schools/colleges, with a lack of standardization across campuses and schools/colleges in areas such as such as:

- the methods for conducting teaching evaluations
- the process for the selection of external reviewers

Recommendation: CU's Administrative Policy Statement "Multiple Means of Teaching Evaluation" needs to be firmly enforced. Each campus should review its approach to teaching evaluations and ensure that multiple means are being employed, such as FCQs, classroom visits, and personal interviews with students.

Recommendation: Campuses should provide clarifying guidelines to the departments on the selection of external evaluators to ensure objectivity.

Recommendation: To help streamline the tenure review process, electronic and web-based tools should be developed to facilitate the collection and review of materials used in the comprehensive reviews, post-tenure reviews, performance ratings, professional plans, extensive reviews, and Performance Improvement Agreements. In addition, such tools can be used to conduct and document these processes as well.

Are these tenure-related processes effective at achieving their stated purpose(s)?

During the course of the Independent Study, a department/school-level audit of a number of tenure cases was performed. This audit revealed the rigor of the tenure process and the related regular reviews that ensure faculty have met and continue to meet tenure standards. There are very consistent ways in which tenure review is approached, while there are also some areas where this approach varies from department to department. Regent policy allows for this.

When faculty members do not meet the standards and criteria for tenure, there are both pre-tenure and post-tenure processes in place to address such issues. Interviewees commented that they and their colleagues appreciate the importance and necessity of ensuring that tenure reviews are conducted in a rigorous fashion and expressed confidence that the processes currently in place result in outcomes that achieve the stated purpose of tenure, as indicated by the following quote:

“Faculty are all colleagues and no one wants ‘lousy’ colleagues. The best thing going for us as faculty members is the quality of our colleagues. Faculty members also work in teams and no one wants to get stuck doing all the work because you’re teamed with a lazy colleague. There is a separation between liking a person and wanting to keep them at the university. The fact that the quality of our colleagues is so important drives the process.”

Recommendation: None.

Is there consistent compliance with and adherence to tenure-related processes?

The Independent Study members felt this section was of such importance that it has been repeated verbatim from the body of the report.

The department-level audit encompassed a review of 95 files, a sample comprised of the tenure cases reviewed across all University of Colorado campuses during the 2003–2004 and 2004–2005 academic years. The results indicate an overall consistent compliance with tenure-related procedures.

The review of these tenure cases, supplemented by the anecdotal evidence provided during the Independent Study’s interviews, indicates that the tenure process follows appropriate protocols. In addition, individual departments and faculty members take the process seriously and do not simply apply a rubber stamp of approval to each candidate undergoing tenure review. As one faculty member indicated:

“It’s not a process where irregularities can easily hide or easily occur. It’s an amazing series of check and balances, the process is as legitimate and transparent as it can possibly be, and there is good accountability at all levels. Discussion and debate occurs at every level, with later levels acting as checks for earlier ones.”

The standard tenure clock, outside of the School of Medicine, is seven years. In the majority of cases reviewed by the members of the Independent Study, the tenure process is a seven-year process. However, a number of common variations from the standard seven-year clock do exist:

- Faculty who are hired with tenure from outside the university, who may have had tenure at their home institution for many years, are awarded tenure at the university in fewer than seven years, that is, after rigorous review at the point of hire.
- Faculty who are hired with tenure credit, that is, recognition for past work toward tenure, are considered for tenure at the university in less than seven years.
- Faculty who are put forward for early tenure, if approved, are awarded tenure at the university in less than seven years.
- In certain circumstances, faculty in nontenure-track positions, who are considered for tenure, are treated as “hires with tenure” and undergo tenure review. This may or may not occur after a total period of service greater than seven years.
- Faculty may request to stop the tenure clock for up to two years, for things such as parental leave, in which case they could go up for tenure in greater than seven years.
- Faculty may also be hired as associate professors without tenure. Regent policy does not require associate professors to undergo comprehensive review. In the case of these hires, the search process could be seen as incorporating this function. It is at the discretion of the department as to when this person is put forward for tenure within the context of the standard seven-year clock. It may happen instantaneously, though this is frowned upon because of the lack of a teaching record at the university, or it could take as many as seven years, though not more.

The standard, rigorous tenure review is applied in all these cases; it is simply applied under different timeframes. These variations exist to allow the university to be competitive in hiring and developing faculty. However, there is not always a pre-approved process for such exceptions.

Of the 95 cases reviewed, three were observed to have issues that raise concerns. In two of these cases, the primary concern is that current policy does not provide specific guidance, and in two cases, a deviation from policy was observed. The issues in the cases were as follows:

- The department had a split vote for tenure initially, which it decided to report as a unanimous vote for tenure.
 - This is a violation of policy. Split votes should be recorded.
- A candidate was given an extra year to complete the tenure review process because it was judged that the candidate had received bad advice during the comprehensive review.
 - No specific policy was violated. But currently, there is no policy that formally states that anyone is allowed to take such an action.
- A nontenure-track faculty member who had been at the university for quite some time was awarded tenure after being processed successfully through the entire review process. The motivation for this action was the fact that the faculty member was being offered a position with tenure at another, comparable university, and the University of Colorado did not want to lose a highly valued member of the faculty.
 - No specific policy was violated. The faculty member was treated as a “hire with tenure,” which is the standard approach currently in place for hiring a nontenured faculty member into a tenured position. The candidate underwent a full, rigorous tenure review.
 - While the tenure review proceeded with all the steps and rigor it would for any other faculty member, a formal policy does not exist to guide such instances, that is, the need to consider currently-employed valuable nontenured faculty for tenure.
 - The terminology “hire with tenure” is misleading when applied to what is essentially the promotion of a nontenured faculty member into a tenured position. This policy gap needs to be corrected.
- A faculty member under review for tenure sought support from an individual outside the campus when it became clear that tenure would likely not be awarded. As a result of this outside individual’s appeal to the president alleging bias, a decision was made to allow the candidate to be reviewed again the following year and to limit that review to the VCAC-level only.
 - This is a violation of policy. Tenure review cases must proceed through all levels of review and this case did not.
 - No specific policy was violated with respect to adding a year to the faculty member’s tenure clock. However, this raises the same concern mentioned above: the lack of specific policy stating that the vice chancellor is allowed to do so.

Conclusion: The review of tenure policies at the university indicated that there is a practice whereby high-level administrators allow the tenure review process to be repeated in a subsequent year when procedural errors are discovered during the tenure process, but this is not documented in policy. It is not possible to write policy to cover every single situation that might arise, but when issues that are not guided by policy develop, there should be a process in place to guide these situations. If established policies are not followed, no matter how rigorous the process, the intent of the process will not be achieved. This fact highlights the importance of a multilevel review as a tool to identify issues or noncompliance.

Recommendation: The university must improve its oversight of tenure cases to ensure that the entire process is rigorously followed. There are a number of other recommendations made throughout this report to improve the tenure process.

Recommendation: Training related to tenure review processes must be strengthened, especially at the department chair level.

Recommendation: For candidates not on the seven-year tenure track, approval to follow a process involving more or less time to receive tenure should be granted at the level of the vice chancellor or chancellor.

Recommendation: A random audit of tenure case files should occur every five years to ensure policies/processes are being followed, perhaps conducted by an external group of faculty or consultants.

Recommendation: The chairs of the Vice Chancellor's Advisory Committee (or similar committee) from each campus should meet at least annually to discuss policies and potential changes to help increase consistency and the sharing of best practices with respect to tenure-related practices.

Recommendation: A review of university tenure policies and processes should occur on no more than a 10-year cycle.

Recommendation: Administrators' ability to extend the probationary period and allow an extra year for tenure cases in situations where procedural errors are discovered during the tenure process should be formalized into policy.

Recommendation: When there is no policy to guide the issues of a specific case, these issues need to be highlighted and raised to the level of the Vice Chancellor's Advisory Committee or its equivalent. This committee should make a recommendation that it believes is in the best interests of the university and forward it to the vice chancellor and chancellor for approval.

What are the results of the random confidential audit of the university's tenure-related processes?

In addition to the findings discussed above, 95% of the tenure cases reviewed by members of the Independent Study resulted in tenure approvals. An inspection of the specific voting data at each level of review reveals a number of votes to deny tenure as well disagreement between levels. This reflects the rigor and objectivity of the tenure review and indicates the process is not simply a rubber stamp. Likewise, when the voting results for tenure recommendations in small departments are compared to those in large departments, there does not seem to be a noticeable difference in outcomes. This indicates that an "old boys' network" mentality does not prevail in small departments, or throughout the process as a whole.

Recommendation: None.

Is the tenure review process designed to result in the tenure of candidates who are likely to make significant and continuing contributions?

While it may not produce the desired effect in all cases, the tenure review process is designed to result in the award of tenure to only those candidates likely to make significant and continuing contributions to the university.

Recommendation: None.

To what extent and how do other institutions use the tenure review as an opportunity to evaluate the candidate's professional conduct?

An evaluation of misconduct does not seem to be part of the tenure review process at other institutions and by regents' law is not part of the process at the University of Colorado. If a faculty member has engaged in serious professional misconduct, the university has policies in place external to the tenure review process to handle disciplinary issues, with sanctions up to and including revocation of tenure and dismissal. The Independent Study members have concluded that it is virtually impossible for someone who has serious, known misconduct in their background to be retained at the university or awarded tenure.

Recommendation: Criminal background checks should become a standard part of the hiring process and policies should be developed by the Office of the Vice President for Human Relations and Risk Management and University Counsel to dictate if and how the information collected through these background checks is to be used to inform hiring and tenure decisions. The university needs to clarify that misconduct is to be addressed as part of the disciplinary process and should be kept separate from tenure review, unless it impacts whether or not the candidate meets the tenure criteria for teaching, research, and service.

To what extent do other institutions evaluate the candidate's long-term strategic value to the primary unit to see if this is consistent with the goals and objectives of the school/college and the institution?

It is common for an institution to consider their long-term goals in filling a tenure-track faculty position, and such considerations factor into the hiring process. Tenure review, however, focuses on performance against specified criteria, and long-term strategic value is not one of criteria for tenure at the University of Colorado. Nor does it appear to be one of the tenure criteria among the benchmark institutions included in this report. After tenure is awarded, it cannot be revoked because of considerations of strategic value except in cases of extreme financial exigency or program elimination.

Recommendation: None.

Areas of Inquiry Related to Specific Tenure-related Processes—Post-tenure Review

The university adopted a policy requiring formal post-tenure peer reviews in 1983. All references to post-tenure review in this study are to this formal review process. For the sake of clarity, it should be pointed out a number of reviews take place after tenure is awarded, such as through routine annual evaluations, reviews of sabbatical proposals, and at the time of promotion to full professor, but they are not the same as the formal post-tenure review. A major review and revision of post-tenure review policies and practices occurred in 1996–1997. Minor adjustments to the policy have occurred since then. Formal post-tenure review is conducted for tenured faculty on all campuses at least every five years.

The Laws of the Regents provide that post-tenure review is intended to (1) facilitate continued faculty development consistent with the academic needs and goals of the university and the most effective use of institutional resources; and (2) to ensure professional accountability by a regular, comprehensive evaluation of every tenured faculty member's performance.

University policy on post-tenure review (<http://www.cu.edu/policies/Personnel/posttenure.html>) authorizes the use of sanctions such as salary reduction, loss of sabbatical eligibility, demotion in rank, revocation of tenure or dismissal, if a faculty member with two annual ratings of “below expectations” has been required to prepare a professional development plan and that plan has not produced desired results.

How rigorous and effective is the evaluation process at time of post-tenure review?

Are the current focus and levels of review appropriate and sufficient?

There is dissatisfaction among some faculty with the rigor and effectiveness of the current post-tenure review (PTR) process. A unique feature of the annual review process at the university, which takes place both before and after the award of tenure, is that it focuses on identifying performance declines immediately; the policy does not wait for a faculty member's five-year review cycle to invoke the terms of the policy. Instead, faculty who are identified as “below expectations” on an annual evaluation are directed immediately to the Performance Improvement Agreement (PIA) process. However, the combination of a lack of means to award excellence and to correct unsatisfactory performance has resulted in a post-tenure review process that is not functioning effectively.

Recommendation: Post-tenure review should continue to occur via a committee-based peer review process and should be subject to review at Dean and Vice Chancellor levels. Each campus must be charged with assuring a more rigorous process of evaluating faculty performance and strengthening faculty development. Strong consideration should be given to best practices used at Georgia State University.

Recommendation: The professional development aspects of post-tenure review must be strengthened. Revisions should include clear standards governing performance improvement and development plans. Incentives for professional development should be provided along with

disincentives for poor performance. The Boulder campus has a good forum for associate faculty development called the Leadership Education for Advancement and Promotion (LEAP) program. Other campuses should consider instituting programs similar to the LEAP program.

Internal Best Practice: The LEAP program

The LEAP program began in January 2002, after receiving \$3.5 million in funding from the National Science Foundation, as one of the first projects funded through the ADVANCE initiative. This funding was matched by a further \$900,000 from the University of Colorado, Boulder.

The LEAP program seeks to build the capacities of the CU faculty by increasing faculty effectiveness, building collegiality, decreasing stress, and improving retention and promotion rates. A primary focus of the program is developing a group of effective leaders who will move both the institution and their particular fields of expertise forward. While the goal of the program is to build collegiality and thereby to improve specifically the retention of women in science and engineering disciplines, the program is open to faculty members of any gender and discipline.

The program seeks to identify potential leaders from among junior and senior faculty, develop their leadership abilities, and provide them with opportunities to apply those skills at the highest level of university administration. The program provides coaching and team building skills to existing faculty members through training and supervised application.

Does the post-tenure process result in the timely identification of performance deficiencies and lead to appropriate action for addressing those deficiencies?

The process and policy for post-tenure are not tailored to address the need for an immediate response to a faculty member whose conduct is especially substandard for example, in particular area of teaching. Many serious performance deficiencies are identified before the formal, five-year post-tenure review. The trigger for the identification of these deficiencies is an overall rating of “below expectations” in annual evaluation. The annual evaluation identifies performance deficiencies in a more timely fashion.

Recommendation: Deficiencies in the annual evaluation after the granting of tenure should be documented and salary and workload differentiation used to introduce meaningful incentives and sanctions into the process.

To what extent and how do other institutions use the post-tenure review as an opportunity to evaluate the candidate's professional conduct?

Other institutions use post-tenure review as a means to evaluate professional performance, though not professional misconduct. For example, post-tenure review is in place at 10 of the 19 academic institutions and five of the 11 schools of medicine included in the benchmarking study. However, none of these 30 institutions use it specifically as a means to evaluate professional misconduct.

Recommendation: None.

To what extent do other institutions evaluate the candidate's long-term strategic value to the primary unit to see if this is consistent with the goals and objectives of the school/college and the institutions?

Long-term goals and objectives do not play a role in post-tenure review at the University of Colorado. Once a faculty member is tenured, tenure cannot be revoked because a field has gone out of favor or because a unit's long-term goals have changed. Only in cases of serious financial exigency can the university terminate tenured faculty who are meeting professional expectations, and then only if their unit is being abolished and there is no other suitable place for them at the institution. Other institutions do not use post-tenure review specifically to evaluate the candidate's long-term strategic value to the primary unit. Other institutions may consider this indirectly through the use of a differential workload, which is generally only applied to faculty whose performance falls short of expectations in some way.

Recommendation: None.

Areas of Inquiry Related to Specific Tenure-related Processes—Dismissal for Cause

Any faculty member, tenured or untenured, may be dismissed for cause. The university has detailed processes for such an action, involving the Faculty Senate Committee on Privilege and Tenure. The Laws of the Regents outline the grounds for dismissal for cause as follows:

“A faculty member may be dismissed when, in the judgment of the Board of Regents and subject to the Board of Regents constitutional and statutory authority, the good of the university requires such action. The grounds for dismissal shall be demonstrable professional incompetence, neglect of duty, insubordination, conviction of a felony or any offense involving moral turpitude upon a plea or verdict of guilty or following a plea of *nolo contendere*, or sexual harassment or other conduct which falls below minimum standards of professional integrity.”

Is the existing dismissal-for-cause process timely and effective in dismissing tenured faculty members?

Dismissals for cause may be instituted as a result of a determination that sanctions are appropriate after the formal post-tenure review process, or for other reasons specified in regent policy. Any formal dismissal for cause of a tenured faculty member must be processed through the Privilege and Tenure Committee. The process for dismissal for cause consists of many steps and takes a great deal of time to initiate and execute. The committee's processes and policies are currently being reviewed and revised in order to improve its efficiency and to ensure compliance

with regent policy. Dismissal for cause also employs a standard for removing the faculty member from the classroom that is extremely high and ultimately could result in students being adversely affected.

Recommendation: The university should establish a process that specifies a timeline for the activities of all responsible parties reviewing a dismissal-for-cause case with the goal that they be completed in no more than six months.

Recommendation: The university should revise its policy on dismissal for cause to define more clearly the behaviors that lead to removal from the classroom and processes leading to dismissal for cause.

Conclusion

In conclusion, the Independent Study found that the tenure process is well designed and generally well managed. The tenure process is consistent with norms in higher education, and specific University of Colorado policies and processes are consistent with best practices at other similar institutions. Process issues were found in three cases in which tenure was granted or is being considered. While not typical, these were a concern. The Independent Study members recommend a number of improvements to tenure-related processes to add to the rigor of the annual and post-tenure reviews and to provide additional policy guidance for certain areas where policy can be improved or does not currently exist. Further, members of the Independent Study concluded that if the recommendations contained in this report are fully implemented, the University of Colorado will have a tenure program that supports the health and well being of the university, its faculty, and its students, and that can be understood and supported by the public at large.

II. INTRODUCTION

A. Background

The University of Colorado (CU) traces its roots back to the first session of Colorado's Territorial Legislature in 1861. As currently organized, the university consists of three campuses: the University of Colorado at Boulder (UCB), the University of Colorado of Colorado Springs (UCCS), and University of Colorado at Denver and Health Sciences Center (UCDHSC). Each campus has a specific mission, which, stated briefly, are as follows:

- The **Boulder** campus of the University of Colorado shall be a comprehensive graduate research university with selective admission standards.
- The **Denver** campus of the University of Colorado shall be an urban comprehensive undergraduate and graduate research university with selective admission standards. The **Health Sciences Center** campus of the University of Colorado shall offer specialized baccalaureate, first-professional, master's, and doctoral degree programs in health-related disciplines and professions.
- The **Colorado Springs** campus of the University of Colorado shall be a comprehensive baccalaureate university with selective admission standards.

On March 17, 2005, the Faculty Council of the University of Colorado passed a resolution calling for "the Faculty Council and the administration of the University of Colorado to develop a plan with the Board of Regents of the University of Colorado to engage in a thorough review of the present practices of awarding and maintaining tenure, consistent with the Laws of the Regents and the faculty rules of privilege and tenure."

On March 24, 2005, the Board of Regents of the University of Colorado, in collaboration with the University System Faculty Council, passed a resolution authorizing a "comprehensive system-wide review of the processes for awarding and maintaining tenure." The resolution was approved by the Board of Regents, and supported by the president of the CU System, the CU System-wide Faculty Council, and each of the three university campus chancellors.

This latter resolution specified that the Independent Study "shall be conducted under the direction of a distinguished individual from outside academia." The study was also structured to involve an internal working group, composed of representatives from the University of Colorado, and an external working group, composed of individuals external to the university. While both groups were charged with similar tasks, they were also instructed to work entirely independently of each other and were not permitted to share any information regarding their approaches to the project, the information they were collecting, or their final observations.

B. Objectives

The primary objective of the Independent Study was to conduct a comprehensive, system-wide study of the processes for awarding and maintaining tenure, including processes for post-tenure review. This study involved not only collecting the policies and procedures currently in place at each campus and assessing how well they are adhered to in practice (the latter to be accomplished through a review of tenure cases from departments at each campus/school), but also benchmarking against best practices as embodied in the tenure policies and practices of a comparable set of institutions.

In addition, as appropriate, and as the data was available, the Independent Study was to include a consideration of the demographics of the tenure process, specifically, the attrition rates among tenure-track faculty as they progressed through the probationary period, as well as the approval rates for candidates being reviewed for tenure.

This effort was guided by a set questions listed as areas of inquiry in the university's Statement of Work, embodied as a series of questions contained in the Request for Proposal. This effort was, therefore, conducted with an eye toward ultimately addressing those questions as a means to study the tenure-related process at the University of Colorado. The answers to these questions appear in Section IV of this document.

III. OVERVIEW OF APPROACH AND METHODOLOGY

Both the internal working group and the external working group, collectively referred to as the Independent Study, have employed extensive research methods to collect the internal and external data necessary to complete its assigned tasks. (Please see Appendix A for a list of internal working group and external working group members.) These methods included:

- surveys of internal stakeholders and 158 interviews, with vice chancellors, deans, department chairs, chairs of review committees, members of review committees, faculty
- 10 responses to benchmarking data requests
- 16 interviews, by phone and in person, with individuals from academic institutions and schools of medicine deemed to exemplify best practices
- the review of 95 individual tenure files and the discussion of 48 of those files with relevant department chairs/deans
- the collection and analysis of data from each campus at the university and all four schools at the Health Sciences Center related to faculty departures during the probationary period and voting results during the tenure review
- the collection of both University of Colorado policies and policies at institutions seen to embody best practices, which included 19 academic institutions and 11 schools of medicine, and the comparison of CU policies against such best practices
- the study of the relevant literature, such as policy documents developed by the American Association of University Professors (AAUP)

Please see Appendix B for a more detailed discussion of the study approach and methodology.

The purpose of these diverse and exhaustive research methods was to assist the University of Colorado in conducting rigorous, comprehensive, system-wide review of the processes for awarding and maintaining tenure, including processes for post-tenure review. The study director was asked to gather the necessary data and produce an independent report that answered the questions posed under each of the above areas of inquiry. After both working groups finished their data collection and completed their findings, the study director assembled a drafting group composed of members of both working groups to produce the Independent Study. The study director was also charged with disseminate the report simultaneously to the public, the Board of Regents and the regent-appointed committee. The answers in the following section are based on the observations developed through the techniques listed above.

IV. AREAS OF INQUIRY—RESPONSES TO QUESTIONS

The Independent Study was structured by the detailed questions about the tenure-related processes at the University of Colorado as outlined in the Request for Proposal's Statement of Work. The questions outlined areas of inquiry regarding tenure-related processes in the following areas: all tenure-related processes, search and hiring processes, faculty development and retention, annual evaluation, reappointment and comprehensive review, tenure review, post-tenure review, and dismissal for cause.

The Independent Study's responses to those questions, the results of the related analyses, and its conclusions and recommendations in all areas of inquiry, appear below with additional, supporting information found in the appendices as noted.

A. General Areas of Inquiry Applicable to All Tenure-Related Processes

1. *What are the university's main tenure-related processes?*

The university's main tenure-related processes were identified based on a review of the university's policies and procedures, along with an extensive series of interviews at the system, campus, and department levels.

At the University of Colorado, the tenure process generally spans seven years, a time known as the probationary period, and begins upon hiring into a tenure-track position. All faculty are evaluated annually, with new faculty members also undergoing a comprehensive review to indicate their progress toward tenure. The tenure review generally occurs in the seventh year after hire, and if tenure is awarded, post-tenure reviews occur every five years afterward. The specific details of each of these processes are provided below.

Hiring Tenure-track Faculty—The process whereby the university conducts searches, on a national or international basis, for faculty who are eligible for tenure by virtue of meeting certain basic requirements, but who are not guaranteed tenure. The search is conducted with the expectation that prospective hires will undergo tenure review after a specified probationary period. This period is generally seven years, though it can vary based on the number of years of tenure credit experienced hires are awarded upon appointment. This period can also vary widely among faculty at the School of Medicine, where there is no predetermined time limit for achieving tenure. The minimum standards for entry into the tenure track are generally completion of the terminal (or highest) degree in one's field and evidence of either qualification for or successful experience in teaching and research.

Hiring with Tenure—The process whereby the university searches for faculty who are eligible for tenure, generally, though not always, because they have tenure at their current institution. The search is conducted with the understanding that prospective hires will undergo the standard tenure review as part of the hiring process and will only be granted tenure if the results of the tenure review indicate it is warranted.

Annual Evaluations—The yearly process whereby faculty performance is reviewed to determine whether or not faculty have exceeded, met, or failed to meet the expectations set for them. The reviews are generally conducted by the chair of the department/division or the dean of the school. The results of these evaluations are used primarily to determine merit-based pay increases and are not directly linked to tenure-related processes.

Documentation of Faculty Goals—The university employs three tools that allow faculty to document the goals they have set for themselves. The first is required of all faculty and occurs during the normal course of events, while the latter two are only used as remediation steps when faculty performance fails to meet expectations:

- 1). *The Professional Plan*—The Professional Plan is designed to provide a clear statement of a faculty member’s goals and the nature of efforts to be made in the areas of teaching, research/creative work, and service. Professional Plans make clear to primary units and other evaluative bodies what the faculty member has set as his/her goals. These plans should be developed in consultation with the primary unit so that the faculty member’s planned activities, when combined with those of other faculty in the unit, result in the primary unit meeting its responsibilities to students and the university.
- 2). *The Performance Improvement Agreement (PIA)*—Faculty who receive an evaluation of “below expectations” in one annual review or a post-tenure review (defined below) are required to meet with members of their primary unit and/or the unit head to identify the causes of the unsatisfactory evaluation and to plan and implement a written Performance Improvement Agreement (PIA) to remedy their problems. The PIA includes specific goals, timelines, and benchmarks that are used to measure progress at periodic intervals. Usually, PIAs will be established for one year, but can be established for two years if warranted.
- 3). *The Development Plan*—Faculty who receive two “below expectations” ratings in any two annual reviews during a five year period, or who fail to meet the terms of their PIA, are required to write a Development Plan. The Development Plan outlines the specific goals and actions designed to address areas of deficiency and must address the teaching, research/creative work, and service assignments anticipated during the period of the plan. It must describe performance goals in light of identified deficiencies, strategies for improvement, and the time frame (up to two years) in which the problems are to be solved. The plan must contain definite means of measuring progress in achieving the goals and periodic monitoring of progress. The Development Plan must be approved by the primary unit head, following consultation with the appropriate primary-unit committee.

Second Year Review—A form of pre-tenure review, in place at the University of Colorado at the Colorado Springs campus only, where tenure-track faculty undergo an evaluation of their performance to date and their progress toward tenure. The second year review is similar to the comprehensive review (defined below) in terms of tracking

progress toward tenure and identifying areas needing improvement, but does not include all the steps contained in the tenure review. For example, letters from external reviewers are not solicited.

Comprehensive Review—A form of pre-tenure review, in place across all campuses/schools of the University System, in which tenure-track faculty undergo an extensive evaluation of their performance to date and their progress toward tenure. The reviews are generally conducted using the same process and steps employed in the tenure review (defined below), but do not necessarily include all the steps contained in that review. For example, letters from external reviewers may or may not be solicited.

Promotion—The process whereby faculty are elevated to the next rank, that is, from assistant professor to associate professor or from associate professor to professor. The promotion from assistant to associate is generally tied to, and happens concurrently with, the award of tenure, which usually occurs after a seven year probationary period. The School of Medicine differs in this regard in that promotion to associate professor and the award of tenure are not linked, and the seven year probationary period, while it does not apply to the award of tenure, does apply to promotion to associate professor. Promotion from associate professor to professor does not occur in a fixed timeframe at any campus or school at the university, but like promotion to associate professor, occurs only after a rigorous review. Minimum standards for achieving promotion are specified by rank, and involve demonstrated teaching ability; a successful record of scholarly, creative, and/or research work; and meritorious university and public service.

Tenure Review—The process whereby faculty performance is evaluated after a probationary period, which begins upon appointment and generally spans seven years, to determine if the faculty member has met the requirements for tenure. The process begins with a review at the department/primary unit level, proceeds through a review at the school level, and concludes with a review at the campus level. The specifics of the process, however, can vary widely.

At this point, it will be useful to describe the requirements for tenure. The twin primary missions of the University of Colorado are to produce and to disseminate knowledge, that is, research and teaching. Service to the university, profession, and community is also part of the mission. Thus, the Laws of the Regents require that a faculty member seeking tenure be evaluated as meritorious in teaching, research (or, for faculty in the visual and performing arts, creative work), and service and excellent in either teaching or research. The standards are different at the School of Medicine, where excellence in both teaching and research, along with the development of an international reputation, are required.

Regardless of their differences, these standards match the mission of the institution. Research is evaluated by looking at appropriate measures of the candidate's productivity and scholarly impact, as measured by university committees and external experts. Depending on the field, this could include publications such as journal articles or books; book reviews; grants and contracts awarded; clinical activity; juried shows of work, etc. University policy requires that teaching be evaluated by multiple means, which must

include student evaluations of teaching (Faculty Course Questionnaires, or FCQs). Other tools used in the evaluation of teaching include: the teaching portfolio, personal statement on the philosophy and practice of teaching, evidence of teaching innovations, reports of classroom visits by colleagues, student letters and interviews, course syllabi, teaching awards, record of graduate and undergraduate mentoring and thesis supervision, etc. Service is more loosely reviewed and no system-wide standards are in place. Rather, candidates provide evidence of their service to the department and campus, and relevant professional and community service. Expectations vary by field; in education, extensive involvement in public schools may be expected; in science departments, service as a federal granting agency reviewer or as an officer in a national or regional professional association might be valued. Specific expectations for earning tenure are spelled out in primary unit criteria developed by each department/primary unit. Primary unit criteria refer to the discipline specific performance standards set by the primary unit (department, school, etc) that define the quantity and quality of accomplishment in teaching, research, and service a faculty member must achieve in order to be awarded tenure.

Post-Tenure Review—A formal review that occurs every five years after the award of tenure. The purpose of post-tenure review, according to the Laws of the Regents, is two-fold: “...to facilitate continued faculty development, consistent with the academic needs and goals of the university and the most effective use of institutional resources and...to ensure professional accountability by a regular, comprehensive evaluation of every tenured faculty member’s performance.” These reviews are similar to the tenure review, but do not necessarily include all the steps contained in that review. For example, letters from external reviewers are generally not solicited. Minimum standards for acceptable performance are continued satisfactory contributions in teaching, research, and service. Faculty who have received summary ratings during the past five years of “meeting expectations” or better undergo “regular” post-tenure review and those who have received two “below expectations” ratings will undergo “extensive review.”

Dismissal for Cause—The process whereby faculty are removed from the university for failure to meet certain standards of professional and personal behavior. According to the Laws of the Regents, the grounds for dismissal are “...demonstrable professional incompetence, neglect of duty, insubordination, conviction of a felony or any offense involving moral turpitude upon a plea or verdict of guilty or following a plea of *nolo contendere*, or sexual harassment or other conduct which falls below minimum standards of professional integrity.” Faculty have the option of appealing a dismissal decision.

2. *Are the university’s laws, policies, and procedures on (1) hiring tenure-track faculty, (2) reappointment, promotion, and tenure, and (3) post-tenure review understandable and easily accessible?*

With respect to their general provisions, the tenure-related policies in place across the university were reported to be clear and understandable. Overall, the campus-level leadership, deans, department chairs, and related administrators who are involved in overseeing the execution of the process have a good understanding of the general processes and spoke, for the most part, from memory.

While those involved in tenure-related processes seem to understand the basics of those processes, such as the content of the dossier, the requirements for collecting outside letters, etc., the same level of understanding was not always apparent with respect to the detailed *specifics* involved. Those who oversee the process sometimes find it challenging to manage the many specific requirements involved, commenting that it requires great attention to detail, and in at least one case, “years of experience” to do it right. The challenge of managing the details of the process is further complicated by the fact that these details may change on an annual basis.

Understanding the various steps involved in earning tenure, even though they are spelled out in readily accessible policies, can be a bit daunting to newly hired assistant professors. Campuses do offer workshops on earning tenure for junior faculty that focus on the process. Tenure-track faculty are generally invited to an orientation session to assist them in managing the details of the tenure process. This session ensures that they, along with those charged with overseeing the process (who are also invited to attend these sessions), have a firm grasp of those specifics. Departments offer mentoring and provide guidance to untenured faculty. Both the formal workshops and the less-formal mentoring processes are not yet consistently or universally available.

The School of Medicine offers an interesting case study in its “crash course” on tenure entitled “Promotion 101.” As stated in the Promotion 101 syllabus, the development of the course was motivated by the fact that it was “...evident that large portions of School of Medicine (SOM) faculty, including both junior and senior faculty, do not understand the school’s promotion and tenure standards.” The results of a 2005 survey of 512 faculty are cited in the syllabus to support this claim:

- 48% of junior faculty were unaware that the SOM permits the seven-year promotion time-clock to be extended
- 25% of junior faculty had never read the promotion rules
- 38% of junior faculty said they have only a “limited understanding,” or “no understanding,” of the promotion rules
- 66% of assistant professors had never discussed their progress toward promotion, or had done so only once, with their division head or department chair
- 48% of faculty reported they do not have a mentor to assist with career development

The course was designed to address this confusion by covering the following core topics, among others:

- basic requirements for promotion to associate professor and award of tenure
- documentation requirements for dossiers, clinical and teaching portfolios, CVs, teaching evaluations, etc.
- criteria matrices to help define for how the Faculty Promotion Committee reviews candidates’ work
- data related to promotion success rates, publication numbers, etc.

- discussion of types of scholarship, including examples of alternative scholarship relevant to clinician educators
- common myths and rumors about promotion and tenure

In addition to orientation programs, the criteria for tenure are discussed with faculty during the hiring process, with some departments providing prospective hires with hard copies of the primary unit criteria. In addition, shortly after their arrival on campus, faculty are provided, as a rule, with copies of the department's tenure-related policies and procedures, sometimes for a second time, and/or instructed how to access them online.

Policies must also be understood by administrators. Occasional and unnecessary missteps in review processes may result from the inexperience of newly appointed administrators responsible for reviews. Some department chairs who oversee dossier preparation and primary unit processes are now getting training in the tenure review process to reduce errors, but the training should be expanded.

Last but not least among the tools employed to help faculty understand the specifics of the tenure process is mentoring. As will be discussed in greater detail in the following section, the specifics of the mentoring process differ widely from department to department, whether those departments are located at different campuses or within a given school on the same campus. For example, mentoring is not universally a formal process. In some departments, it develops organically from the interactions among junior and senior faculty. In departments where the process is formalized, mentoring may be provided by the department chair or division head, by a senior faculty member either assigned to or chosen by the junior faculty member, or by a committee. The requirements for the frequency of meetings, as well as the documentation of those meetings, also vary across departments. Regardless of these differences, the objective of the mentoring process is consistent: to provide junior faculty with guidance and assistance in managing their careers, including securing tenure.

In terms of accessibility, most, though not all, tenure-related policies can be found on publicly accessible Web sites. For the most part, these policies were accessible and easy to find with two exceptions:

- Online access to the School of Pharmacy's (SOP) Policy and Procedures Manual is password protected. This does not necessarily mean the information is not easily accessible to those within the SOP, but access is restricted. Also, while the link can be found by clicking the "Our Community" tab on the SOP home page, the label "Our Community" does not clearly specify the type of information contained on that page.
- The relevant policies and procedures for the School of Dentistry (SOD) were the most difficult to locate online. The Independent Study members were not able to identify a link on the SOD Web site similar to the ones found on other Web sites at the Health Sciences Center. As a result, the URLs for a number of policies were not found.

Further, members of the Independent Study felt the explanations of tenure and tenure-related processes were not always written so they could be understood easily by the general public.

Conclusion: The university's laws, policies, and procedures for tenure and tenure-related processes are easily accessible, with a few exceptions. While they are generally understood by faculty and administrators, they are not always written in a manner that makes them easily understand by the general public.

Recommendation 1: The university's laws, policies, and procedures for tenure and tenure-related processes should be easily accessible to not only the candidates for tenure but to the public in general by methods such as posting them on campus or system Web sites. This increased accessibility will help underscore the transparency that currently characterizes the process.

Recommendation 2: Training related to the tenure review process must be strengthened, especially at the department chair level.

3. How are the tenure-related processes established and applied at individual school levels? How is such implementation monitored? How is the implementation reviewed or overseen?

The tenure-related policies in place at each campus are established by the chancellor and ultimately approved of that campus in accordance with the Laws of the Regents. These policies lay out the specifics that apply at a given campus. Departmental processes are embodied in departmental bylaws. All processes must be consistent with regent law.

The application and monitoring of the application of those policies occurs informally through the Vice Chancellor's Advisory Committee (VCAC), or its equivalent. (Note: Though the committee's name may vary across campuses, for the sake of simplicity, the relevant process will be referred to as the VCAC or second-level review).

As noted in several interviews, the VCAC ensures quality control in the tenure review system. The VCAC, while often representing the third committee to review a given tenure file, may sometimes, but not always, also represent the first point at which the case is reviewed outside of a given school. As such, this campus-wide committee is responsible for ensuring the campus-level tenure policies are applied consistently and for monitoring this application through its role in the tenure review process. Likewise, it is also charged with ensuring that the relevant department-level criteria have been applied appropriately and consistently.

Lastly, in terms of review and oversight with respect to the implementation of those policies, the Independent Study members did not find a formal policy or practice for the periodic review of tenure decisions. No formal, regular audit of the tenure case files takes place after the VCAC makes its decision and tenure is awarded. The primary review of the tenure process subsequent to the VCAC review is the chancellor's and president's review on behalf of the Board of Regents, respectively, of each tenure case. The chancellor and president only review each candidate on the basis of their qualifications for tenure, and to determine if the primary campus adhered to appropriate policy itself. In addition, the Board of Regents reviews tenure cases in a confidential executive session before voting on the cases.

That said, if faculty members believe procedural errors occurred in the review of their case for tenure, they can appeal to the university president. Procedural errors of sufficient magnitude to have affected the outcome of the tenure case can be grounds for such a review. For example, if a faculty member wanted to add certain materials to his or her dossier after the review process began, but these were not added, this would be a procedural error that, if not noted or taken into account, could affect the outcome of the tenure review. Substantive errors might also qualify. For example, a faculty member may believe that the members of his or her department who were chosen to review the case lack the necessary expertise in the faculty member's discipline to do so. The president alone decides if the faculty member qualifies for such a review. Approximately one in 10 faculty members who request such a review qualify. If the case qualifies for review, an ad hoc committee is formed to make a recommendation to the president. The committee reviews the case and dossier, with a focus on the process that was followed. The ad hoc committee makes a recommendation to the president, who renders a final decision.

Faculty may also appeal to the Faculty Senate's Privilege and Tenure Committee, which is empowered to review cases for procedural errors and make recommendations to the president.

The Office of Academic Affairs/Office of Faculty Affairs on each campus also has a role, though perhaps somewhat indirectly, with respect to the review and oversight of the implementation of tenure policies. The office of Academic/Faculty Affairs is often the first point of contact for faculty who have questions on the tenure process or seek information. For example, tenure policies are accessible via the academic affairs Web site at CU-Colorado Springs and the faculty affairs Web site at CU-Boulder. Academic/faculty affairs often designs and/or conducts the orientation for new faculty. For example, the Office of Faculty Affairs at the School of Medicine designed Promotion 101, the School of Medicine's orientation to promotion and tenure.

Conclusion: Tenure-related policies are established by the chancellor of each campus. The application and monitoring of those policies occurs through the Vice Chancellor's Advisory Committee. However, no formal, regular review takes place after the VCAC makes its decision and tenure is awarded.

Recommendation 3: A random audit of tenure case files should occur every five years to ensure policies are being followed, perhaps conducted by an external group of faculty or consultants.

4. What are the major differences in tenure-related processes among the schools and campuses?

This study looked at each campus of the University of Colorado system as well as numerous departments within those campuses and observed general consistency across the university with respect to tenure-related processes. Individual departments or schools/colleges may have specific process rules that differ from those of others; these differences have been in place for many years. The most significant is probably the proportion of favorable votes to create a "positive" vote for tenure by the primary unit/department. In most units, a simple majority is required; in a small number of units, a two-thirds majority, or higher, is required.

Other differences are smaller. The size of the department/primary unit review committees may vary. In some units, all tenured faculty members are involved in the primary unit review; in larger units, the actual detailed review of teaching or research is assigned to a subcommittee of the primary unit. This helps make the workload more manageable in large departments, where several faculty members may be facing personnel actions in a single year.

While significant differences were observed across the university, the most striking differences from standard policy were observed in the School of Medicine. These differences exist with explicit approval from the Board of Regents and are therefore a set of separate policies rather than deviations from policy. This points to the unique nature of the School of Medicine that grows from one of its fundamental missions, that is, clinical care, which, it should be noted, is shared by the other schools at the Health Sciences Center.

The biggest difference between the School of Medicine and the other parts of the university is that the usual seventh-year review for tenure and promotion to associate professor is instead a review for promotion to associate professor only. Promotion, not tenure, is the “up-or-out” point for the School of Medicine. Some faculty may come up for tenure simultaneously; others, several years later; still others, never. As noted above, the School of Medicine’s standards for tenure are also higher than at the other schools of the university. The following differences, among others which will be discussed in greater detail later in this section, were also observed:

Common Parameters of the Tenure Process	Variations within the School of Medicine (or Health Sciences Center)
Promotion to associate professor and the award of tenure are linked	At the School of Medicine, promotion and tenure are <u>not</u> linked
Tenure is awarded at the associate professor level	At the School of Medicine, tenure <u>may</u> be awarded at the associate professor level, but faculty may reach that level without tenure
Tenure is an “up or out” process; faculty who fail to receive tenure are given a one-year terminal appointment	At the School of Medicine, tenure is <u>not</u> “up or out”; faculty who fail to receive tenure are not eligible for review again for three years
Policies and practices with respect to external letters generally stipulate that: - Letters are requested from reviewers suggested by the faculty member, but not exclusively from the faculty member - Letters from collaborators and other close associates are discouraged or forbidden	In some cases at the Health Sciences Center, external letters may be requested from: - Reviewers suggested solely by the faculty member. - Collaborators and other close associates.
The length of the probationary period for tenure is seven years	At the School of Medicine, there is no timeframe for the probationary period
Cases go through three levels of review: - department level - school/college level - campus level	The School of Medicine adds another level of review, conducted by the Executive Committee, which is made up of the department chairs

In light of these differences, and in order to simplify the flow of this report, it should be kept in mind that since the Health Sciences Center has a chancellor and not a vice chancellor, any references to the “vice chancellor” apply to the chancellor at the Health Sciences Center. Likewise, though the School of Medicine serves as the primary unit, the tenure reviews begins at the department level. References to the “primary unit” apply to the department with respect to the School of Medicine.

As mentioned above, this study revealed wide variation at the department level as to how the processes described in the university’s tenure-related policies are performed. These variations are described in detail below. For the sake of simplicity, the topics are arranged in rough chronological order, beginning with hiring with tenure, orientation and mentoring; proceeding through pre-tenure and tenure reviews; and concluding with post-tenure review and dismissal for cause.

a. Hiring with Tenure

The Independent Study’s interviews with departments across campuses consistently indicated that hires with tenure undergo the same extensive review and evaluation process as do junior faculty within the university. Candidates are informed that they must meet the university’s established requirements for tenure and undergo the standard review process. Potential hires considered for tenure, generally, though not necessarily, must already hold tenure and must do so at an institution comparable to the University of Colorado campus at which they are seeking employment. Hiring with tenure also may occur in connection with the recruitment of very senior individuals to serve in academic administrative roles.

Departments did indicate that the tenure review process may be accelerated to accommodate the tight timeframes that can accompany the hiring process, in part as a result of decision deadlines imposed on and by candidates with multiple offers. However, they were consistent and clear regarding the rigor of the process:

“The process was expedited in terms of time, but there were no steps skipped.”

“This is not an issue at the school. There are no short circuits.”

“The file is judged in the same way an internal file is judged.”

“Candidates are told informally that they are compatible with the tenure qualifications, but tenure is not guaranteed.”

**Consensus Best Practice:
Hiring with Tenure**

The process for hiring with tenure is not expedited and adheres to the same or similar guidelines as those for tenure review for probationary faculty members. External review letters are often sought for appointments with tenure. Offers cannot be made until a department receives the approval of a senior academic administrator(s) (i.e., provost, president, etc.). If an offer is made prior to such approval, it is contingent upon said approval.

(NOTE: This and the other consensus best practices presented throughout this section represent the most common procedures employed across the set of 30 “best practice” institutions chosen for study.)

There was some variability among departments with respect to how the specifics of the process were executed. Most notable was the approach to collecting letters from external reviewers: most departments interviewed do solicit such letters. Those that do not are motivated in part by the difficulty in soliciting and receiving such letters in the short timeframes that can characterize the hiring process. These departments may substitute the letters of recommendation, CV, and other relevant materials included in the candidate's application for hire.

It should be noted that the School of Medicine takes a somewhat different approach to the process of hiring with tenure. Simply put, the school does not hire with tenure; instead, faculty are hired with the title of "visiting professor" and then undergo tenure review. This review proceeds according to the policies specified by the department and school and with the understanding that the candidate may or may not be awarded tenure. The downtown Denver campus takes a similar approach. It recently implemented a policy whereby, if there is insufficient time to complete the tenure review prior to making the candidate an offer, the candidate has the option of taking leave at his or her current institution and coming to the university as a visiting professor until the tenure review process is completed. The review itself proceeds according to standard protocols.

The Independent Study's interviews and review of the case files also indicated that, in addition to consistently applying regent, system, and campus policies with respect to hiring with tenure in general, the departments across the university also apply these same standards with respect to diversity hires. The Independent Study members observed no relaxation of standards with respect to hiring with tenure or the actual tenure review for candidates who might be considered to add to the diversity of a department or college/school. Members of the Independent Study reviewed one tenure file where the letter from the chair of the department suggested that consideration of the faculty member's minority status should be a major factor in the tenure decision; however, the materials in the case do not seem to indicate that this consideration entered into the tenure deliberations.

b. Orientation for New Faculty

The Independent Study's department-level interviews indicated that orientation sometimes begins during the hiring process, when tenure criteria are discussed with and, in some cases, provided in hard copy to candidates. In one department, new hires are given a *second* copy of the tenure criteria shared with them during their interviews. Faculty are generally provided with copies of the department's tenure-related policies and procedures or at the very least, instructed on how to access them online after arrival on campus. Some departments take a more active role in orienting new faculty. For example, in the Department of Chemistry and Biochemistry at CU-Boulder, the chair meets with all new hires to provide a one-on-one orientation and to

Consensus Best Practice: Orientation and Mentoring

Newly appointed faculty receive documentation detailing the expectations and standards for renewal of appointments and tenure. Department chairs and/or senior colleagues within each academic unit are expected to mentor untenured faculty members.

remind each of the department's expectations of them. In the Department of Integrated Physiology at CU-Boulder, a faculty mentor has the responsibility to orient new hires to departmental responsibilities and expectations.

Orientation is provided at the campus/school level as well. Administrators at each campus indicated that orientation is provided for new faculty, including a discussion of the requirements and processes for tenure. Generally speaking, orientation sessions related to tenure are open to all faculty who would like a review of the process, though not all faculty take advantage of this opportunity. In some instances, (for example, at CU-Denver) discussions of the tenure process included mention of a separate session within orientation aimed at junior faculty where faculty successful in achieving tenure share their dossiers with new candidates to teach them proper dossier documentation.

Lastly, in some schools/departments, what might be considered a refresher course, or "re-orientation", is offered later in faculty members' probationary periods. For example, the dean of the College of Arts and Sciences at CU-Boulder meets annually with all faculty completing their sixth year of the probationary period and about to undergo tenure review, as well as the department chairs to review tenure procedures. Department chairs at the Business School at CU-Denver conduct a similar review via a voluntary information session held each year in late August.

c. Mentoring

One of the areas of greatest variation among departments is mentoring. These variations include: the nature and structure of the mentoring programs; the specific role and responsibilities of the mentors; the requirements for the frequency and documentation of mentoring meetings; and the overall success of the program.

1. Nature and Structure of the Mentoring Programs

All interviewees indicated that they understand and appreciate the value and importance of mentoring. However, not all departments have a formal mentoring structure in place, instead relying on natural interactions and affinities between junior and senior faculty to give rise to mentoring relationships. Among those departments that do have a formal program, the structure of that program can vary widely. Representative examples of relevant department/schools, along with clarifying details where necessary, are provided in parentheses.

- Formal mentoring may be provided by the department chair (biology, CU-Colorado Springs; architecture, CU-Denver); division chair (most departments interviewed at the School of Medicine); or senior faculty (most departments that indicated a formal process is in place).
- Faculty may be assigned a mentor (most departments that indicated a formal process is in place), or select one on their own (geological sciences, CU-Boulder; law, CU-Boulder).

- Faculty may select a mentor upon appointment (most departments that indicated a formal process is in place), or may have until the start of their second semester to do so (journalism, CU-Boulder).
- Rather than a single mentor, faculty may be assigned a mentoring committee of two (biology, CU-Denver; Graduate School of Professional Affairs, CU-Denver), three (economics, CU-Boulder; biology, CU-Boulder) or four (chemistry and biochemistry, CU-Boulder) members.
- Faculty may keep the same mentor (most departments that indicated a formal process is in place), or rotate mentors (music at CU-Boulder, where junior faculty may select a new mentor each semester).

2. *Specific Mentor Roles and Responsibilities*

The specific responsibilities assigned to mentors also vary across departments. While helping guide the junior faculty member through the development of his or her career, including preparing for and navigating the tenure process, was a universal requirement, other, unique responsibilities were discovered during the course of the Independent Study's interviews:

- At the School of Education & Human Development at CU-Denver, all mentors (and all faculty being mentored) are required to meet monthly as a group to discuss the mentoring process and share ideas and best practices. The School of Law at CU-Boulder has a similar practice where all mentors meet as an ad hoc committee to share ideas.
- Mentors in some schools/departments are required to conduct teaching evaluations of their mentees (law, CU-Boulder; biology, CU-Denver).
- The Department of Biology at CU-Denver requires mentors to also play a role in the Promotion and Tenure Committee that evaluates their mentee. It also requires mentors, as part of the annual meeting with junior faculty, to review completed teaching evaluations, update the mentee's CV, and discuss publication efforts.
- A number of departments require faculty to submit formal, annual progress reports on their mentees.
- A number of departments also require mentors to assist junior faculty with the development of their professional plans. The Department of Medicine at the School of Medicine offers a unique example that grows in part from the fact that faculty in the school are expected to cover most of their salary through grants and clinical work. The department requires mentors to meet with their mentees to discuss the junior faculty member's sources and uses of income, to develop a remediation plan should the latter exceed the former, and assist in the development of a one- and five-year plan, both of which are updated annually. These plans address research and scholarship activity, education, clinical care, and community service. It is also

interesting to note that faculty members who do not turn in their plan do not get raises.

3. *Requirements for the Frequency and Documentation of Meetings*

On the whole, departments with mentoring programs/policies indicated that the frequency of meetings between mentor and mentee is not dictated by policy, nor are there formal requirements for documenting these meetings. In general, mentors are encouraged to meet with their assigned junior faculty at least once per year or once per semester; a few departments have established requirements for the frequency of these meetings. For example, the Department of Medicine encourages monthly or quarterly meetings, but only requires meetings twice per year, while the Graduate School of Public Affairs at CU-Denver requires annual meetings, as do most of the departments interviewed. In the College of Music at CU-Boulder, junior faculty are required to meet with the dean for one hour a week, every week, during their first semester after hire. Very few departments require documentation of those meetings; the Department of Biology at CU-Boulder is notable in that it requires the mentoring committee to complete a departmental form that tracks each meeting's content.

4. *Overall Effectiveness*

As would be expected, mentoring effectiveness varies by department. While no interviewees considered mentoring in their department to be a failure, a few suggested the program could be functioning better. This may be tied in part to the formality of the program and the requirements established for mentors. But interviewees also indicated that while a mentoring program may be established with the best of intentions, the mentoring relationship is in many ways something that develops organically and that the fit between a mentor and mentee can not be forced.

d. Annual Review

As per regent policy, the Independent Study's interviews revealed that annual reviews are conducted consistently across the university and that these reviews specifically discuss the three areas of faculty activity: research, teaching, and service. They are used primarily to establish merit-based pay increases and are generally not directly tied to the comprehensive review, the tenure review, or post-tenure review. Some interviewees cited this lack of linkage as a weakness in the system, noting that it was theoretically possible for a faculty member to meet expectations on all annual reviews during the probationary period yet fail to achieve tenure. (Note: The tenure files reviewed by members of the Independent Study did not contain annual review results, making it impossible to verify if this has ever happened in practice.) The specific manner in which these reviews are conducted varies across departments, specifically with respect to who is charged with conducting the review, as shown below. Examples of relevant department/schools and clarifying details, where necessary, are provided in parentheses.

- All faculty at the university who hold at least a 50% appointment, whether nontenure-track, tenure-track, or tenured, undergo an annual review.
- In the cases of most departments interviewed, the review is conducted by the department or division chair.

- In some cases, the review is conducted by the same committee that conducts tenure reviews (communications, CU-Boulder; public affairs, CU-Denver).
- In some cases, an ad hoc committee is assembled to conduct the process (journalism, CU-Boulder).
- In some cases, three committees are established (one each for research, teaching, and service) to evaluate each faculty member's work for the year (education, CU-Boulder).

With respect to translating the results of the annual review into a specific merit increase, departments use a variety of methods, two of the more complex of which are discussed below:

- In the Department of Pharmaceutical Sciences at the School of Medicine, faculty receive a numerical score in each of the three areas of activity. This score is then multiplied by the faculty member's percentage effort in each area, which results in a scaled score that is then used to determine a merit increase.
- The Department of Astrophysics and Planetary Sciences at CU-Boulder uses a similar scoring approach, though a very different approach to determining actual merit increases. First, the level of effort is determined; it is generally fixed at 40% teaching/40% research/and 20% service. Second, the total pool of funds for merit increases is divided into two portions: one that is distributed based on fixed dollar amounts, and another based on percentages of the total pool. The department uses an algorithm to assign a base increase from each pot, and can tweak the increase appropriately.

e. Second Year Review

As mentioned above, the second year review is currently only in place at the Colorado Springs campus. The second year review serves as a "mini" comprehensive review and allows the primary unit to "get to know" the candidate before the comprehensive review and tenure review occur. The review generally follows the process established for tenure review, with a few notable exceptions:

- Letters are not solicited from external reviewers.
- The review may or may not involve a review committee at the primary unit level.
- The case may or may not pass to the level of the vice chancellor for academic affairs (see below).

In addition, the dossier is necessarily shorter, given that the faculty member has been at the university for only a short period of time once the review begins.

Consensus/Best Practice: Second Year Review

Second year reviews are not utilized at the majority of benchmark institutions. Where they are employed, they follow a process similar to the third/fourth year comprehensive review.

The case progresses from the department to the Dean's Review Committee and the dean. The associate vice chancellor for academic affairs reads the results of the review and makes recommendations as to whether or not the vice chancellor for academic affairs needs to intervene.

f. Comprehensive Review

The process for conducting the comprehensive review was fairly uniform across the departments sampled.

Departments spoke of the importance of this review as an objective tool to gauge progress toward tenure and a means to provide junior faculty with specific feedback and guidance as to what they must do to secure tenure.

Interviewees reported anecdotally that the results of this review may also be used to "counsel out" a faculty member who has made such insufficient progress toward tenure that it seems unlikely he or she will be able to "right the ship" during the remainder of the probationary period.

On the whole, the comprehensive review is generally conducted using the same process as the tenure review. A dossier is assembled, the candidate's record is reviewed by the various promotion and tenure committees, and formal, written feedback is provided to the candidate. Some variations were observed however.

Specifically, variation was observed in the collection of external letters. At CU-Boulder and CU-Health Sciences Center, external letters are not solicited, partly because the candidate may not have had enough time to develop the national reputation necessary for such letters to be realistic to request and also because there is concern in smaller fields, where the number of letter writers is limited, of "going to the well too often." As one department chair commented: "We try to save such letter requests for when we really need them during the tenure review process."

However, the Colorado Springs campus and downtown Denver campuses do request such letters, though this is not required by regent policy. This is done because, while the process is time consuming, it bolsters the overall review and provides the candidate with additional feedback to strengthen their tenure cases. These two campuses report that difficulty is generally not encountered in soliciting and receiving these letters. One department chair indicated that this approach made CU-Colorado Springs (and by extension, CU-Denver) an anomaly among its peers, mentioning that "people at other institutions are shocked that we request external letters for the comprehensive review."

**Consensus/Best Practice:
Comprehensive Review**

In the third or fourth year, tenure-track faculty undergo some form of comprehensive review that measures their progress toward tenure. This mid-term review determines whether the faculty member will be reappointed for the remainder of the probationary period.

A faculty member is evaluated based on progression toward tenure requirements, including accomplishments and progress in teaching, research, and service. Written examples of relevant criteria are often provided by the school or college with more specific examples provided at the department level.

g. Candidacy for Tenure

Throughout most of the university, the issue of candidacy for tenure is driven by the tenure clock, with faculty generally undergoing tenure review during their seventh year at the university. The timing of such reviews may vary based on the amount of tenure credit (discussed below) an experienced hire receives upon appointment.

In some departments, the faculty member may have a meeting with the department chair to discuss the strength of the candidate's case for tenure. For example, this is a formal part of the tenure process at the School of Pharmacy's Department of Clinical Pharmacy. As a result of this meeting, faculty who have borderline cases may elect to withdraw from consideration and accept terminal appointments, ending their candidacy for tenure. However, due in part to the attrition of faculty throughout any given seven year probationary period (discussed below), most faculty who are eligible for tenure undergo tenure review.

As discussed above, the School of Medicine does not employ a tenure clock, though it does employ a promotion clock, so the process for determining a faculty member's candidacy for tenure differs significantly from the process previously discussed. At the School of Medicine, the decision whether to initiate a faculty member's candidacy for tenure is generally made jointly by the faculty member and the department chair. Given the implicit understanding that the chair's support will be important to the success of the case, interviewees indicated that it would be rare for a faculty member to go forward with tenure review without the chair's support.

In some departments at the School of Medicine, the process is more formal than others. For example:

- In the Department of Microbiology, the chair completes a written annual review of all faculty, which can include a consideration of whether the faculty member is ready for tenure review. In cases that are "in range but not cut and dry," the chair will convene a meeting of the department's senior faculty to seek input and recommendations.
- In the Department of Pediatrics, those who wish to be considered for tenure are required to submit an abstract that includes an explanation of how he or she meets the tenure criteria. The department's Promotion and Tenure Committee reviews the abstracts and votes as to whether to ask the candidate to assemble a full dossier for tenure consideration. If the committee decides the candidate does not yet meet the standards for tenure, he or she can postpone tenure review until a more appropriate time.

**Consensus Best Practice:
Candidacy for Tenure**

The consensus best practice for nonmedical academic institutions is that the probationary period lasts seven years. In general, among the benchmark institutions, the promotion and tenure processes are linked, with tenure being awarded at the time of the faculty member's promotion to associate professor.

At medical institutions there is no consensus. The probationary period may be seven years for all faculty, seven years for basic science faculty only and longer for clinical faculty, or longer for all faculty, up to the point of linking tenure to promotion to full professor.

h. Tenure Credit/Early Tenure

With the exception of the School of Medicine, which does not employ a tenure clock, the traditional seven-year probationary period may be shortened in several ways, two of the most common of which are discussed here.

First, an experienced candidate coming from the tenure-track or as a previously tenured faculty member at a comparable institution may be permitted to transfer a certain number of years as credit toward tenure. For example, a transfer of two years of tenure credit would mean the faculty member would undergo tenure review during the fifth year rather than the seventh. Unlike the case of hiring with tenure, no formal processes were identified as to how eligibility for such credit or the amount of credit to be awarded is determined other than a policy-based limit of three years to the total amount of credit. These decisions are generally reached through negotiations with the candidate, with the amount of credit to be awarded and the mandatory tenure review date being indicated in the offer letter. That said, the amount of credit that may be awarded is generally limited to two or three years, and the tenure evaluation is based upon the candidate's entire body of work.

Second, a faculty member with a seven-year probationary period may be reviewed for tenure earlier in the probationary period in certain circumstances. No formal processes were identified as to how eligibility for early tenure is determined; it is generally the result of discussions between the candidate and the department chair and contingent on the faculty member's performance to date. Interviews indicated that early tenure is most often used as a retention tool, that is, as a means to retain faculty who are being heavily recruited by other institutions. Though not policy, some campuses hold candidates coming up for early tenure to a higher standard, in part to discourage overly confident junior faculty from coming up prematurely.

It should be noted that there was some disagreement among interviewees as to the benefit of conducting tenure review before the seventh year. For those in favor of early tenure, this approach is a useful retention tool, allowing the university to retain top talent, as indicated by the following quotes from interviews:

"The candidate went up for tenure two years early because of offers from two other schools. He had received a number of prominent national awards and had done extensive postdoctoral work at three institutions. He came to us with tremendous credentials and we wanted to keep him."

"The motivation for early tenure was he was being recruited elsewhere. He had enough research to be more than ready for early tenure. In fact, he doubled up on his requirements for research."

"The university had a superstar in chemistry and after her comprehensive review, it was recommended she come up for tenure the following year. She had an outstanding record, met all the criteria, and was recommended for tenure in her fifth year. She is now a full professor and did this early too."

Particularly in the case of early tenure, interviewees indicated that those who complete the process successfully are the types of superstars the university would do well to retain.

However, there are those opposed to early tenure and tenure credit decisions. Some interviewees indicated that tenure credit and early tenure reviews may work against the faculty member in some cases:

“Hiring faculty members with years toward tenure may not ultimately be in the best interests of the faculty members.”

“Dr. X was given two years toward tenure as a result of his previous work at another institution. This may not have been the wisest decision for Dr. X in terms of publishing his book.”

i. Primary Unit/Department Committee

Another area of significant variation among primary units is the primary-unit committee. Aside from the many names by which this committee may be known (for example, Primary Unit Evaluation Committee [PUEC], Primary Unit Review Committee [PURC], Promotion and Tenure [P&T] Committee, and Appointment, Retention, Promotion, and Tenure [ARPT] Committee, among others), the most obvious difference is whether such a committee exists at the department level: while most departments interviewed utilize such a committee, a small number do not. Additional, broader variations exist in two other areas: the composition and structure of the committee; and its specific charge. Both these areas are discussed below.

1. Nature and Structure of the Primary-Unit Committee

As mentioned above, interviews revealed that as a rule, primary units employ some form of review committee. However, the nature and structure of that committee can vary widely as shown below. Some examples of relevant department/schools, along with any clarifying details where necessary, are provided in parentheses.

- Some departments use the same committee for multiple functions (most departments interviewed), while others use separate committees for different functions, generally distinguishing between promotion and tenure (medicine; School of Medicine). The size of the committee varies, with some departments using committees of as few as three members (physiology and education, CU-Boulder; pathology, School of Medicine) or as many as seven (education; CU-Denver) or more.
- Membership in the committee is generally made up of a subset of the department faculty, but may involve all tenured faculty, or a “committee of the whole” (French and Italian, CU-Boulder; cell and structural biology; School of Medicine; School of Nursing, CU-Health Sciences Center). This decision may be driven in part by the size of the department. In cases of very small units or for interdisciplinary candidates, the primary unit review may include faculty from outside the department.
- The committee may be made up of faculty exclusively from within the discipline/department (most departments with whom members of the Independent

Study spoke); exclusively from outside the discipline/department (business, CU-Colorado Springs); or some combination (School of Nursing, CU-Colorado Springs; geological sciences, CU-Boulder; visual arts, CU-Denver).

- The candidate generally does not have a voice in the composition of the committee, but may be allowed to veto certain members (biology, CU-Boulder; English, CU-Boulder) or nominate members (generally only one) of the committee members (biology, CU-Boulder; journalism, CU-Boulder; public affairs, CU-Denver; education, CU-Colorado Springs).
- Some departments use a standing committee (surgery, School of Medicine; anesthesiology, School of Medicine; pharmacology, School of Medicine) with members generally serving multiple-year terms, though most departments interviewed employ an ad hoc committee with members serving one-year terms.
- The members of the committee may be elected (School of Nursing, CU-Health Sciences Center; clinical pharmacy, School of Medicine), appointed (law, CU-Boulder; English, CU-Boulder) or a combination of the two approaches (music, CU-Boulder, where the PUEC is first convened, then selects two ad hoc members; public affairs, CU-Denver, where most of the committee is elected, but the chair is appointed).
- The committee is normally comprised exclusively tenured faculty.
- The committee may be made up exclusively of tenured, full professors (civil and architectural engineering, CU-Boulder) but is generally made up of a combination of associate and full professors.
- The department chair may serve as a member of the department committee (English, CU-Boulder; biology, CU-Colorado Springs) and may even chair the committee (education, CU-Colorado Springs) but generally does not perform either role.
- The committee may form multiple subcommittees of one or more members (physiology, CU-Boulder; computer science, CU-Boulder; biology, CU-Denver; political science, CU-Denver), a single subcommittee (most departments interviewed), or may operate as a whole.

2. *Specific Charge of the Primary-Unit Committee*

Unlike the composition of the primary-unit committee, the role of that committee was uniform across the university: to evaluate the candidate's performance in research, teaching, and service and reach a decision regarding a recommendation on the award of tenure. The committee generally produces a formal report/letter addressed to the department chair, which summarizes its findings and lays out this decision; it may or may not conduct a formal vote. In cases where the tenured department faculty instead of the department review committee vote, the committee generally presents the case to said faculty.

An interesting variation with respect to the specific tasks assigned to the primary-unit committee was observed at both the School of Music and the Department of Art and Art History at CU-Boulder. Unlike most departments with whom members of the Independent Study spoke, both require the PUEC to conduct classroom visits to conduct teaching evaluations, with the School of Music also requiring the PUEC to conduct student interviews.

Another variation seen in a few departments, such as electrical engineering and geological sciences at CU-Boulder, was a formal requirement that the primary-unit committee meet with the candidate to discuss the case for tenure and discuss the content and development of the dossier, including a review of the CV and personal statements.

j. Dossier

The required contents for the dossier are clearly defined and, for the most part, consistent across the university. While some of the dossier's content is fairly standard in form and appearance, such as the FCQs and the faculty member's CV and personal statement, some items, particularly those related to research and scholarly work, vary widely across disciplines, as discussed in greater detail in the following section.

While most departments indicated that the candidate is ultimately responsible for the content of the dossier, in the sense that it reflects his or her performance during the probationary period, departments varied with respect to how the dossier is assembled. Formal responsibility for assembling the dossier generally falls exclusively on the candidate, who can seek assistance of those within the department, including the chair and his or her mentor. However, responsibility may be shared by the candidate and the department/division chair and related support staff, such as in pediatrics at the School of Medicine or in French and Italian at CU-Boulder, by the candidate and the department committee, such as in surgery at the School of Medicine and electrical engineering at CU-Boulder, or be the responsibility of the department committee, such as in business at CU-Colorado Springs.

Interviewees indicated that while tenure candidates are generally provided with a template for the dossier and in some cases even a binder with pre-printed tabs, they are usually not given a sample dossier upon which to base their own.

k. Tenure Criteria

Tenure criteria are defined at the primary unit level, as dictated by the Laws of the Regents. As mentioned previously, departments inform new faculty of these criteria during the interview process and/or shortly after their appointment as part of the orientation process. The junior faculty members are coached in these criteria through the mentoring processes. The study revealed anecdotal instances where the criteria were not applied fairly, or more specifically, of cases where reviewers thought they "knew better than the criteria" and tried to impose their own. However, the Independent Study's

**Consensus Best Practice:
Tenure Criteria**

A faculty member is evaluated based on criteria that include accomplishments and progress in teaching, research, and service. Written examples of relevant criteria are often (but not always) provided by the school or college with more specific examples provided at the department level.

tenure case review did not reveal any instances of this occurring.

The Independent Study members observed differences in criteria in a number of areas. The first difference is between the School of Medicine and the rest of the university. The School of Medicine's tenure criteria call for demonstrated excellence in teaching *and* research, meritorious service, and an international reputation. In contrast, tenure criteria at the remaining schools at the university call for demonstrated excellence in teaching *or* research, with meritorious performance in the other area, meritorious service, and make no mention of an international reputation.

That said, some departments/schools made it clear that in practice, it would be difficult for a faculty member to secure tenure through the combination of excellent teaching and meritorious research. It is clearly not impossible to achieve tenure in this way, with the tenure cases provided to us revealing that faculty had done so at CU-Colorado Springs, CU-Boulder, and CU-Denver. It was generally indicated that while meritorious performance in service was expected, the evaluation of service does not play as large a role in the tenure decision as the evaluation of teaching and research.

An analysis of the data related to voting trends among the cases reviewed as part of the department-level audit reveals the following (Note: Due to the privacy concerns that the small number of cases considered at SOD, SON, and SOP might make it possible to link specific voting results to individual cases, the results from these three schools were combined):

Basis for the Award of Tenure							
Campus/School	Excellent in Teaching ONLY	Percent Excellent in Teaching ONLY	Excellent in Research ONLY	Excellent in BOTH Research and Teaching	Totals (Approvals for which Data was Available)	Tenure Denied	Data Not Available
Colorado Springs	2	29%	1	4	7	1	0
Downtown Denver	9	64%	5	0	14	0	2
Boulder	3	7%	33	7	43	0	1
Non HSC Subtotal	14	22%	39	11	64	1	3
Non HSC Subtotal WITHOUT Downtown Denver	5	10%	34	11	50	1	6
HSC Subtotal	0	0%	0	5	5	0	4
TOTALS	14	20%	39	16	69	1	7

Notes

Colorado Springs: In two cases files, the rating was noted as "outstanding" in both research and teaching

Downtown Denver: Two case files don't specify excellence in teaching or research

Boulder: One case files doesn't specify excellence in teaching or research

Nursing: The study only received committee voting results with no specific information on research or teaching excellence

Pharmacy: One case file specifically mentions excellence in teaching, but no specific mention of ralking in research (in Data Not Available category); three case files refer to "outstanding" in research and teaching

Medicine: Was not include in the analysis because both excellence in teaching and research are required for tenure

All tenure cases approved for excellence in teaching require meritorious standing in research and service, and vice-versa

Note: This data is based upon the sample of files reviewed during the Independent Study which is not a representative sample; these results should not be extrapolated to the population of all tenure review cases.

Regarding primary-unit-level criteria, departments interviewed during the course of the Independent Study indicated that the criteria are, for the most part, defined in qualitative, not quantitative, terms. This is because of the difficulty in setting objective standards for

publications and because the fact that scholarly accomplishment does not solely imply quantity of publications. Many departments reported that they had unspoken quantitative standards, as shown below. Examples of relevant department/schools and clarifying details, where necessary, are provided in parentheses.

- One publication per year, such as an article in a journal or a chapter in a book (biology, CU-Boulder).
- Four to five journal articles by the end of the probationary period (School of Nursing, CU-Colorado Springs).
- Evidence that independent research is being done (clinical pharmacy; School of Medicine).
- At least one RO1 grant from the NIH (pathology; School of Medicine).
- Two to three shows annually and one solo performance every one to two years (art and art history, CU-Boulder).
- Two to three articles in the publication pipeline each year (education, CU-Colorado Springs).

In contrast, a few primary units defined very specific criteria:

- A minimum of two articles per year, with co-authorship allowed (education, CU-Boulder).
- Six peer reviewed publications by the end of the probationary period (business, CU-Colorado Springs).

One department chair mentioned that the department had been criticized for insufficient quantitative criteria. By the end of the upcoming semester, this department plans to change its criteria to include an algorithm of quantitative standards.

Another difference noted was among the activities that qualify as proof of research or scholarly activity, which varies widely across disciplines. The two most common activities were publication of a book, which was cited as the standard in most humanities disciplines, and publication of peer-reviewed journal articles, which was cited as the standard primarily in the sciences, but also in business and law, and to a lesser extent, education, among others. The visual and performing arts offered some but not all of the more unique examples, as illustrated below. Examples of relevant department/schools and clarifying details, where necessary, are provided in parentheses.

- There are very few opportunities to publish musical compositions, so judgments are based on who commissioned the work or who invited it to be created; who performed it and at what venue, with an international or national venue, as defined by the size of talent pool from which it recruits its performers, being more desirable than a local venue; and whether the work was recorded and commercially distributed (music, CU-Boulder).

- Participation and victory in design competitions as well as commissioned work (architecture; CU-Denver).
- Conferences serve as a journal equivalent, in that they represent a venue where it is sometimes more difficult to have one's work accepted as the success rate is as low as or lower than for journals, presentations are multiple refereed with revisions, and they are the industry standard (computer sciences, CU-Boulder).

In addition, two interviewees commented that while the standard for tenure in the humanities of "one published book" was fairly universal, the definition of published was subject to some debate. They agreed that in the strictest sense, published means "between the covers," that is, printed and available for sale. However, published may also mean accepted for publication and in the editing stage. Given that a book may be completed and accepted for publication but may take months to get "between the covers," the former definition is stricter and may punish the faculty member for editing delays that are beyond his or her control. However, both interviewees agreed that the definition of published needs to be clarified.

I. *Evaluating Research and Creative Work*

1. The Importance of Research and Creative Work

The conduct of research and creative work is at the heart of the university's missions of teaching, research, and service. Research and teaching are interdependent; discovery and dissemination of new knowledge and the process of creating new artistic works energizes the intellectual life of the campus, improves the educational process, and allows the university to make important contributions to many fields including health care, the sciences, humanities, and the arts. Research itself is absolutely essential to a healthy teaching mission; faculty who are developing new knowledge in their disciplines are the best teachers of those subjects.

Research is often defined as "a systematic investigation designed to develop or contribute to generalizable knowledge." It involves more than gathering information; it involves establishing a specific question, developing a plan to find an answer to that question, carrying out the necessary investigations, and publishing the results. Research is not unique to the sciences however. Faculty in the liberal arts and humanities are involved in research and scholarship in their fields as well, and faculty in the arts develop new creative work. Research in these fields may involve the discovery of new knowledge or may be work that makes connections and draws insights from discrete facts and findings and develops novel applications of knowledge to consequential problems. Also synergistic to the instructional process are faculty creative works in the literary, visual, or musical arts.

Research provides opportunities for significant external funding from the government and private sectors. Faculty who are involved in sponsored research are provided with salary support for themselves and their laboratory personnel from these grants, and also can receive funding for equipment and other research resources.

Peer review is an essential element of high-quality research. Peer-reviewed journal articles and grants received through peer-review processes are the most widely recognized indicators of quality work in the sciences and many other disciplines.

2. *External Letters*

Regent and university policy requires the solicitation of letters by external reviewers and their inclusion in the candidate's tenure dossier. This was evident in every tenure case reviewed and every department interviewed during the Independent Study. As discussed earlier, in cases of hiring with tenure, the requirements for external letters, beyond those letters recommending the candidate for the position, may be waived. These letters were seen as critically important to conducting an objective evaluation of the candidate. In most departments interviewed during the Independent Study, the candidate can provide some level of input into the development of the final list of external reviewers. However this input may or may not be used. In all departments with which members of the Independent Study spoke, the identity of the external reviewers and, in almost all cases, the letters as well, are kept confidential from the candidate.

Consensus Best Practice: External Letters

The minimum number of external letters solicited by the benchmark institutions is between four and 10. The candidate can provide a list, averaging between four and six names, of suggested external reviewers but is discouraged from soliciting letters from teachers, mentors, collaborators, etc. The department chair, departmental committee, and/or other administrator(s) compile the final list of external reviewers, which include some of the candidate's suggestions. The candidate does not have access to the final list of external reviewers nor the letters themselves.

Much variation exists in the external reviewer process, as shown below. Examples of relevant department/schools and clarifying details, where necessary, are provided in parentheses.

- Departments interviewed during the Independent Study identified a number of approaches to determine who has final discretion regarding the compilation of the final list of external reviewers:
 - The least common approach was to have the candidate assemble the list entirely on his or her own; this was only observed at the Health Sciences Center.
 - Equally uncommon were lists developed solely at the discretion of the department committee (history, CU-Boulder; education, CU-Boulder) or by the department chair (School of Nursing; CU-Colorado Springs)
 - The most common approach among the departments interviewed was a list developed with names provided by both the candidate and the department committee (clinical pharmacy, School of Medicine; electrical engineering, CU-Boulder; communications, CU-Boulder; business, CU-Denver).
 - Also fairly common among the departments interviewed was a list developed by the candidate and department chair (anesthesiology, School of Medicine; structural and cell biology, School of Medicine; integrative physiology, CU-Boulder; music, CU-Boulder; education, CU-Denver; political science, CU-Denver, business, CU-Colorado Springs).

- Lists compiled by the candidate, the department committee, and the chair were uncommon but were observed (microbiology, School of Medicine; economics, CU-Boulder).
- Also uncommon were lists finalized through a vote of the department faculty, such as by a vote of the full professors (chemistry, CU-Boulder) or a vote of all tenured faculty (computer sciences, CU-Boulder).
- In cases where the candidate’s input is incorporated into developing the final list, two approaches were taken to the creation of the final list:
 - The most common approach among the departments interviewed is for one half of the names on the final list to consist of those suggested by the candidate and the remaining half by the department committee and/or chair (astrophysics and planetary science, CU-Boulder; law, CU-Boulder, journalism, CU-Boulder; public affairs, CU-Denver).
 - Less common was a ratio of 1:2 of names suggested by the candidate to those suggested by the department committee and/or chair (education, CU-Denver; political science CU-Denver; business CU-Denver).
- Virtually all departments require that the external reviewers have no closer than an arm’s-length relationship to the candidate. The use of collaborators or former supervisors or mentors is discouraged, if not forbidden outright by most departments with which members of the Independent Study spoke. The only exceptions to this rule were observed at the Health Sciences Center, specifically the Schools of Medicine and Dentistry.
- The number of letters required for the dossier varied slightly, with six being the minimum among most of the departments interviewed, but a very few departments requiring more. The number of letters solicited varied widely, as did the number of letters actually received.
- In an effort to save time and effort, a few departments indicated they have made a practice of sending an informal request for a letter of review in advance of sending formal requests for such letters and the related supporting documentation, that is, the dossier, in whole or in part (clinical pharmacy, School of Medicine; integrative physiology, CU-Boulder; economics, CU-Boulder; business, CU-Denver).
- Multiple methods were observed among the primary units interviewed as to who formally solicits the external letters:
 - Most common were letters solicited by the department committee or committee chair (microbiology, School of Medicine; School of Dentistry, CU-Health Sciences Center; biology, CU-Boulder; art and art history, CU-Boulder; architecture; CU-Denver).
 - Less common were letters solicited by the department chair (music, CU-Boulder; economics, CU-Boulder; School of Nursing, CU-Colorado Springs).
 - Also less common were letters solicited by the department chair and committee in tandem (geological sciences, CU-Boulder; computer science CU-Denver; English,

CU-Colorado Springs).

- While most departments interviewed during the Independent Study indicated they do not pay an honorarium, one indicated it does: the Department of English at CU-Boulder pays a \$150 honorarium to external reviewers.

m. Evaluating Teaching

The process for evaluating teaching was not equivalent across the various departments that the Independent Study members interviewed. Some departments reported to us that they only relied on faculty course questionnaires (FCQs), citing the immense time commitment required to institute a formal evaluation process, while other departments had a formal, multifaceted process in place to review its junior faculty members' teaching efforts.

For those departments with more formal teaching evaluations in place, it was common for them to include evaluative methods including peer evaluations and classroom visits; verbal feedback and letters from current and former students; a review of pedagogical materials, such as course syllabi, education modules, unique teaching methods; and self-evaluations and teaching summaries from the faculty member under review, including a summary of annual teaching evaluations, student comments, and a teaching statement.

1. Peer Evaluations and Classroom Visits

The specific individual or group who performs peer evaluations varies by department and can be the department chair, an assigned committee or mentor, a tenured or nontenured faculty member, or a faculty member who co-teaches a course with the individual under review. In the Department of Pharmacology at the School of Medicine, the department chair observes classes taught by all new faculty. In the Department of Computer Science at CU-Denver, it is the responsibility of the junior faculty member to solicit a tenured faculty member to attend a class and write an evaluation.

Classroom visits often occur at least once per semester over the course of a faculty member's probationary period. In the Department of Economics at CU-Boulder, tenured faculty members are required to perform classroom visits and prepare a summary report. If they fail to do so, the consequence is a minor fine, but since instituting this policy, the department has a 100% compliance rate.

In most departments that members of the Independent Study interviewed, the reviewer visits classrooms and prepares a written evaluation, discusses it with the faculty member under review, and offers advice for improvement. In one example shared by a department at CU-Boulder, a faculty member was facing difficulties in teaching large classes, but through constant coaching and advice on how to construct lectures and classroom materials, the faculty member's teaching improved greatly by the time he underwent tenure review.

2. Student Feedback

Feedback from students comes in various forms, including, but not limited to, reviews solicited via e-mail, letters from current and former students, student focus groups

conducted as part of a classroom visit by another faculty member, and FCQs. The Independent Study members heard from a number of departments that they do not place great emphasis on FCQs alone because of potential biases from the students due to the difficulty of a class, examinations, or grading curve. Other interviewees indicated that students were more likely to elaborate on FCQs if they had stronger negative feelings about a specific course or faculty member.

Many departments solicited letters from current and former students through random sampling methods. The responsibility for seeking these letters varied from assigned committees to the faculty member under review. The Department of Pharmacology at the School of Medicine recommends that faculty members solicit their own letters from current and former students. Some interviewees discussed the low response rate of student evaluations when soliciting reviews via e-mail.

Some departments sought feedback from students through focus groups. It was observed in most departments interviewed which use such techniques, that the evaluators prepare their own questions for the students, rather than follow a designated questionnaire. The School of Pharmacy's Department of Pharmaceutical Sciences formed groups of roughly nine to 10 students to meet with the associate dean for academic affairs to assess various courses and professors. In both the physics and geological sciences departments at CU-Boulder, students were assembled into groups to review a faculty member but responses that overwhelmingly deviated from class consensus and were deemed to be outliers, were not included in the reviewer's evaluation.

n. Primary Unit Voting Process

The Independent Study also studied the voting process at the department level and noted some consistencies across departments:

- Some type of vote occurs at the department level in all cases reviewed during the Independent Study.
- Only tenured faculty are allowed to vote.
- Votes are normally conducted by secret ballot.
- With the exception of the School of Medicine, the process calls for all cases to progress through all levels of review, regardless of whether a "No" vote is received at any level of review.
- A "one person, one vote" rule applies, so while individuals may sometimes but not always participate in meetings or discussions at multiple levels of review, they may only vote at one level.

At the same time as these consistencies were noted, a number of variations were also observed across departments with respect to the voting process:

- While nontenured faculty cannot vote on tenure cases, there is some variation with respect to the role they play in the discussion of candidates for tenure:

- Some departments allow them to participate in the discussion of tenure cases (biology, CU-Denver; computer science, CU-Denver; geological sciences, CU-Boulder; education, CU-Boulder). This is done partly to allow them to contribute their insight and partly to acclimate them to the process in advance of their own tenure reviews.
 - Some departments allow their attendance but not their participation in the discussion (architecture; CU-Denver).
 - Still others do not invite nontenured faculty to attend these meetings (classics, CU-Boulder; pathology, School of Medicine).
- Who participates in the tenure vote varies by department as well:
 - Most of the departments with whom we discussed the voting process indicated that the department-level vote occurs among the department’s tenured faculty (biology, CU-Denver; computer science, CU-Denver; business, CU-Colorado Springs; English, CU-Colorado Springs; comparative biology; CU-Boulder; pathology, School of Medicine).
 - In a very few departments, the vote is further limited to tenured full professors (chemistry and biochemistry, CU-Boulder).
 - In a very few departments, this vote is conducted by an executive committee, which represents a subset of the department’s tenured faculty (electrical engineering, CU-Boulder).
 - In the remaining departments, the vote is conducted by the department committee, and the tenured faculty as a whole do not vote (education, CU-Denver; pharmaceutical sciences, School of Medicine; clinical pharmacy, School of Medicine; public affairs, CU-Denver). In some of these departments where faculty do not vote, they have the option of writing a letter to the department committee expressing their views (pharmaceutical sciences, School of Medicine; public affairs, CU-Denver).
- As discussed above, voting eligibility is determined primarily by whether or not a faculty member holds tenure. However, a few departments mentioned more stringent requirements:
 - The Department of Architecture at CU-Denver employs a “no look, no vote” rule: a sign-out sheet is attached to the dossier, and only faculty who have signed out the dossier for review may vote on the candidate. The Department of Art and Art History at CU-Boulder employs a similar rule.
 - The Department of English at CU-Boulder employs a “no uninformed voters” policy: Faculty can only vote on a tenure case if they have attended the faculty meeting where the Primary-Unit Review Committee presented the case or can attest to the chair that they are familiar with the case.
- With respect to the final outcome of the department-level vote, most departments require a simple majority for a positive vote for the award of tenure. However, some departments require a two-thirds majority (physics, CU-Boulder; economics, CU-Boulder; business, CU-Boulder). Only one department interviewed during the Independent Study mentioned a more stringent rule: a three-quarters majority is

required in the Departments of Astrophysics and Planetary Science at CU-Boulder.

- If a department-level vote is not unanimous, some departments indicated that an opportunity exists for a minority report (business, CU-Denver; political science, CU-Denver; journalism, CU-Boulder; visual arts, CU-Denver). Other departments do not use a minority report in such cases, but rather a discussion of the minority view is included in the chair's letter. (Note: Given that most of the department-level votes in the cases included in the sample set were unanimous, interviews with most departments did not focus extensively on a discussion of the minority report).

o. Department Chair's Letter

The final step in the department-level review of a tenure candidate is generally the evaluation of his or her candidacy by the department chair. With very few exceptions, with the Department of English at CU-Colorado Springs being one, the departments interviewed during the Independent Study indicated that the department chair writes a letter about the candidate's tenure review, generally to the dean of the school or college and separate from any letter or report produced by the primary-unit committee.

In this letter, the chair discusses the candidate's qualifications for tenure, outlines how the tenure review process was conducted at the department, notes the results of the department-level vote including any oddities, and discusses any other factors he or she feels are relevant to evaluating the candidate. In most of the departments interviewed, the chair also uses this letter to provide his or her own recommendation for tenure. The only variation observed in this process is that in some departments, the chair does not provide any formal recommendation for tenure in his or her letter, but rather focuses on the other elements discussed above (biology, CU-Boulder; chemistry and biochemistry, CU-Boulder; French and Italian, CU-Boulder; School of Nursing, CU-Health Sciences Center).

p. Post-tenure Review

As per regent and system policy, the Independent Study's interviews indicated that post-tenure review procedures are in place across all departments every five years. The Graduate School of Public Affairs at CU-Denver performs an additional review in the third year after tenure to advise a faculty member before the five-year review of a potential lack in productivity up to this point.

1. Responsibility for Post-tenure Review

Though responsibility for conducting post-tenure review slightly varied across departments, it is often done by the same committee responsible for tenure reviews. The Independent Study found that the committee often assigns a subcommittee to review the faculty member and report its findings in a letter to the full committee. The full committee votes and writes a letter to the department chair, at which point the review is submitted to the college or school for review.

**Consensus Best Practice:
Post-tenure Review**

Where formal post-tenure review is in place, it occurs generally once every five years, unless delayed due to extenuating circumstances (i.e., sabbatical, faculty member being reviewed for promotion to full professor, etc.). At a limited number of institutions, only an annual salary review is employed.

2. *Criteria*

Interviews indicated that the post-tenure review process is similar to tenure review, in that multiple measures of teaching are considered. The use of classroom visits varied across departments and it was the general consensus that external letters of review are not solicited. The committee reviews a tenured faculty member's last five annual performances, recent research and publications, teaching evaluations, and any other materials that support the faculty member's achievements over the course of the past five years.

Though post-tenure review is in place across the university, as dictated by regent policy, it was made clear during the Independent Study that some aspects of the process do not achieve their intended goals. For instance, members of the Independent Study heard from a number of departments, particularly at the College of Arts and Sciences at CU-Boulder, about the lack of incentive for faculty improvement. They asserted that without any resources for faculty development, without the ability to increase a faculty member's teaching time due to a guaranteed workload distribution formula, and because a faculty member can only be removed because of "egregious misconduct, a complete lack of teaching efficiency, or dereliction of duty," the post-tenure review sometimes fails to achieve some of its stated goals. The following quotes illustrate this point:

"If someone triggers a red flag with post-tenure review, it could take two years before the university resolves it because of fear of litigation....The only people who suffer are the students."

"The policy has to change to allow the university to remove people for temporary periods of time when they are in danger of doing harm to the very people we are supposed to protect."

q. Remediation Steps

Among the interviewees who discussed the issue specifically, it was reported consistently that faculty who fall below expectations are required to undertake some sort of remediation activities. The nature of these activities varies with the level of remediation needed, with the development of a Performance Improvement Agreement (PIA) being required as a first step, and the creation of a Development Plan being required as a second step. As the need for such remediation steps is not commonplace, few interviewees were able to speak to specific cases.

r. Dismissal for Cause

Dismissal for cause is a very rare event, and only one interviewee was able to speak of specific cases where it had occurred. As such, it was not possible to determine if there were variations in how the process is carried out. Since the process is administered at the university level, a great deal of variation would not be expected.

Consensus Best Practice: Dismissal for Cause

A faculty member may be assigned other duties if immediate harm to the faculty member or others is threatened. If a cessation of duties is deemed necessary, faculty are placed on administrative leave with pay until appropriate processes have been completed.

The few faculty who did speak about dismissal for cause indicated that it can be an arduous process to initiate. One chair in particular commented as follows:

“As chair, why would I want to get bogged down in a personnel case that will eat me alive? Here, the protection is not about academic freedom; you are being protected from your own incompetency. So, you end up eating a few as a cost of doing business. You try to keep them out of the large classes and hope you don’t get too many complaints.”

A senior administrator, however, commented that dismissal for cause “is a long process, but doable” adding that of the two of cases he had overseen, one was held up in court and the other is being appealed. He also proceeded to outline a likely scenario:

“What will happen is the dean or chair will be asked to remove the individual from the classroom and then they just do that. It takes no time. After that, the person is immediately put on administrative leave and then they go through the process.”

Another faculty member commented that while the policy was in place, the university’s willingness and ability to enforce the policy was somewhat lacking:

“I have never seen a case, either in my department or other departments, where the university acted when concerns arose regarding a faculty member’s competency. I don’t think the university is nearly savvy enough to take on such cases and not willing to take enough of a risk to get rid of faculty who aren’t holding their own.”

This faculty member went on to add that no other ex-chair in the “entire institution” has gotten rid of tenured faculty, and indicated there were three instances where he had done so. It should be noted that these removals did not necessarily involve the use of dismissal for cause proceedings, but may have come at the decision of the faculty members on question.

s. Alternatives to Tenure

With respect to the Boulder, Colorado Springs (except the School of Nursing), and downtown Denver campuses, and not including traditional nontenure-track positions, such as instructor or lecturer, no alternatives to tenure were identified at the University of Colorado. The majority of alternatives to tenure observed were found in the Health Sciences Center, where the faculty’s commitment to clinical care often means that the traditional tenure structure is not applicable. As noted above, all faculty at the School of Medicine are tenure eligible; however, not all faculty desire tenure and even fewer are awarded it. However, alternatives to the traditional tenure-track exist at the other three schools at CU-Health Sciences Center, as well as the School of Nursing at CU-Colorado Springs:

- The School of Pharmacy offers a clinical track, where faculty spend the majority of their time in clinical practice and teaching, in contrast to the tenure track, where faculty spend the majority of their time in scholarly work and teaching.
- The School of Nursing at CU-Health Sciences Center has two tracks: a clinical teaching track, where faculty devote their efforts to teaching, service, and clinical

- practice and a tenure track, where faculty devote their efforts to teaching, service, and research.
- The School of Nursing at CU-Colorado Springs offers a nontenure-track clinical faculty position, where faculty have an increased teaching load and decreased research load relative to tenure-track faculty positions.
 - The School of Dentistry has a clinical track where faculty are not eligible for tenure and focus their efforts more on clinical care and less on teaching.

Conclusion: While substantial variation in tenure-related processes exists among departments, all variations discussed above are permissible because they occur under the umbrella of regent policy. Most of the differences noted above are logical and grow from the fact that the disciplines and manner in which one demonstrates excellence in those discipline vary greatly across the university and criteria are therefore best defined by the disciplines themselves. However, in general, it would be beneficial to increase the level of consistency across departments where possible.

Recommendation 4: To the extent that differences in practices among primary units exist, it is imperative that every primary unit/department continue to apply these practices consistently to all tenure candidates within that department.

Recommendation 5: The chairs of the Vice Chancellor's Advisory Committee (or similar committee) from each campus should meet at least annually to discuss policies and potential changes to help increase consistency and the sharing of best practices with respect to tenure-related practices.

Recommendation 6: As part of the orientation and mentoring process, new hires should be provided with a sample tenure dossier so that they might familiarize themselves with its content, format, etc. as well as a tenure review timeline specific to the candidate's case as early in the tenure process as possible.

Recommendation 7: The university should consider providing a small honorarium to those who write external letters in support of the overall tenure process and to encourage the external reviewers to write those letters.

Recommendation 8: Mentoring sessions between junior faculty and their mentor(s) should be documented.

Recommendation 9: A formal policy should be established to determine the eligibility of candidates for hire for tenure credit to reduce the probationary period as well as the amount of credit that will be awarded.

Conclusion: In gathering data, including from university Web sites, members of the Independent Study found numerous instances where holding candidates for early tenure to higher standards was viewed as policy. This is not university policy.

Recommendation 10: The university should clarify its policy on standards for early tenure and communicate current policy across all campuses.

5. *Are these policies and procedures followed at the primary unit and upper levels through the president's office?*

For the most part, policies and procedures are followed at the primary unit and upper levels, but deviations have occurred as will be documented later in this report. The process also has a self-correcting element in the form of multilevel review with each level having its own internal checks and balances. For example, at the department level, the chair reviews the work of the department-level committee, while at the dean's level, the dean reviews the work of the Dean's Advisory Committee. The multiple levels of review, particularly the review by the Vice Chancellor's Advisory Committee or an equivalent body, serve as an important quality control step to ensure that the process adheres to the specified procedures and protocols. In addition, having the same process duplicated at each level creates the ability to monitor and correct what other levels have done. No one level has the ability to run rampant over any other, and cases do get sent back to lower levels of review for clarification. Errors do occur, most often at the department level, but these upper-level committees catch such errors, these errors are corrected, and the process resumes. The fact that errors are noticed and corrected indicates that the process is healthy.

While these policies and procedures are followed at the primary unit and upper levels, procedural errors do occur from time to time. As discussed above, these errors are most often identified and remedied through the self-correcting nature of the tenure review process. Usually, these errors are not significant and have no impact on the case. For example, the department might not make the candidate's dossier available for the number of days required by the department's bylaws before the department meets to discuss the case. If all the primary unit members have read the dossier before the vote, the fact that this requirement is not met is not significant. Procedural errors that may have an impact on deliberations do occur, but these are rare. In a few cases, these errors may indeed be sufficiently significant to have affected the outcome. In such cases, the president, through a process known as third-level review that is described in greater detail below, may order that the process start over from the beginning, and the candidate may get another year on his/her contract.

Department chairs are on the front lines making sure policies and procedures are followed; it is at the department level that the most errors occur. As primary unit heads, department chairs are charged with overseeing dossier preparation and primary unit processes. Because of the multiple responsibilities of the chair and the turnover of chairs every few years due to the fact that it is a rotating position in most, but not all, colleges and schools, there is a real need for training for chairs in numerous areas, not least of which is tenure processes. Chairs are now beginning to

receive such training. The School of Medicine (SOM) recently completed a department chair orientation program that included a two-hour discussion of promotion and tenure standards and processes. The SOM has developed a new course “Promotion 101” to be offered to every faculty member.

Conclusion: For the most part, tenure-related policies and procedures are followed at the primary-unit level and upper levels across the university, though deviations have occurred as will be documented later in this report. In addition, the tenure review process has a self-correcting component that identifies and corrects errors as they occur. However, there are no formal mechanisms in place to identify and correct deficiencies in tenure-related processes.

Recommendation: See Recommendations 2, 3, and 5.

6. *Are these tenure-related processes effective at achieving their stated purpose(s)?*

Tenure review at the University of Colorado is a rigorous process and those who participate in the process appear to apply the rules of the processes appropriately and consistently. There are very consistent ways in which tenure review is approached, as well as some areas where this approach varies from department to department; regent policy allows for this.

When faculty members do not meet the standards and criteria for tenure, there are both pre-tenure and post-tenure processes in place to address such issues. Interviewees commented that they and their colleagues appreciate the importance and necessity of ensuring that tenure reviews are conducted in a rigorous fashion and expressed confidence that the processes currently in place result in outcomes that achieve the stated purpose of tenure.

Even with such quality control measures in place, tenure review is in some ways a subjective procedure, and the possibility for a wrong outcome does exist. That is, candidates are reviewed based on how well they meet specific written criteria and, although much is done to prevent misunderstanding or misinterpretation of a candidate’s qualifications, it is possible that an individual’s qualifications at the time of the tenure review are “not an indication of future performance,” as one interviewee noted.

Conclusion: The tenure-related processes in place at the university are effective at achieving their stated purpose(s). A number of steps, listed below, can be taken to ensure that this continues to be the case.

Recommendation 11: A review of university tenure policies and processes should occur on no more than a 10-year cycle.

Also see Recommendations 2, 3, 5.

7. Are the specific parties responsible for the tenure-related criteria and processes for the various primary units, schools, and campuses identified clearly? How are these criteria and processes reviewed and approved? By whom and how frequently are reviews conducted and approvals made?

Parties responsible for criteria and processes at different administrative levels are clearly identified in the policies themselves. There are currently no policies requiring that criteria or processes be reviewed on a regular timeframe, but if administrators participating in review processes identify deficiencies, they are addressed. For example, if the president finds that faculty appeals for third-level review arise from weaknesses in the tenure process on a particular campus or in a particular unit, the president will inform the chancellor of the need for change. Faculty on the Privilege and Tenure Committee likewise inform the president and chancellor of flaws in the process that they discover in the course of dealing with faculty grievances. The Office of the Associate Vice Chancellor for Academic Affairs constantly monitors the actual, working integrity of tenure and tenure-related practices and processes and amends campus policies to ensure that identified loopholes are closed.

At the primary-unit level, department members are responsible for developing the criteria that match the standards set by the Board of Regents. In some schools and colleges, such as the School of Medicine, the whole school acts in concert to set the criteria; there are no separate departmental criteria. Departmental criteria are reviewed and approved by the dean and by the vice chancellor for academic affairs and any changes in criteria require re-approval by both. This ensures the legitimacy of the criteria at all levels of tenure review and prevents the Dean's Review Committee members or the VCAC members from substituting their own judgment about what the measures of excellent research and teaching ought to be in particular fields.

Conclusion: While the specific parties responsible for the tenure-related criteria and processes are clearly identified and there is a formal process for review and approval of those policies, such reviews are not mandated.

Recommendation 12: The university should develop an administrative policy statement that requires a reevaluation of primary unit criteria for granting tenure, along with the related mentoring and faculty development programs, by every primary unit and a re-approval by deans and vice chancellors of academic affairs as part of program review, which happens on a seven-year cycle.

8. Are these policies and procedures effective in the recruitment, selection, retention and tenure of highly qualified faculty who align with institutional missions and who offer long-term strategic value to the primary unit, the school/college, and the university, including the value of diversity?

One key component of the tenure review processes, indeed of all evaluations of faculty including the hiring process, is the peer review system. The purpose of peer review is to have colleagues with similar areas of scholarly expertise anonymously judge the value of the faculty member's work. Peer review is central to evaluations of scholarly work. Journals, book publishers, and grants and contracts agencies all use peer review to determine what manuscripts to publish and

what research proposals to fund. This means that specialists in the appropriate field of expertise are asked to provide a written evaluation of a faculty member's work, sometimes without knowing whose work they are reviewing. For this kind of peer evaluation to operate legitimately, reviewers must not be the close friends or co-authors of the faculty member, but be professionals from other institutions.

The credibility of peer review is vital to the success of the evaluation process. The fact that thousands of faculty members take time each year to serve as evaluators for journals, presses, granting agencies, and tenure evaluators for other colleges and universities for little or no remuneration is an indication of academia's commitment to this system of evaluation. In the tenure process, for example, every candidate at the University of Colorado must have a minimum of six letters of external evaluation of his/her scholarly work. This service-to-the profession activity can take hours or even days out of the work schedules of faculty members, who are asked to evaluate in writing the work of a candidate for tenure or promotion at another university.

Peer review plays a significant role in the tenure review process. Getting grants and getting one's research published are given weight in decisions about research productivity and the quality and impact of a faculty member's ideas because grants and publications are peer reviewed. A faculty member who self-publishes results would be given little or no credibility by the academic community. At the tenure review, the scholarly work of candidates is evaluated by outside experts in their field, selected from institutions with similar or higher scholarly standards and reputation; this is peer review. This is the method of evaluation of scholarly work used at all reputable universities.

Within the university, when a candidate's dossier leaves the department and goes forward to the dean's level and vice chancellor's level, the dossier is subject to review by university colleagues. These are most often NOT experts in the candidate's field; their role is to make sure that the candidate is evaluated in the same manner as other candidates, that no favoritism is shown, and that there is no discrimination against a candidate for being a member of a protected class. In addition, they are tasked with determining if the external letters and the department's evaluation truly make the case for the candidate's excellent performance in either teaching or research, and meritorious performance in the remaining activity. This is a different kind of peer review. It is in the interest of all those serving on the college/school- or campus-level personnel review committees to make sure that the university retains, tenures, and promotes only the most accomplished of candidates. Selecting one's university colleagues wisely is in the best interest of a university that seeks to build and maintain excellence.

With that said, this study found the university's recruitment and selection policies contribute to the hiring of high-quality faculty. Currently, there are more PhDs in the United States than there are available positions in numerous fields, and the University of Colorado campuses are generally desirable to junior faculty. As a result, there is a deep pool with numerous qualified applicants for most positions. The university is therefore able to be very selective, applying the highest standards and hiring only the strongest possible candidates. In most cases, several hundred candidates may apply for a single tenure-track appointment at CU; in some of these cases, if the standards mentioned above are not met, no offer of hire is made. In short, the

university seeks to hire the best candidates from across the country, not simply the best candidates from among the applicant pool.

Search procedures are designed to be fair and to ensure that departments make efforts to develop a diverse pool of applicants. Efforts to develop diverse hiring pools vary in intensity and results. In the last two years, consistent practice across all CU campuses to assist search committees with their efforts to attract diverse applicants includes: training for search committees with an emphasis on diversifying the applicant pool; periodic review of applicant pools to ensure diversity; and providing specific resources, such as diverse professional organizations, diverse individuals, and multicultural Web sites.

Retention of high-quality faculty is not directly related to the policies under scrutiny in this report, though mentoring by senior faculty may be significant in the retention of tenure-track faculty. The university regularly evaluates faculty and through these evaluations, seeks to retain the best faculty. University policy allows a department, at the comprehensive pre-tenure review to provide a terminal one-year contract to a faculty member if the department and the dean determine that the needs of the department have changed and the faculty member being reviewed is not able to fill the area of need. This addresses changing market demand for faculty. At the time of tenure, such considerations are not permitted. The rationale for this prohibition in policy is that it would be very easy for tenured faculty who do not like a particular junior faculty member, who is otherwise highly qualified for tenure, to claim changing departmental needs at the time of tenure and then refill the slot with some more congenial person a few years later.

One area with which the university has struggled on occasion is the granting of tenure to faculty members in interdisciplinary fields. Faculty colleagues tend to have rather fixed expectations and may have difficulty evaluating publications in journals outside the usual list or grants from nontraditional sources. On the other hand, interdisciplinary work seems to be gaining ground across the country and around the world. The growing acceptance of interdisciplinary work is an example of the evolutionary nature of scholarship and the self-correcting nature of the tenure review process.

Interviewees often spoke of the obligation of departments only to recommend those faculty members for tenure who will continue to positively contribute to the department, campus, and university in teaching, research, and service after awarded tenure. With that said, the data indicate there is a high approval rate among those who undergo tenure review. The Independent Study's external interviews with benchmark institutions indicated this phenomenon is not limited to the University of Colorado. Anecdotal evidence suggests that this high success rate may be due in part to the fact that many candidates who believe they will be denied tenure leave the institution during their probationary period prior to undergoing tenure review.

To support such anecdotal evidence, attrition data was collected on cohorts of faculty hired in academic years 1997–1998 through 2004–2005. Attrition is defined as departure from the university at any point before tenure review and cohort is defined as all faculty hired within a given academic year. The university does not formally record and track the reasons for faculty departures; any observations shared by the interviewees were purely anecdotal. Some resign based on their perceived unlikelihood of receiving tenure; some get recruited and hired by other

universities offering a higher salary and attractive start-up packages; others follow spouses to another institution; and still others change careers. Little if any hard data exist to support a detailed analysis of this phenomenon. It was therefore not possible to determine if the reason for attrition was because of the perceived unlikelihood of receiving tenure. Nevertheless, the study of these attrition rates sheds light on the tenure process as a whole.

The results of the data analysis for each campus/school in the study are detailed below. It should be noted that at the CU-Boulder, CU-Colorado Springs, and CU-Denver campuses, only the cohort hired the in 1997–1998 and 1998–1999 academic years has completed the entire seven-year probationary period, while at the CU-Health Sciences Center, only those same cohorts will have completed seven years of service at the university. It is reasonable to assume that the numbers of departures in the other cohorts will increase as they proceed through the process.

The following discussion of attrition rates focuses solely on individuals hired into the tenure-track in academic years 1997–1998 and 1998–1999 who have completed the seven-year tenure review cycle; these are represented in the first of the two tables presented for each campus or school, and are referred to as Group 1. Additional information for faculty hired in academic years 1999–2000 through 2004–2005, who are referred to as Group 2, is provided for informational purposes only as these cohorts have not yet completed either the four-year comprehensive review cycle and/or the seven-year tenure review cycle.

Boulder

Boulder

Academic Year	Total Hired	Left Before Comprehensive Review		Left After Comprehensive Review and Before Tenure Review		Left at Any Time Before Tenure Review	
		Number	Percent	Number	Percent	Number	Percent
97-98	20	3	15%	4	20%	7	35%
98-99	52	3	6%	4	8%	7	13%
TOTAL	72	6	8%	8	11%	14	19%

Academic Year	Total Hired	Left Before Comprehensive Review		Left After Comprehensive Review and Before Tenure Review		Left at Any Time Before Tenure Review	
		Number	Percent	Number	Percent	Number to date	Percent to date
99-00	50	6	12%	3	6%	9	18%
00-01	52	5	10%	2	4%	7	13%
01-02	63	12	19%	1*	2%	13	21%
02-03	52	5	10%	2*	4%	7	13%
03-04	49	2	4%	1*	2%	3	6%
04-05	46	2	4%	N/A	0%	2	4%

Notes

Only one in this group left because they were denied tenure

Group 1 refers to individuals that have gone through the 7 year cycle.

Group 2 refers to individuals who have not completed the 7 year cycle.

* Most faculty hired after academic year 00-01 have not yet been reviewed, however, faculty hired with credit towards tenure may have already completed comprehensive review

The University of Colorado at Boulder hired 72 tenure-track faculty members during the academic years 1997–1998 and 1998–1999. These faculty members have since either gone through the complete seven-year tenure review cycle prior or are no longer at the university. Of that population, six (or approximately 8%) left prior to undergoing comprehensive review and an additional eight (or approximately 11%) left after the comprehensive review, but

before the tenure review. Overall, 14 of the 72 faculty (or roughly 19%) hired within the aforementioned time period left prior to completion of the tenure review process.

Colorado Springs

Colorado Springs

Academic Year	Total Hired	Left Before Comprehensive Review		Left After Comprehensive Review and Before Tenure Review		Left at Any Time Before Tenure Review	
		Number	Percent	Number	Percent	Number	Percent
97-98	17	2	12%	4	24%	6	35%
98-99	9	3	33%	1	11%	4	44%
TOTAL	26	5	19%	5	19%	10	38%
Academic Year	Total Hired	Left Before Comprehensive Review		Left After Comprehensive Review and Before Tenure Review		Left at Any Time Before Tenure Review	
		Number	Percent	Number	Percent	Number to date	Percent to date
99-00	7	1	14%	1	14%	2	29%
00-01	9	0	0%	0	0%	0	0%
01-02	17	3	18%	1*	6%	4	24%
02-03	17	2	12%	N/A	0%	2	12%
03-04	7	1	14%	N/A	0%	1	14%
04-05	7	1	14%	N/A	0%	1	14%

Notes

No one in this group left because they were denied tenure

Group 1 refers to individuals that have gone through the 7 year cycle.

Group 2 refers to individuals who have not completed the 7 year cycle.

* Most faculty hired after academic year 00-01 have not yet been reviewed, however, faculty hired with credit towards tenure may have already completed comprehensive review

The Colorado Springs campus hired 26 tenure-track faculty members during the 1997–1998 and 1998–1999 academic years. Of this population, five (or approximately 19%) left prior to comprehensive review and an additional five (or approximately 19%) left after the comprehensive review, but before tenure review. In sum, 10 of the 26 (or roughly 38%) faculty hired during the period in question, left prior to completion of the tenure review process.

Downtown Denver

Denver

Academic Year	Total Hired	Left Before Comprehensive Review		Left After Comprehensive Review and Before Tenure Review		Left at Any Time Before Tenure Review	
		Number	Percent	Number	Percent	Number to date	Percent to date
97-98	12					6	50%
98-99	19					10	53%
TOTAL	31					16	52%
Academic Year	Total Hired	Data Not Available				Left at Any Time Before Tenure Review	
						Number	Percent
99-00	16					6	38%
00-01	13					2	15%
01-02	19					7	37%
02-03	25					2	8%
03-04	3					0	0%
04-05	7					0	0%

Notes

Group 1 refers to individuals that have gone through the 7 year cycle.

Group 2 refers to individuals who have not completed the 7 year cycle.

Among the 31 tenure-track faculty members hired at the downtown Denver campus during the academic years of 1997–1998 and 1998–1999, 16 (or approximately 52%) ended their tenure-track appointment prior to undergoing tenure review.

School of Dentistry

School of Dentistry

Academic Year	Total Hired	Left Before Comprehensive Review		Left After Comprehensive Review and Before Tenure Review		Left at Any Time Before Tenure Review	
		Number	Percent	Number	Percent	Number	Percent
97-98	1	0	0%	0	0%	0	0%
98-99	0	0	0%	0	0%	0	0%
TOTAL	1	0	0%	0	0%	0	0%

Academic Year	Total Hired	Left Before Comprehensive Review		Left After Comprehensive Review and Before Tenure Review		Left at Any Time Before Tenure Review	
		Number	Percent	Number	Percent	Number to date	Percent to date
99-00	0	0	0%	0	0%	0	0%
00-01	2	2	100%	0	0%	2	100%
01-02	0	0	0%	N/A	0%	0	0%
02-03	1	0	0%	N/A	0%	0	0%
03-04	0	0	0%	N/A	0%	0	0%
04-05	2	0	0%	N/A	0%	0	0%

Notes

One individual in the group left after comprehensive review, but was hired in 1991-92

Group 1 refers to individuals that have gone through the 7 year cycle.

Group 2 refers to individuals who have not completed the 7 year cycle.

One new tenure-track faculty member was hired during the academic years 1997–1998 and 1998–1999. This individual did not leave prior to tenure review.

School of Medicine

Note: Though the School of Medicine does not employ a seven-year tenure clock or an “up or out” policy with regard to tenure, for the sake of consistency, attrition rates were studied over the first four and first seven years after hire. Overall attrition rates for the period prior to tenure review, which often extends past 10 years, are likely higher than those presented in the table below.

School of Medicine

Academic Year	Total Hired	Left Before Fourth Year		Left After Fourth Year and Before Seventh Year		Left Before Seventh Year	
		Number	Percent	Number	Percent	Number	Percent
97-98	107	26	24%	13	12%	39	36%
98-99	96	25	26%	9	9%	34	35%
TOTAL	203	51	25%	22	11%	73	36%

Academic Year	Total Hired	Left Before Fourth Year		Left After Fourth Year and Before Seventh Year		Left Before Seventh Year	
		Number	Percent	Number	Percent	Number to date	Percent to date
99-00	126	34	27%	11	9%	45	36%
00-01	88	17	19%	7	8%	24	27%
01-02	149	33	22%	N/A	N/A	33	22%
02-03	105	N/A	N/A	N/A	N/A	N/A	N/A
03-04	136	N/A	N/A	N/A	N/A	N/A	N/A
04-05	129	N/A	N/A	N/A	N/A	N/A	N/A

Notes

Group 1 refers to individuals that have gone through the 7 year cycle.

Group 2 refers to individuals who have not completed the 7 year cycle.

The School of Medicine hired 203 tenure-track faculty members during the academic years 1997–1998 and 1998–1999. Of this population, 51 (or approximately 25%) left during their first four years of appointment and an additional 22 (or approximately 11%) left between four and seven years after their appointment. In total, 73 of the 203 tenure-track faculty members, or a total of 36%, left during their first seven years of appointment at the School of Medicine.

School of Nursing

School of Nursing

Academic Year	Total Hired	Left Before Comprehensive Review		Left After Comprehensive Review and Before Tenure Review		Left at Any Time Before Tenure Review	
		Number	Percent	Number	Percent	Number	Percent
97-98	2	0	0%	1	50%	1	50%
98-99	3	1	33%	1	33%	2	67%
TOTAL	5	1	20%	2	40%	3	60%
Academic Year	Total Hired	Left Before Comprehensive Review		Left After Comprehensive Review and Before Tenure Review		Left at Any Time Before Tenure Review	
		Number	Percent	Number	Percent	Number to date	Percent to date
99-00	5	2	40%	1	20%	3	60%
00-01	2	0	0%	2	100%	2	100%
01-02	0	0	0%	N/A	0%	0	0%
02-03	0	0	0%	N/A	0%	0	0%
03-04	0	0	0%	N/A	0%	0	0%
04-05	0	0	0%	N/A	0%	0	0%

Notes

Group 1 refers to individuals that have gone through the 7 year cycle.

Group 2 refers to individuals who have not completed the 7 year cycle.

The School of Nursing hired five tenure-track faculty members during the academic years 1997–1998 and 1998–1999. Of those five, one (or 20%) left prior to their comprehensive review and two more (or approximately 40%) left after their comprehensive reviews, but before undergoing tenure review. In total, the School of Nursing lost 60% of the population it hired during these two academic years before they had completed the tenure review process.

School of Pharmacy

School of Pharmacy

Academic Year	Total Hired	Left Before Comprehensive Review		Left After Comprehensive Review and Before Tenure Review		Left at Any Time Before Tenure Review	
		Number	Percent	Number	Percent	Number	Percent
97-98	1	1	100%	0	0%	1	100%
98-99	1	0	0%	1	100%	1	100%
TOTAL	2	1	50%	1	50%	2	100%
Academic Year	Total Hired	Left Before Comprehensive Review		Left After Comprehensive Review and Before Tenure Review		Left at Any Time Before Tenure Review	
		Number	Percent	Number	Percent	Number to date	Percent to date
99-00	4	1	25%	0	0%	1	25%
00-01	2	0	0%	0	0%	0	0%
01-02	4	0	0%	N/A	0%	0	0%
02-03	2	0	0%	N/A	0%	0	0%
03-04	2	0	0%	N/A	0%	0	0%
04-05	4	0	0%	N/A	0%	0	0%

Notes

Four individuals in the group who left after comprehensive review are unaccounted for without further investigation by the SOP.

Among the group who left after comprehensive review include one hired in 1989-1990, one hired in 1990-91, 3 hired in 1995-1996, and one hired in 1994-95

Group 1 refers to individuals that have gone through the 7 year cycle.

Group 2 refers to individuals who have not completed the 7 year cycle.

Two tenure-track faculty members were hired during the academic years 1997–1998 and 1998–1099 at the School of Pharmacy. Of this group, one (or 50%) left prior to comprehensive review and one (or 50%) left after comprehensive review, but before tenure review. Both of these new hires left the school before undergoing the tenure review process.

In summary, the data indicate a clear decline in the number of faculty in the tenure-eligible faculty in the time between hire and tenure review at all campuses and schools included in the Independent Study. Again, it is not possible to pinpoint the reasons for these departures. It is reasonable to assume that some of these departures occurred due to faculty members drawing the conclusion, either on their own or after counseling from the appropriate person of authority, that they would fail to meet the requirements for tenure.

Anecdotal evidence speaks of faculty who reached just such a decision as a result of a series of poor annual reviews or a poor comprehensive review, or based on a tenure review that seemed to be progressing poorly. To the extent that this attrition represents a form of “academic natural selection”, it would indicate that for a given faculty cohort, the pool of candidates undergoing tenure review is stronger than the initial pool that was hired.

Conclusion: The policies and procedures identified during the course of this study are effective in the recruitment, selection, retention, and tenure of highly qualified faculty who align with institutional missions and who offer long-term strategic value. These procedures point to an ongoing culling process that begins with hiring and continues through the tenure review and beyond, which ensures that only the best faculty are recruited, tenured, and retained.

Recommendation 13: Since tenure is a process that begins with hiring, continues through the probationary period and culminates with the tenure review, data should be collected on a systematic, ongoing basis on both attrition rates throughout the entire process, as well as the specific results of tenure votes, whether unanimous or split, at each level of review. These data should be used to improve the process that culminates in the granting of tenure.

9. *Should changes be made in these policies and procedures to improve their effectiveness in (1) hiring of tenure-track faculty, (2) the reappointment, promotion, and tenure of tenure-track candidates, and (3) post-tenure review?*

These important questions are answered in Sections IVA 6 and 7 above. As discussed, these practices have a self-correction feature. The policies that underlie them are revisited each year to determine if changes need to be made; this is an annual recalibration of the campus policy. The policies and procedures are constantly evolving and improving.

Conclusion: Please see the discussion of questions 6 and 7 in section IVA above.

Recommendations: Please see the discussion of questions 6 and 7 in section IVA above.

10. Are candidates informed in a timely fashion about the progress of their reviews through these procedures?

In the past, there were occasionally complaints from faculty going through the reappointment/comprehensive review and tenure process that they were not notified in a timely fashion of the outcome of various levels of review. Such complaints were promptly remedied.

Conclusion: Candidates are informed about the progress of their reviews in a timely fashion through all tenure-related procedures.

Recommendations: None.

11. What benchmarks and best practices are available from other institutions against which our tenure practices could be measured?

Published Principles and Benchmarks

One published source of benchmarks and best practices is Cathy A. Trower's *Policies on Faculty Appointment: Standard Practices and Unusual Arrangements* (2000). The study reflects findings from a random survey of universities across the country; UCCS was part of the sample.

Another valuable source is "Good Practice in Tenure Evaluation: Advice for Tenured Faculty, Department Chairs, and Academic Administrators" (2000), a joint project of the American Council on Education, the American Association of University Professors (AAUP), and United Educators Insurance Risk Retention Group published. This publication calls for clarity in standards and procedures for tenure evaluation, consistency in tenure decisions, candor in evaluation of tenure-track faculty, and caring for unsuccessful candidates. The study believes the goals of clarity, consistency, and candor are essential to a good tenure review process and has adopted them as the central criteria in the review of University of Colorado's processes.

As the AAUP's "Statement of Principles on Academic Freedom and Tenure" is generally regarded in the academic community as the definitive articulation of the principles and practices of tenure, the Independent Study benchmarked CU practices against these principles as follows:

1. A probationary period—a maximum of seven years before tenure review—is given to the candidate so that research and teaching experience may be accumulated.

The University of Colorado adheres to this standard. In the School of Medicine, it is the review for promotion that occurs within seven years; the tenure review may come at any time in the faculty member's career.

2. "Good practice requires that the institution (department, college, university) define its criteria for reappointment and tenure and its procedures for reaching decisions on these matters."

The University of Colorado adheres to this standard. As noted in Colorado Springs campus's UCCS's Phase I report, however, a concern exists at UCCS among some colleges that some

members of the VCAA Review Committee, in particular, do not give full attention to departmental criteria approved by the chancellor. Such practice can create different, sometimes more difficult and inappropriate criteria.

3. *“Probationary faculty members should be advised, early in their appointment, of the substantive and procedural standards. . . .”*

The University of Colorado adheres to this standard. Many departments reported effective mentoring programs to guide new faculty toward tenure. Department chairs concurred that they give new faculty the department’s criteria at hiring and sometimes as early as candidate visits to campus during the pre hiring process.

4. *“The candidate should be afforded an opportunity to submit material that the candidate believes to be relevant to the decision.”*

The University of Colorado adheres to this standard. Departmental criteria encourage the candidate to submit dossiers that represent the most accurate package of the candidate’s work in teaching, research, and service. Candidates are permitted to add materials to the dossier throughout the review process and are allowed to review any material added to their dossier by others in the process, with the exception of the confidential external letters of evaluation.

5. *“Nontenured faculty . . . should have available to them the advice and assistance of their senior colleagues. . . .”*

The University of Colorado adheres to this standard. Such advice may be provided informally, during the course of day-to-day activities, or more formally, as a part of the mentoring process.

6. *“[T]he ability of senior colleagues to make a sound decision on renewal or tenure will be enhanced if an opportunity is provided for a regular review of the candidate’s qualifications....[and the resulting evaluations] should be presented in such a manner as to assist nontenured faculty members as they strive to improve their performance.”*

The University of Colorado adheres to this standard. CU uses a second-year review at the Colorado Springs campus and a four-year comprehensive review at all campuses, which enable both the senior colleagues performing the review and the candidate under review to fully evaluate the candidate in the areas of teaching, research, and service.

At the UCCS campus, the four-year review has been used in two ways: a) in some cases, the candidate has failed the review and has been intentionally let go prior to the tenure review on the grounds that it will be easier for the candidate to find other work if he or she does not have a tenure denial on record, b) in some cases, the four-year review/reappointment has provided effective feedback and mentoring to the candidate, particularly using the external letters that are solicited and received, so that he/she is able to improve and earn tenure successfully.

CU also conducts annual salary reviews that examine teaching, research, and service. When performed at their best, these salary reviews reflect the candidate’s progress in these three areas.

7. “In the event of a decision not to renew an appointment, the faculty member should be informed of the decision in writing.”

At both the second-year review for first reappointment and the four-year comprehensive review and reappointment, the candidate receives written notification outlining the reasons for either reappointment or non-reappointment from the primary unit and Dean’s Review Committee (for first reappointment) and the primary unit, Dean’s Review Committee, and Vice Chancellor’s Advisory Committee for the four-year comprehensive review/reappointment. Some departments also reported meeting with the candidate in person to flesh out the written report, and in these cases, more efficient mentoring in progress toward tenure has developed.

Best Practice Benchmarks Collected During the Independent Study

In order to better understand and compare the relative effectiveness of tenure-related processes at other institutions to the University of Colorado’s processes, this benchmarking study also involved internet-based research, as well as an extensive series of telephone interviews augmented by a limited number of campus visits to speak with leadership and other stakeholders involved in the tenure review process at an appropriate set of benchmark institutions deemed to exemplify best practices.

This element of the benchmark study considers two separate sets of institutions and best practices, one made up of academic institutions as a whole and another specific to medical schools. It was necessary to differentiate between the two groups as the Laws of the Regents of the University of Colorado reference specific exceptions for the School of Medicine. In addition, tenure-related processes at medical schools often differ in one or more categories when compared with processes in place at other schools or colleges within the same university.

For the most part, CU processes align with the consensus/best practices among the benchmarks. (These consensus best practices can be found throughout the report in the form of text boxes located in the appropriate sections. Please see Appendix C for the benchmarking report in its entirety). In some cases, CU policies are not aligned with the consensus best practice; they are more stringent in a few cases and fall short in others. These points of misalignment were observed primarily in the School of Medicine. The following is a discussion of the areas in which this lack of alignment occurs.

Hiring with Tenure—Process

Consensus/Best Practice: Faculty hired with tenure go through the same tenure process as faculty from within the institution who are awarded tenure. Generally, the search committee functions in lieu of the departmental committee that operates in the internal tenure process, and the materials the candidate has assembled when applying for the position may function in lieu of a more traditional tenure dossier. With these exceptions, the tenure review and all of its related requirements, policies, and procedures are the same as the review for promotion and tenure from within. The process can be expedited, in the sense that attempts are made to give such review priority and complete the process as expeditiously as possible, but no steps in the review are skipped.

Current CU Policies and Procedures: Per interviews with the School of Medicine, hires with tenure are somewhat rare. In cases where such hires are made, there are no “short circuits” or expedited processes involved. Rather, the process for approving tenure for a new hire is the same as the tenure process for faculty in the department: the review begins with the Faculty Promotions Committee (FPC) and continues through the normal channels, which will be discussed below.

The School of Medicine hires such faculty using the title of visiting professor, with the understanding that tenure will be awarded only when the tenure review is completed and only if the review results in a positive recommendation.

Gaps: Though the title visiting professor was used by only the University of Colorado and Johns Hopkins University among our set of best-practice medical schools, no gaps were identified. The University of Colorado School of Medicine’s policies and procedures fall in line with consensus/best practice.

Additional Observations: One of the benchmark institutions with whom we met employs what it refers to as an immediate tenure process. The immediate tenure package includes the candidates CV and four letters of reference. This package is reviewed by a college-level committee and eventually the university-level committee. In cases such as this, the university-level committee has a two-week turnaround guarantee, and a decision on tenure can often be made before the candidate is hired. The main caveat is that the process is only applied to candidates who already have tenure at their home institution and only those candidates who are a “slam dunk” for tenure at the new institution.

Promotion and Tenure—“Up or Out”

Consensus/Best Practice: In general, the tenure process at the benchmark institutions involves an “up or out” approach.

Current CU Policies and Procedures: The tenure process at the School of Medicine does *not* involve an “up or out” approach.

Gaps: The policy at the University of Colorado School of Medicine does not involve an “up or out” approach to tenure. In contrast, 10 of the 11 institutions studied employ such an approach to tenure; Johns Hopkins is the only institution that does not. This makes the University of Colorado’s policy the exact opposite of the consensus/best practice.

Additional Observations: At the University of Colorado School of Medicine, while the tenure process *does not* employ an “up or out” approach, the process for promotion to associate professor *does* employ such an approach.

Promotion and Tenure—Criteria (Formal Versus Implicit)

Consensus/Best Practice: Criteria for tenure and promotion generally focus on excellence in research. While strong accomplishments in teaching and service are also required, research appears to be weighed most heavily. Departmental- and school- and/or college-level guidelines and examples of various levels of accomplishment exist to assist faculty and administrators in making tenure and promotion decisions.

Current CU Policies and Procedures: The award of tenure in the School of Medicine is intended for faculty who are among the best in their field. The first requirement for an award of tenure is excellence in scholarship, resulting in a national and international reputation. The second requirement for an award of tenure is excellence in teaching. The balance between accomplishments in scholarship and teaching may vary considerably from one faculty member to another, but excellence in both scholarship and teaching must be present for tenure to be awarded. Professional/administrative service and/or clinical activities also weigh into the tenure decision, but must be accompanied by excellence in both teaching and scholarship if tenure is to be awarded.

The School of Medicine's Promotion Criteria Matrix offers some examples of accomplishments in the areas of teaching, research, clinical activity, scholarship, and service. Faculty will need to achieve excellence by a number of these criteria to be awarded tenure.

Gaps: The University of Colorado School of Medicine's requirement for excellence in both scholarship leading to a national and international reputation and in teaching is unique in that this dual requirement is not a specific criterion mentioned among the benchmark institutions. The standards for tenure at the School of Medicine exceed the requirements of the consensus/best practice.

Promotion and Tenure—Policies/Practices on External Letters

Consensus/Best Practice: The requirement for the number of external letters varies across the benchmark institutions, with the low end of the range being set at four. The letters are generally solicited from a list of names made up of suggestions submitted by the candidate, augmented by suggestions from the department chair, and/or departmental committee, and possibly others. The reviews are generally not chosen exclusively from the list provided by the candidate. Reviewers must generally be external to the institution and required to be in a position to make informed judgments about the candidate's work and provide an objective evaluation. Candidates are either discouraged or forbidden from suggesting mentors, collaborators, etc., as possible reviewers. The final list of reviewers from whom letters were requested and the letters themselves are confidential and are not shared with the candidate.

Current CU Policies and Procedures: CU policy calls for letters from three to six academic referees who can accurately evaluate the candidate's qualifications. At least three of these references must be from outside of the University of Colorado School of Medicine. The candidate is asked to provide names of those who should be considered as external reviewers; letters are then requested by the department chair or the chair of the departmental evaluation committee. As with the benchmark institutions, candidates are discouraged from requesting

letters from collaborators. (Note: Unlike the School of Medicine, the Schools of Pharmacy and Dentistry allow letters from collaborators.)

The policy addressed the confidential nature of the letters in the context of the candidate's access to the information in the dossier. Specifically, the policy states that the candidate should have access to all information in the dossier, "with the exception of letters of recommendation solicited from outside the faculty member's department, which are to be treated as confidential to the extent provided by law."

Gaps: The School of Medicine's policy differs from the consensus/best practice in several respects:

- It calls for a minimum of three external letters, whereas the low end of the range of the benchmark policies calls for a minimum of four letters.
- It allows the candidate the ability to select all evaluators.
- It does not require that all such evaluators be external to the institution.
- It addresses the confidentiality of such letters somewhat indirectly.

Promotion and Tenure—Length of Probation

Consensus/Best Practice: The probationary period among the benchmark institutions is generally seven years.

Current CU Policies and Procedures: Faculty who are employees of the University of Colorado in the regular academic ranks of associate professor or professor are eligible for consideration for an award of tenure. No maximum time limit exists for an award of tenure; however, a faculty member who is turned down for tenure may not be reconsidered for three years.

Gaps: The length of the probationary period for tenure at the University of Colorado School of Medicine's (which may exceed 10 years) is not specified as it is in the consensus/best practice (seven years).

Additional Observations: The standard time for promotion to associate professor at the University of Colorado School of Medicine is seven years; faculty members who are not promoted to associate professor during the seventh year at the rank of assistant professor will be given one year's notice of nonrenewal.

Conclusion: With few exceptions, the University of Colorado processes align with the consensus/best practices among the benchmark institutions and in some cases are more stringent.

Recommendation 14: In cases where University of Colorado policies do not align with best practices, they should be reviewed and brought into closer agreement where appropriate.

12. Are there processes in place to identify deficiencies in tenure-related processes?

There are no formal processes in place to identify deficiencies in tenure-related processes. The Vice Chancellor's Advisory Committees conduct an annual review of the tenure season to identify procedural problems or deficiencies and each campus sets about correcting them. Another informal mechanism is third-level (presidential) review. If the president finds faculty appeals for third-level review arise from weaknesses in the tenure process on a particular campus or unit, the president informs the chancellor of the need for change. Faculty on the Privilege and Tenure Committee likewise inform the president and chancellor of flaws in the process that they discover in the course of dealing with faculty grievances. But these two methods, while useful, do not constitute a comprehensive process.

One deficiency that was identified and addressed some time ago includes the inflexibility of the tenure clock for junior faculty starting families (usually women); a policy was implemented to allow tenure-track faculty to stop the tenure clock for up to two years. Other deficiencies have been identified, but not systematically addressed, such as the failure to deal with the enormous pressure on minority faculty to serve on university committees, mentor minority students, and be heavily involved in the community. The School of Medicine, for example, has addressed this problem by developing a flexible promotion and tenure clock that explicitly acknowledges time off for family, automatically prorating the clock for periods of part-time service, and grants extensions upon request. These activities, which may be the only things that help the faculty members feel connected to the university and engaged in worthwhile endeavors, reduce time spent on research and publication, get little or no credit at tenure time, and thus contribute to the loss of minority faculty from the tenured ranks. Interdisciplinary study is also an arena that may not be properly addressed in traditional tenure reviews. These are issues that affect the long-term effectiveness of tenure.

Conclusion: While informal and indirect processes exist, there are no formal mechanisms in place to identify deficiencies in tenure-related processes.

Recommendation: Please see Recommendations 2, 3, and 5.

B. Areas of Inquiry Related to Specific Tenure-related Processes—Search and Hiring Processes

1. *Are the current application, search, recruitment, and hiring processes for tenure-track faculty effective in identifying, attracting, and hiring viable and productive tenure-track candidates who meet identified primary unit needs, including the need for diversity?*

While the university on occasion has trouble hiring its first choice in highly competitive areas, usually because of limited resources and salary offerings, it generally does well in identifying, attracting, and hiring tenure-track candidates, the majority of whom do make it through the seven-year tenure process.

Tenure-track slots are eagerly sought and guarded by departments and colleges. Once such slots are assigned, they are not guaranteed; if student interest shifts from one field to another, as seen in the national decline in computer science majors and increase in human biology majors, deans reallocate tenure slots from one unit to another. Academically strong units are able to build upon existing strengths.

It is absolutely in the best interest of a department's faculty to identify their field(s) of greatest needs and hire an outstanding junior person to contribute to the scholarly strength of the department through publications and, in scientific fields, grants and contracts, and its attractiveness to majors and graduate students. In addition, departments with large or growing numbers of students usually get an increasing share of resources.

The search process is clearly outlined in policy. Every search begins with the authorization of the position, which involves justifying to the dean and vice chancellor for academic affairs the need for the position and the existence of resources sufficient to support the position. Searches must have approved plans, and plans must include specific recruitment activities to be undertaken to create a more diverse pool of qualified candidates. The campus affirmative action officer must approve the recruitment plan. Job descriptions must outline the responsibilities and the expected scholarly areas to be covered. Records are kept of the self-reported gender and ethnic composition of the applicant pool. Advertisements are aimed at a targeted audience and appear in highly specialized publications, such as the *Chronicle of Higher Education* among others, that target specific, highly qualified audiences, as well as publications that will help improve the diversity of the applicant pool.

The operating procedures for search and hiring process are very similar across the three campuses. The search process starts with the identification of a need for a new or replacement faculty member. The department chair or dean prepares a proposal to the VCAA requesting for the position based on the needs of the department and the college. This proposal goes through a campus committee process and an authorization to search or not to search is issued. No action can be taken by the department or college until all paper work is completed and signed by the chancellor. The personnel office sends notification via e-mail when the college can place ads and take further action with the search. Once the search starts, any changes in the search procedures are sent immediately to personnel. Special efforts are encouraged and made to identify qualified women and minority candidates during the search process.

The following specific steps are followed during the search process:

1. Prior to filling a new or vacant position, a faculty/professional exempt position authorization form is completed by the department chair or the dean.
2. The completed form is routed as follows: 1) dean's office; 2) personnel office; 3) budget office; 4) affirmative action office; 5) vice chancellor's office; 6) chancellor's office.
3. The following forms are submitted to the Personnel Office/Office of Affirmative Action with the faculty position authorization form:
 - Position authorization form

- Recruitment plan form
 - Job description, including areas of academic specialization, and minimum qualifications for the job
4. When an advertisement for a position is placed, the following information is included:
- Name of the institution and job title and department position
 - Brief description of the institution and college/school
 - Minimum required qualifications for the position
 - Preferred qualifications, if any, for the position
 - Nature of the work
 - Required starting date or date when position will be available
 - Salary and benefits offered or “salary commensurate with education and experience”
 - Closing date of application period
 - Specification of application materials
 - Name, address, and telephone number of person to whom to send application/nomination materials
 - Affirmative action statements

Once the search is completed and a candidate has been selected and has accepted position, the following forms and documents are submitted to personnel/affirmative action:

- Alphabetical listing of the applicants
- Applicant flow summary
- Candidate selection report

If the search has been closed and failed to result in a hire, the personnel/affirmative action office is notified in writing so the search file can be closed.

It is important for the general public to understand the rigor and effort that go into the hiring process. There are generally a very large number of applicants for any one position; anecdotal evidence indicates this number can range from 100 to 300. These applicants are being culled from a truly international scholarly environment. This pool is scrutinized and the top 10 or 15 candidates (or semifinalists) are identified. These semifinalists are interviewed, which often involves members of the department and/or school/college traveling to a conference where the candidates are in attendance. From these interviews, two or three finalists are invited to come on campus where they are interviewed by the department, dean, and chancellor. During this visit, the finalists give a presentation on their research and are often required to teach a class, with feedback being provided by department faculty and students.

Conclusion: Current recruitment and hiring processes for tenure-track faculty are effective in identifying and hiring productive tenure-track candidates who meet identified needs.

Recommendation 15: All new hires should be required to sign a Statement of Responsibility outlining their responsibilities upon hire. (Please see Appendix D for a sample form.)

C. Areas of Inquiry Related to Specific Tenure-related Processes—Faculty Development and Retention

Hiring processes at the University of Colorado have become increasingly rigorous over the past decade, with more exacting standards being applied and a greater number of applications for each position being received. Searches are conducted on a national basis, and sometimes an international basis in the sciences, in order to identify the very best candidates. Faculty development is critical in seeking and retaining high-quality hires. Simply put, it is not enough to hire the best; efforts must be made to ensure those hires remain the best. This is one of the main purposes of faculty development.

Faculty development opportunities are not perks; they are vital to the long-term productivity of the faculty. An investment in professional development is the key to enhancing research and academic excellence of the faculty. Resources dedicated to faculty development allow faculty to present and network at regional and national professional conferences to improve the quality of their research and enhance publication opportunities. Teaching credibility is directly linked to ongoing research credibility. Faculty development is needed to allow faculty to keep up with their fields or both research and teaching will suffer. Ongoing faculty development is critical to giving students the highest understanding of the material in their fields, which comes from an understanding of cutting edge research being performed in those fields. Such an approach will also allow the undergraduate students at the University of Colorado to be competitive in graduate and professional school.

Faculty development varied widely across the three campuses based primarily on the resources available for faculty development. Though limited, faculty development took place at various levels: departmental, college wide, campus wide, and system wide through Centers of Excellence. A compilation of campus and system faculty development opportunities for 2004–2005 appears below:

Boulder

- IMPART grant program
- Faculty Teaching Excellence Program
- Leadership Education for Advancement and Promotion (LEAP) program
- Faculty associate position, Office of Diversity and Equity
- African American Mentor Program

- Faculty of Color luncheon
- Graduate Teacher Program (to improve teaching skills of graduate students)
- Informal mentoring of gay, lesbian, bisexual and transgender (GLBT) faculty through Faculty Council GLBTI Committee
- Council on Research and Creative Work (CRCW), especially Junior Faculty Development Awards

Colorado Springs

- Teaching Enhancement Program
- Curriculum Transformation Project
- Center for Faculty Development

Downtown Denver

- School of Education Research Mentoring Program
- Center for Faculty Development
- YUMPS and SUMPS (mentoring for junior and senior faculty)
- HR professional development programs
- Campus-wide mentoring program for all pre-tenure faculty under consideration (will have an evaluation component)
- Teaching Mentors Program
- Mentoring Program for New TAs (Math Department)

Health Sciences Center

- Developing mentor program/activities for minority and women faculty (President's 2004 Challenge Grant)
- Mentoring of faculty by department/division chair as component of annual goal setting and evaluation processes (Schools of Dentistry and Nursing)
- Individual faculty mentoring (Schools of Pharmacy and Nursing)

University of Colorado System

- Emerging Leaders Program
- Diversity and Excellence Grants
- Annual Faculty Council Committee on Women Symposium
- University Leadership Development Institute Site-Based and Web-Based Training Programs

- President's Teaching Scholars
- Academic Management Institute

Examples of specific professional development activities include:

- Travel support to national and international conferences for faculty with papers accepted for presentation, budget support varies from unit to unit
- Retreats and workshops on a variety of issues
- Web-based training modules for conflict of interest, PERS, and grants administration
- Faculty committees for both teaching and research which sponsor awards to encourage excellence in these areas. The committees will, sometimes, examine professional development issues.
- Training—vendor training, area workshops and training on databases, Web based
- Training—on campus such as the library workshops
- Teaching and Learning Center at UCCS: faculty development workshops, forums and campus presentations on issues regarding retention, assessment, first-year experience, and forums and luncheons for campus students, staff and faculty demonstrations of effective teaching styles through the Teaching in Action series (with Faculty Excellence Council); individual consultations on various teaching related skills for both online and in-class
- Center for Faculty Development at the downtown Denver campus: The center served 322 faculty in 2004–2005. It supervises a number of initiatives including a mentoring program for junior faculty. They publish a biannual paper, “Teaching Excellence,” and an annual newsletter, *Latitudes*, which highlights faculty research and creative activity. The faculty also offers individual teaching-assessment consultations, and feedback on RTP dossiers. Approximately 22 faculty take part in this on an annual basis. The center was able to offer \$54,000 in funding to 29 faculty.

Overall the units and colleges across the system are doing their best in promoting faculty development with limited resources, though faculty development opportunities are quite limited.

Given the increasing emphasis on creating “Research 1” institutions in the CU System, the lack of funding may indicate a disconnect between university ambitions and faculty needs. The recent, highly publicized departure of Nobel Laureate Carl Wieman from the Boulder campus and to a better-funded position in British Columbia and recent exit of six faculty from a single clinical department at UCDHSC, all of whom took much better paying jobs elsewhere, grow in part from the decline of resources dedicated to faculty development.

Conclusion: Faculty development recognized across the university as critical to attracting and retaining excellent faculty and maintaining their productivity and performance. Such efforts, however, proceed from a very limited resource pool.

Recommendation 16: The development of faculty is critical to the role and mission of the overall university. Therefore adequate funding needs to be provided for these activities through the faculty member's career. This may require a multi-year plan to reallocate and/or develop resources.

1. *What policies and practices are in place for mentoring tenure-track faculty? Are they implemented?*

The Laws of the Regents assigns responsibility for mentoring faculty as follows:

“Every candidate for reappointment, promotion, and/or tenure shall consult with and be advised by the chair of the primary unit regarding the criteria and standards that the unit recognizes in reaching a decision about the candidate's performance....The chair has the responsibility for providing leadership toward the achievement of the highest possible level of excellence in the teaching, research, and service activities of the department.... The chair is ultimately responsible for the recruitment, selection, and evaluation of both the academic and the staff personnel of the department. In consultation with colleagues, and in consonance with the appropriate departmental procedures, the chair recommends appointments, promotion, merit increases, and terminations. The chair has the explicit responsibility to ensure that faculty members are aware of the departmental, college, and campus criteria prescribed for appointment, reappointment, promotion, and tenure, and to make appraisals and recommendations in accordance with the procedures and principles stated in the Laws of the Regents.”

While chairs traditionally have the responsibility for mentoring or oversight of mentoring, the university has recognized the need for additional mentoring support. Since chairs are charged with performance review and salary setting, junior faculty in need of assistance may not feel comfortable revealing or frankly discussing their developmental needs to the chair. Mentoring and guidance take place in varying formats across the campuses. Some of the development programs listed above offer mentoring to tenure-track faculty. To support junior faculty, programs like the YUMPS, on the downtown Denver campus, and a booklet, like their “Strategies for Success,” should be available on all campuses.

Some units have long been engaged in mentoring; the School of Education & Human Development at CU-Denver is an excellent example. Some units not fully engaged in the past have recently made a concerted effort to improve their mentoring of junior colleagues. The lack of mentoring may have become noticeable in units that began recruiting women and minority faculty but failed to retain them. Research highlighting the “revolving door” for minority faculty brought attention to this general failure to mentor junior faculty.

Conclusion: Successful mentoring is imperative for ongoing research and teaching productivity. While mentoring exists across the university, opportunities exist to strengthen current practices.

Recommendation 17: Campuses or colleges/schools should develop means to identify best practices for coaching tenure-track faculty through the tenure process. The administration should disseminate these best practices across all campuses.

Also see Recommendations 2 and 5.

2. *Are tenure-track candidates adequately informed of the primary unit criteria for reaching decisions about a candidate's performance? Are the primary unit criteria effective in guiding reappointment and tenure decisions which benefit the university? How do these criteria compare to those at other universities?*

It is clear from the “Good Practice in Tenure Evaluation” document that CU’s policy of requiring individual department-level documents outlining criteria for tenure is viewed as a best practice. Tenure-track candidates are, in turn, adequately informed of these criteria. These efforts begin early in the process, with letters of offer generally, though not always, containing the criteria and the interview process including a discussion of the criteria. Orientation programs, in place across the university, play a further role in this regard.

The primary unit criteria are effective guides for the tenure decision. The committees at all three levels of review judge the candidate based on the primary-unit criteria and the rigor of the process indicates that the criteria are applied evenly and effectively. The university’s experience is that most tenure approvals turn out to be good decisions for the long term; this would indicate indirectly that the criteria are producing results that benefit the university.

When external evaluators from comparable institutions are asked if a candidate for tenure would get tenure at their institution, they sometimes discuss their institution’s or department’s criteria. These criteria appear often to be similar to those at the university, with one notable exception: the higher teaching assignments for University of Colorado faculty are sometimes mentioned as reasons why the CU faculty member might not have the same quantity of scholarly output as faculty at their own institutions. However, the *quality* of such scholarly efforts is not called into question. To the extent that these reviewers indicate a CU faculty member would be approved for tenure at their institution, which is a standard element of discussion in these letters, this is indirect evidence of a certain shared set of criteria across academic institutions of similar quality and type.

Conclusion: Tenure-track candidates are adequately informed of the primary unit criteria and these criteria are effective in guiding reappointment and tenure decisions to the benefit the university as a whole. These criteria also compare favorably to those at other universities, as indicated by the comments of the external reviewers.

Recommendation: None.

3. *Do the faculty development and mentoring processes result in the retention of promising candidates who meet the missions and strategic needs of the primary unit, the college/school, and the institution, including the need for diversity?*

On the whole, it appears that development and mentoring processes are working. As indicated above, the university does have a number of development and mentoring processes, and in general, the university has been able to retain promising candidates, though the level of retention of underrepresented faculty is less than desired. But the connection between these processes and retention are not entirely clear. The University of Colorado hires exceptionally well-qualified individuals. In some cases it may be that their retention has more to do with their own talents, drive, and entrepreneurial spirit than with CU's mentoring. On the other hand, some of those who leave because their careers are not flourishing would have benefited from better faculty development resources and mentoring. Scholarly writing on the subject supports this conclusion.

In addition, faculty retention is not systematically tracked and relevant statistics are not readily available or entirely informative. Faculty leave throughout the probationary period; as many as one-half of the faculty hired at a given campus in a given year have left before the tenure review occurs. The attrition before tenure is due to many reasons, as noted above, and is a source of some concern.

Conclusion: While it is not possible to draw a definitive connection, faculty development and mentoring processes seem to result in the retention of candidates who meet strategic needs. Of concern, however, is the adequacy of the programs in retaining underrepresented faculty.

Recommendation 18: The university should initiate mentoring efforts aimed at improving retention.

Also see Recommendation 13.

4. *To what extent is the reappointment (comprehensive) review effective in the mentoring process?*

In general, the comprehensive review is being used as it was intended. The comprehensive review has the potential to be a highly effective part of pre-tenure mentoring. It is the point at which the candidate's progress toward tenure is measured and a judgment rendered. In the past, this review was not utilized effectively as part of pre-tenure mentoring, but over the past decade, comprehensive review evaluations have become more important in guiding junior faculty through the tenure process. A candidate who is not on track for tenure and is deemed to have no real chance of achieving tenure is told his/her contract will not be renewed. A candidate who needs to rededicate his or her efforts in one area or another in order to be approved for tenure gets significant feedback. Departments are also charged with providing specific mentoring to assist the candidate to achieve the necessary performance standards. Candidates on track for tenure are encouraged to maintain their levels of performance.

Conclusion: Comprehensive review has become an integral part of the mentoring process.

Recommendation: None.

5. *Are post-tenure reviews and professional plans effective means for faculty development and evaluation?*

Doubts have been expressed at each campus about the effectiveness of post-tenure review (PTR), both with respect to faculty development and reward (incentives) and performance evaluation and remediation (remediation). Lack of resources to assist a faculty member with development needs has been cited as a weakness of the process, as has the inability to hold underperforming faculty accountable. Questions have been raised about whether PTR can effectively serve the disparate goals of faculty development and professional accountability. Annual evaluations have been suggested as a better and less burdensome means of assessing continued professional performance. However, the peer review process employed for PTR has been valued as a necessary balance to the annual review in which it is often the chair alone who has determined the performance rating.

One tool in the university policy toolkit that is probably underutilized is the differential workload. This policy allows faculty to be assigned a nonstandard work load, with either a greater or lesser teaching assignment. Annual evaluations are performed based on an agreed-upon formula, rather than using the standard 40% teaching, 40% research, and 20% service equation.

Conclusion: Post-tenure reviews and the related professional plans do not seem to be effective means for faculty development and evaluation.

Recommendation 19: Post-tenure review should continue to occur via faculty committees to ensure that the process occurs via peer review (committee, not individual) and should be subject to review at the dean and vice chancellor levels. Each campus must be charged with assuring a more rigorous process of evaluating faculty performance and strengthening faculty development. Strong consideration should be given to best practices used at Georgia State University.

Recommendation 20: Post-tenure review should be revised to provide incentives for faculty reward and development and sanctions for faculty discipline and remediation. The university should review the tools available for both to ensure the desired results are being achieved. These tools should be effective enough to incentivize their use.

D. Areas of Inquiry Related to Specific Tenure-related Processes—Annual Evaluation

Each campus conducts annual salary merit reviews for faculty. Annual reviews of faculty, which are part of the salary merit process, vary in rigor, as well as in process, across the university. Faculty fill out detailed reports, called the Faculty Report of Professional Activities (FRPA), every year. In these reports, they detail their teaching activities, such as the number of courses taught, the number of students in each, the number of students pursuing independent studies and theses, new course developed, major course revisions, etc. They describe their research endeavors, including grants applied for and awarded, including the amount awarded, and articles and books in process, submitted, and/or accepted for publication. They describe their university, professional, and community service and in the case of the Health Sciences Center, their clinical practice activities. The FRPA also includes a section in which faculty update their Professional Plan, which they are required to develop upon arrival at the university. In the annual evaluation process, the chair or committee compares the previous year's statement of goals with the current FRPA's account of accomplishments.

Having an annual professional plan is important because faculty work assignments and efforts change from year to year. One year a faculty member might be putting a great deal of effort into developing new courses, or teaching a higher than normal load; another year he or she might have a major grant that allows them to be “bought out” of their teaching time so that they can devote time to research. Serving as chair of a department, director of a center or institute, or heading up a major project for the university, such as being the lead author on the department's program or accreditation review, might also lead to a differentiated workload and a different pattern of activity for the short or long term. Such variations are taken into account in annual evaluations. Because research productivity is hard to measure in a year-at-a-time snapshot, with peer review sometimes resulting in a lag time (between submission of an article and its publication) of up to 18 months, some units have gone to a system of evaluating faculty on a rolling two- or three-year average. This system smoothes out the inevitable ups and down in the publication cycle of even the most productive scholars.

From unit to unit, there are variations in who actually performs the annual review. In most cases it is the head of the unit, either the chair or, in some small colleges without departmental structures, the dean. Some units have a faculty committee to advise the chair. There is variety in how merit increases are determined and the transparency of the process. Given that raises are minimal, it has been suggested that some measures should be taken to make the annual merit review more meaningful: reward those who are “high fliers” with bonuses; and identify both what causes a low performer to be such and what resources would help this faculty member to be more productive.

1. *How rigorous is the annual evaluation process in each of the categories being evaluated?*

The rigor of the annual evaluation process seems to vary somewhat from unit to unit, but follows a general process. Faculty provide a detailed report of their teaching, research, clinical, and service activities; in addition, their file contains their Performance Plan from the previous year so that the evaluator can compare what the faculty member planned to do and what he/she actually

accomplished. The review is rigorous, though not as detailed or involved as the comprehensive or tenure reviews.

Conclusion: The annual evaluation involves a rigorous review of performance in teaching, research/scholarship, and service/clinical service.

Recommendation: None.

2. How effective is the current process for annual review in preparing candidates for comprehensive review?

Annual review does not currently serve the aims of comprehensive review in an explicit fashion. Annual review examines productivity during the preceding year as well as success in teaching, research, clinical activity, and service. Further, a single-year snapshot of scholarly activities might not be a sufficient indication of progress toward tenure. There is also sometimes a disconnect between annual merit evaluations and comprehensive review or tenure review. A faculty member may receive a rating of “meeting or exceeding expectations,” but then fails to be recommended for retention or tenure.

The different structure of the two reviews may hinder greater connection between them. The evaluation is often conducted by the chair, though regent policy calls for a peer-review process. There is no peer evaluation of the research, except that provided in grant award and publication processes, and teaching evaluations are usually limited to FCQs only. In contrast, comprehensive review is generally conducted by a review committee and involves a more detailed analysis of research and teaching performance, in part because of the four-year timeframe in which to judge trajectory toward tenure.

Conclusion: The current process for annual review is not specifically intended or designed to prepare candidates for comprehensive review.

Recommendation 21: Annual review should be conducted through a peer-review process, consistent with regent policy.

Recommendation 22: Annual review should be changed to include regular assessment of the faculty member’s progress toward meeting the standards for promotion and tenure, including a review of achievements and gaps and a discussion of needed changes. Chairs and departmental committees involved in annual merit evaluations need to keep in mind the larger evaluative process of tenure and provide accurate feedback to tenure-track faculty, indicating concerns about the tenure record to junior faculty and indicated progress toward comprehensive review, tenure review, and/or promotion. This same principle should be applied in annual evaluation of tenured faculty in terms of their trajectory toward promotion and a positive post-tenure review.

Recommendation 23: Just as the criteria for annual review and tenure review should be tied, the evaluative language of the annual review should be consistent with the evaluative language of tenure and promotion, such as whether or not the faculty member is “on track toward excellence” in teaching or research.

3. *Are there appropriate linkages between the outcome of the annual review of a candidate and the comprehensive and tenure review? To what extent should tenure review consider the accumulation of annual reviews in its process?*

As discussed above, the annual review is an entirely separate process from both the comprehensive review and tenure review, which does not seem to be in the best interests of the university or the tenure system. The reviews employ different minimal criteria—“meeting expectations” or “exceeding expectations” in the case of the annual review and “meritorious” or “excellent” performance in the case of comprehensive review and tenure review—and ultimately serve different purposes.

Conclusion: Annual reviews are not necessarily linked to either comprehensive or tenure reviews.

Recommendation: See recommendations 22 and 23 above.

4. *Is the annual evaluation process after tenure effective in identifying and addressing performance issues?*

The annual review process that occurs after tenure addresses performance issues by linking pay increase to performance; poor performance leads to little or no pay increase. However, the annual review does not provide individual ratings in teaching, research, and service, but rather requires the faculty member be given an overall rating. This can make it difficult to spot problems until they have become significant. In addition, the limited resources available for merit increases in general mean that the distinction made between good performers and poor performers during the course of the annual review is not large.

Some chairs may also find it difficult to evaluate a candidate as underperforming because of the impact a bad evaluation has on the annual merit increase in light of salary compression. When these two opposing forces, that is, the desire to provide an accurate evaluation and the concern over the financial impact this will have for faculty, meet in the same evaluation process, the result may be a less than forthright evaluation. Making annual review a process truly based on peer review will solve part of this problem.

There is a contrary school of thought that holds that since each department must divide the total pot of annual increases among the department’s faculty, and regent policy does not permit giving all faculty members the same increase, there is an incentive to be honest and open and use the

annual review to document why a given pay increase is lower than the department average. According to this argument, the person developing the comments in the annual review is therefore forced to discriminate among colleagues to justify these variable increases.

Conclusion: The annual review process that occurs post-tenure can identify performance issues and address them through minimizing or denying pay increases, though, as reported anecdotally, in some cases there is a reluctance to apply the tool to identify and correct performance deficiencies.

Recommendation 24: The Independent Study members strongly endorse documentation of deficiencies in the annual evaluation and using salary and workload differentiation to introduce incentives and sanctions into the process.

Also see Recommendation 21.

E. Areas of Inquiry Related to Specific Tenure-related Processes— Reappointment and Comprehensive Review

1. *How rigorous and effective is the evaluation process at comprehensive review?*

Each campus conducts a comprehensive midpoint review that provides feedback to tenure-track faculty on the three expected missions: teaching, research/creative work, and service. In addition, at the HSC campus, most faculty are also evaluated on criteria related to clinical practice. This review normally occurs in the faculty member's fourth year toward tenure, or at the Health Sciences Center campus, in the third year.

In general, the comprehensive review process works extremely well. It is both rigorous and effective. It is effective in the sense that it both allows those who can be successful in the tenure process to move on and identifies those who should be weeded out. The feedback given the candidate during the review has become more substantive and specific in recent years and clearly indicates deficiencies that must be addressed.

Comprehensive review is primarily an opportunity to get underperforming faculty "back on track." It results in non-reappointment only when the faculty member's performance to date has been so poor as to indicate to the review committees that the candidate has no hope of addressing his or her shortcoming and achieving tenure in the time left in the probationary faculty. This is fairly infrequent; it is much more common for the faculty member in such a situation to realize that this is the case and leave on his or her own. For all candidates, particularly borderline candidates, best practices dictate that they receive a clear and detailed letter telling them exactly what they need to do to achieve tenure, but there have been anecdotal cases where this has not occurred. On the whole, the process is rigorous and effective, though in some cases, the feedback given to faculty, especially lower-performing faculty, was not detailed or clear enough.

Conclusion: Comprehensive review seems to be effective in achieving its designed purpose. Some anecdotal cases were reported in the past where some units tend not to be as aggressive as others in providing feedback.

Recommendation 25: Comprehensive review letters should spell out all the candidate's strengths and weaknesses and provide clear guidance as to areas of improvement that must be made to strengthen the candidate's case for tenure.

2. Are the reappointment/comprehensive review processes designed to move forward those candidates who meet primary unit needs and are qualified for tenure?

The comprehensive review focuses specifically on whether the candidate is on the right trajectory for tenure. The purpose of the comprehensive review is to provide candidates with a "trial run" to tenure by providing feedback on their progress toward tenure and to provide the department with a chance to determine if the candidate is a good fit. It also allows candidates to refocus their efforts as well as address any problems that may have arisen during the probationary period. The individual units are delegated task of developing the criteria for faculty who will achieve tenure. It is assumed they set the criteria that, if met, will best meet the needs of the primary unit. It is also assumed that units whose needs have changed significantly will revise the tenure criteria accordingly.

Conclusion: The reappointment/comprehensive review processes moves forward those candidates who meet primary unit needs in the manner defined above and are qualified for tenure.

Recommendation: None

3. To what extent do the institutions use the comprehensive review as an opportunity to evaluate the candidate's long-term strategic value to the primary unit and to what extent do they evaluate if they are consistent with the goals and objectives of the school/college and the institution?

The comprehensive review is designed to calibrate the faculty member's record in light of the department's criteria and ongoing strategic needs. A successful comprehensive review does not guarantee success when the candidate goes up for tenure, nor does it guarantee the candidate's long-term strategic value to the primary unit, but it can provide warning signs that both the faculty member and the primary unit can and should heed. In some units, a candidate who is doing poorly is given special mentoring and resources and uses them to better align himself or herself with the strategic needs discussed above.

Conclusion: Primary units do pay attention to the candidate's long-term strategic value; comprehensive review provides an opportunity to do so.

Recommendation: None

4. *To what extent do other institutions use the comprehensive review as an opportunity to evaluate the candidate's professional conduct as part of the reappointment process?*

If "professional conduct" refers to professional performance, then that is the whole purpose of the review. This appears to be what other institutions with a pre-tenure comprehensive review do. If it refers to an examination of behavior looking for misconduct, members of the Independent Study are unaware of any institution using the comprehensive review for this purpose. At CU, if a faculty member had been guilty of some offense for which he/she had been punished or reprimanded, such information would be in the person's file and would be available to the various levels of review. Some reprimands, for less serious offenses, are removed from the faculty member's file after a certain period of time if no further misconduct occurs. Once removed, these would obviously not be included in the material that was reviewed.

Conclusion: Other institutions routinely use the comprehensive review as an opportunity to evaluate the candidate's professional conduct in the sense of duties related to research, teaching, and service as part of the reappointment process, but not as a means to identify misconduct.

Recommendation: None

F. Areas of Inquiry Related to Specific Tenure-related Processes—Tenure Review

Tenure is founded on the need for academic freedom for faculty. Tenure provides this by preventing professors from being dismissed for advocating unpopular views or openly disagreeing with authorities or popular opinion. Tenured faculty can only be dismissed for adequate cause or extreme financial exigency of the institution. Tenure has become even more important to academic freedom as research has become more prevalent in universities. By providing a long-term institutional commitment, tenure allows faculty members to engage in research that may be controversial or may not yield quick results.

An additional reason for tenure is the need to provide an adequate cadre of excellent faculty for the institution. Tenure assures the presence of a core group of highly qualified individuals by guaranteeing each of them a prestigious position and a base salary. The rigorous process of

earning the award of tenure results in university faculty with the best possible qualifications and abilities.

Tenure is a covenant between the faculty member and the institution. The university guarantees the academic freedom and economic security of the faculty member and provides a setting where teaching and scholarly work can be carried out. The faculty member agrees to perform these tasks with excellence and to fulfill other traditional institutional responsibilities. Tenure is a right and is accompanied by commensurate responsibilities to the institution and the profession.

Kingman Brewster, while he was the president of Yale University in 1971, remarked:

“The rationale of academic tenure...is somewhat different from job security...especially in an institution which wants its teachers to be engaged in pushing forward the frontiers of learning. This lies in the fact that contributions to human knowledge and understanding which add something significant to what has gone before involve a very high risk and a very long-term intellectual investment. This is true especially of those whose life is more devoted to thought, experimentation, and writing than it is to practice.

“If teaching is to be more than the retelling of the known, and if research is to seek real breakthroughs in the explanation of man and the cosmos, then teachers must be scholars, and scholarship must be more than the refinement of the inherited store of knowledge.”

Academic tenure is prevalent in university and college systems in the United States, particularly at research universities. A recent study conducted by the National Education Association (NEA) indicates that of all faculty at public research universities, only 0.6% are at institutions without tenure. Since tenure is offered so universally, a university not offering tenure will be at a severe competitive disadvantage when trying to hire high-quality faculty.

As indicated by many of the individuals interviewed, tenure is not an event, but a process and one that begins with recruitment and hiring. The sentiment among interviewees is that successful tenure decisions grow from the rigorous nature of the faculty search, recruitment, and hiring processes. When viewed in light of the large number of applicants for any given position and the natural attrition that occurs during the probationary period, the award of tenure is a rare event. For example, there may be as many as 1,000 to 3,000 applicants or more for 10 positions at the university. Of these 10 eventual hires, data collected from the university indicates that roughly one-third will leave the university for a variety of reasons before the end of the probationary period. Of the remaining seven faculty, based on the sample set of cases reviewed, 95%, or essentially all seven, will be awarded tenure. When these numbers are studied as a whole, they indicate that, at the high end, only 0.7% of the 1,000 applicants for the 10 positions discussed above will ultimately be awarded tenure.

1. *How rigorous and effective is the evaluation process at tenure review?*

The process of earning tenure at CU is extremely rigorous and adheres to the regents' standards across all campuses. All the campuses follow the standards of the CU Board of Regents regarding the tenure process as set out in the Laws of the Regents: “Successful candidates for tenure must demonstrate excellence in either research or teaching and meritorious performance

in the other and in service.” In the case of the School of Medicine, the standard set by the regents of “[a] national and international reputation for academic excellence...and...excellence in scholarship and demonstrated excellence in, and dedication to, teaching” is adhered to consistently. The process as a whole is monitored by the deans and vice chancellor for academic affairs on each campus to ensure its integrity.

Each primary unit formulates written criteria, which are consistent with the standards of the regents, to measure the performance of faculty in that unit. These primary-unit criteria are periodically reviewed and approved by the vice chancellor for academic affairs. The candidate’s record of research/creative work, teaching, and service is rigorously scrutinized against these criteria by the faculty and chair of the primary unit, the Dean’s Review Committee, the dean, the academic Vice Chancellor’s Review Committee, the academic vice chancellor and the chancellor.

External reviewers, who themselves have distinguished records in research/creative work and are generally tenured, though this is not a requirement at the Health Sciences Center given the unique nature of tenure at the School of Medicine, evaluate the research/creative work of each candidate undergoing tenure review. The majority of these reviewers are chosen by the chair of the primary unit and each reviewer must generally have an arms-length relationship with the candidate. They play a critical role in injective and objective, knowledgeable, external perspective to the process.

There are some variations in the implementation of the tenure process across schools/colleges and campuses:

- There is no rigid standardization across campuses or schools/colleges for teaching evaluations, with the methods used including peer review, student interviews, external review, review of course materials, and the placement of the candidate’s students.
- There is also no rigid standardization across campuses or schools/colleges with respect to the selection of external reviewers, with a limited number of departments allowing the selection of reviewers with whom the candidate has a closer-than-arm’s-length relationship.
- There is variation in the extent and nature of mentoring and educating junior faculty on the expectations for tenure.
- Areas that have been identified as problematic on more than one campus and that are being addressed by new campus policies are lateral hires with tenure and administrative hires with tenure. It is felt that there may have been some dilution of the tenure standards, and that the new policies should specify that there be a rigorous review at the level of the primary unit, dean, and vice chancellor, and that the same standards should apply in all tenure cases.

Conclusion: The tenure process is rigorous, transparent, selective, and self-correcting. It is taken very seriously, involves many steps, and works well. However, the process could be streamlined through greater reliance on electronic tools.

Recommendation 26: CU's Administrative Policy Statement, "Multiple Means of Teaching Evaluation," needs to be firmly enforced. Each campus should review its approach to teaching evaluations and ensure that multiple means are being employed, such as FCQs, classroom visits, and personal interviews with students.

Recommendation 27: Campuses should provide clarifying guidelines to the departments on the selection of external evaluators to ensure objectivity.

Recommendation 28: To help streamline the tenure review process, electronic and Web-based tools should be developed to facilitate the collection and review of materials used in the comprehensive reviews, post-tenure reviews, performance ratings, professional plans, extensive reviews, and Performance Improvement Agreements. In addition, such tools can be used to conduct and document these processes as well.

2. Are these tenure-related processes effective at achieving their stated purpose(s)?

During the course of this project, a department/school-level audit of a number of tenure cases was performed. This audit revealed the rigor of the tenure process and the related regular reviews that ensure faculty have met and continue to meet tenure standards. When faculty members do not meet the standards and criteria for tenure, there are both pre-tenure and post-tenure processes in place to address such issues. This audit of CU tenure processes revealed that the overall process is working, with a few exceptions. It also revealed the benefit of regular audits to show that the process continues to function as intended and to facilitate the sharing of best practices across an institution. In addition, the benchmarking study provided the opportunity to show that CU's tenure-related processes are in line with and relatively effective as compared with those at institutions deemed to exemplify best practices nationally.

Interviewees commented that they and their colleagues appreciate the importance and necessity of ensuring that tenure reviews are conducted in a rigorous fashion and expressed confidence that the processes currently in place result in outcomes that achieve the stated purpose of tenure, as indicated by the following quote:

"Faculty are all colleagues and no one wants 'lousy' colleagues. The best thing going for us as faculty members is the quality of our colleagues. Faculty members also work in teams and no one wants to get stuck doing all the work because you're teamed with a lazy colleague. There is a separation between liking a person and wanting to keep them at the university. The fact that the quality of our colleagues is so important drives the process."

Conclusion: The tenure-related processes in place at the University of Colorado are effective at achieving their stated purpose(s).

Recommendation: None.

3. *Is there consistent compliance with and adherence to tenure-related processes?*

The department level audit encompassed a review of 95 files, a sample comprised of the tenure cases reviewed across all the CU campuses during the 2003–2004 and 2004–2005 academic years. The results indicate an overall consistent compliance with tenure-related procedures.

The review of these tenure cases, supplemented by the anecdotal evidence provided during the Independent Study’s interviews, indicates that the tenure process follows appropriate protocols. In addition, individual departments and faculty members take the process seriously and do not simply apply a “rubber stamp” of approval to each candidate undergoing tenure review. As one faculty member indicated:

“It’s not a process where irregularities can easily hide or easily occur. It’s an amazing series of checks and balances, the process is as legitimate and transparent as it can possibly be, and there is good accountability at all levels. Discussion and debate occurs at every level, with later levels acting as checks for earlier ones.”

The standard tenure clock, outside of the School of Medicine, is seven years. In the majority of cases reviewed during the Independent Study, the tenure process is a seven-year process. However, a number of common variations from the standard seven-year clock do exist:

- Faculty who are hired with tenure from outside the university, who may have had tenure at their home institution for many years, are awarded tenure at the university in fewer than seven years, that is, after rigorous review at the point of hire.
- Faculty who are hired with tenure credit, that is, recognition for past work toward tenure, are considered for tenure at the university in less than seven years.
- Faculty who are put forward for early tenure, if approved, are awarded tenure at the university in less than seven years.
- In certain circumstances, faculty in nontenure-track positions who are considered for tenure are treated as “hires with tenure” and undergo tenure review. This may or may not occur after a total period of service greater than seven years.
- Faculty may request to stop the tenure clock for up to two years, for things such as parental leave, in which case they could go up for tenure in greater than seven years.
- Faculty may also be hired as associate professors without tenure. Regent policy does not require associate professors to undergo comprehensive review; in the case of these hires, the search process could be seen as incorporating this function. It is at the discretion of

the department as to when this person is put forward for tenure within the context of the standard seven-year clock. It may happen instantaneously, though this is frowned upon because of the lack of a teaching record at the university, or it could take as many as seven years, though not more.

The standard, rigorous tenure review is applied in all these cases; it is simply applied under different timeframes. These variations exist to allow the university to be competitive in hiring and developing faculty. However, there is not always a pre-approval process for such exceptions.

Of the 95 cases reviewed, three were observed to have issues that raise concerns. In two of these cases, the primary concern is that current policy does not provide specific guidance and in two cases, a deviation from policy was observed. The issues in the cases were as follows:

- The department had a split vote for tenure initially, which it decided to report as a unanimous vote for tenure.
 - This is a violation of policy. Split votes should be recorded.
- A candidate was given an extra year to complete the tenure review process because it was judged that the candidate had received bad advice during the comprehensive review.
 - No specific policy was violated. But currently, there is *no* policy that formally states that anyone is allowed to take such an action.
- A nontenure-track faculty member, who had been at the university for quite some time, was awarded tenure after being processed successfully through the entire review process. The motivation for this action was the fact that the faculty member was being offered a position with tenure at another, comparable university, and the University of Colorado did not want to lose a highly valued member of the faculty.
 - No specific policy was violated. The faculty member was treated as a “hire with tenure,” which is the standard approach currently in place for hiring a nontenured faculty member into a tenured position. The candidate underwent a full, rigorous tenure review.
 - While the tenure review proceeded with all the steps and rigor it would for any other faculty member, a formal policy does not exist to guide such instances, that is, the need to consider currently-employed valuable nontenured faculty for tenure.
 - The terminology “hire with tenure” is misleading when applied to what is essentially the promotion of a nontenured faculty member into a tenured position. This policy gap needs to be corrected.
- A faculty member under review for tenure sought support from an individual outside the campus when it became clear that tenure would likely not be awarded. As a result of this outside individual’s appeal to the president alleging bias, a decision was made to allow the candidate to be reviewed again the following year and to limit that review to the VCAC level only.
 - This is a violation of policy. Tenure review cases must proceed through all levels of review and this case did not.

- No specific policy was violated with respect to adding a year to the faculty member's tenure clock. However, this raises the same concern mentioned above: the lack of specific policy stating that the vice chancellor is allowed to do so.

Conclusion: The review of tenure policies at the university indicated that there is a practice whereby high-level administrators allow the tenure review process to be repeated in a subsequent year when procedural errors are discovered during the tenure process, but this is not documented in policy. It is not possible to write policy to cover every single situation that might arise, but when issues that are not guided by policy develop, there should be a process in place to guide these situations. If established policies are not followed, no matter how rigorous the process, the intent of the process will not be achieved. This fact highlights the importance of a multilevel review as a tool to identify issues or noncompliance.

Recommendation 29: The university must improve its oversight of tenure cases to ensure that the entire process is rigorously followed. There are a number of other recommendations made throughout this report to improve the tenure process:

Recommendation 2: Training related to the tenure review process must be strengthened, especially at the department chair level.

Recommendation 3: A random audit of tenure case files should occur every five years to ensure policies are being followed, perhaps conducted by an external group of faculty or consultants.

Recommendation 5: The chairs of the Vice Chancellor's Advisory Committee (or similar committee) from each campus should meet at least annually to discuss policies and potential changes to help increase consistency and the sharing of best practices with respect to tenure-related practices.

Recommendation 11: A review of university tenure policies and processes should occur on no more than a 10-year cycle.

Recommendation 30: For candidates not on the seven-year tenure track, approval to follow a process involving more or less time to receive tenure should be granted at the level of the vice chancellor or chancellor.

Recommendation 31: Administrators' abilities to extend the probationary period and allow an extra year for tenure cases in situations where procedural errors are discovered during the tenure process should be formalized into policy.

Recommendation 32: When there is no policy to guide the issues of a specific case, these issues need to be highlighted and raised to the level of the Vice Chancellor's Advisory Committee or its equivalent. This committee should make a recommendation that it believes is in the best interests of the university, and forward it to the vice chancellor or chancellor for approval.

4. What are the results of the random confidential audit of the university's tenure-related processes?

Of the 95 cases provided to us, 90 cases, or approximately 95%, resulted in the approval of tenure. The voting results by campus are as follows:

Boulder

The University of Colorado at Boulder reviewed 44 tenure cases during the 20032004 and 2004–2005 academic years, of which all 44 were approved, resulting in a 100% tenure approval rate, as shown below.

BOULDER

Total Cases	Total Approvals	Total Denials	Approval Rate
44	44	0	100%

Primary Unit Review

		Approvals				Denials			
	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Total	44	44	35	9	0	0	0	0	0

School/College Review

		Approvals				Denials			
	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Total	44	43	38	5	0	1	0	1	0

Campus Review

		Approvals				Denials			
	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Total	44	44	43	1	0	0	0	0	0

When analyzed at each level of review, the voting results at each level were as follows:

- *Primary-Unit Level:* All departmental-level votes were in favor of tenure, comprising 35 unanimous decisions and nine split votes.
- *School/College Level:* 43 of the 44 college-level decisions were in favor of tenure, of which 38 were unanimous recommendations, and the remaining were split. There was one vote at this level to deny tenure, which was a split decision.
- *Campus Level:* The campus-level review committee unanimously approved tenure in all but one of the tenure cases, including the case denied by the college-level committee. The remaining case resulted in a split in favor of tenure.

The number of positive split votes was higher at the department level than the college level (9 to 5) and higher at the college level than the campus level (5 to 1).

Colorado Springs

The University of Colorado at Colorado Springs reviewed eight tenure cases during the 2003–2004 and 2004–2005 academic years, of which seven were approved, resulting in an 88% tenure approval rate. The outcomes of the votes at each level were as follows:

COLORADO SPRINGS

Total Cases	Total Approvals	Total Denials	Approval Rate						
8	7	1	88%						

Primary Unit Review

		Approvals				Denials			
	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Total	8	7	7	0	0	1	1	0	0

School / College Review

		Approvals				Denials			
	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Total	8	7	6	1	0	1	1	0	0

Campus Review

		Approvals				Denials			
	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Total	8	7	5	2	0	1	0	1	0

- *Primary-Unit Level:* All department committees voted unanimously for tenure for all cases except for one in which the vote was unanimous to deny tenure.
- *School/College Level:* The Dean's Review Committee voted unanimously in favor of tenure in six of the eight cases, approved tenure with a split vote in one case, and unanimously denied tenure in the remaining case.
- *Campus Level:* The campus-level review committee unanimously approved tenure in five of the eight cases, approved tenure with a split vote in two cases, and denied tenure with a split vote in the remaining case.

The same tenure case was denied at all three levels, though with a split vote at the campus level. The number of positive split votes was higher at the campus level than the college level (2 to 1) and higher at the college level than the department level (1 to 0).

Downtown Denver

The University of Colorado's downtown Denver campus reviewed 16 tenure cases during the 2003–2004 and 2004–2005 academic years, of which 15 were approved, resulting in a 94% tenure-approval rate. The voting at each level was as follows:

DOWNTOWN DENVER

Total Cases	Total Approvals	Total Denials	Approval Rate
16	15	1	94%

Primary Unit Review

		Approvals				Denials			
	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Total	16	16	12	2	2	0	0	0	0

School / College Review

		Approvals				Denials			
	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Total	16	16	13	0	3	0	0	0	0

Campus Review

		Approvals				Denials			
	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Total	16	15	0	0	15	1	0	1	0

- *Primary-Unit Level:* The departmental committees approved all 16 tenure cases, with a unanimous vote in 12 and a split vote in two cases.¹
- *School/College Level:* The Dean's Review Committee approved all 16 cases, with a unanimous vote in 13.²
- *Campus Level:* Fifteen of the 16 cases were approved by the campus-level review committee. The only case denied tenure is currently being reviewed a second time due to procedural errors. Specific voting details at this level were not identified in the materials provided to the Independent Study.

¹ For two approvals, voting details were not identified in the materials provided to the independent study.

² For three approvals, voting details were not identified in the materials provided to the independent study.

School of Medicine

The School of Medicine reviewed 18 tenure cases during the academic years of 2003–2004 and 2004–2005, of which 15 were approved, resulting in an 83% tenure-approval rate, as shown in the following table:

SCHOOL OF MEDICINE

Total Cases	Total Approvals	Total Denials	Approval Rate						
18	15	3	83%						

Department Review

		Approvals				Denials			
	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Total	18	16	11	4	1	2	0	1	1

School Review

		Approvals				Denials			
	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Total	18	15	14	1	0	3	1	1	1

Executive Committee Review

		Approvals				Denials			
	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Total	18	15	15	0	0	3	0	0	3

- *Department Level:* The departmental committees approved 16 cases, 11 unanimously and four by split vote, and denied tenure in two cases, one by split vote.³
- *School Level:* The Faculty Promotion and Tenure Committee approved 15 tenure cases, 14 unanimously and one by a split vote, and denied tenure in three instances, one unanimously, and one by a split vote.⁴
- *Executive Committee Level:* The Executive Committee unanimously approved 15 and unanimously denied three tenure cases. Of the three cases where tenure was denied, one case resulted in an appointment to professor without tenure, one case led to a promotion without tenure, and the third ended prior to a vote of the school's Executive Committee.

³ For the remaining one approval and one denial, the specific voting details were not identified in the materials provided to the independent study.

⁴ For the remaining case, the specific voting details were not included in the materials provided to the independent study.

Health Sciences Center—Non School of Medicine

(Note: Due to the privacy concerns growing from the fact that the small number of cases considered at the School of Dentistry (SOD), School of Nursing (SON), and School of Pharmacy (SOP) might make it possible to link specific voting results to individual cases, the results from these three schools were combined.)

Combined, the SOD, SON, and SOP reviewed nine tenure cases during the academic years of 2003–2004 and 2004–2005, of which all were approved, resulting in an 100% tenure approval rate, as shown in the following table:

Health Sciences Cneter - NON School of Medicine Cases									
Total Cases	Total Approvals	Total Denials	Approval Rate						
9	9	0	100%						
Primary Unit Review									
		Approvals				Denials			
	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Total	9	9	7	2	0	0	0	0	0
School Review									
		Approvals				Denials			
	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Total	9	9	8	0	1	0	0	0	0
Campus Review									
		Approvals				Denials			
	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Total	9	9	0	2	7	0	0	0	0

- *Primary-Unit Level:* The primary-unit committees approved 9 cases, 7 unanimously and two by split vote.
- *School Level:* The school-level committees approved nine tenure cases, eight unanimously.⁵
- *Campus Level:* The campus-level committee approved nine tenure cases. Of these, two were approved by split vote.⁶

In conclusion, the overall tenure rate for all cases was roughly 95%, which is attributed by interviewees in part to the attrition rates discussed earlier in this section. That said, the split votes documented above, along with the disagreements between and among levels within the same campus, reflect the independence of each level of review and speak to the rigor that accompanies the process.

⁵ For the remaining case, the specific voting details were not included in the materials provided.

⁶ For the remaining seven cases, the specific voting details were not included in the materials provided.

Another question during the course of the Independent Study was whether tenure review works better in larger departments than in smaller departments. The assumption behind the question is that in small departments, where everyone knows everyone else, faculty would have a more difficult time voting against their colleagues during the tenure review.

The department level interviews revealed two schools of thought. The opinion among some of the faculty members who specifically discussed the question with us was that a smaller department might have a somewhat more difficult time with regard to tenure votes:

“If a candidate for promotion and tenure is marginal, the department might have difficulty saying ‘no.’ In a small department, faculty do feel a friendship and wish each other the best. It does encourage people to vote ‘yes’ and give colleagues the benefit of the doubt in ‘iffy’ cases. In the end, though, everyone wants to do what is best for the department. I don’t think small departments would be so biased that a bad case would get a ‘yes’ vote. Plus the department itself is being judged. If the college or university sees the department as one to vote ‘yes’ on bad cases, the committees will not trust the department’s judgment and they will be scrutinized much harder; even the good cases will be scrutinized harshly.”

“Small departments have a lot of weakness: they are inbred, the field is small, and as far as the letter writers, everyone knows each other. The standards differ.”

In contrast, the opinion among campus administrators who discussed the question with us was that while such a scenario is possible, it is not the size of the department per se that is the issue, and in any event, the multiple levels of scrutiny in the process make it likely that poor decisions would be caught at some point during the tenure review:

“In my experience, is not the case that smaller departments do a ‘worse’ job. It really comes down to the primary unit chair: if he or she is conscientious about the process that helps make things ‘bulletproof’; if not, problems can arise.”

“One area of concern is very small departments. Sometimes they do not have enough qualified tenured faculty to assemble a Primary-Unit Review Committee, so they go outside the department and find someone in a related field. I look very carefully at these cases; primarily to make sure that the person from the outside does have some expertise where they can make that first evaluation.”

“The Vice Chancellor’s Committee does not pay more attention to cases from smaller departments than from larger ones. I doubt there is a concern about the size of the department. The real questions are, ‘Is this a good case?’ and ‘Did the primary unit and the dean carefully and extensively apply the criteria to this case?’ The idea of small departments not being as objective as larger department may be right. This is why the dean’s-level committee is so important; it is familiar with the discipline and knows the culture but is removed enough from the ‘buddy system’ of the department. The Vice Chancellor’s Committee is less versed in the discipline and less qualified to judge the quality of work, but good at looking at how well the criteria were applied.”

In addition to reviewing the overall voting results from the departments included in the case review, the Independent Study also compared the voting records of small departments versus large ones, as defined by the number of tenured faculty in the department. Given the fact that the sampling plan for the department-level audit was intended to produce a representative sample, and not a random, statistical sample, it is not possible to analyze the data for significant differences between small and large departments. But a review of the data reveals some interesting facts. For the sake of simplicity, the Schools of Nursing and Dentistry, which both consist of only one department, and the School of Pharmacy, which consists of only two, were not included in the analysis. Given that the faculty at the School of Medicine number close to 2,000, and the fact that all departments at the school could be classified as large, that school was also excluded from the analysis.

The study of the primary unit-level voting results at CU-Colorado Springs reveals the following:

Primary Unit Review									
		Approvals				Denials			
Department	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Small Departments (< 10 tenured faculty)	5	4	4	0	0	1	1	0	0
Large Departments	3	3	3	0	0	0	0	0	0
Total	8	7	7	0	0	1	1	0	0

*Case for which detailed voting results were not included in the materials provided to the Study

Again, while it is not possible to perform a statistical analysis of the data, it is interesting to note that the one denial that occurred took place in the smallest department included in the sample set.

A study of the department level voting results at CU-Boulder reveals the following:

Primary Unit Review									
		Approvals				Denials			
Department	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Small Departments (<20 tenured faculty)	12	12	12	0	0	0	0	0	0
Large Departments	32	32	23	9	0	0	0	0	0
Total	44	44	35	9	0	0	0	0	0

*Case for which detailed voting results were not included in the materials provided to the Study

As there were no denials in this sample, it is not possible to distinguish between small and large departments on this basis. In this case, the positive split votes that occurred took place in large departments.

Lastly, a study of the department level voting results at CU-Denver reveals the following:

Primary Unit Review									
		Approvals				Denials			
Department	Number of Cases	Total Approvals	Unanimous	Split	Other Approvals*	Total Denials	Unanimous	Split	Other Denials*
Small Departments (< 15 tenured faculty)	10	10	7	1	2	0	0	0	0
Large Departments	6	6	5	1	0	0	0	0	0
Total	16	16	12	2	2	0	0	0	0

*Case for which detailed voting results were not included in the materials provided to the Study

As there were no denials in this sample, it is also not possible to distinguish between small and large departments on this basis. However, it is interesting to note that of the two positive split votes that occurred, one took place in a small department.

In summary, the anecdotal evidence discussed above indicates that while small departments may have more difficulty voting to deny tenure in borderline cases, they recognize it is in their best interests not to approve bad cases, and the checks and balances in the system offer protection that such approvals will be scrutinized at multiple levels. Although the data above are inconclusive when analyzed, they do not make obvious an overwhelming bias on the part of small departments to award tenure.

Conclusion: While 95% of the tenure cases reviewed during the Independent Study results in tenure approvals, an inspection of the specific voting data at each level of review reveals a number of votes to deny tenure, as well disagreement between levels. This reflects the rigor and objectivity of the tenure review and indicates the process is not simply a rubber stamp. Likewise, when the voting results for tenure recommendations in small departments are compared to those in large departments, there does not seem to be a noticeable difference in outcomes. This indicates that an “old boys’ network” mentality does not prevail in small departments, or throughout the process as a whole.

Recommendation: None.

5. *Is the tenure review process designed to result in the tenure of candidates who are likely to make significant and continuing contributions?*

The tenure review process is very rigorous and focuses on evaluating the significance each tenure-track faculty member’s contributions in teaching and research. Even for those who have tenure elsewhere, the tenure review process is the same, and while it may be accelerated, it is just as thorough and has the same objective. The probationary period leading up to tenure review is also a period for new faculty to learn what it means to be a scholar and fit in with the University System. It is a professional development process that establishes a trajectory for a lifetime of work and a training ground for the development of a professional who is adept at teaching, research, and service.

While pre-tenure professional accomplishments cannot guarantee future productivity, they do provide a good indication of who will continue to advance the field and to contribute to the teaching and research (and in some cases, clinical) mission of the unit. The post-tenure review process has been invented to address those cases in which the tenure process did not produce the desired long-term results.

Conclusion: While it may not produce the desired effect in all cases, the tenure review process is designed to result in the award of tenure to only those candidates likely to make significant and continuing contributions to the university.

Recommendation: None.

6. *To what extent and how do other institutions use the tenure review as an opportunity to evaluate the candidate's professional conduct?*

If the intended meaning of “professional conduct” is professional performance, that question is answered elsewhere in this summary of findings. If professional conduct refers to misconduct, this is covered by a set of policies separate from those related to tenure, such as those related to research misconduct, sexual harassment, etc. If a faculty member has engaged in serious professional misconduct, it is very unlikely he or she would make it to the tenure review process, as the university has disciplinary processes in place external to the tenure review process to handle such issues.

However, the candidate's history of established professional misconduct is relevant to the tenure decision to the extent that it impacts teaching, research, and service. For example, plagiarism or scientific misconduct is directly relevant to the candidate's performance in research and teaching.

However, there is nothing in the tenure review process or tenure criteria regarding misconduct. The review is intended to focus on the candidate's work as it relates to the criteria and by regents law is explicitly not part of the process at the University of Colorado. To the best of the Independent Study members' knowledge, tenure review is not employed to evaluate misconduct at other institutions—traditionally they are treated as separate issues—however, this question was not part of the benchmarking study.

At the University of Colorado, background checks which would uncover past instances of misconduct are done at hire, though not universally. There are also processes in place to report inappropriate conduct that occurs after the individual is hired; dismissal for cause exists as an option. There may be a need for more extensive guidelines regarding misconduct for faculty, though many are already covered by ethical conduct standards in their professional associations. That said, the university does not employ tenure review to evaluate misconduct, nor is there any effort made to ensure that incidents of misconduct are made known to the various tenure-review committees.

Conclusion: An evaluation of misconduct does not seem to be part of the tenure review process at other institutions and by regents law is not part of the process at the University of Colorado. If a faculty member has engaged in serious professional misconduct, the university has policies in place external to the tenure review process to handle disciplinary issues, with sanctions up to and including revocation of tenure and dismissal. The study has concluded that it is virtually impossible for someone who has serious, known misconduct in their background to be retained at the university or awarded tenure.

Recommendation 33: Criminal background checks should become a standard part of the hiring process and policies should be developed by the Office of the Vice President for Human Relations and Risk Management and university counsel to dictate if and how the information collected through these background checks is to be used to inform hiring and tenure decisions. The university needs to clarify that misconduct is to be addressed as part of the disciplinary process and should be kept separate from tenure review, unless it impacts whether or not the candidate meets the tenure criteria for teaching, research, and service.

7. *To what extent do other institutions evaluate the candidate's long-term strategic value to the primary unit to see if this is consistent with the goals and objectives of the school/college and the institution?*

It is common for an institution to consider their long-term goals in filling a tenure-track faculty position, and such considerations factor into the hiring process. Tenure review, however, focuses on performance against specified criteria, and long-term strategic value is not one of criteria for tenure at the University of Colorado. Nor does it appear to be one of the tenure criteria among the benchmark institutions included in this report. After tenure is awarded, it cannot be revoked because of considerations of strategic value except in cases of extreme financial exigency or program elimination.

Conclusion: While it is common for an institution to consider their long-term goals in filling a tenure-track faculty position, it is unclear how these goals factor into ongoing evaluations.

Recommendation: None.

G. Areas of Inquiry Related to Specific Tenure-related Processes—Post-tenure Review

The university adopted a policy requiring formal post-tenure peer reviews in 1983. For the sake of clarity, it should be pointed out a number of reviews take place after tenure is awarded, such as through routine annual evaluations, reviews of sabbatical proposals, and at the time of promotion to full professor, but they are not the same as the formal post-tenure review. A major review and revision of post-tenure review policies and practices occurred in 1996–1997. Minor

adjustments to the policy have occurred since then. Formal post-tenure review is conducted for tenured faculty on all campuses at least every five years. Some variability exists among schools and campuses with respect to the uses to which formal post-tenure review is put.

At the university, post-tenure review serves two purposes. The Laws of the Regents (Section 5B) provide that post-tenure review is intended to (1) facilitate continued faculty development, consistent with the academic needs and goals of the university and the most effective use of institutional resources; and (2) to ensure professional accountability by a regular, comprehensive evaluation of every tenured faculty member's performance. University policy on post-tenure review (<http://www.cu.edu/policies/Personnel/posttenure.html>) authorizes the use of sanctions such as salary reduction, loss of sabbatical eligibility, demotion in rank, revocation of tenure or dismissal if a faculty member has been required to prepare a Development Plan after two annual ratings of "below expectations" and that plan has not produced the desired results.

Some critics of tenure believe that tenured faculty members shirk their teaching duties and this responsibility then falls on their more junior, tenure-track colleagues. While it is to be expected that the teaching load of tenured faculty might be slightly lower than tenure-track faculty because tenured faculty take assignments as chairs, division heads, directors of centers, chairs of curriculum committees, etc., the difference in teaching load ideally should not be great. And, in fact, this is the case. At Boulder, the difference in the average expected teaching load between tenured and tenure-track faculty is three-tenths of a course per year.

There is also a perception that a faculty member's level of activity and productivity drops after the award of tenure. This perception is contradicted by the effort faculty put into becoming full professors. In order to be promoted to full professor at the university, the candidate's record taken as a whole has to be excellent and the candidate has to demonstrate sustained effort and continued excellence in research and teaching. Faculty often require several years between the award of tenure and promotion to full professor to allow them someone to build up such a record; this argues for a sustained level of effort and performance post tenure.

1. *How rigorous and effective is the evaluation process at the time of post-tenure review?*

There is dissatisfaction among some faculty with the rigor and effectiveness of the current post-tenure review (PTR) process. Some believe it needs tweaking; others believe it should be scrapped and replaced, though they do not all agree on what the new policy should look like. PTR is designed to serve both an accountability and a faculty-development purpose; some believe the policy cannot effectively serve both purposes.

The campus reports did not provide precise statistics on either the number of faculty who are required to enter into a Performance Improvement Agreement (PIA), which is triggered by a "below expectations" rating, or who are required to undergo an "Extensive [post-tenure] Review," which is triggered by two "below expectations" ratings during annual merit reviews. However, data are available. The vice president for academic affairs and research (VPAAR) provides an annual report to the Board of Regents on PTR. In Academic Year 2003–2004, for example, VPAAR reported that 177 faculty underwent the normal five-year review. Of those 177 faculty, one was identified as performing "below expectations" based upon the annual

performance evaluation. This faculty member worked with the department chair to develop a Performance Improvement Plan (PIA) as required by policy.

In addition, 19 other faculty not scheduled for post-tenure review were identified as “below expectations” and directed to develop PIAs. Of those, one, whose PIA from the prior year did not produce sufficient improvement, was sent to the extended post-tenure review process, as required by policy; three appealed their evaluations as “below expectations;” and one left the university.

A unique feature of the annual review process at CU, which takes place both before and after the ward of tenure, is that it focuses on identifying performance declines immediately; the policy does not wait for a faculty member’s five-year review cycle to invoke the terms of the policy. Instead, faculty who are identified as “below expectations” in one annual review are directed immediately to the PIA process. This approach is designed to assist faculty who are having difficulty with teaching or research to “get back on track” before too many years pass that make improvement more difficult.

One result of this approach is that the number of faculty undergoing normal five-year post-tenure review that are identified as “below expectations” is very small. Faculty whose performance had declined below professional standards were identified in earlier years and have worked to improve. The VPAAR report concluded: “A review of the results of the previous two years of the post-tenure review reveals that the vast majority of tenured faculty is performing at or above professional expectations. Tenured faculty members remain effective and engaged teachers; they are actively and successfully engaged in research or creative work; and their service to the university is strong. The small number (10) of those who were identified as needing improvement are either improving to the point of being effective faculty members or are leaving the university.”

That said, the following conclusions may indicate that there may be a need to revisit, once again, the purposes of post-tenure review and the university’s policies regarding it.

- Achievement and performance standards used in post-tenure reviews are supposed to reflect the standards used in tenure review.⁷ To the extent there is lack of clarity in these standards within specific units, there will be lack of clarity in standards employed in the post-tenure review. There are no clear standards to govern development plans.
- Annual merit reviews, the Differentiated Workload Policy, and sabbatical reviews may be better processes for post-tenure review and faculty development. These processes

⁷According to the University’s Administrative Policy, “PTR will evaluate faculty performance in teaching, research/creative work, and service, the same areas of professional competence and achievement that are used in tenure and promotion reviews and in annual merit evaluations. The primary unit’s written standards for reappointment, tenure, and promotion describe the nature and measures of achievement in teaching, research/creative work, and service within the discipline (as required by the administrative policy statement, [Procedures for Written Standards and Criteria for Pre-Tenure Faculty](#), 7/1/89) that should be employed in PTR evaluations. Primary units may revise their written standards to include guidelines/descriptions of ‘meeting expectations,’ the standard of acceptable professional performance.”

may be more timely and effective at identifying and aiding low performing faculty and helping them work more productively. Although post-tenure peer review may be redundant of other processes, it is peer conducted, while the other processes are sometimes conducted by department chairs, deans, or other administrative supervisors.

- Annual merit reviews can put pressure on low-performing post-tenure faculty to either improve or find employment elsewhere. Several cases were mentioned where faculty members moved to other institutions as a result of poor annual evaluations.
- There are insufficient resources available to address underperformance and resulting development plans.
- There are concerns regarding the time and effort that must be devoted to the formal post-tenure review process, which includes performance ratings, Performance Improvement Agreements, Extensive Reviews, and Development Plans. There are also concerns regarding faculty willingness to take these processes seriously and submit documentation in a timely fashion, and regarding the willingness of administrative leadership to implement and support the policies.

Conclusion: The post-tenure review process is not functioning effectively. It is a process that occurs primarily on paper and does not incorporate adequate incentives or disincentives.

Recommendation 34: Post-tenure review should continue to occur via a committee-based peer review process and should be subject to review at Dean and Vice Chancellor levels. Each campus must be charged with assuring a more rigorous process of evaluating faculty performance and strengthening faculty development. Strong consideration should be given to best practices used at Georgia State University.

Recommendation 35: The professional development aspects of post-tenure review must be strengthened. Revisions should include clear standards governing performance improvement and development plans. Incentives for professional development should be provided along with disincentives for poor performance. The Boulder campus has a good forum for associate faculty development called the Leadership Education for Advancement and Promotion (LEAP) program. Other campuses should consider instituting similar programs.

Recommendation 36: Post-tenure review should be revised to provide incentives for faculty reward and development and a sanctions for faculty discipline and remediation. The university should review the tools available for both to ensure the desired results are being achieved. These tools should be effective enough to incentivize their use.

Also see Recommendation 20.

2. Are the current locus and levels of review appropriate and sufficient?

Please see the response to question 1 above.

3. Does the post-tenure process result in the timely identification of performance deficiencies and lead to appropriate action for addressing those deficiencies?

Many serious performance deficiencies are identified before the formal, five-year post-tenure review. The trigger for such an observation is an overall rating of “below expectations” in the annual reviews, which can identify performance deficiencies in a more timely fashion. The process and policy for post-tenure are not tailored to address the need for an immediate response to a faculty member whose conduct is especially substandard for example, in particular area of teaching. However, there is no ability within the annual review to give a “below expectations” rating in one aspect of the position, such as in teaching alone or research alone. Faculty development programs would be especially helpful in these situations.

Conclusion: Members of the Independent Study believe that the post-tenure process does not identify performance deficiencies except the most serious, as discussed above.

Recommendation 37: Deficiencies in the annual evaluation after the granting of tenure and salary and workload differentiation used to introduce meaningful incentives and sanctions into the process.

4. To what extent and how do other institutions use the post-tenure review as an opportunity to evaluate the candidate's professional conduct?

With respect to professional conduct in the sense of misconduct, CU does not explicitly examine professional conduct at post-tenure review; that is handled by other policies, such as the Policy on Research Misconduct, the Sexual Harassment Policy, etc. It is unclear if other institutions do so, as this was not a focus of the benchmarking effort, but it would appear unlikely as they also have other policies and procedures to deal with professional misconduct as opposed to poor performance.

With respect to professional conduct in terms of performance, the evaluation of this area is the core of the PTR process and this is true at other institutions as well.

Conclusion: Other institutions use post-tenure review as a means to evaluate professional performance, though not professional misconduct. For example, post-tenure review is in place at 10 of the 19 academic institutions and five of the 11 schools of medicine included in the benchmarking study. However, none of these 30 institutions use it specifically as a means to evaluate professional misconduct.

Recommendation: None.

5. To what extent do other institutions evaluate the candidate's long-term strategic value to the primary unit to see if this is consistent with the goals and objectives of the school/college and the institutions?

Long-term goals and objectives do not play a role in post-tenure review at the University of Colorado. Once a faculty member is tenured, tenure cannot be revoked because a field has gone out of favor or because a unit's long-term goals have changed. Only in cases of serious financial exigency or program closure can CU terminate tenured faculty who are meeting professional expectations, and then only if their unit is being abolished and there is no other suitable place for them at the institution. However, post-tenure review is where other institutions look at faculty performance and shift workload accordingly.

Conclusion: Other institutions do not use post-tenure review specifically to evaluate the candidate's long-term strategic value to the primary unit. Other institutions may consider this indirectly through the use of a differential workload, which is generally only applied to faculty whose performance falls short of expectations in some way.

Recommendation: None.

H. Areas of Inquiry Related to Specific Tenure-related Processes—Dismissal for Cause

Any faculty member, tenured or untenured, may be dismissed for cause. The university has detailed processes for such an action, involving the Faculty Senate Committee on Privilege and Tenure. The Laws of the Regents outline the ground for dismissal for cause as follows:

“A faculty member may be dismissed when, in the judgment of the Board of Regents and subject to the Board of Regents constitutional and statutory authority, the good of the university requires such action. The grounds for dismissal shall be demonstrable professional incompetence, neglect of duty, insubordination, conviction of a felony or any offense involving moral turpitude upon a plea or verdict of guilty or following a plea of *nolo contendere*, or sexual harassment or other conduct which falls below minimum standards of professional integrity.”

1. Is the existing dismissal for cause process timely and effective in dismissing tenured faculty members?

In the past decade, only two tenured CU faculty have been formally dismissed for cause. Neither of these faculty dismissals was premised on, or triggered by, a poor formal post-tenure review⁸,

⁸ Post-tenure review and dismissal for cause are considered separate processes, consistent with policies recommended by the American Association of University Professors. However, a careful review of the University of Colorado policy on post-tenure review indicates that “Revocation of tenure and dismissal for the cause of demonstrable professional incompetence has long been recognized policy at the University of Colorado and across higher education in the United States... Professional incompetence is defined to mean the *failure to perform teaching, research/creative works, and service duties in a consistent and satisfactory professional manner*. A

though one might have been brought up for dismissal years earlier if the current post-tenure review process had been in effect when performance began to decline.

Dismissals for cause may be instituted as a result of a determination that sanctions are appropriate after the formal post-tenure review process, or for other reasons specified in regent policy. Any formal dismissal for cause of a tenured faculty member must be processed through the Privilege and Tenure Committee, which is made up of faculty volunteers from multiple campuses. The committee holds a hearing on the case, with the Board of Regents making the ultimate determination.

The Privilege and Tenure Committee's timeline for action has historically been extraordinarily long. In response to this issue, the committee's processes and policies are currently being reviewed and revised in order to improve the committee's efficiency and to ensure compliance with regent policy. Efforts have been made to establish a strict timeline, and the committee has been given funds for an administrative assistant to support its efforts. While the process is not very timely, it should be noted that the most recent dismissal for cause proceeded in a reasonable timeframe once the process was initiated.

As indicated elsewhere in this report, the consensus best practice is that a faculty member may be assigned other duties if immediate harm to the faculty member or others is threatened. If a cessation of duties is deemed necessary, faculty are placed on administrative leave with pay until appropriate processes have been completed.

Conclusion: The process for dismissal for cause consists of many steps and takes a great deal of time to initiate and execute. Further, it employs a standard for removing the faculty member from the classroom that is extremely high and ultimately could result in students being adversely affected.

Recommendation 38: The university should establish a process that specifies a timeline for the activities of all responsible parties reviewing a dismissal for cause case with the goal that they be completed in no more than six months.

Recommendation 39: The university should revise its policy on dismissal for cause to define more clearly the behaviors that lead to removal from the classroom and processes leading to dismissal for cause.

judgment of professional incompetence is based upon peer review of the faculty member's performance. The PTR process provides such peer review."

V. CONCLUSION

In conclusion, the Independent Study found that the tenure process is well designed and generally well managed. The tenure process is consistent with norms in higher education and specific University of Colorado policies and processes are consistent with best practices at other similar institutions. Process issues were found in three cases in which tenure was granted or is being considered. While not typical, these were a concern. The Independent Study members recommend a number of improvements to tenure-related processes to add to the rigor of the annual and post-tenure reviews and to provide additional policy guidance for certain areas where policy can be improved or does not currently exist. Further, members of the Independent Study concluded that if the recommendations contained in this report are fully implemented, the University of Colorado will have a tenure program that supports health and well being of the university, its faculty, and its students, and that can be understood and supported by the public at large.

IV. RECOMMENDATIONS OF THE ADVISORY COMMITTEE ON TENURE-RELATED PROCESSES

After the public release of the Independent Study on April 24, 2006, the Advisory Committee on Tenure-Related Processes (ACTRP) met on May 3, 10, 24 and June 7 and 13 to review the 39 recommendations in detail. Each recommendation was analyzed using these questions:

1. Is this a recommendation the ACTRP wishes to forward to the Board of Regents and, if so, a suggested means of implementation?
2. Does the recommendation represent a change in practice, law and/or policy, or both?
3. If there is a policy change, which laws and/or policies need to be changed?
4. Where is the locus of responsibility for implementing the proposed changes in practice and/or policy?
5. Are there human and financial resource implications for CU? If so, what is the extent of resources needed to implement this recommendation?
6. Would you consider the recommendation's implementation desirable, important, or critical for CU?

The analysis of each recommendation, based on these six questions, comprises the remainder of this section.

The ACTRP concluded that all 39 recommendations from the Independent Study should be forwarded to the Board of Regents, the Faculty Council, and the president for consideration. In addition, the committee's discussions yielded a 40th recommendation:

The regents should identify institutional goals that are broad and enduring, which will guide the development of campus, college, and departmental goals, be incorporated into primary-unit criteria, and be used to inform the hiring and reappointment processes. Whenever possible, the goals will be measurable.

This recommendation was also analyzed using the six questions and appears in the following narrative.

Recommendation 1

The university's laws, policies, and procedures for tenure and tenure-related processes should be easily accessible to not only the candidates for tenure but to the public in general by methods such as posting them on campus or system Web sites. This increased accessibility will help underscore the transparency that currently characterizes the process.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through changes in both policy and practice. Specifically, the committee encourages that the recommendation be incorporated into a new administrative policy statement (APS) on tenure accountability.

Discussion: The discussion about this recommendation included a review of the three objectives of the recommendation. They are 1) to ensure policies are posted on a recognized Web site down to the primary unit level; 2) develop a general strategy around public information on tenure-related processes; and 3) the tenure system should track changes so that they are easily identified and communicated internally and externally.

Other comments from the discussion included the desire to have links to the CU-system tenure Web page from the campus, departmental, and school tenure sites. The committee believes that it is important to think about creating an overview of written tenure procedures, providing data, and linking to each department, school, and college. Some departmental tenure policies are in departmental bylaws and not separated out, and these will have to be extracted so that they are accessible.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the vice president for academic affairs and research (VPAAR), each campus vice chancellor for academic affairs (VCAA), and each campus Vice Chancellor's Advisory Committee/Campuswide RTP Committee (VCAC).

Costs: Costs for implementing this recommendation are modest and ongoing. Staff and faculty time will be needed in every academic department, Human Resources, Information Technology, the VCAAs, and the VPAAR to author Web materials, post them and provide ongoing oversight.

Level of Importance: The committee indicated that this recommendation was important to implement.

Recommendation 2

Training related to the tenure review process must be strengthened, especially at the department chair level.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through changes in both policy and practice. Specifically, the committee encourages that the recommendation be incorporated into a new APS on tenure accountability.

Discussion: There was initial discussion about whether the recommendation required any change in law or policy. The committee was inclined to make the training mandatory for everyone involved in the tenure process, including candidates, primary-unit participants, chairs, and deans. An online training program is recommended. The committee believed that PeopleSoft could track training compliance, with enforcement at the campus level. The vice president for human relations and risk management and university counsel (VPHRRM) and the VPAAR should develop the training program, standardized at the system level, and tailored for each campus and department. Committee members recommended that the training be easy and straightforward. Training should be required at hiring and a refresher course should be required every three years for participants at every level. The training should be updated annually, reflecting practice and policy changes that occur on campuses and across the system.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPHRRM and the VPAAR. Ongoing oversight of training should rest with the VCAAs.

Costs: Costs for implementing this recommendation are significant, especially if it involves the development of online training that is tailored for each campus and department. Staff time will be spent developing the online training program, but it appears that resources currently exist to handle this project. Ongoing staff and faculty time will be invested in taking the training course periodically.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 3

A random audit of tenure case files should occur every five years to ensure policies are being followed, perhaps conducted by an external group of faculty or consultants.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through changes in both policy and

practice. Specifically, the committee encourages that the recommendation be incorporated into a new APS on tenure accountability.

Discussion: There was initial discussion about the purpose of the audits. The committee agreed that if departments know the tenure case files will be audited, they will be more careful and ensure that there are no violations, because the audits will have a deterrent quality. After several cycles of audits, committee members believe that audits will become routine and non-eventful. Some members of the committee said they are not sure it will be helpful to have audits, given the small percentage of cases with problems. Others balanced this against the potential gain in public credibility. It was agreed that the audit should be limited to tenure files only and not overall personnel files.

Some committee members suggested that the random audit of tenure case files should occur more frequently than every five years, such as every year or every three years. It is recommended that both PricewaterhouseCoopers and CU Internal Audit be consulted for their recommendation on the desired frequency of audits.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR, who will coordinate the effort with the VCAAs.

Costs: Costs for implementing this recommendation are significant and will occur once every five years. An audit of the scope recently undertaken by PricewaterhouseCoopers may run over \$300,000 per audit. The university should conduct a cost-benefit analysis to determine whether an internal or external audit is warranted. There will be additional costs in staff time to assemble tenure files for review, assuming a five-year audit will include 300-400 tenure files.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 4

To the extent that differences in practices among primary units exist, it is imperative that every primary unit/department continue to apply these practices consistently to all tenure candidates within that department.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through changes in practice. Specifically, the committee encourages that the recommendation be reinforced with Web-based training on tenure-related processes.

Discussion: The committee agreed that primary-unit criteria must be consistent for all tenure candidates within a primary unit.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the primary units and all levels of review.

Costs: The committee does not anticipate any monetary or human resource costs.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 5

The chairs of the Vice Chancellor's Advisory Committee (or similar committee) from each campus should meet at least annually to discuss policies and potential changes to help increase consistency and the sharing of best practices with respect to tenure-related practices.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through changes in practice. Specifically, the committee encourages that the recommendation be implemented only through changes in practice.

Discussion: The committee agreed that it would be useful for the VCAAs to attend the meetings.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR, who will be responsible for convening a meeting, at least annually, with the chairs of the VCAC from each campus and, as noted in the discussion above, it would be useful for the VCAAs to attend the meetings.

Costs: The committee does not anticipate any monetary or human resource costs.

Level of Importance: The committee indicated that this recommendation was important to implement.

Recommendation 6

As part of the orientation and mentoring process, new hires should be provided with a sample tenure dossier so that they might familiarize themselves with its content, format, etc., as well as a tenure-review timeline specific to the candidate's case, as early in the tenure process as possible.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through changes in both policy and

practice. Specifically, the committee encourages that the recommendation be incorporated into a new APS on faculty development.

Discussion: Committee members emphasized the need for departmental dossiers to be relevant, clear, and specific; and the sample dossiers should be relevant to the discipline, which means that multiple samples will need to be maintained for candidate review.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR and the University System Faculty Council (USFC). The locus of responsibility for the implementation of this recommendation rests with each VCAA, dean, and department chair.

Costs: Implementation of this recommendation will require human resource costs.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 7

The university, at the discretion of the dean/department/school, should consider providing a small honorarium at the dean's expense to those who write external letters in support of the overall tenure process and to encourage the external reviewers to write those letters.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in policy. Specifically, the committee encourages that the recommendation be incorporated into a new APS on the tenure process. Changes to the original recommendation were made, with the consent of General Estes. These changes are underlined in the recommendation language above.

Discussion: Estes noted that the external working group's research indicated that departments that pay an honorarium (about \$75) believe they receive a better response to the requests for external letters. The committee agreed to add "at the discretion of the dean/department/school" and "at the dean's expense" because this recommendation will not be effective or practical for all departments.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the primary unit.

Costs: Costs for implementing this recommendation will vary by department and be determined by the dean. Some departments already pay an honorarium to those who write external letters.

Level of Importance: The committee indicated that this recommendation was desirable to implement.

Recommendation 8

Mentoring sessions between junior faculty and their mentor(s) should be documented.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in both practice and policy. Specifically, the committee encourages that the recommendation be incorporated into a new APS on faculty development that mandates mentoring and the documentation of mentoring. This recommendation will be incorporated into recommendation 17.

Discussion: The intent of this recommendation is to strengthen mentoring and to implement mentoring systemwide. PricewaterhouseCoopers suggested documenting mentoring sessions because it is the norm in higher education nationally and good practice. The documentation is intended as a follow-up to a formal mentoring session, and not as follow-up to casual conversations. Estes proposed having formal mentoring sessions at least every six months and more often if needed.

Some committee members raised concerns about the requirement because it may be difficult to get faculty to accept the responsibility, and it needs to be enforceable if it is going to be a requirement.

The committee agreed that the use of the word “should” in the recommendation is not a requirement, but best practices dictate documenting mentoring sessions, and faculty will be strongly encouraged to document their mentoring sessions.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR, the VCAAs, and the USFC.

Costs: Costs for implementing this recommendation will involve human resource costs.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 9

A formal policy should be established to determine the eligibility of candidates for hire for tenure credit to reduce the probationary period as well as the amount of credit that will be awarded.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in policy. Specifically, the committee encourages that the recommendation be incorporated into a new APS on tenure process and relevant amendments be made to Appendix A of the *Laws of the Regents*.

Discussion: Estes referred committee members to page 42 in the report for further information on this recommendation. Currently, the determination of years of tenure credit is a matter of negotiation and is included in the letter of offer. The drafting group thought specific guidelines should be provided, since tenure candidates are unable to change the number of years of tenure credit received after they are hired. Some tenure-track faculty, who have received tenure credit from another institution, fall behind and cannot get the years back. Clear criteria concerning tenure credit would be useful.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR and the USFC.

Costs: Costs for implementing this recommendation are staff time to write and amend policies.

Level of Importance: The committee indicated that this recommendation was important to implement.

Recommendation 10

The university should clarify its policy on standards for early tenure and communicate current policy across all campuses.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into campus practice and policies and that Web sites be searched for misinformation and corrected.

Discussion: Provost Mark Heckler said he and Estes had an interesting conversation about this recommendation at the UCB Open Forum. Before the report was released, the Boulder campus thought they could apply a higher standard for early tenure. After the

release of the report, the UCB deans agreed not to use a higher standard. The campuses need to do a thorough search of their policies and Web sites to insure this policy and practice has been corrected. A discussion ensued about how CU can assure compliance and oversight. The committee suggests including the locus of accountability and sanctions in the APS on tenure accountability.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR, the VCAAs, and the USFC.

Costs: Costs for implementing this recommendation are human resource costs to locate and correct all references to requiring a higher standard for early tenure.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 11

A review of university tenure policies and processes should occur on no more than a 10-year cycle.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policies. Specifically, the committee encourages that the recommendation be incorporated into a new APS on tenure accountability.

Discussion: Estes noted the university does not require tenure policies to be reviewed on a certain schedule. A committee member said that there is an ongoing review of policies but a comprehensive review currently is not required and is a different concept. Committee members had questions about who would be responsible for the review, how rigorous it should be, and how it differs from an audit. Recommendation 3 requires a random audit of case files every five years. The purpose of the audit is to ensure compliance with existing processes and policies. The review of tenure policies every 10 years is a larger and broader issue and should determine whether the university has the best system in place for tenure. Some committee members believe 10 years is too long to wait for a comprehensive review of tenure policies.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR and the USFC.

Costs: Costs for implementing this recommendation are considerable human resource costs and staff support.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 12

The university should develop an administrative policy statement that requires a reevaluation of primary-unit criteria for granting tenure, along with the related mentoring and faculty development programs, by every primary unit and a re-approval by deans and vice chancellors of academic affairs as part of program review, which happens on a seven-year cycle.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policies. Specifically, the committee encourages that the recommendation be incorporated into a new APS on tenure accountability, revise the APS on program review, and consider shifting related tenure issues from board policy to administrative policy statements.

Discussion: Estes mentioned that the focus is not just primary-unit criteria but also mentoring and faculty development. The three parts of the recommendation need to be linked. The committee needs to examine whether the process is the same as program review and if the right people are making decisions. The primary-unit criteria are institutionally driven, while program reviews are both internal and external processes.

Vice President Charles Sweet suggested removing issues related to tenure review from board policy and incorporate them into an APS; for example, Appendix A in the *Laws of the Regents* contains material that should be in an APS.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the primary units, and the deans and VCAs are accountable for implementation.

Costs: Costs for implementing this recommendation are significant human resource costs.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 13

Since tenure is a process that begins with hiring, continues through the probationary period and culminates with the tenure review, data should be collected on a systematic, ongoing basis on both attrition rates throughout the entire process, as well as the specific results of tenure votes, whether unanimous or split, at each level of review. These data should be used to improve the process that culminates in the granting of tenure.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policies. Specifically, the committee encourages that the recommendation be incorporated into a new APS on tenure accountability.

Discussion: The committee agreed that this information will be useful for the annual vice chancellors' advisory committee meeting, primary units' evaluations, auditors, and the 10-year review of tenure policies.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR and directors of Institutional Research.

Costs: Costs for implementing this recommendation are staff time in Human Resources and Institutional Research.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 14

In cases where University of Colorado policies do not align with best practices, they should be reviewed and brought into closer agreement where appropriate.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policies. Specifically, the committee encourages that the recommendation be incorporated into a new APS on tenure accountability.

Discussion: Recommendations 14 and 11 should be linked. The committee suggests that it might be worthwhile to ask PricewaterhouseCoopers to continue to update the best practices they developed for this study.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR and USFC.

Costs: Costs for implementing this recommendation are human resource costs.

Level of Importance: The committee indicated that this recommendation was important to implement.

Recommendation 15

All new hires should be required to sign a Statement of Responsibility outlining their responsibilities upon hire.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policies. Specifically, the committee encourages that the recommendation be incorporated into a new APS on faculty letters of offer using Article 5.D of the *Laws of the Regents*.

Discussion: Some committee members were concerned about adding the concept of “accountability” to the Statement of Responsibility, in response to a request to do so by a community member at the UCCS Open Forum. Some committee members questioned the need for faculty to sign a separate Statement of Responsibility. Sweet suggested adding language from the entire policy on academic freedom and responsibility and including it within the letter of offer. The committee agreed this would be a more balanced approach. A committee member said it would be helpful to incorporate this within the letter of offer, but, in addition, it should be part of the mentoring process to educate younger faculty about their responsibilities.

The committee agreed to include the entire statement of academic freedom and statement of responsibility in the letter of offer. New hires will be asked to acknowledge the statements as part of the hiring packet, either by signing at the end of the letter of offer or as a separate attachment. In addition, the committee recommends incorporating this statement of academic freedom and responsibilities into the mandatory training on tenure-related processes.

Responsible Parties: The locus of responsibility for implementing this initiative rests with Human Resources.

Costs: Costs for implementing this recommendation are nominal.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 16

The development of faculty is critical to the role and mission of the overall university. Therefore adequate funding needs to be provided for these activities through the faculty member's career. This may require a multi-year plan to reallocate and/or develop resources.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into a new APS on faculty development.

Discussion: Estes said concerns were raised about faculty development. For example, there is no funding to provide incentives for improvement or to reward faculty who are outstanding. Changes will require multiyear planning and financial restructuring. Someone asked if this should be in regent policy. Sweet said the regent policy should be very simple (e.g., mentoring faculty is an institutional goal), the APS would include more details, and then the Board of Regents would be asked to consider it in their goal-setting for funding and allocations.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the president and chancellors.

Costs: Costs for implementing this recommendation are primarily human resource costs. It was impossible for the committee to estimate these costs prior to the development of a policy on faculty development; however, the committee's sense is that the human resource costs associated with this recommendation are substantial.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 17

Campuses or colleges/schools should develop means to identify best practices for coaching tenure-track faculty through the tenure process. The administration should disseminate these best practices across all campuses.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into a new APS on faculty development.

Discussion: There was no additional discussion.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR, the VCAAs, and the USFC.

Costs: Costs for implementing this recommendation are human resource costs.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 18

The university should initiate mentoring efforts aimed at improving retention.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into a new APS on faculty development.

Discussion: A question was raised about how to separate recommendations 16 and 18. Estes told the committee members to review the conclusions on page 80 and page 82 in the report to understand the differences between the two recommendations. A committee member indicated that recommendation 16 seems to include retention, and recommendation 18 seems to be directed at underrepresented faculty.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR and the USFC.

Costs: Costs for implementing this recommendation include monetary and staff costs for faculty time.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 19

Post-tenure review should continue to occur via faculty committees to ensure that the process occurs via peer review (committee, not individual) and should be subject to review at the dean and vice chancellor levels. Each campus must be charged with assuring a more rigorous process of evaluating faculty performance and strengthening faculty development. Strong consideration should be given to best practices used at Georgia State University. (Also see #34).

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into a new APS on faculty development and that the APS on post-tenure review be revised.

Discussion: There was no additional discussion.

Responsible Parties: The VPAAR will assemble a taskforce with USFC. It was also suggested that the deans be included. This is an overarching resource decision by the president and the chancellors.

Costs: Implementation of this recommendation will require a significant increase in faculty time to conduct post-tenure reviews and a significant increase in money to help faculty who are rated as high performers. There will also be a significant increase in funding for those who are rated below expectations to provide incentives and development. While the ACTRP can advocate that resources should be allocated, it cannot prioritize the budget, which is a budget decision for the Board of Regents and the administration.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 20

Post-tenure review should be revised to provide incentives for faculty reward and development and sanctions for faculty discipline and remediation. The university should review the tools available for both to ensure the desired results are being achieved. These tools should be effective enough to incentivize their use. (Also see #36)

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into a revised APS on post-tenure review.

Discussion: There was no additional discussion.

Responsible Parties: The VPAAR will assemble a taskforce with the USFC. It was also suggested that the deans be included. This is an overarching resource decision by the president and the chancellors.

Costs: Implementation of this recommendation will require a significant increase in faculty time to conduct post-tenure reviews and a significant increase in money to help faculty who are rated as high performers. There will also be a significant increase in funding for those who are rated below expectations to provide incentives and development. While the ACTRP can advocate that resources should be allocated, it cannot prioritize the budget, which is a budget decision for the Board of Regents and the administration.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 21

Annual review should be conducted through a peer-review process, consistent with regent policy.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into the APS, “Annual Merit Adjustments for Faculty.”

Discussion: Estes pointed out that in some departments only the chair conducts the annual review.

Responsible Parties: The VPAAR and the USFC are responsible for amending the APS. The chief academic officer and deans on each campus will be responsible for implementing the policy changes.

Costs: There are no costs associated with the implementation of this recommendation.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 22

Annual review should be changed to include rigorous assessment of the faculty member's progress toward meeting the standards for promotion and tenure, including a review of achievements and gaps and a discussion of needed changes. To the extent possible, the primary unit should develop measurable benchmarks of progress toward tenure. Chairs and departmental committees involved in annual merit evaluations need to keep in mind the larger evaluative process of tenure and provide feedback to tenure-track faculty, indicating concerns about the tenure record to junior faculty and indicated progress toward comprehensive review, tenure review, and/or promotion. This same principle should be applied in annual evaluation of tenured faculty in terms of their trajectory toward promotion and a positive post-tenure review.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into the APS, "Annual Merit Adjustments for Faculty." Changes to the original recommendation were made, with the consent of Estes. These changes are underlined in the recommendation language above.

Discussion: Estes said that, in some cases, candidates for tenure receive excellent annual evaluations but are then denied tenure, which is confusing to the candidate. Although the annual evaluation is used to determine salary increases, it would be more useful if it could be used as a tool for tenure or promotion.

Heckler said there was a good discussion about this issue at the UCB open forum and concerns were expressed that a small subcommittee in a department would not be able to provide the necessary depth of analysis and evaluation to indicate tenure progress as part of the annual review. They felt the separation of the processes of annual review and tenure review was helpful.

Sweet said two changes would help defend against faculty who say the annual review

didn't help them receive tenure: (1) explain what the scope of the annual review encompasses; and (2) change the phrase "accurate feedback" to "best assessment."

Other comments included: mentoring was essential to the process; an annual review is not useful when faculty are working on long-term, multiyear projects or research; faculty do not have time to perform rigorous annual reviews; if the review is cursory, faculty should not be led to believe it was an accurate assessment.

The committee agreed to make the following changes:

- change "regular" assessment to "rigorous" assessment;
- understand that the annual review is limited and does not include external reviewers;
- remove the word "accurate" from the phrase "accurate feedback";
- to the extent possible, the primary unit should develop measurable benchmarks of progress toward tenure.

Responsible Parties: The VPAAR and the USFC are responsible for amending the APS. Campus primary units will be responsible for implementing the changes.

Costs: Costs for implementing this recommendation will be significant, given that it requires a substantial change to the annual merit process.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 23

Just as the criteria for annual review and tenure review should be tied, the evaluative language of the annual review should be consistent with the evaluative language of tenure and promotion, such as whether or not the faculty member is "on track toward excellence" in teaching or research.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into the APS, "Annual Merit Adjustments for Faculty."

Discussion: There was no additional discussion.

Responsible Parties: The VPAAR and USFC are responsible for amending the APS. The campus primary units will be responsible for implementing the policy changes.

Costs: Costs for implementing this recommendation will be nominal.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 24

The Independent Study members strongly endorse documentation of deficiencies in the annual evaluation and using salary and workload differentiation to introduce incentives and sanctions into the process. (Also see #37).

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into the administrative policy statements, “Annual Merit Adjustments for Faculty” and “Post-Tenure Review Policy.”

Discussion: Estes said that if the annual evaluation is tied to tenure decisions and post-tenure reviews, it needs to be as clear as possible regarding performance. Sweet said that using workload differentiation would not be helpful to pre-tenure, tenure-track faculty. Differentiated workload should be considered in the context of post-tenure review. Someone asked whether workload differentiation is intended to help improve performance, or if it is used as a sanction imposed on poor performers. The committee agreed that the goal should be to make faculty productive and determine effective ways to incentivize them; differentiated workload should be viewed as an incentive and not a sanction. The recommendation should clarify that it is intended for post-tenure review. Salary and workload can be incentives or sanctions.

Estes explained that salary and workload differentiation were intended as examples rather than as exclusive incentives and sanctions. Also, the documentation of deficiencies and successes applies to pre-tenure faculty, too. He emphasized the importance and sensitivity of the recommendation and that it addresses accountability and will require a relatively lengthy review over the summer as it will receive great scrutiny. In response to a question by a committee member, Estes said that the incentives and sanctions could be determined by the campuses, rather than systemwide.

Responsible Parties: The VPAAR and the USFC are responsible for amending the APS. The campus deans and primary units will be responsible for implementing the policy changes.

Costs: Costs for implementing this recommendation will be related to faculty incentives and workloads. Costs could be substantial.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 25

Comprehensive review letters should spell out all the candidate's strengths and weaknesses and provide clear guidance as to areas of improvement that must be made to strengthen the candidate's case for tenure.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into a new APS on tenure process and that the APS, "Implementation of Regent Policies on Tenure," be rescinded and relevant items be moved into the new APS on tenure process.

Discussion: Committee members discussed the information contained in the *Independent Report on Tenure-Related Processes at the University of Colorado* (page 87) related to this recommendation and questioned the accuracy of some of the statements. Estes responded that they are actual quotes from faculty interviews. The committee disagrees with some of the statements on page 87. A committee member also noted that the recommendation is confined to candidates who will be tenured.

A committee member explained that the comprehensive review is the most critical stage of the tenure process and the only time to assess whether a candidate is a good match for departmental goals. If a candidate is not going to be tenured, the comprehensive review is essentially the last step in the process for denial of tenure based on an assessment of the department's programmatic requirements (See PowerPoint slide 8 in the *Independent Report on Tenure-Related Processes at the University of Colorado* on tenure process attrition rates).

Estes said it ties to a number of other recommendations, and there could be a separate recommendation relating the goals of the university to primary-unit criteria.

Heckler suggested that the committee consider a separate and new recommendation that would require including university goals when rewriting primary-unit criteria and the review of those goals should be a requirement of the comprehensive review.

Responsible Parties: The VPAAR and the USFC are responsible for writing and amending the administrative policy statements. Implementation will involve all levels of review in comprehensive review cases and addenda in comprehensive review letters.

Costs: There will be no measurable costs for implementing this recommendation.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 26

CU's Administrative Policy Statement, "Multiple Means of Teaching Evaluation," needs to be firmly enforced. Each campus should review its approach to teaching evaluations and ensure that multiple means are being employed, such as FCQs, classroom visits, and personal interviews with students.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into a new APS on tenure process and that the APS, "Multiple Means of Teaching Evaluation," be reviewed and, if needed, revised.

Discussion: Committee members discussed whether or not Faculty Course Questionnaires (FCQs) should be required. Faculty members are in favor of continuing to require FCQs because they are informative and useful evaluation tools. There was a suggestion to require at least three types of evaluative processes, including FCQs. One suggestion was to use midsemester student evaluations, too, but departments should have flexibility.

Responsible Parties: The Educational Policy and University Standards (EPUS) Committee of the USFC will review the APS. The primary units and the VCACs will be responsible for implementation.

Costs: There will be human resource costs for units that are not currently using multiple means of teaching evaluation.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 27

Campuses should provide clarifying guidelines to the departments on the selection of external evaluators to ensure objectivity.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in policy. Specifically, the committee encourages that the recommendation be incorporated into the new APS on tenure process.

Discussion: Committee members agreed that there is no standardization for the selection of reviewers.

Responsible Parties: The Educational Policies and University Standards committee will develop guidelines. The primary units and the VCACs will be responsible for implementation.

Costs: There are not costs associated with this recommendation.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 28

To help streamline the tenure review process, electronic and Web-based tools should be developed to facilitate the collection and review of materials used in the comprehensive reviews, post-tenure reviews, performance ratings, professional plans, extensive reviews, and Performance Improvement Agreements. In addition, such tools can be used to conduct and document these processes as well.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice. Specifically, a pilot program should be conducted prior to developing electronic and Web-based tools.

Discussion: Some committee members think this will cause problems at the primary unit level because the changes will be labor intensive, e.g., materials will have to be scanned. Also, concerns were raised about confidentiality and protection of privacy if it is Web-based, but someone suggested using the new CU portal system, which is secure. A suggestion was made to conduct a pilot program to test the process.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR, chief campus academic affairs officers, the VCACs, and the USFC.

Costs: There are substantial costs for conversion and privacy protection associated with this recommendation.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 29

The university must improve its oversight of tenure cases to ensure that the entire process is rigorously followed. There are a number of other recommendations made throughout this report to improve the tenure process: also see recommendations 2, 3, 5, and 11.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation. See recommendations 2, 3, 5, and 11.

Discussion: Estes said this recommendation consolidates the issues already raised in recommendations 2, 3, 5, and 11; and there are no additional requirements in recommendation 29.

Regent Thomas Lucero suggested that a standardized cover letter with a checklist be provided with each tenure case that goes to the board for approval. Committee members thought a summary paragraph in addition to a checklist would be more useful. Heckler will recommend a change in the documentation that is provided to the board for review of tenure items. The documentation should include a checklist and a summary evaluative paragraph with top-line review and identification of any exceptions to the normal tenure process. The provost and chancellor will continue their current practice of signing-off on the tenure cover documentation.

Recommendation 30

For candidates not on the seven-year tenure track, approval to follow a process involving more or less time to receive tenure should be granted at the level of the vice chancellor or chancellor.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into a new APS on tenure process.

Discussion: This recommendation re-addresses recommendations 9 and 10. Estes stressed that if the process is different than the standard tenure process, it needs to gain visibility and have multilevel reviews before starting the nonstandard process.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR, who will coordinate with the campuses.

Costs: There are no costs associated with this recommendation.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 31

Administrators' abilities to extend the probationary period and allow an extra year for tenure cases in situations where procedural errors are discovered during the tenure process should be formalized into policy.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into a new APS on tenure process.

Discussion: This recommendation mirrors recommendation 30 and the same committee responses will be used.

Estes said this is done in practice, but it is not formalized in policy. He also said the policy needs to be clear about who is authorized to extend the process and what the procedural errors are.

Sweet emphasized the need to make clear in the policy that if the process is extended because of procedural errors, a candidate is not allowed to add or enhance the dossier. This is currently not allowed, but it needs to be very clear in the policy. Also, the policy needs to state that redoing the process is an available remedy if there are procedural errors, but the purpose of the extension is not to grant tenure or provide additional materials.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR, who will coordinate with the campuses to implement this recommendation.

Costs: There are no costs associated with this recommendation.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 32

When there is no policy to guide the issues of a specific case, these issues need to be highlighted and raised to the level of the Vice Chancellor's Advisory Committee or its equivalent. This committee should make a recommendation that it believes is in the best interests of the university, and forward it to the vice chancellor or chancellor for approval.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into a new APS on tenure process.

Discussion: Estes was asked for an example of this situation. He reminded committee members of the case where a non-tenure track faculty member was offered tenure as a “hire with tenure,” but there was no policy to guide the situation. Sweet raised a concern about using the VCACs to establish policies or set precedents when they are not constituted to do so. The committee agreed that this recommendation should be reviewed by the task force that is reviewing other policies and a recommendation brought back to the ACTRP on how to handle cases that are not covered in policies.

Responsible Parties: The task force (Academic Policy Working Group) that is reviewing and writing policies in response to the recommendations in the report will bring its recommendations back to the ACTRP.

Costs: There are no costs associated with this recommendation.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 33 (See Parts 1 and 2 below)

Criminal background checks should become a standard part of the hiring process and policies should be developed by the Office of the Vice President for Human Relations and Risk Management and University Counsel to dictate if and how the information collected through these background checks is to be used to inform hiring and tenure decisions. The university needs to clarify that misconduct is to be addressed as part of the disciplinary process and should be kept separate from tenure review, unless it impacts whether or not the candidate meets the tenure criteria for teaching, research, and service.

Discussion: Estes said this recommendation was driven by current events, and both the internal and external working groups thought criminal background checks were a common practice and needed to be completed at the point of hire. Sweet said there is an APS on background checks for certain security-related positions, and that the hiring authority evaluates the extent to which it affects the hiring decision. UCDHSC already requires background checks for everyone, including graduate health sciences students, as does the UCCS School of Nursing.

Although it is a volatile issue with some faculty, who cite civil liberties and invasion of privacy, some committee members think the public will say it is common practice in private industry, and ask why higher education should be excluded. A committee member said some faculty raised concerns because tenured faculty can be fired for moral turpitude and background checks might be used in such cases.

Committee members agreed to divide this recommendation into two parts: (1) criminal background checks and (2) clarification of policies.

Recommendation 33, Part 1: Criminal background checks

Criminal background checks should become a standard part of the hiring process and policies should be developed by the Office of the Vice President for Human Relations and Risk Management and University Counsel to dictate if and how the information collected through these background checks is to be used to inform hiring and tenure decisions.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into a revision of the APS, “Background Checks for Security-Sensitive Positions and Officers.”

Discussion: See the discussion above for recommendation 33.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the vice president for human resources and risk management and University Counsel.

Costs: There will be campus costs associated with this recommendation.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 33, Part 2: Clarification of policy

The university needs to clarify that misconduct is to be addressed as part of the disciplinary process and should be kept separate from tenure review, unless it impacts whether or not the candidate meets the tenure criteria for teaching, research, and service.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into revisions of two administrative policy statements, “Background Checks for Security-Sensitive Positions and Officers,” and “Implementation of Regent Policies on Tenure,” and included in the new APS on tenure accountability.

Discussion: See the discussion above for recommendation 33.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR and the USFC.

Costs: There will be costs associated with the background check portion of this recommendation.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 34

Post-tenure review should continue to occur via a committee-based peer-review process and should be subject to review at dean and vice chancellor levels. Each campus must be charged with assuring a more rigorous process of evaluating faculty performance and strengthening faculty development. Strong consideration should be given to best practices used at Georgia State University. (Also see #19).

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into a new APS on faculty development and that the APS, “Post-Tenure Review Policy,” be revised.

Discussion: This recommendation is the same as recommendation 19. It appears in two places because recommendation 19 is related to faculty development and evaluations, and recommendation 34 is related to post-tenure reviews.

The committee will use the same implementation for recommendation 34 as was determined for recommendation 19.

Recommendation 35

The professional development aspects of post-tenure review must be strengthened. Revisions should include clear standards governing performance improvement and development plans. Incentives for professional development should be provided along with disincentives for poor performance. The Boulder campus has a good forum for associate faculty development called the Leadership Education for Advancement and Promotion (LEAP) program. Other campuses should consider instituting similar programs.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into a new APS on faculty development and that the APS, “Post-Tenure Review Policy,” be revised.

Discussion: Sweet said a determination should be made as to whether the Board of Regents’ policy on post-tenure review is effective and if the structure works before developing an APS. The committee agreed that the board policy should be reviewed for

effectiveness and structure because the policy may include rules and guidelines that would be more appropriate and useful in an APS.

Committee members, with Sweet's concurrence, agreed that the Governor's Executive Order could be looked at as a reference point, and Sweet will provide suitable language.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR and the USFC.

Costs: There are no costs associated with this recommendation.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 36

Post-tenure review should be revised to provide incentives for faculty reward and development and sanctions for faculty discipline and remediation. The university should review the tools available for both to ensure the desired results are being achieved. These tools should be effective enough to incentivize their use. (Also see #20)

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the APS, "Post-Tenure Review Policy," be revised.

Discussion: This recommendation is the same as recommendation 20. It appears in two places because recommendation 20 is related to faculty development and evaluations and recommendation 36 is related to post-tenure reviews.

Estes said incentives and sanctions need to include rigor and accountability to gain faculty and public confidence and credibility. A committee member explained how docking or freezing faculty salaries will result in salary compression and then, when the campus reviews salaries, a faculty member whose pay was frozen or docked as a sanction, may receive additional pay in a future year to make up for the apparent salary compression. Therefore, the salary process needs to consider why a faculty member's salary is compressed.

Another committee member suggested that good personnel practices use a graduated, rather than binary, standard of evaluation. There was also a discussion about how often post-tenure reviews should be conducted, which should be considered when reviewing the policies, including the administrative policy statements on program discontinuance.

A suggestion was made to audit academic departments to determine how much the average productive faculty member contributes versus the financial costs of a nonproductive faculty member.

The committee will use the same implementation for recommendation 36 as was determined for recommendation 20.

Recommendation 37

Deficiencies in the annual evaluation after the granting of tenure should be documented and salary and workload differentiation used to introduce meaningful incentives and sanctions into the process. (Also see #24)

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the APS, “Annual Merit Adjustments for Faculty,” be revised.

Discussion: This recommendation is the same as recommendation 24. It appears in two places because recommendation 24 is related to faculty development and evaluations and recommendation 37 is related to post-tenure reviews.

The committee will use the same implementation for recommendation 37 as was determined for recommendation 24.

Recommendation 38

The university should establish a process that specifies a timeline for the activities of all responsible parties reviewing a dismissal-for-cause case with the goal that they be completed in no more than six months.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that Article 5.C of the *Laws of the Regents* and Regent Policies 5-H and 5-I be revised. Also, the section in the online *Faculty Handbook* entitled, “Nonreappointment, Termination, Suspension, dismissal and Resignation,” should be amended as necessary.

Discussion: Sweet said that the current process cannot be accomplished in six months, and the dismissal-for-cause and grievance processes would need to be overhauled. The current process relies on faculty who already have full schedules and workloads.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the VPAAR, the vice president for human relations and risk management and University Counsel, and the USFC.

Costs: Costs for implementing this recommendation include human resource costs, specifically faculty, staff, and legal counsel.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 39

The university should revise its policy on dismissal for cause to define more clearly the behaviors that lead to removal from the classroom and processes leading to dismissal for cause.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that Article 5.C of the *Laws of the Regents* and Regent Policies 5-H and 5-I be revised. Also, the section in the online *Faculty Handbook* entitled, “Nonreappointment, Termination, Suspension, Dismissal and Resignation,” should be amended as necessary.

Discussion: Best practices indicate that faculty are assigned other duties with pay while being investigated. Some committee members agreed that CU does not have a well thought-out disciplinary process, and faculty and administrators do not understand the available remedies, such as loss of pay or rank, censure, or suspension. A clear set of disciplinary guidelines should be developed for faculty who may need to be removed from the classroom, even though the behaviors may not be at the level of dismissal for cause. Appropriate due process and multilevel reviews need to be addressed. A suggestion was made to develop teaching misconduct guidelines.

Responsible Parties: The locus of responsibility for implementing this initiative rests with USFC, in consultation with University Counsel.

Costs: Costs for implementing this recommendation include human resource costs so that faculty are allotted the time to conduct the peer review process.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Recommendation 40

The regents should identify institutional goals that are broad and enduring, will guide the development of campus, college, and departmental goals, be incorporated into primary-unit criteria, and be used to inform the hiring and reappointment processes. Whenever possible, the goals will be measurable.

ACTRP Recommendation: The ACTRP recommends that the Board of Regents accepts this recommendation and requires its implementation through a change in practice and policy. Specifically, the committee encourages that the recommendation be incorporated into a new policy on tenure process.

Discussion: Committee members agreed it would be appropriate for the regents to establish institutional goals. The committee agreed to make a recommendation to the board to identify institutional goals that are broad and enduring and will guide the development of college and departmental goals and be incorporated into primary-unit criteria. The criteria will continue to be used for hiring, retention, and as a part of the comprehensive review processes. The committee will encourage the board to align resources to the institutional goals. Each campus, in turn, will interpret the institutional goals, which will then be interpreted throughout the entire organization for incorporation into the primary-unit criteria.

Responsible Parties: The locus of responsibility for implementing this initiative rests with the Board of Regents and with faculty and administrative leadership.

Costs: There will be human resource costs associated with this recommendation.

Level of Importance: The committee indicated that this recommendation was critical to implement.

Report on Tenure-Related Processes at the University of Colorado



August 3, 2006

APPENDICES

APPENDICES

**Appendix A: Resolution to the Board of Regents of the University of Colorado
Establishing the Advisory Committee on Tenure-Related Processes**



University of Colorado System

Office of the Secretary of the Board of Regent

Regent 201
3 SYS
Boulder, Colorado 80309-0003
Phone: 303-492-8203
Fax: 303-492-3107
www.cu.edu/regents

MEMORANDUM

TO: The Board of Regents

FROM: Rod Muth, Chair of the Faculty Council
President Elizabeth Hoffman
Regent Steve Bosley

DATE: April 7, 2005 (**amendments from March 23, 2005, imbedded**)

RE: Review of Tenure-related Procedures

NOTE: Amendments approved on March 24, 2005, appear in ***bold italics*** and ~~striketrough~~ text. Proposed amendment on April 7, 2005, appears in **bold** text.

I. REQUEST FOR ACTION BY THE BOARD OF REGENTS

With the concurrence of the Faculty Council and the chancellors, we recommend that the following resolution be submitted for action by the Board of Regents at its meeting on March 24, 2005:

WHEREAS, the Laws of the Regents provide, as a principle of shared governance, that "[in] establishing policies and procedures for faculty appointment, reappointment, promotion, tenure and post-tenure review, and establishing policies and procedures for the appeal of decisions in these areas, the faculty shall collaborate with the campus and system administrations in the development of recommendations to the president for submission to the Board of Regents;

WHEREAS, recognizing public concerns about tenure review processes at the University of Colorado, the Board of Regents is committed to working with the University faculty and administrators to reexamine the processes and expectations involved in awarding and maintaining tenure;

WHEREAS, on March 17, 2005, the Faculty Council passed the following resolution:

Moved, that the Faculty Council and the administration of the University of Colorado develop a plan with the Board of Regents of CU to engage in thorough review of the present practices of awarding and maintaining tenure, consistent with the Laws of the Regents and the faculty rules of privilege and tenure.

NOW THEREFORE BE IT RESOLVED, that the University shall conduct a system-wide review of the processes for awarding and maintaining tenure, including the processes for awarding tenure at the time of initial appointment and after a probationary period as well as the processes for post-tenure review;

FURTHER RESOLVED, that the review shall be conducted under the direction of a distinguished individual from outside academia with the assistance of a working group retained for the purpose;

FURTHER RESOLVED, that the review shall be guided by an advisory group consisting of ~~two~~ **three bipartisan** Board members and a community member appointed by the **three** Board **members**, four faculty members appointed by Faculty Council, ~~and one~~ administrator appointed by the President, **and one student appointed by the Intercampus Student Forum**, with the individual directing the review serving as an *ex officio* voting member;

FURTHER RESOLVED, that the advisory group shall have primary responsibility for appointing the individual who will lead the review, identifying the working group through the appropriate University procedures, and approving the review process; and

FURTHER RESOLVED, that the advisory group shall also have responsibility for providing a final report with an assessment of these tenure-related processes and any recommendations for changes to Faculty Council, the president, and the Board of Regents.

II. STATEMENT OF INFORMATION

This resolution requires a system-wide review of the processes for awarding and maintaining tenure under the leadership and direction of a distinguished individual from outside academia assisted by a working group retained for the purpose. The review process is to result in a report which shall include an assessment of these processes as well as any recommended changes.

III. PREVIOUS ACTIONS

No previous actions with regard to the initiation of a formal system-wide review of these processes for awarding and maintaining tenure.

Appendix B: Membership of the Advisory Committee on Tenure-Related Processes

ADVISORY COMMITTEE ON TENURE-RELATED PROCESSES

Regents

Steve Bosley
Thomas J. Lucero, Jr.
Gail Schwartz

Director of the Study

General Howell M. Estes, III

Community Member

John Huggins
Director
Denver's Office of Economic Development

FACULTY

UCB

R L Widmann
Associate Professor
English Department

UCCS

Jenenne Nelson
Associate Professor
Beth-El College of Nursing and HS

UCDHSC – DDC

Robert Damrauer
Professor
Chemistry Department

UCDHSC – HSC

Richard Bakemeier
Professor/Assoc. Dean
Cancer Education Division/CME
S/M Cancer Center/CME

Student

Jonathan Kurche
School of Medicine

Administrator and ACTRP Chair

Mark Alan Heckler
Provost
UCDHSC

NON-VOTING

Legal Counsel – Staff Support

Charles Sweet
Vice President for Human Relations & Risk Management & University Counsel

Appendix C: Biography of Study Director Howell M. Estes, III

HOWELL M. ESTES, III
PRESIDENT, HOWELL ESTES & ASSOCIATES, INC.

General Howell M. Estes, III (USAF, Retired) is the President of Howell Estes & Associates, Inc., a consulting firm to CEOs, Presidents and General Managers of aerospace and telecommunications companies worldwide. He is Vice Chairman of the Board of Trustees at The Aerospace Corporation. He also serves on the Boards of Directors for Analytical Graphics, Inc, an analysis and visualization software company; for Master Solutions, a software engineering firm; for SpaceDev, a commercial space exploration and development company; for the United States Space Foundation, for the Colorado Springs affiliate of the Susan G. Koman Foundation for breast cancer and for the Air Force Academy Foundation. Additionally he serves on the Board of Trustees of the Colorado Springs School and is a member of the Colorado Thirty Group and Lexington Institute's Advisory Council. He served as a consultant to the Defense Science Board Task Force on SPACE SUPERIORITY (2000) and as a Commissioner on the U.S. Congressional Commission to Assess United States National Security Space Management and Organization (2001).

General Estes retired from the United States Air Force in 1998 after serving our country for 33 years. At that time he was the Commander-in-Chief of the North American Aerospace Defense Command (CINCNORAD) and the United States Space Command (CINCSPACE), and the Commander of the Air Force Space Command (COMAFSPC) headquartered at Peterson AFB, Colorado.

As CINCNORAD General Estes was responsible for the air sovereignty of the United States and Canada, as well as for providing the President of the United States and the Prime Minister of Canada tactical warning and attack assessment of any missile threat to North America. As CINCSPACE he commanded the unified command (all Services) responsible for directing this nation's military space forces to include launch and on-orbit operation of Department of Defense satellites and their support to air, land and sea forces of the United States and its allies. As COMAFSPC he led the command responsible for providing air forces capable of performing space missions as directed by the Secretary of Defense and the President.

General Estes entered the Air Force in 1965 following graduation from the United States Air Force Academy. He has commanded at every level of the Air Force from operational and maintenance squadrons, to the Air Force's only stealth fighter unit (F-117), to an air division, a numbered air force and a major command. He also served in numerous joint positions to include the Deputy Commander-in-Chief United Nations Command and United States Forces Korea; Commander, Air Component Command Korea; and Director for Operations, the Joint Staff in the Pentagon in addition to two CINC positions.

He flew 169 combat missions in Vietnam as an F-4 pilot and served as the deputy chief of staff for operations, Strategic Air Command during the Gulf War.

In addition to a Bachelor of Science Degree from the Air Force Academy he holds a Master of Arts Degree in Public Administration from Auburn University and is a graduate of the Program for Senior Managers in Government at Harvard's JFK School of Government.

He lives in Colorado Springs with his wife, Jordana, and son, Jordan.

January 2005

Appendix D: Membership of the External Working Group

Advisory Committee on Tenure-Related Processes
EXTERNAL WORKING GROUP

PricewaterhouseCoopers

- Barbara Walsh
- Dr. David Blake, PhD
- Tony Pillari
- Erin Doyle
- Mandi Yellin

Appendix E: Membership of the Internal Working Group

Advisory Committee on Tenure-Related Processes
INTERNAL WORKING GROUP

UCB

Emily **Calhoun**, Professor, School of Law

Richard **Jessor**, Director, Research Program on Health Behavior and Professor of Psychology

Roop **Mahajan**, Rubos Chair Professor of Mechanical Engineering; Director, CAMPmode; and
Co-Director, MEDICA

UCCS

Jeff **Ferguson**, Professor of Marketing, College of Business

Joan **Ray**, Professor of English, College of Letters, Arts and Sciences

Venkateshwar **Reddy**, Dean of College of Business and Professor of Finance

UCDHSC-DDC

Jana **Everett**, Chair and Professor of Political Science, College of Arts and Sciences

Donna **Langston**, Chair and Professor of Ethnic Studies, College of Arts and Sciences

Bradford **Mudge**, Professor of English, College of Arts and Sciences

UCDHSC-HSC

Carlos **Catalano**, Professor, School of Pharmacy

Steve **Lowenstein**, Professor of Surgery and Medicine; Professor of Preventive
Medicine/Biometrics; and Associate Dean for Faculty Affairs

Gene **Marsh**, Associate Professor and Division Chair of Health Experience and Technology,
School of Nursing

Larry **Meskin**, Director, Continuing Dental Education, School of Dentistry

SYSTEM

Michel **Dahlin**, Acting Vice President for Academic Affairs and Research

Carmen **Williams**, Assistant Vice President for Diversity

STUDENT

Arrick **Kelly**, Graduate Student, UCB Linguistics and Graduate Senator, UGGS

Appendix F: Membership of the Campus Resource Groups

Advisory Committee on Tenure-Related Processes
CAMPUS RESOURCE GROUPS

UCB

Susan Avery: Interim Provost

Jerry Hauser: Chair, Faculty Assembly

Jeff Cox: AVC Faculty Affairs (Chair, RTP Committee)

Pascale Hime, Lead Graduate Student – Department of French and Italian

UCCS

Rogers Redding: Vice Chancellor for Academic Affairs

Bob Durham: Chair, Faculty Assembly

Fred Coolidge: Chair, RTP Committee

L. Katie Collins: Student Body Co-Executive

UCDHSC-DDC

Laura Goodwin: Associate Vice Chancellor for Faculty Affairs

Mary Coussons-Read: Chair, Faculty Assembly

Peter Bryant: RTP Committee Member

UCDHSC-HSC

Marguerite Childs: Associate Vice Chancellor for Academic Affairs

Dennis Lezotte: Chair, Faculty Assembly

Heather Cabiness: Student Senate Vice President of Communications

SYSTEM

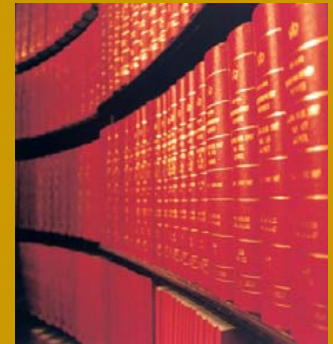
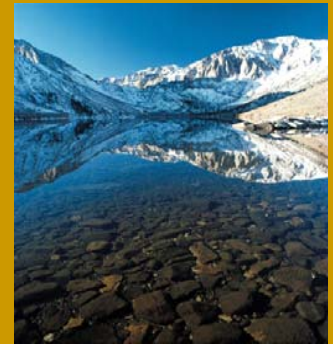
Teresa Valerio Parrot: Assistant Secretary of the University and of the Board of Regents

Appendix G: Public Presentation of the Independent Study, April 24, 2006

Independent Report on Tenure-Related Processes at the University of Colorado

April 24, 2006

Howell M. Estes, III
(General USAF, Ret.)
Study Director



Agenda

Background

Methodology

Purpose and Process of Tenure

Areas of Inquiry—Conclusions and Recommendations

Summary Conclusion

Background

- Genesis of “Tenure Process Review” was a CU Faculty Council resolution
- Board of Regents resolution followed in March 2005
 - Authorized comprehensive system-wide review of processes for awarding and maintaining tenure
 - Supported by president of CU System, CU System-wide Faculty Council, and university campus chancellors
- The resolution specified that the Independent Study "shall be conducted under the direction of a distinguished individual from outside academia"
- Regent-appointed committee determined scope of study and deliverables

Agenda

Background

Methodology

Purpose and Process of Tenure

Areas of Inquiry—Conclusions and Recommendations

Summary Conclusion

Methodology

Independent Study Structure

- Two separate working groups: one composed of CU representatives and one of individuals external to university (consultants).
- The working groups independently engaged in number of study activities:
 - Surveys of internal stakeholders: 158 interviews
 - 10 responses to benchmarking data requests
 - 16 interviews with individuals from academic institutions and schools of medicine
 - Review of 95 individual tenure files
 - Collection and analysis of data from each campus at the university
 - Collection of both CU policies and policies at best-practice institutions
 - Study of relevant literature, such as policy documents developed by American Association of University Professors (AAUP)

Independent Study Report

- Drafting group assembled to write the study report—composed of members of both working groups

Agenda

Background

Methodology

Purpose and Process of Tenure

Areas of Inquiry—Conclusions and Recommendations

Summary Conclusion

Purpose of Tenure

Founded on the need for academic freedom for faculty

- Prevents professors from being dismissed for advocating unpopular views or openly disagreeing with authorities or popular opinion. Tenured faculty can only be dismissed for adequate cause or extreme financial exigency of the institution.

Needed to provide adequate cadre of excellent faculty for the institution

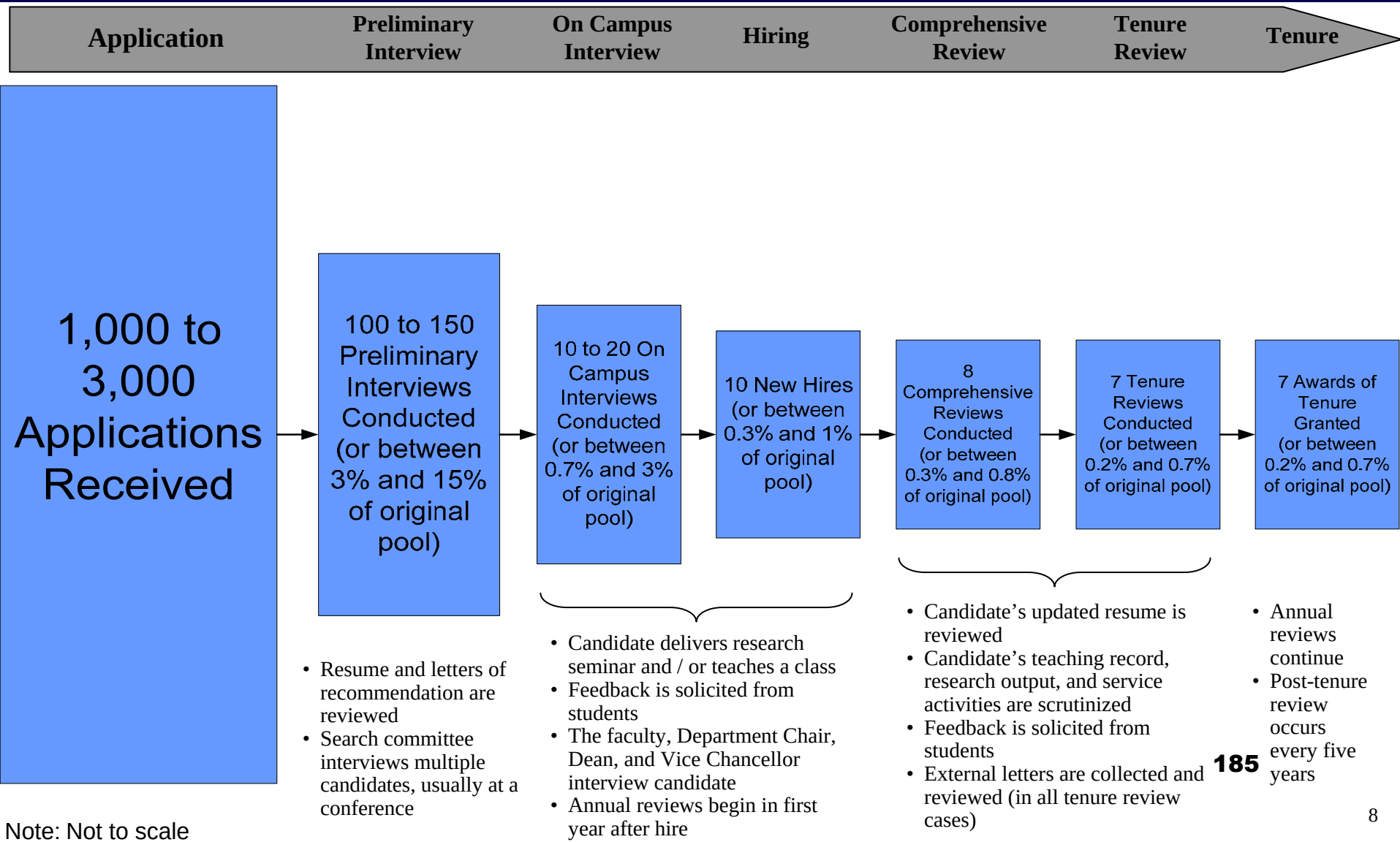
- Tenure assures the presence of a core group of highly qualified individuals. Rigorous process of earning tenure results in university faculty with the best possible qualifications and abilities.

Prevalent in university and college systems in the U.S., particularly at research universities

- Recent study conducted by National Education Association indicates of all faculty at public research universities, only 0.6% are at institutions without tenure.

Tenure Process

Attrition Rates from the Point of Application for a Position to the Point of Tenure Being Awarded (for 10 positions)



Agenda

Background

Methodology

Purpose and Process of Tenure

Areas of Inquiry—Conclusions and Recommendations

Summary Conclusion

Areas of Inquiry

Study was organized to respond to a number of questions regarding specific areas of inquiry.

- All tenure-related processes
- Search and hiring processes
- Faculty development and retention
- Annual evaluation
- Reappointment and comprehensive review
- Tenure review
- Post tenure review
- Dismissal for cause

The study director was asked to gather necessary data and produce an independent report that answered the questions posed under each of the above areas of inquiry and to disseminate the report simultaneously to the public, the Board of Regents, and the regent-appointed committee.

Areas of Inquiry

In several areas, policies and processes were found to be well designed and operating appropriately. No recommendations.

- Whether candidates are kept informed during their tenure process
- Candidate awareness of and effectiveness of primary unit criteria
- Comprehensive review process—its effectiveness in evaluating faculty for the university and in mentoring faculty
- Rigor of annual review process in each of the areas of evaluation (teaching, research and service)
- General effectiveness of tenure processes
- Effectiveness of processes in securing excellent faculty for university
- Extent that other institutions use the tenure process and/or post-tenure review process to evaluate candidates' professional conduct

Areas of Inquiry—Conclusions & Recommendations

General Areas of Inquiry Pertaining to All Tenure-Related Processes

Are the university's laws, policies, and procedures on (1) hiring tenure-track faculty, (2) reappointment, promotion, and tenure, and (3) post-tenure review understandable and easily accessible?

- Laws, policies and procedures are clear and understandable for those within the University System. Most are publicly accessible on university Web sites, but are not written so they can be understood easily by the general public.

- **Recommendation:** The university's laws, policies, and procedures should be easily accessible and understandable to not only candidates for tenure but also the general public.

Areas of Inquiry—Conclusions & Recommendations

General Areas of Inquiry Pertaining to All Tenure-Related Processes

How are the tenure-related processes established and applied at individual school levels? How is such implementation monitored? How is the implementation reviewed or overseen?

- Campus-wide tenure-related policies are established and approved ultimately by the chancellors. Departmental policies are embodied in the bylaws. All must be consistent with regent law and policy. Application and monitoring occurs through the Vice Chancellor's Advisory Committee or its equivalent. No formal audit of the tenure case files takes place.

- **Recommendation:** A random audit of tenure case files should occur every five years to ensure policies/processes are being followed. Conduct using an external group of faculty or consultants.

Areas of Inquiry—Conclusions & Recommendations

General Areas of Inquiry Pertaining to All Tenure-Related Processes

What are the major differences in tenure-related processes among the schools/campuses?

- Substantial variation in processes among departments, all permissible under the umbrella of regent policy. Most originate in differences among disciplines. Encourage campuses to increase the level of consistency across departments where possible. Areas where the greatest degree of variability occurred include:
 - The structure of the primary unit committee
 - Departmental voting rules
 - Solicitation of external letters
 - Mentoring of candidates and orientation of new faculty

Areas of Inquiry—Conclusions & Recommendations

General Areas of Inquiry Pertaining to All Tenure-Related Processes

- **Recommendations:**

- Every primary unit/department must continue to apply its criteria and practices consistently to all tenure candidates within that department.
- The chairs of the Vice Chancellor's Advisory Committee (or similar committee) from each campus should meet at least annually to discuss best practices and improvements.

NOTE: Primary unit criteria refer to the discipline-specific performance standards set by the primary unit (department, school, etc) that define the quantity and quality of accomplishments in teaching, research and service a faculty member must achieve in order to be awarded tenure.

Areas of Inquiry—Conclusions & Recommendations

General Areas of Inquiry Pertaining to All Tenure-Related Processes

Are these policies and procedures followed at the primary unit and upper levels through the president's office? Are these tenure-related processes effective at achieving their stated purpose(s)? Should changes be made in these policies and procedures to improve their effectiveness in (1) hiring of tenure-track faculty, (2) the reappointment, promotion, and tenure of tenure track candidates, and (3) post-tenure review? Are there processes in place to identify deficiencies in tenure-related processes?

- Policies and procedures are followed at the primary unit and upper levels across the university, though some deviations have occurred. The process has a self-correcting component in form of a multi-level review that identifies and corrects errors as they occur. The tenure-related processes in place at the university are effective at achieving the stated purpose(s). While informal and indirect means exist, there are no formal mechanisms in place to identify/correct deficiencies in tenure-related processes.

Areas of Inquiry—Conclusions & Recommendations

General Areas of Inquiry Pertaining to All Tenure-Related Processes

- **Recommendations:**

- Training must be strengthened, especially at the department-chair level.
- The university should develop an administrative policy statement that requires reevaluation of primary-unit criteria for granting tenure, along with the related mentoring and faculty development programs, by every primary unit, and a reapproval by deans and VCAs as part of program review, which happens on a seven-year cycle.
- Review university tenure policies and processes no less frequently than 10 years.
- Also: Independent review of tenure files every five years; annual meeting of VCAC chairs.

Areas of Inquiry—Conclusions & Recommendations

General Areas of Inquiry Pertaining to All Tenure-Related Processes

Are the specific parties responsible for the tenure-related criteria and processes for the various primary units, schools, and campuses identified clearly? How are these criteria and processes reviewed and approved? By whom and how frequently are reviews conducted and approvals made?

- While specific parties responsible for tenure-related criteria and processes are clearly identified and there is a formal process for the review and approval of those policies, such reviews are not mandated.

- **Recommendation:** Review of criteria every seven years and process at least every 10 years.

Areas of Inquiry—Conclusions & Recommendations

General Areas of Inquiry Pertaining to All Tenure-Related Processes

Are these policies and procedures effective in the recruitment, selection, retention and tenure of highly qualified faculty who align with institutional missions and who offer long-term strategic value to the primary unit, the school/college, and the university, including the value of diversity?

- Policies and procedures are effective due to an ongoing culling process, which begins with hiring and continues through tenure review and beyond, that ensures that only best faculty are recruited, tenured, and retained.
- **Recommendation:** Data should be collected on a systematic, ongoing basis on both attrition rates throughout the entire process, as well as the specific results of tenure votes, whether unanimous or split, at each level of review. This data should be used to improve process that culminates in granting of tenure.

Areas of Inquiry—Conclusions & Recommendations

General Areas of Inquiry Pertaining to All Tenure-Related Processes

What benchmarks and best practices are available from other institutions against which our tenure practices could be measured?

- With few exceptions, University of Colorado processes align with consensus best practices among benchmark institutions and in some cases are more stringent.
- Examples of individual institution best practices include:
 - Post-tenure review is performed by a college-level committee rather than at the departmental level, and is used to routinely adjust workload assignments. Compensation increases are related to elements of the workload, and faculty are encouraged to shift their workload into areas where they can achieve an "excellent" rating and a higher salary increase.
 - As the result of a study that indicated that the immediate loss associated with hiring a junior faculty member into a tenure track position who fails to achieve tenure could be as high as \$1.21 million, the institution developed a rigorous junior faculty development program for faculty in their second year focused on how to succeed in the academic environment. The program also has the added benefit of fostering collaboration among junior faculty.
 - At a third institution, the offer letter sent to new hires, in addition to documenting salary, discussing the nature and term of the appointment and setting out expectations, also names the new hire's mentor.

- **Recommendation:** In cases where university policies do not align with best practices, they should be reviewed and brought into closer agreement where appropriate.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Search and Hiring Processes

Are the current application, search, recruitment, and hiring processes for tenure-track faculty effective in identifying, attracting, and hiring viable and productive tenure-track candidates who meet identified primary unit needs, including the need for diversity?

- Current recruitment and hiring processes for tenure-track faculty are effective in identifying and hiring productive tenure-track candidates who meet identified needs. There is a need for the general public to understand the rigor and effort that go into the hiring process.

- **Recommendation:** All new hires should be required to sign a Statement of Responsibilities of Faculty based on responsibilities as outlined in regent law.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Search and Hiring Processes

DRAFT Statement of Responsibility of the Faculty* to be signed by all new hires:

Faculty members have the responsibility to maintain competence, exert themselves to the limit of their intellectual capacities in scholarship, research, writing, and speaking; and to act on and off the campus with integrity and in accordance with the highest standards of their profession.

The faculty member is entitled to freedom in the classroom in discussing the subject, but should be careful not to introduce into teaching controversial matter that has no relation to the subject.

Faculty members are citizens, members of learned professions, and members of the academic leadership of an educational institution. When speaking or writing as citizens, they should be free from university censorship or discipline, but their special position in the community imposes special obligations. As faculty members however, they should remember that the public may judge their profession and institution by their utterances. Hence faculty members should be accurate at all times, should exercise appropriate restraint and show respect for the opinions of others, and when speaking or writing as private citizens should make every effort to indicate that they are not speaking for the institution.

I understand and accept these responsibilities:

Signature of Faculty Member

Date

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Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Faculty Development and Retention

What policies and practices are in place for mentoring tenure-track faculty? Are they implemented?

- Mentoring and guidance take place in varying formats and with various levels of rigor across campuses. While mentoring exists across the university, opportunities exist to strengthen current practices.

- **Recommendations:**

- Campuses or colleges/schools should develop means to identify best practices for coaching tenure-track faculty through the tenure process. Administration should disseminate these best practices across all campuses.
- Also: Training for department chairs, annual meeting of VCAC (or equivalent) chairs.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Faculty Development and Retention

Do the faculty development and mentoring processes result in the retention of promising candidates who meet the missions and strategic needs of the primary unit, the college/school, and the institution, including the need for diversity?

- The university has a number of development and mentoring processes and, in general, has been able to retain promising candidates, though the level of retention of underrepresented faculty is less than desired.

- **Recommendations:**

- The university should initiate mentoring efforts aimed at improving retention.
- Also: Data should be collected on the tenure process and attrition of tenured faculty.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Faculty Development and Retention

Are post-tenure reviews and professional plans effective means for faculty development and evaluation?

- Post-tenure reviews and the related professional plans do not seem to be an effective means for faculty development and evaluation. Doubts have been expressed at each campus about effectiveness of post-tenure review (PTR), both with respect to faculty development/reward (incentives) and performance evaluation/remediation (sanctions). Lack of resources to assist faculty with development needs has been cited as a weakness of the process, as has the inability to hold underperforming faculty accountable.

- **Recommendations:**

- Post-tenure review should continue to occur via peer review (committee not individual) and should be subject to review at dean and vice chancellor levels. Each campus must be charged with assuring a more rigorous process of evaluating faculty performance and strengthening faculty development.
- Post-tenure review should be revised to provide incentives for faculty reward and development and sanctions for faculty discipline and remediation. University should review the tools available for both to ensure desired results are being achieved.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Annual Evaluation

How effective is the current process for annual review in preparing candidates for comprehensive review? Are there appropriate linkages between the outcome of the annual review of a candidate and the comprehensive and tenure review? To what extent should tenure review consider the accumulation of annual reviews in its process?

- Annual review does not currently serve the aims of comprehensive review in an explicit fashion. The different structure of the reviews may hinder greater connection between the two.
- **Recommendations:**
 - Annual review should be conducted through a peer-review process, consistent with regent policy.
 - Annual review should be changed to include regular assessment of the faculty member's progress toward meeting the standards for promotion and/or tenure.
 - Just as the criteria for annual review and tenure review should be tied, the evaluative language of the annual review should be consistent with the evaluative language of tenure and promotion.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Annual Evaluation

Is the annual evaluation process after tenure effective in identifying and addressing performance issues?

- The annual review process that occurs post-tenure can identify performance issues and address them, but its effectiveness has received mixed reviews from faculty.

- **Recommendation:** Deficiencies should be documented in the annual evaluation, using salary differentiation and workload differentiation to introduce incentives and sanctions into process.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Tenure Review

How rigorous and effective is the evaluation process of tenure review?

- The process is rigorous, transparent, selective, and self-correcting. It is taken very seriously, involves many steps, and adheres to the regents' standards across all campuses. It is a manual, paper-based process. Methods for teaching evaluation are not standard across campuses or schools/colleges. The process for the selection of external reviewers is not standard across campuses or schools/colleges.

- **Recommendations:**

- CU's Administrative Policy Statement, "Multiple Means of Teaching Evaluation," needs to be firmly enforced. Each campus should review its approach to teaching evaluations and ensure that multiple means are being employed, such as FCQs, classroom visits, and personal interviews with students.
- Campuses should provide clarifying guidelines to the departments on the selection of external evaluators to ensure objectivity.
- To help streamline the tenure review process, electronic and Web-based tools should be developed to facilitate the collection and review of materials.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Tenure Review

Is there consistent compliance with and adherence to tenure-related processes?

- 95 files reviewed. Generally consistent compliance with tenure-related procedures. Departments and faculty members take the process seriously. No "rubber stamp."
- Standard tenure clock (excluding the SOM) is seven years. For good reason, a number of common practice variations from the standard seven-year clock exist:
 - Faculty hired with tenure from outside the university—awarded tenure at point of hire.
 - Faculty hired with tenure credit—considered for tenure in fewer than seven years.
 - Faculty proposed for early tenure—are awarded tenure in fewer than seven years if approved.
 - Non-tenure-track faculty considered for tenure—treated as "hires with tenure" with full tenure review, but with no probationary period or comprehensive review.
 - Faculty hired as associate professors without tenure—the search process seen as comprehensive review. Proposed for tenure in no more than seven years at the discretion of the department.
 - Faculty may request to stop the tenure clock for up to two years, for things such as parental leave, in which case they could go up for tenure in greater than seven years.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Tenure Review

Is there consistent compliance with and adherence to tenure-related processes? (cont.)

- Standard, rigorous tenure review is applied in all these cases, but under different timeframes to allow the university to be competitive in hiring and developing faculty.
- However, there is not always a preapproval process for such exceptions.
- Three of 95 cases reviewed had issues that raise concerns. Two where policy does not provide specific guidance. Two deviations from policy. Issues in the cases were as follows:
 - Department had a split vote for tenure. Decided to report as a unanimous vote.
 - Violation of policy—split votes should be recorded.
 - Candidate was given an extra year to complete the tenure review process. Judged that candidate received bad advice during comprehensive review.
 - No violation of policy—but currently no policy exists that allows anyone to award an additional year in cases where procedural errors are discovered during the process.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Tenure Review

Is there consistent compliance with and adherence to tenure-related processes? (cont.)

- Nontenure-track faculty member with many years of service at CU awarded tenure after successfully going through the entire review process. Retention action—the faculty member offered position with tenure at another, comparable university.
 - No violation of policy—but faculty member treated as a "hire with tenure," which is a standard approach currently in place for hiring non-tenured faculty member into tenured position. Candidate underwent a full, rigorous tenure review.
 - Formal policy does not exist to guide consideration of non-tenured faculty for tenure. The terminology "hire with tenure" appears misleading when applied to what is essentially promotion of non-tenured CU faculty member into a tenured position.
- The faculty member under review for tenure sought support from individual outside campus when it became clear that tenure would likely not be awarded. Outside individual's appeal to the president alleged bias. Decision was made to allow the candidate to be reviewed again the following year, and to limit review to VCAC-level only.
 - Violation of policy—tenure review cases must proceed through all levels of review, and this case did not.
 - No policy violated with respect to adding a year to faculty member's tenure clock. However, this raises the same concern mentioned above: no policy exists stating this is permitted.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Tenure Review

Is there consistent compliance with and adherence to tenure-related processes? (cont.)

- Not possible to write policy to cover every single situation that might arise, but when issues not guided by policy develop, there should be a process in place to guide these situations. If established policies are not followed, no matter how rigorous the process, the intent of the process will not be achieved. Highlights importance of multilevel review as tool to identify issues or noncompliance.

- **Recommendations:**

- University must improve oversight of tenure cases to ensure entire process is rigorously followed.
- For candidates not on seven-year tenure track, approval to follow process involving more or less time to receive tenure should be granted at level of vice chancellor or chancellor.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Tenure Review

Is there consistent compliance with and adherence to tenure-related processes? (cont.)

- **Recommendations (cont.):**

- Administrators' ability to extend probationary period and allow an extra year for tenure cases in situations where procedural errors are discovered during tenure process should be formalized into policy.
- When no policy exists to guide issues of a specific case, issues need to be highlighted and raised to Vice Chancellor's Advisory Committee or its equivalent. The committee should make a recommendation that it believes in the best interests of the university and forward it to the vice chancellor and chancellor for approval.
- Also: Training related to tenure review process must be strengthened, especially at department-chair level; random audit of tenure case files should occur every five years; chairs of the Vice Chancellor's Advisory Committee (or similar committee) from each campus should meet at least annually; review of university tenure policies and processes should occur at least every 10 years.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Tenure Review

To what extent and how do other institutions use the tenure review as an opportunity to evaluate the candidate's professional conduct?

- Evaluation of misconduct does not seem to be part of the tenure review process at other institutions. By regents' law—not part of process at University of Colorado. If the faculty member has engaged in serious professional misconduct, the university has policies in place external to the tenure review process to handle disciplinary issues. Sanctions up to and including revocation of tenure and dismissal.
- Independent Study concluded—virtually impossible for someone who has serious, known misconduct in background to be retained at the university or awarded tenure.

- **Recommendation:** Criminal background checks should become standard part of the hiring process. Policies should be developed by the Office of Vice President for Human Relations and Risk Management and University Counsel to dictate if and how information collected through background checks is to be used to inform hiring and tenure decisions. The university needs to clarify that misconduct is to be addressed as part of disciplinary process and should be kept separate from tenure review, unless it impacts whether or not candidate meets tenure criteria for teaching, research, and service.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Post-Tenure Review

How rigorous and effective is the evaluation process at time of post-tenure review? Are the current locus and levels of review appropriate and sufficient?

- Dissatisfaction exists among some faculty with rigor and effectiveness of current post-tenure review process. A lack of means to reward excellence and correct unsatisfactory performance has resulted in a post-tenure review process that is not functioning effectively.

- **Recommendation:** Post-tenure review should continue to occur via a committee-based peer review process and should be subject to review at Dean and Vice Chancellor levels. Each campus must be charged with assuring a more rigorous process of evaluating faculty performance and strengthening faculty development. The professional development aspects of post-tenure review must be strengthened.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Post-Tenure Review

Does the post-tenure process result in the timely identification of performance deficiencies and lead to appropriate action for addressing those deficiencies?

- Process and policy for post-tenure are not tailored to address need for immediate response to faculty member whose conduct is especially substandard for example, in a particular area of teaching. Many serious performance deficiencies are identified before the formal, five-year post-tenure review. The trigger is overall rating of “below expectations” in annual evaluation—identifies performance deficiencies in a more timely fashion.

- **Recommendation:** The Independent Study strongly endorses documentation of deficiencies in annual review after the granting of tenure and post-tenure review. Introduce meaningful, incentives and sanctions into the process.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Dismissal for Cause

Is the existing dismissal for cause process timely and effective in dismissing tenured faculty members?

- Dismissals for cause may be instituted as result of determination that sanctions are appropriate after the formal post-tenure review process, or for other reasons specified in regent policy. Formal dismissal for cause of a tenured faculty member must be processed through the Privilege and Tenure Committee. The process for dismissal for cause consists of many steps and takes great deal of time to initiate and execute. The committee's processes and policies are currently being reviewed and revised to improve the committee's efficiency and to ensure compliance with regent policy. Dismissal for cause also employs a standard for removing a faculty member from the classroom that is extremely high and ultimately could result in students being adversely affected.

Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Dismissal for Cause

- **Recommendations:**

- The university should establish a process that specifies a timeline for activities of all responsible parties reviewing a dismissal-for-cause case with the goal that they be completed in no more than six months.
- The university should revise its policy on dismissal for cause to define more clearly the behaviors that can lead to removal from the classroom and processes leading to dismissal for cause.

Agenda

Background

Methodology

Purpose and Process of Tenure

Areas of Inquiry – Conclusions and Recommendations

Summary Conclusion

Summary Conclusions

- Independent Study found tenure process well designed and generally well managed.
- University of Colorado policies and processes consistent with industry norms and best practices at other similar institutions.
- Process issues found in three cases in which tenure was granted or is being considered. While not typical, these are a concern.
- Independent Study recommends number of improvements to tenure-related processes to add to rigor of annual and post-tenure reviews and to provide additional policy guidance for certain areas where policy can be improved or does not currently exist.

Overall Conclusion of Independent Study

If recommendations contained in this report are fully implemented, University of Colorado will have tenure program that supports health and well being of university, its faculty, and its students and that can be understood and supported by the public at large.

WWW.CU.EDU/TENUREREVIEW/

Appendix H: Appendices to the Independent Study Report

UNIVERSITY OF COLORADO



Independent Report on Tenure-Related Processes at the University of Colorado

April 24, 2006

APPENDICES

APPENDICES

Appendix A: Internal and External Working Group Members

Internal Working Group Members

CU-Boulder

- Emily Calhoun, *Professor, School of Law*
- Richard Jessor, *Director, Research Program on Health Behavior and Professor of Psychology*
- Roop Mahajan, *Rubos Chair, Professor of Mechanical Engineering; Director, CAMPmode; and Co-director, MEDICA*

CU-Colorado Springs

- Jeff Ferguson, *Professor of Marketing, College of Business*
- Joan Ray, *Professor of English, College of Letters, Arts and Sciences*
- Venkateshwar Reddy, *Dean of College of Business and Professor of Finance*

CU-Denver

- Jana Everett, *Chair and Professor of Political Science, College of Arts and Sciences*
- Donna Langston, *Chair and Professor of Ethnic Studies, College of Arts and Sciences*
- Bradford Mudge, *Professor of English, College of Arts and Sciences*

CU-Health Sciences Center

- Carlos Catalano, *Professor, School of Pharmacy*
- Steve Lowenstein, *Professor of Surgery and Medicine; Professor of Preventive Medicine/Biometrics; and Associate Dean for Faculty Affairs*
- Gene Marsh, *Associate Professor and Division Chair of Health Experience and Technology, School of Nursing*
- Larry Meskin, *Director, Continuing Dental Education, School of Dentistry*

University of Colorado System

- Michel Dahlin, *Acting Vice President for Academic Affairs and Research*
- Carmen Williams, *Assistant Vice President for Diversity*

Student

- Arrick Kelly, *Graduate Student, UCB Linguistics and Graduate Senator, UCCS*

External Working Group Members

- Barbara Walsh
- Dr. David Blake, PhD
- Tony Pillari
- Erin Doyle
- Mandi Yellin

Appendix B: Detailed Project Approach and Methodology

Introduction

The internal working group and external working group employed a variety of research methods to collect the internal and external data necessary to complete its assigned tasks. These methods include both primary research, such as interviews with internal stakeholders, the discussion of individual tenure files with relevant department chairs/deans, interviews with individuals at institutions deemed to exemplify best practices, and the comparison of CU policies against such best practices; and secondary research, including the collection of both the CU policies and best practices discussed above as well as the study of the relevant literature.

Internal Working Group Research Methodology

Interviews

Internal working group members from each campus conducted a series of interviews with faculty, administrators, and committees involved with the tenure process at each of the three campuses of the university. These interviews were intended to provide a deeper understanding of the tenure-related processes in place at each campus. These interviews were conducted as outlined below

Boulder Campus

Sixteen interviews were conducted at the Boulder campus; they involved the following individuals:

1. The current and two previous associate vice chancellors for faculty affairs
2. The deans of all schools and colleges at the campus (that is, arts and sciences, business, education, engineering, journalism, law, and music)
3. The dean of libraries
4. The chairs of four selected departments (classics, English, psychology, and mechanical engineering)
5. A member of the 1996 campus committee who reviewed tenure and post-tenure review systems
6. The chair of the campus committee on research misconduct

Colorado Springs Campus

Efforts at the Colorado Springs campus were based on a combination of interviews and an e-mail survey.

Interviews

1. An interview was conducted with the vice chancellor for academic affairs.

Survey

1. Following the interview mentioned above, a survey was created relative to all faculty personnel reviews (from “cradle to grave”). The survey was distributed by e-mail or in person to 34 individuals; 24 responses were received. The individuals to whom the survey was distributed were as follows:

- Deans of all colleges/schools (letters, arts and sciences; engineering and applied sciences; business; education; nursing; and public affairs)
- Recent/current department chairs (or equivalents) and selected members of primary units as recommended by the deans
- Recent/current chairs of Deans' Review Committees (DRC)
- Recent/current members of Deans' Review Committees
- Recent/current chairs of Vice Chancellor's Review Committees (VCRC)
- Recent/current members of Vice Chancellor's Review Committees

Downtown Denver Campus

Efforts at the downtown Denver campus were based on a combination of interviews with individuals and councils as follows:

1. Deans of all schools and colleges (architecture and planning, arts and media, Auraria Library, business, education, engineering, liberal arts and sciences, and public affairs)
2. CLAS Dean's Advisory Council
3. Architecture Dean's Advisory Council
4. College of Arts and Media Dean's Advisory Council
5. Faculty Assembly
6. Council of Primary Unit Chairs

Health Sciences Center

Efforts at the Health Sciences Center were based on a combination of interviews with individuals and committees as follows:

1. School of Dentistry (SOD):
 - The dean of SOD
 - The chair of the Faculty Evaluation Committee
 - The director of human resources and grant management
 - Six tenured- and clinical-track faculty members
 - The former dean and chair of the Dean's Advisory Committee
2. School of Medicine (SOM)
 - Did not conduct individual interviews (see the HSC documentation section below)
3. School of Nursing (SON)
 - Dean of SON
 - Chair of Appointment, Promotion and Tenure Committee
 - Previous chair of division
 - Director of SON human resources
 - Administrative assistant
 - School of Nursing Administrative Leadership Committee
4. School of Pharmacy (SOP)
 - Chair, department of pharmaceutical sciences
 - Chair, department of pharmacy practice
 - Chair of division
5. The Chancellor's Faculty Advisory Committee (CFAC)

Documentation

In addition to the interviews and survey discussed above, internal working group members from each campus also reviewed relevant documents on tenure-related processes from the three campuses.

Boulder Campus

1. Selected campus and unit documents from those collected by the Campus Resource Group (e.g., campus policy on search/hires, reappointment, tenure, promotion, post-tenure review, dismissal for cause, and annual merit review)
2. The May 2005 status report on recommendation of a December 2003 internal audit of faculty personnel actions prepared by the associate vice chancellor for faculty affairs (AVCFA)
3. Data on retention and tenuring rates for the campus and peer institutions, provided by the office of the AVCFA

Colorado Springs Campus

1. Chancellor-approved criteria for all departments or colleges for faculty personnel reviews
2. Campus promotion and tenure rules

Denver Campus

1. Reviewed all documents pertaining to search/hires, reappointment, tenure, promotion, post-tenure review, dismissal for cause, and annual merit review on the Denver campus
2. Paid particular attention to *Strategies for Success*, the campus faculty mentoring manual, and to UCD's RTP guidelines
3. Consulted a 2001 AAHE Case Study, *Post-Tenure Review: Outcomes and Impact*

Health Sciences Center

1. Board of Regents policy 5-I (faculty dismissal-for-cause process)
2. Laws of the Regents, Appendix A (Standards, Processes and Procedures document)
3. Administrative policy statements governing recruitment, appointment, performance evaluation, tenure, post-tenure review, and dismissal for cause
4. UCDHSC policies are available at www.ucdhsc.edu/admin/policies.
5. School-specific faculty requirements and expectations are found in the rules, policies or bylaws of each school.
6. SOM reviewed several documents, including the *Rules of the School of Medicine*, the *SOM Promotion Matrices*, the Post-tenure Review Policy (for CU, campus, and SOM), and several specific SOM policies (for example, promotion procedures, dossier checklists, the Outline of Required Annual Reviews and others).
7. SON sources of data include *School of Nursing Bylaws* and *School of Nursing Appointment, Promotion and Tenure Policies and Procedures*.
8. SOP policies and procedures governing all aspects of faculty hire, promotion, tenure, post-tenure review, and dismissal for cause have been critically evaluated and extensively reviewed. The policies, criteria and procedures were approved in 2004 and are currently again under review.

Questions Addressed

Internal working group members developed the following questions which were used in the interviews conducted on each campus:

Boulder Campus

1. Is official P&T policy available to all the units?
2. Is the policy uniformly implemented? Any specific examples?
3. Are there specific areas in P&T that require attention?
4. Any quantitative data on the percentage of faculty denied tenure/promotion, etc?
5. Any data on percentage of faculty who voluntarily leave the university before tenure review?

Colorado Springs Campus

1. Are the departmental criteria that your unit uses for personnel review clear to the candidate whose personnel process is underway?
2. What level of mentoring do you as primary unit chair provide the candidate?
3. Are the departmental criteria effective in guiding your committee's decisions? Any particular strengths, weaknesses, problems?
4. Are your college's faculty personnel policies/procedures and departmental criteria applied consistently?
5. Are your college's faculty personnel policies/procedures and departmental criteria in-line with campus, CU System-wide (regents') policies?
6. Have there been major conflicts between primary units and DRC?
7. Have there been major conflicts between primary units and/or DRC and the VCRC?
8. How effective is post-tenure review?
9. What suggestions do you have for improving policies and processes currently in place?

Denver Campus

1. What has been your experience with the current policies and procedures?
2. What are their strengths and weaknesses?
3. What could they be improved?

Health Sciences Center

1. Faculty hiring process
2. Appointment review
3. Annual merit review
4. Reappointment, promotion and tenure
5. Post-tenure review
6. Dismissal for cause
7. Faculty mentoring

Tenure Files Reviewed

Although internal working group did not review individual tenure files for this investigation, most members of the committee have a significant history of involvement in the review of tenure files through participation in review committees at the department, school/college, or campus (vice chancellor for academic affairs) level. Additionally, the chair of the internal working

group, the interim vice president for academic affairs, has reviewed all tenure cases for the past 12 years before they are forwarded to the Board of Regents and has reviewed disputed cases for the president (as part of the “third-level review”).

External Working Group Research Methodology

Administrative Interviews

The first sets of interviews were conducted with individuals in various administrative roles, either with respect to this project and/or with respect to the tenure process at each campus.

Interviews with the Chairs of the Campus Resource Groups

The external working group’s first set of interviews was conducted with the chairs of the five campus resource groups (that is, one for each of the four campuses plus the CU System).

The purpose for these interviews was twofold:

1. To discuss the role each chair and associated campus resource group would play in the project and the type of support they could provide the external working group.
2. To discuss the tenure review process at each campus and solicit the names of individuals involved in this process at each campus (for example, the associate vice chancellor for faculty affairs, the chair of the Vice Chancellor’s Advisory Committee, etc.) to be interviewed.

In preparation for these interviews, a standard interview template was developed. This template was intended not only to facilitate the collection of responses, but also to ensure that all interviewees were asked a consistent set of questions.

Campus-Level Interviews

The next set of interviews was conducted with the individuals identified by the chairs of the campus resource group, as discussed above. The objective of these interviews was primarily to obtain a clearer understanding of the tenure review process at each campus. Interviews were conducted with various individuals at the Boulder, Colorado Springs, and the downtown Denver campuses, as well as with one representative from each of the four professional schools (dentistry, medicine, nursing, and pharmacy) at the Health Sciences Center.

As with the interviews with the chairs of the resource groups, a standard interview template was developed to facilitate these discussions.

Sampling Plan/Study of Tenure Files/Department-Level Interviews

The next step in the external working group’s efforts was the development of a sampling plan to guide the collection of individual tenure review cases and related files from selected primary units, whether departments, colleges, or schools. The sampling plan was designed to allow for the study of a representative set of cases from each campus and to set the stage for the accompanying department level interviews.

Determination of the Timeframe for the Tenure Cases for the Sampling Plan

As the external working group was asked to compare current practices with current policy, its study was limited to cases which were reviewed in the past two years (i.e., academic years 2003–2004 and 2004–2005) to ensure its efforts did indeed focus on current policies. (Please note that in the case of the Schools of Dentistry and Nursing, both of which did not review tenure cases in the 2003–2004 or and 2004–2005 academic years, cases were taken from the 2005–2006 academic year.)

Creation of the Sampling Plan for Boulder, Denver, and Colorado Springs

The sampling plan for the Boulder, Denver, and Colorado Springs campuses was created as follows:

1. A data request for a list of all primary units, the names of associated department chairs/deans, the number of tenured faculty in those units, and the number of tenure cases reviewed in the 2003–2004 and 2004–2005 academic years was submitted to and completed by each campus.
2. Primary units that had not conducted any tenure reviews during the period in question were not considered for the sampling plan and removed from the list discussed above.
3. Primary units, from which cases would be selected, were chosen with the goal of obtaining a reasonable mix of primary units:
 - In the biological and natural sciences; the social sciences and liberal arts; engineering; and, as appropriate, the performing arts (such as music) and professional programs (such as law or nursing)
 - With both a large and small number of faculty
4. The final number of departments selected for review was determined by a combination of factors. First and foremost was the desire to create a representative sample that included enough departments, and kinds of departments, to be meaningful. Also taken into account was the timeframe allocated for the interviews how many could realistically be completed by the external working group in the time allotted. Last was the knowledge, gained from experience, that for a variety of reasons, not all interviewees would be available during the interview period, so more departments were selected for review than would be required to create an acceptable sample.

Creation of the Sampling Plan for the Health Sciences Center

The sampling plan for the Health Sciences Center was created as follows:

1. A data request for a list of all departments, the names of associated department chairs/deans, the number of tenured faculty in those units, and the number of tenure cases reviewed in the 2003–2004 and 2004–2005 academic years was submitted to and completed by the Health Sciences Center.

- In the cases of the Schools of Dentistry, Nursing, and Pharmacy, where the school, rather than a department, serves as the primary unit, the data request could not be filled as submitted, but appropriate contacts were provided.
 - In the case of the School of Medicine, which employs a departmental structure, the data request was completed as described above. Though the School of Medicine functions as the primary unit in the case of tenure, it was more practical to develop the sampling plan at the departmental level. This approach allowed for the creation of a representative sample that contained a mix of both clinical (e.g., surgery) and basic science (e.g., cell and structural biology) departments (see below).
2. For the School of Medicine, departments which had not conducted any tenure reviews during the period in question were not considered for the sampling plan.
 - As the Schools of Dentistry and Nursing reviewed no tenure cases in neither the 2003–2004 nor 2004–2005 academic years, the cases from these schools were taken from the 2005–2006 (or current) academic year.
 3. For the School of Medicine, which unlike the other schools at CU-Health Sciences Center, has many departments, cases were selected with the goals of obtaining a reasonable mix of departments:
 - In the basic and clinical sciences
 - With both a large and small number of faculty
 4. The final number of departments selected for review was determined by a combination of those same factors discussed above.

Selection and Study of Tenure Cases

Once the primary units (or departments in the case of the School of Medicine) from which the tenure cases to be studied were selected, it was necessary to choose the actual cases to be read. This was accomplished as follows:

1. The external working group requested and was given all the tenure files (as indicated in the response to the initial data request) from each primary unit/department which had been selected. While the content of these files varied somewhat by campus and school, these files generally consisted of a summary of the votes (though not necessarily the vote tally) and recommendations at each level of tenure review, the candidate's curriculum vita, letters written by the relevant parties at each level of tenure review (for example, from the chair of the Primary-Unit Evaluation Committee [PUEC] to the department chair, from the department chair to the dean, from the dean to the vice chancellor, etc.), and the external letters collected on behalf of the candidate.
2. One case was selected to be read from each primary unit/department. It should be noted that in some primary units/departments, only one tenure case was reviewed during the period in question, and was selected by default. Overall, cases were selected with a goal of obtaining a reasonable mix of candidates that:

- Were approved (both unanimously and after a split vote at one or more levels of review) and denied for tenure.
- Submitted requests according to standard and accelerated timelines.
- Were hired with tenure.

(Note: The set of tenure cases selected from each campus did not necessarily represent all three of the categories listed above.)

3. The selected cases were read with an emphasis on how the tenure review process was executed and whether campus and system policies were followed.

The cases selected for review can be divided as follows (Please see Appendix A: “Breakdown of Tenure Cases Reviewed by Campus and Department” for additional details.):

Campus/School	Total Tenure Cases	Cases Selected for Study	Interviews Completed (ass of 3/31)	Percentage of Total Tenure Cases Studied
Boulder	63	23	22	37%
Denver	27	9	8	33%
Colorado Springs	11	6	6	55%
<i>Subtotal</i>	<i>101</i>	<i>38</i>	<i>36</i>	<i>38%</i>
HSC - Dentistry	1	1	1	100%
HSC - Nursing	2	1	1	50%
HSC - Medicine	22	11	9	50%
HSC - Pharmacy	6	2	2	33%
<i>Subtotal</i>	<i>31</i>	<i>15</i>	<i>12</i>	<i>48%</i>
Totals	132	53	48	40%

Notes

Cases from the Schools of Dentistry and Nursing were from academic year 2005–2006.

One department initially selected from Boulder was eventually excluded due to the involvement of the chair in the Churchill investigation and at the study director’s suggestion.

In summary, and based on the data given to the Independent Study, the overall sample set included:

- 101 cases at the three non-HSC campuses, of which the sample consisted of 38 cases (or 38%)
- 31 cases at the Health Sciences Center, of which the sample consisted of 15 cases (or 48%)
- 132 cases across the entire system, of which the sample consisted of 53 cases (or 40%)

Primary Unit/Department-Level Interviews

The study of these cases by the external working group was followed by an interview, generally with the chair, in the case of a department, or the dean, in the case of a school or college. (In some instances, the chair of the Primary-Unit Evaluation Committee or its equivalent was interviewed). The objective of these interviews was to provide a deeper understanding of the tenure review process in general and to allow a comparison of that process with the progression of the review as outlined in the file. Though the interviews differed greatly in the particulars discussed, they were structured according to a common set of questions designed to elucidate:

1. The details of the tenure review process as it is practiced by the primary unit/department.
2. The long-term steps taken to prepare a candidate for the tenure process and to achieve tenure (for example, mentoring and guidance; peer evaluation of teaching; etc.).
3. The specifics of the case in question, including a discussion of:
 - the nature of the vote at the primary unit/department level (i.e., unanimous in favor, split, unanimous against)
 - any significant variation between votes at subsequent levels of review, including any requests for clarification, additional information, or a re-vote at a lower level
 - if and how the case may have differed from established practices or accepted norms.
4. The nature of any best practices or “lessons learned” that emerged from the case.

Limitations on the Study of Department Tenure Files

As outlined in the external working group’s initial proposal, the sampling plan was designed to allow for the development of a representative, judgmental sample of tenure cases at each campus/school, rather than a statistically significant sample. That said, the execution of the sampling plan was subject to a few constraints which in turn imposed some limitations:

1. As discussed, in primary units/departments where only one case was reviewed in the period in question, that case was selected by default.
2. Tenure cases were studied according to the sampling methodology described above, with an emphasis on selecting a representative sampling of tenure cases from each campus/school. There is no assurance, however, that this sample population of tenure cases will be fully representative of the entire population of cases. Aberrances and unusual circumstances could exist within cases not studied in this process.
3. While every effort was made to contact and accommodate the interviewees, some were not available during the timeframe designated for the primary unit/department level interviews.

Study of Demographic Data

In addition to studying specific tenure review cases from each campus to understand how the process operates, the external working group also sought to study demographic data related to tenure. Specifically, the group sought to understand how, for all tenure-track faculty hired in a given year, the size of the pool of candidates eligible for tenure had changed over the course of the probationary period. Additionally, the group studied the outcomes of all tenure votes and tenure recommendations at all levels (e.g., department, school, etc.) for all cases which it was given by each campus.

Study of Attrition Rates in the Tenure Review Process

In the process of selecting the tenure cases to review, it was apparent that the majority of candidates reviewed were awarded tenure. However, anecdotal evidence collected during the course of both internal and external interviews indicated that one reason for this outcome is the attrition that occurs during the course of the probationary period. In other words, interviewees indicated that many of the candidates who would most likely have been denied tenure had they come up for review had removed themselves from consideration (that is, had resigned and left the university) before the end of their probationary period.

In order to more fully address the nature of the tenure process, the Independent Study sought to understand the attrition rates for a given faculty cohort at each campus. The Independent Study members collected data on cohorts of faculty hired in academic years 1997–1998 through 2004–2005. This data is limited, in that it is not possible to determine the reasons for the attrition among faculty. Some resigned based on their perceived unlikelihood of receiving tenure, others followed spouses to another institution, and still others changed careers. Little, if any, hard data exists to support a detailed analysis of this phenomenon.

Study of Voting Results in the Tenure Review Process

As another component of the demographic analysis, the external working group also studied the voting results for each case provided by the university as discussed above. The purpose of this analysis was to determine the nature of the voting at the department, school, and university level for cases from each campus and across the university as a whole.

The key data points that were studied were:

1. The percentage of candidates coming up for tenure who were awarded tenure (and by default, the percentage that were denied tenure)
2. The number of votes at each level (as appropriate) that were unanimous in favor of tenure, split in favor of tenure, split against tenure, and unanimous against tenure
3. The number of cases where a higher-level vote or review contradicted the results of a lower-level vote or review.

Limitations on the Study of Demographic Data

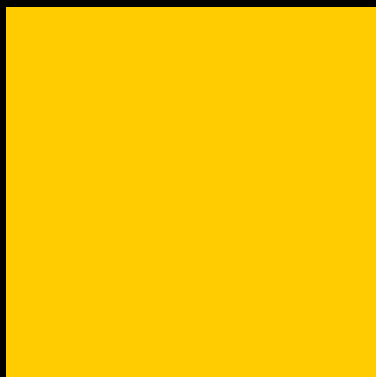
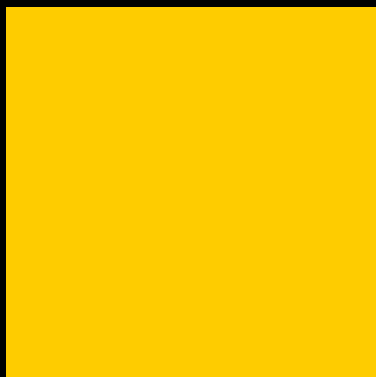
The study of the demographic data provided by the University of Colorado was intended to allow greater insight into the tenure process. More specifically, it was intended to augment the anecdotal evidence that indicated that while the majority of candidates reviewed for

tenure receive tenure, the process is not a “rubber stamp,” and the high success rate may, in part, reflect the attrition that occurs during the probationary period. With that in mind, the analysis of the demographic data was limited by the following factors:

1. Data related to the departure of faculty during the probationary period is not tracked in the same manner or at the same level of detail across all campuses/schools. It should also be noted that at the Health Science Center, such data is tracked by the individual schools and not by central campus administration.
2. To the extent that the attrition data is tracked formally, the specific reason for any given faculty member’s departure is not. As such, it is not possible to state with any certainty the number of faculty who left the university in advance of what they thought would be a negative tenure decision.
3. With the exception of the Health Sciences Center, data was analyzed at the campus, not school, level.
4. The nature of the tenure vote may vary across departments in two ways, both of which influenced the analysis:
 - a. While most departments interviewed use a simple majority as the basis for the award of tenure, other departments require a two-thirds (and in one case, three-fourths) majority. The external working group’s analysis was not designed nor intended to correct for this variation.
 - b. While most departments interviewed employ a simple yes or no vote for tenure, some departments also require faculty to vote as to whether a candidate is excellent, meritorious, etc., in each of the three areas considered for tenure.
5. The tenure files provided to the external working group were a subset of the entire dossier. As a result, the information contained in the files, including the level of detail with respect to the voting results, varied somewhat by campus. Likewise, the specific form used to record the voting data varied slightly from campus to campus.

Appendix C: Benchmarking Study of Best-Practice Institutions

UNIVERSITY OF COLORADO



**Study of Best Practices in
Tenure-Related Policies**

March 13, 2006

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INTRODUCTION

In an effort to analyze the policies, procedures, and laws relevant to tenure-related processes gathered from the University of Colorado campuses and compare these with best practices, members of the Independent Study conducted a benchmarking analysis as part of the overall review of tenure-related policies. This study presents and compares qualitative data, in the form of best practices assembled from each proposed benchmark institution, along several measures as demonstrated in policies, procedures, and laws relevant to tenure-related processes. This study compares policies of the University of Colorado to these best practices in categories such as hiring tenure-track faculty, hiring with tenure, probationary period and tenure evaluation, post-tenure review, and dismissal for cause.

This study considers two separate sets of benchmark institutions and best practices, one for academic institutions as a whole and another specific to medical schools. It was necessary to differentiate between the two groups as the Laws of the Regents of the University of Colorado and reference specific exceptions for the School of Medicine. In addition, tenure-related processes at medical schools often differ in one or more categories when compared with processes in place at other schools or colleges within the same university.

What follows is a discussion of the methodology employed in the study, along with a presentation of the results.

METHODOLOGY

Selection of Institutions Embodying Best Practices

Nineteen universities and 11 schools and colleges of medicine, for a total of 30 institutions, were identified as embodying best practices in the area of tenure-related policies, whether overall or with respect to specific facets of the process (for example, hiring with tenure). (Note: The Boston University School of Management was also included in the analysis, but solely because it offered an interesting example of an alternative to tenure.) These two sets contain a mix of institutions, both public and private, large and small, from across the country.

In choosing an appropriate group of institutions who exemplify best practices in tenure-related processes, the Independent Study members sought guidance and suggestions from a number of sources. These included:

- The American Association of University Professors (AAUP)
- The Association of American Medical Colleges (AAMC)
- The University of Colorado
- The Independent Study

Each institution selected is one specifically named by one or more of these sources as exemplifying best practices with regard to policies, procedures, and laws relevant to tenure-related processes.

It should be noted that members of the Independent Study met with representatives of the American Association of University Professors (AAUP) before launching its benchmarking study. The purpose of this meeting was two-fold: first, to discuss the nature and objectives of the tenure review being conducted by the University of Colorado and the related concerns expressed by the AAUP and its constituents, and second, to solicit the AAUP's extensive expertise with respect to tenure in general and institutions embodying best practices in particular.

The AAUP was generous with its time and advice and the Independent Study members would like to express their sincere thanks for the assistance provided.

Data Collection

In order to better understand the nature of the tenure review process at the benchmark institutions in question, the Independent Study conducted a number of telephone interviews and campus visits to speak with leadership and other stakeholders involved. Given the time frame of the project, these efforts were limited to a subset of the 30 institutions being studied. The purpose of these meetings and calls, which were held with administrators in positions such as provost, vice president for faculty affairs, and dean for faculty and administrative affairs, among others, was to better understand how the tenure-related process operates at these institutions.

The Independent Study relied primarily on internet-based research to identify and collect best practices from publicly available policies, procedures, and laws relevant to tenure-related processes from the benchmark institutions. This approach was the main method for identifying and collecting policies for all institutions in both sets, and the chief means of studying the tenure process at those institutions not involved in the interviews and conference calls discussed below.

As discussed earlier, information was collected across a number of categories for each of the benchmark institutions. The specific data collected for each academic institution and, when applicable, its associated medical school falls into the following categories:

- Hiring with tenure
- Hiring tenure-track faculty
- Probation/evaluation
- Promotion and tenure
- Post-tenure review
- Dismissal for cause
- Alternatives to tenure

Qualitative Analysis

Having been assembled from the institutions discussed above, the relevant policies were then studied in their particulars to identify consensus best practices. These consensus best practices represent the most common procedures employed across this set of “best practice” institutions chosen for study. Though this determination was qualitative in nature, it was based on a careful review of the policies in question and supported by the results of our interviews.

As a next step, members of the Independent Study then compared the policies in place at the University of Colorado to these consensus best practices. The purpose of this comparison was to identify any differences or gaps between CU policy and best practices. In addition, and where appropriate, a discussion of unique practices, gleaned from the interviews and the review of the relevant literature, were also included for illustrative purposes.

BENCHMARK INSTITUTIONS CONSIDERED

The institutions identified as embodying best practices and included in this study are listed below. Web-based research was performed on all institutions. Institutions whose leadership was interviewed via telephone or in person are noted in bold.

Benchmark Institutions for the University of Colorado System

Boston University School of Management*

Georgia State University, *On-campus Interview*

Harvard University, *Telephone Interview*

Johns Hopkins University, *On-campus Interview*

Northwestern University

Penn State University, *Telephone Interview*

Princeton University, *Telephone Interview*

Syracuse University, *Telephone Interview*

University of California at Los Angeles, *Telephone Interview*

University of Chicago

University of Georgia

University of Illinois at Urbana-Champaign

University of Massachusetts Amherst (UMass), *Telephone Interview*

University of Minnesota, *Telephone Interview*

University of North Carolina at Chapel Hill, *Telephone Interview*

University of Pennsylvania

University of Texas at Austin, *Telephone Interview*

University of Washington

University of Wisconsin Madison

** Data collected solely for the purpose of examining alternatives to tenure.*

Benchmark Institutions for the University of Colorado School of Medicine

Johns Hopkins University, *On-campus Interview*

Northwestern University

Penn State University, *On-campus Interview*

University of California at Los Angeles

University of Chicago

University of Illinois at Urbana-Champaign

University of Minnesota, *Telephone Interview*

University of North Carolina at Chapel Hill

University of Pennsylvania, *Telephone Interview*

University of Washington

University of Wisconsin Madison

OBSERVATIONS

Academic Institutions

As discussed above, the specifics of the Laws of the Regents of the University of Colorado and the unique nature of tenure at the School of Medicine dictated dividing the analysis between medical schools and what are referred to as “academic institutions” (that is, those colleges or universities without a medical school or the component of the college or university outside of the medical school). In the sections that follow, the subsection titled “Current CU Policies and Procedures” refers to those policies in effect at schools other than the School of Medicine.

Hiring Tenure-Track Faculty—Letter

Consensus/Best Practice: The consensus/best practice among the benchmark schools is for the offer letter to include the terms and conditions of employment for the faculty member as well as specifics about the type of appointment involved. The letter also includes a statement regarding the expectations of the department with respect to the faculty member’s responsibilities in the areas of teaching, research, and service.

Current CU Policies and Procedures: CU policy states that whenever possible, the agreed-upon terms and conditions of every faculty appointment should be stated in writing before appointment begins. Both the university and the appointee should be in possession of that agreement.

Gaps: No gaps observed; University of Colorado’s policies and procedures are in line with the consensus/best practice.

Hiring Tenure-Track Faculty—Diversity

Consensus/Best Practice: The consensus/best practice is that expedited hiring processes are *not* used for the hiring of candidates to increase faculty diversity, nor are other exceptions to standard hiring practices made. Hiring procedures are designed to adhere to applicable affirmative action guidelines. Diversity goals are pursued through programs that focus on developing candidate pools that include qualified minority candidates and on retention programs for women and minorities.

Current CU Policies and Procedures: The Board of Regents recognizes the need to provide strong guidance for the university in matters of diversity and is committed to the promotion of diversity in the university community. However, standard hiring procedures apply to all candidates and expedited procedures are *not* employed as a means to increase diversity. Efforts are made to develop candidate pools that include qualified members of underrepresented groups.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Additional Observations: At one benchmark institution, all candidates who visit campus are asked to inform the vice chancellor of faculty affairs of any indication that there may have been bias in their review.

Hiring Tenure-Track Faculty—Faculty Orientation to the Promotion and Tenure Process/Mentoring

Consensus/Best Practice: Newly appointed faculty members receive documentation detailing the expectations and standards for reappointment and tenure. Department chairs and/or senior colleagues within each academic unit are expected to mentor untenured faculty members.

Current CU Policies and Procedures: Each prospective faculty member is provided with the following information either during the hiring process and/or at the time the offer letter and contract are mailed:

- A copy of “Standards, Processes and Procedures Used in Making Appointment, Reappointment and Tenure Decisions”
- A summary of employment benefits currently available to the faculty member

At its discretion, the campus may also provide a copy of the *Faculty Handbook* to prospective hires along with a set of the tenure criteria for the primary unit into which the candidate has been hired.

Gaps: No gaps observed; the University of Colorado’s policies and procedures are in line with the consensus/best practice.

Additional Observations: The benchmark institutions employ various approaches to providing mentoring for junior faculty. One utilizes a formal faculty development program, in which all tenure-track assistant professors are provided advisement and assistance in enhancing their research and teaching careers in a program that takes place over several sessions. Another facilitates an annual meeting for all promotion and tenure candidates throughout the college in a given year. The purpose of this meeting is to review the promotion and tenure review procedures and provide instruction on preparing a dossier.

Hiring with Tenure—Letter

Consensus/Best Practice: As with the hiring of tenure-track faculty, the consensus/best practice holds that the offer letter should include the terms and conditions of an appointment, including the procedures, expectations, and timeframe for tenure and promotion-related processes.

Current CU Policies and Procedures: As the process for hiring with tenure is identical to that for hiring tenure-track faculty (as will be outlined below), the policies and procedures related to

the offer letter are identical to those discussed in the section on offer letters for hiring tenure-track faculty, which appears above.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Hiring with Tenure—Diversity

Consensus/Best Practice: The benchmark institutions follow the same approach to diversity when hiring faculty with tenure as they do when hiring tenure-track faculty. There are no expedited processes or other exceptions made, though hiring procedures adhere to required affirmative action guidelines.

Current CU Policies and Procedures: With respect to diversity, the process at the University of Colorado for hiring faculty with tenure is the same as that for hiring faculty into the tenure track. The related policies are identical to those discussed in the section related to hiring tenure-track faculty, which appears above.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Hiring with Tenure—Process

Consensus/Best Practice: The process for hiring with tenure is not expedited and adheres to the same or similar guidelines as those for tenure review for probationary faculty members. External review letters are often sought for appointments with tenure. Offers cannot be made until a department receives the approval of a senior academic administrator(s) (i.e., provost, president, etc.). If an offer is made prior to such approval, it is contingent upon said approval.

Current CU Policies and Procedures: When hiring a faculty member with tenure, the two decisions (that is, whether or not to extend an offer and whether or not to award tenure) are

treated separately. The tenure process is identical to that used to evaluate internal candidates, and included the solicitation of letters from external reviewers and a review by the Vice Chancellor's Advisory Committee. The process may be expedited. The appointment of a tenured faculty member may be subject to the approval of the Board of Regents upon the recommendation of the president. If tenure is not awarded, the candidate may still receive an offer of employment, though this is rare.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Probation/Evaluation—Annual Evaluations

Consensus/Best Practice: Annual evaluations occur for all faculty members. Individual departments, either through the department chair or an assigned review committee, are responsible for performing the reviews and providing the faculty member under review with a written summary of the review's findings.

Current CU Policies and Procedures: Regent policy states that annual merit performance evaluations for all faculty members are to be conducted by each campus, and that a peer evaluation process is to be used at all campuses. Each faculty member is informed in writing of the results of the evaluations performed during the course of all annual reviews.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Additional Observations: At one benchmark institution, the annual-review process plays a direct role in promotion decisions. Tenure-track faculty at this institution are divided into three common ranks: assistant professor, associate professor, and full professor. However, each of these ranks is further divided into steps, with ranks having as few as four (for assistant professor) or as many as ten (nine numbered ranks, plus one "Above Scale" rank for full professors).

Annual evaluations are part of the processes of advancing up the rank ladder of the professorial

series. Advancement up the ladder is not automatic and is achieved through a merit increase (a step increase) or a promotion (advancement to a higher rank), both of which correspond to an increase in salary.

Probation/Evaluation—Performance Improvement Assessment/Remediation Plan

Consensus/Best Practice: At some of the benchmark institutions, as a follow-up to the annual review process, the department head (or an assigned designee) communicates with the faculty member under review about areas where he or she could use improvement, expectations that have not been met, and a timeframe to meet expectations before the following annual review or upcoming tenure review. In such instances, an improvement plan is put in place to guide faculty development and measure progress toward goals. Should those goals not be met in the time frame specified, additional remediation options exist, including dismissal.

Current CU Policies and Procedures: Faculty who receive a “below expectations” rating as the result of their annual performance evaluation must develop a Performance Improvement Agreement (PIA). The faculty member works with the head of the primary unit (or an appropriate committee) to develop a PIA that includes specific goals, timelines, and benchmarks. The timeline is generally one year, but may be two years. If the goals set forth in the PIA are met in the agreed upon timeframe, the faculty member returns to the regular review cycle. If the goals are not met, an Extensive Review is initiated.

In an Extensive Review, the primary unit prepares an evaluative report of the faculty member’s performance. If there is disagreement about the faculty member’s performance, or if the faculty member requests, the review may include evaluations from qualified external reviewers, with the list of reviewers developed jointly by the faculty member and the primary unit.

Upon completion of the evaluation, the faculty member writes a Development Plan for the next one or two years to address areas of deficiency identified in the Extensive Review. The plan must include specific goals; strategies and a time frame for improvement; and specific ways to

measure progress. The Development Plan must be approved by the primary unit head, after discussion with the appropriate primary-unit committee.

At the conclusion of the timeframe outlined in the Development Plan, either the faculty or head of the primary unit or the appropriate college personnel review committee assess the progress of the faculty member and submit their conclusions to the dean. After consulting with the Dean's Review Committee, the dean determines whether the faculty member has achieved the goals of the Development Plan. Those judged to have met their goals return to the regular annual review process. Those who are judged not to have met their goals face various sanctions, including reassignment of duties, demotion in rank, or dismissal.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Probation/Evaluation—Second-year Review

Consensus/Best Practice: Second-year reviews are not utilized at the majority of benchmark institutions. Where they are employed, they follow a process similar to the third-/fourth-year comprehensive review (which is discussed in greater detail below).

Current CU Policies and Procedures: At the University of Colorado, second-year reviews were recently instituted at the Colorado Springs campus. These reviews generally follow the structure of the comprehensive review that occurs in the fourth year. This is the only CU campus where such reviews take place.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Additional Observations: At one benchmark institution which employs a second-year review along with a fourth-year review (the equivalent of CU's comprehensive review) and a sixth-year review (the standard tenure review), the denial of tenure can effectively occur in either the

second, fourth, or sixth year. Candidates who are denied tenure at any point receive a one-year terminal appointment.

Probation/Evaluation—Third-/Fourth-year Comprehensive Review

Consensus/Best Practice: In the third or fourth year, tenure-track faculty undergo some form of comprehensive review that measures their progress toward tenure. This midterm review determines whether the faculty member will be reappointed for the remainder of the probationary period.

Current CU Policies and Procedures: CU policy states that each tenure-track faculty member below the rank of associate professor is evaluated in a comprehensive manner at least once during the tenure probationary period apart from the tenure review. Common practice among the departments across the university is that this occurs in the fourth year of the probationary period. Each faculty member is informed in writing of the results of the evaluation.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Additional Observations: At one benchmark institution, the probationary faculty member receives a letter detailing his or her trajectory toward tenure. The letter is as concrete as possible as to what the faculty member should focus on in the three to four years prior to tenure review to improve his or her chances of achieving tenure. At another benchmark institution, if a faculty member receives a negative fourth year review, but no notice of termination, a special fifth year tenure review may be requested by the faculty member, the department head, chancellor, or dean of the college.

Probation/Evaluation—Criteria (Formal Versus Implicit)

Consensus/Best Practice: A faculty member is evaluated based on progression toward tenure requirements, including accomplishments and progress in teaching, research, and service. Written examples of relevant criteria are often provided by the school or college with more specific examples provided at the department level.

Current CU Policies and Procedures: A faculty member's performance is evaluated based on performance standards developed by each academic unit and any written expectations agreed upon between the faculty member and the unit. Regent policy states that assigned workload should be appropriately considered and faculty governance service should be included for consideration in the evaluation process.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Additional Observations: At one benchmark institution, experts from outside the department—who can provide specific information and advice on research, teaching and pedagogical effectiveness, and service and outreach—may be consulted, when appropriate, as determined by the probationary faculty member and/or the guidance committee.

Promotion and Tenure—Linked? Tenure at Associate Professor Level?

Consensus/Best Practice: In general, among the benchmark schools, promotion to associate professor is accompanied by a recommendation for tenure. At one school, the department or relevant administrator(s) needs to show compelling reason to grant promotion to associate professor *without* tenure and must secure approval before doing so.

Current CU Policies and Procedures: Normally, an award of tenure accompanies appointment to, or promotion to, associate professor.

Gaps: No gaps observed; the University of Colorado’s policies and procedures are in line with the consensus/best practice.

Additional Observations: At one institution, associate professors with less than six years of service at that institution may or may not be tenured, but all professors are placed on indefinite tenure.

Promotion and Tenure—“Up or Out”?

Consensus/Best Practice: The consensus/best practice among the benchmark schools is that tenure is an “up or out” process with unsuccessful candidates receiving a one-year terminal appointment if the tenure application is denied. There is generally no opportunity for reconsideration other than a formal appeals process, which focuses primarily on procedural issues related to the review.

Current CU Policies and Procedures: Tenure at the University of Colorado is likewise an “up or out” process with a terminal appointment for unsuccessful applicants. Similarly, the only opportunity for reconsideration involves an appeal that occurs when procedural errors are suspected.

Gaps: No gaps observed; the University of Colorado’s policies and procedures are in line with the consensus/best practice.

Promotion and Tenure—Process

Consensus/Best Practice: The consensus/best practice for the tenure-review process is as follows:

- The tenure review process begins at the departmental level with some form of departmental advisory committee that reviews the candidate’s dossier and makes a recommendation to eligible voting members of the department’s faculty.

- The department's tenured faculty then votes on tenure and/or promotion.
- The department chair summarizes the department vote, often provides his or her own recommendation, and submits all materials to the dean.
- The dean, often with advice from a college-level personnel advisory committee, reviews the candidate's dossier and makes a recommendation to the appropriate administrator at the university level (e.g., provost, president).
- The university-level administrator, often with advice from a university-level advisory committee, makes the final decision regarding tenure and promotion.
- If at any step during the process, the recommendation at one level of review differs from that at the previous level, feedback is provided, additional information is sought, and the recommendation/vote reconsidered.

Current CU Policies and Procedures: According to regent policy, the tenure review process at the University of Colorado is structured as follows:

- Each primary unit elects or appoints from among its members an evaluation committee for each candidate being considered during an academic year.
- The evaluation committee reports its findings to the primary unit, which then votes and makes a recommendation on tenure.
- The head of the primary unit prepares the candidate's dossier for submission to the group or individual responsible for the next level of review. The head's summary of the review process and voting results, and often his or her own recommendation for tenure, are also included in the dossier.
- The Dean's Review Committee and the dean review the candidate's dossier. If either the review committee or the dean disagrees with the primary unit's recommendation, the dean discusses the nature of the disagreement with the primary unit head. The primary unit reconsiders its original recommendation and returns its reconsidered judgment to the dean for his or her consideration as well as that of the Dean's Review Committee.

- The recommendation of the unit head and dean, the results of votes of the primary unit and Dean's Review Committee, and the comprehensive dossier are forwarded to the chief academic officer.
- The chief academic officer's review committee and the chief academic officer review the candidate's dossier. If the recommendation of the chief academic officer of the review committee is not in agreement with the earlier recommendations, he or she will discuss the nature of the disagreement with the dean. The dean and Dean's Review Committee reconsider the recommendation and return their reconsidered judgment(s) to the chief academic officer.
- The chief academic officer forwards all recommendations for tenure to the president for review and approval prior to submission to Board of Regents.
- If the president disagrees with the recommendation submitted by the campus chief academic officer, the president communicates the nature of the disagreement with the chief academic officer, who then reconsiders the recommendation and returns the reconsidered judgment to the president.
- The president then forwards a final recommendation to the Board of Regents.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Additional Observations: In cases where the president's advisory committee is inclined to disagree with the recommendation of the department, one of the benchmark institutions will reconvene the department committee for a second meeting. During this second meeting, the department chair, and usually another member of the department, will be invited to attend to defend the case. Following this second meeting, the committee conducts a second vote, which is final. At another institution, if both parties at a given level of the process vote "no" (e.g., both the department faculty and the department chair, or both the Dean's Review Committee and the dean) the tenure application is stopped at that point and the candidate is not reappointed.

Promotion and Tenure—Committees

Consensus/Best Practice: The consensus/best practice with respect to tenure-review committees is as follows:

- A departmental committee, generally composed of tenured faculty, advises eligible voting faculty members in the department.
- The college-level promotions and tenure committee, generally composed of tenured faculty members from across the college, advises the dean of the college or school.
- The university-level committee, made up of faculty from across the university, advises relevant senior administrators (i.e., provost, senior vice president for academic affairs, president, etc.).
- No individual can serve concurrently on committees at multiple levels.

Current CU Policies and Procedures: Regent policy defines committees involved with promotion and tenure decisions as follows:

- The evaluation committee is the group within the primary unit that is delegated responsibility by the primary unit of initially reviewing the qualifications of candidates for appointment, reappointment, tenure, and promotion.
- The Dean's Review Committee consists of faculty members from across the school or college. The dean determines if the committee members are elected or appointed.
- Each campus's chief academic officer has an advisory committee to assist him/her in review of recommendations submitted by the dean. The chief academic officer determines whether the committee is elected or appointed.
- The president has a system-wide advisory committee that he or she may convene to review particular recommendations. The president determines whether this committee is elected or appointed.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Promotion and Tenure—Who Votes?

Consensus/Best Practice: The consensus/ best practice among the benchmark institution holds that only tenured faculty may vote on tenure cases, though nontenured faculty may be involved in the process in a nonvoting capacity.

Current CU Policies and Procedures: Likewise, CU policy states that only members of the primary unit holding tenure can vote on decisions relating to tenure.

Gaps: No gaps observed; the University of Colorado’s policies and procedures are in line with the consensus/best practice.

Additional Observations: At one institution, the college promotions and tenure committee votes at least twice on each application for promotion or tenure. The initial vote, considered a straw vote, is taken after hearing the subcommittee report on the application and the deliberation by the full committee. The final and, normally, second vote is taken to decide promotion or to recommend tenure.

Promotion and Tenure—Who is the Ultimate Decision Maker?

Consensus/Best Practice: While all decisions must be approved by the board of regents/trustees, the ultimate decision maker is effectively the chief academic officer or senior academic administrator (e.g., president, provost).

Current CU Policies and Procedures: Recommendations for promotion or tenure are forwarded to the Board of Regents for final approval; effectively, however, the university president is the ultimate decision maker.

Gaps: No gaps observed; the University of Colorado’s policies and procedures are in line with the consensus/best practice.

Promotion and Tenure—Criteria (Formal Versus Implicit)

Consensus/Best Practice: Criteria among the benchmark institutions include evidence of some measure of distinction and/or excellence in scholarly research, teaching, and service. The school/college and/or department may provide specific examples of accomplishments that meet these criteria. There is wide variation with regard to how specific and well-documented these criteria are.

Current CU Policies and Procedures: Regent policy describes the criteria for tenure as demonstration of meritorious performance in each of the three areas of teaching, research/creative work, and service, and demonstrated excellence in either teaching or research/creative work.

Each primary unit develops specific written criteria and procedures for measuring performance of candidates in that primary unit. These approved criteria, called the “primary unit criteria,” are subject to periodic review and approval by the chief academic officer.

Gaps: No gaps observed; the University of Colorado’s policies and procedures are in line with the consensus/best practice.

Promotion and Tenure—Policies/Practices on External Letters

Consensus/Best Practice: The minimum number of external letters solicited by the benchmark institutions is between four and 10. The candidate can provide a list, averaging between four and six names, of suggested external reviewers but is discouraged from soliciting letters from teachers, mentors, collaborators, etc. The department chair, departmental committee, and/or other administrator(s) compile the final list of external reviewers, which include some of the candidate’s suggestions. The candidate does not have access to the final list of external reviewers nor the letters themselves.

Current CU Policies and Procedures: Regent policy states that the candidate is asked to provide names of scholars which should be considered in selecting external reviewers. This list is generally augmented with names provided by the department chair and/or departmental review committee, as well as administrator(s) such as the dean of the school/college. As with the benchmark institutions, the candidate is discouraged from soliciting letters from those with whom he or she has a close relationship and does not have access to the final list of reviewers nor the letters they write.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Additional Observations: At some of the benchmark institutions, the candidate can suggest and/or veto the names of potentially biased reviewers that he or she does not want included in the tenure review process.

Promotion and Tenure - Length of Probation

Consensus/Best Practice: The consensus/best practice is that the probationary period lasts seven years

Current CU Policies and Procedures: Likewise, the duration of the probationary period at the University of Colorado is seven years

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Additional Observations: One institution automatically grants a one-year extension to the tenure clock when a faculty member has or adopts a child or experiences a similar life altering event. The candidate is then required to formally decline this stoppage should he or she not wish to take it.

Post-Tenure Review—Post-Tenure Review in Place?

Consensus/Best Practice: Where post-tenure review is in place, it occurs generally once every five years, unless delayed due to extenuating circumstances (i.e., sabbatical, faculty member is being reviewed for promotion to full professor, etc.). At a limited number of institutions, only an annual salary review is employed.

Current CU Policies and Procedures: According to regent policy, after tenure is awarded, a comprehensive performance evaluation is completed every five years. The evaluation process is intended to: (1) facilitate continued faculty development, consistent with the academic needs and goals of the university and the most effective use of institutional resources and (2) ensure professional accountability to the university community, to the Board of Regents, and to the public.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Additional Observations: The tenure issues committee at one benchmark institution sought to assess the need for a post-tenure review system. It identified advantages and disadvantages of post-tenure review and invited feedback from the academic community on a draft proposal which would require formal review of tenured faculty every five to seven years. In the end, a majority of committee members concluded that such a system should not be recommended at that time because it would be largely redundant, its costs would exceed its incremental benefits, it would encourage less rigor in the tenure decision, and the benefits of such a system could be captured in other, less costly ways.

Post-tenure Review—Process Linked to Annual Review?

Consensus/Best Practice: Post-tenure review may be combined with other reviews, including annual reviews. The unit's faculty determines and develops guidelines and procedures for the post-tenure review process, which is carried out by tenured faculty within the unit. Post-tenure

review addresses accomplishments in teaching, service, and research, and is based on available information, including, but not limited to, the candidate's current vita, teaching evaluations (both peer and student), and other materials submitted by the faculty member. In addition, the faculty member under review writes a statement of accomplishments and compiles reviews over previous years and documentation of his or her plans for the upcoming years before his or her next post-tenure review.

The department committee or chair gives the faculty member a written summary of the post-tenure review evaluation results. The department and/or dean keeps a copy of the evaluation for future reviews and/or other appropriate uses.

Current CU Policies and Procedures: Post-tenure review is conducted by either primary-unit faculty or faculty of a college personnel review committee. Each campus develops procedures for peer evaluations during post-tenure review and for appeals of post-tenure review evaluations.

Post-tenure review evaluates performance in teaching, research/creative work, and service, the same areas of professional competence and achievement used in tenure and promotion reviews and in annual merit evaluations.

The faculty member provides the primary unit with an updated Professional Plan for the next five years. The primary unit prepares a report summarizing the unit's findings regarding the faculty member's adherence to previous Professional Plan(s) and forwards the report to the dean, who in turn, reports all of the post-tenure review reports from the college/school in a given year to the academic vice chancellor.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Post-Tenure Review—Annual Evaluation Improvement Plan?

Consensus/Best Practice: Upon receipt of a less than satisfactory post-tenure review, the faculty member, working with an appropriate administrative officer or committee (i.e., department chair, departmental committee, dean, etc.), develops a formal plan to improve performance.

The appropriate administrative officer or committee is responsible for approving the faculty member's development plan as well as for monitoring the faculty member's progress toward reaching the development plan's goals, either during future annual reviews or special extensive reviews.

Current CU Policies and Procedures: A faculty member who receives a summary evaluation of "below expectations" during the regular review is required to meet with members of his or her primary unit and/or unit head to identify causes of the unsatisfactory evaluation and to plan and implement a written Performance Improvement Agreement (PIA). The PIA includes specific goals, timelines, and benchmarks used to measure progress at periodic intervals. PIAs are usually established for one year, but if necessary, may span two years.

If PIA goals are being/have been met, as shown during the next annual merit evaluation, the faculty member continues in the regular five-year post-tenure cycle. If goals are not being/have not been met at the time of the next annual merit evaluation, an extensive review process begins. Faculty who receive two "below expectations" ratings within the previous five years also undergo an extensive review.

During the extensive review, the primary unit prepares an evaluative report of the faculty member's teaching, research/creative work, and service. The review may include evaluations from qualified persons outside the university. The faculty member writes a Development Plan for the next one or two years, which defines specific goals and actions that address areas of deficiency identified during the extensive review process. The primary unit head must approve the plan.

At the end of the time allotted for completion of the Development Plan, either the department faculty and the primary unit head or faculty from the college personnel review committee assess the progress of the faculty member and forward their conclusions to the dean. After consultation with the Dean's Review Committee, the dean determines whether the faculty member has achieved the goals of Development Plan. If the faculty member does achieve such goals, he or she begins a new post-tenure review cycle. If not, the faculty member may face sanctions, including the possibility of revocation of tenure and dismissal.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Post-Tenure Review—Reassignment of Research/Teaching Responsibilities?

Consensus/Best Practice: Among the benchmark institutions, the post-tenure review committee may recommend reallocation of effort among teaching, research, and service to maximize faculty member's contribution to department.

Current CU Policies and Procedures: In cases where the Development Plan does not produce the desired results, sanctions may be imposed. A possible sanction includes the reassignment of duties.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Additional Observations: At one institution, post-tenure review is performed by a college-level committee rather than at the departmental level, and is used to routinely adjust workload assignments. Compensation increases at this institution are related to elements of the workload, and faculty are encouraged to shift their workload into areas where they can achieve an "excellent" rating and a higher salary increase. This facilitates the shift of faculty time into teaching as research efforts decrease later in some faculty careers.

Dismissal for Cause—Neglect of Duty?

Consensus/Best Practice: The consensus/best practice among the benchmark institutions is that a faculty member is subject to removal for just cause, which is defined in policy and which definition normally includes “neglect of duty.”

Current CU Policies and Procedures: According to regent policy, “a faculty member may be dismissed when, in the judgment of the Board of Regents, ...the good of the university requires such action. Grounds for dismissal are demonstrable professional incompetence, neglect of duty, insubordination...or other conduct which falls below minimum standards of professional integrity.”

Gaps: No gaps observed; the University of Colorado’s policies and procedures are in line with the consensus/best practice.

Dismissal for Cause—Reassignment of Research/Teaching Responsibilities?

Consensus/Best Practice: A faculty member may be assigned other duties only if immediate harm to the faculty member or others is threatened.

Current CU Policies and Procedures: No such provision for reassignment of responsibility in the case of dismissal for cause is included in regent policy.

Gaps: CU regent policy does not reference any reassignment of duties during dismissal proceedings.

Dismissal for Cause—Administrative Leave Without Pay?

Consensus/Best Practice: Consensus/best practice among the benchmark institutions is that a loss in compensation does *not* occur. If a cessation of duties is deemed necessary, faculty are placed on administrative leave with pay until appropriate processes have been completed.

Current CU Policies and Procedures: No provision for administrative leave *without* pay is included in regent policy.

Gaps: No gaps observed; the University of Colorado's policies and procedures are in line with the consensus/best practice.

Alternatives to Tenure—Other Options/Opportunities

Consensus/Best Practice: Virtually all of the schools in the set of best-practice institutions do not offer alternatives to tenure.

Current CU Policies and Procedures: The University of Colorado does not offer alternatives to tenure.

Gaps: Not Applicable

Comments: At the Boston University School of Management, professors who have, or are otherwise eligible to have tenure can choose tenure or a 10-year renewable contract. Such a contract includes a salary premium of 8 to 10 percent and the retention of the rights and responsibilities of tenured faculty, including voting on tenured appointments. Contracts are subject to the same peer-review process currently used for tenure candidates.

Newly hired faculty members become eligible for this alternative after three years of employment. Upon choosing this track, these faculty members immediately receive a salary increase and accept the 10-year contract instead of tenure. This goal of this alternative is to

insure professors remain productive and to give the university more flexibility over its work force. For faculty members, this alternative offers a chance to earn more money and have a long-term contract.

Medical Schools

The following section deals exclusively with the policies of the School of Medicine of the University of Colorado. All the consensus best practices discussed below were collected from benchmark institutions that are also schools/colleges of medicine.

Hiring Tenure-Track Faculty—Letter

Consensus/Best Practice: The consensus/best practice is that the offer letter includes the precise terms and conditions of employment and specifies the type of appointment. The letter also includes a statement regarding departmental expectations and the faculty member's responsibilities in regards to research, teaching, and service.

Current CU Policies and Procedures: University of Colorado policy states that only one letter of appointment, signed by the department chair and the dean, will be sent to a candidate. The UPI (University Physicians Incorporated) Member Practice Agreement and (if applicable) a noncompete agreement must also be attached. The individual is to be sure he or she understands and agrees with the job title, terms of appointment, and the department's promises and expectations.

Gaps: No gaps observed; the University of Colorado School of Medicine's policies and procedures are in line with consensus/best practice.

Hiring Tenure-Track Faculty—Diversity

Consensus/Best Practice: Among the best-practice institutions, expedited hiring process, or other exceptions to standard hiring practices, are *not* made for the hiring of candidates in an effort to increase diversity among the faculty. Hiring procedures, however, adhere to required affirmative action guidelines.

Current CU Policies and Procedures: University policy states that it takes action to increase ethnic, cultural, and gender diversity, to employ qualified disabled individuals, and to provide equal opportunity to all students and employees. Per interviews with the School of Medicine, there are *no* expedited reviews or other exceptions made to the hiring process to support increased diversity. The University of Colorado policy includes standard nondiscrimination language and also states that “qualification for the position and institutional need shall be the sole bases for hiring employees....”

Gaps: No gaps observed; the University of Colorado School of Medicine’s policies and procedures are in line with consensus/best practice.

Hiring Tenure-Track Faculty—Faculty Orientation to the Promotion and Tenure Process/Mentoring

Consensus/Best Practice: Upon hiring, newly appointed junior faculty members receive copies of reappointment, promotion, and tenure criteria from their institutions. It is generally the responsibility of the department chair to explain departmental expectations to new hires. Junior faculty are assigned a senior faculty mentor who is responsible for providing guidance and advice on the responsibilities of tenure-track faculty. Some benchmark institutions also offer some type of orientation/training to junior faculty, which may include a discussion of but is not limited to issues related to promotion and tenure.

Current CU Policies and Procedures: The department’s expectations are laid out in the appointment letter. During the first year of appointment, new faculty members are expected to

attend the New Faculty Orientation (conducted yearly by the School of Medicine), read the Rules of the School of Medicine and *Faculty Handbook*, and ask their department chairs to clarify any areas of confusion. Within three months of hire, each new faculty member is assigned a senior faculty member by their department who serves as a mentor, and is expected to schedule an initial appointment with his/her faculty mentor. It is the department's responsibility to make sure the new faculty member understands the promotion criteria and standards to which he or she will be held. Additionally, the School of Medicine has designed a one-hour seminar called "Promotion 101" for junior faculty members, which department chairs, administrators, and senior faculty who are involved in mentoring, faculty evaluations, and promotion reviews are also invited to attend.

Gaps: No gaps observed; the University of Colorado School of Medicine's policies and procedures are in line with consensus/best practice.

Additional Observations: One benchmark institution provides an interesting example of and motivation for the type of training for junior faculty mentioned above. During the interview with this institution, the interviewee discussed a study conducted to determine the cost associated with an unsuccessful hire, specifically, a junior faculty hired as a basic scientist into a tenure-track position and who failed to achieve tenure. According to the interviewee, using the most conservative estimates, the study concluded that the immediate loss associated with such an unsuccessful hire is \$1.21 million.

In response, the institution developed a junior faculty development program, which faculty typically take advantage of during their second year. The program runs every Friday morning, from 7 a.m. to 9 a.m., between September and May. During the course of this program, every member is taken through what they need to know to succeed in the academic environment. The thrust of the program is to recognize that the responsibility for achieving tenure rests with the candidate, the department, and the institution, with the understanding that all stakeholders need to be sure they are "on target" because the candidate is not the only one with something to lose if tenure is denied. The program also has the added benefit of fostering collaboration among junior faculty.

Hiring with Tenure—Letter

Consensus/Best Practice: Much as with hiring tenure-track faculty, the consensus/best practice among the benchmark institutions is for the offer letter to include the terms and conditions of employment, the type of appointment, and the department's expectations regarding the faculty member's responsibilities with respect to research, teaching, and service.

Current CU Policies and Procedures: The policies and procedures related to the offer letter are identical to those discussed in the section on hiring tenure-track faculty, which appears above.

Gaps: No gaps observed; the University of Colorado School of Medicine's policies and procedures are in line with consensus/best practice.

Hiring with Tenure—Diversity

Consensus/Best Practice: The benchmark institutions generally follow the same practices with respect to diversity when hiring with tenure as they do when hiring tenure-track faculty. There are no expedited processes, or other exceptions made, though hiring procedures are required to adhere affirmative action guidelines.

Current CU Policies and Procedures: With respect to diversity, the process for hiring with tenure at the University of Colorado is the same as that for hiring tenure-track faculty. The related policies are identical to those discussed in the section related to hiring tenure-track faculty, which appears above.

Gaps: No gaps observed; the University of Colorado School of Medicine's policies and procedures are in line with consensus/best practice.

Hiring with Tenure—Process

Consensus/Best Practice: Faculty "hired with tenure" go through the same tenure process as faculty from within the institution who are awarded tenure. Generally, the search committee

functions in lieu of the departmental committee that operates in the internal tenure process, and the materials the candidate has assembled when applying for the position may function in lieu of a more traditional tenure dossier. With these exceptions, the tenure review and all of its related requirements, policies, and procedures are the same as the review for promotion and tenure from within. The process can be expedited, in the sense that attempts are made to give such review priority and complete the process as expeditiously as possible, but no steps in the review are skipped.

Current CU Policies and Procedures: Per interviews with the School of Medicine, hires with tenure are somewhat rare. In those cases where such hires are made, there are no “short circuits” or expedited processes involved. Rather, the process for approving tenure for a new hire is the same as the tenure process for faculty in the department: the review begins with the Faculty Promotions Committee (FPC) and continues through the normal channels, which will be discussed below.

The School of Medicine hires such faculty using the title of visiting professor, with the understanding that tenure will be awarded only when the tenure review is completed and only if the review results in a positive recommendation.

Gaps: Though the title visiting professor was used by only the University of Colorado and Johns Hopkins University among our set of best practice medical schools, no gaps were identified; the University of Colorado School of Medicine’s policies and procedures in line with consensus/best practice.

Additional Observations: One of the benchmark institutions with whom we met employs what it refers to as an “immediate” tenure process. The immediate tenure package includes the candidates CV and four letters of reference. This package is reviewed by a college-level committee and eventually the university-level committee. In cases such as this, the university-level committee has a two-week turnaround guarantee and a decision on tenure can often be made before the candidate is hired. The main caveat is that the process is only applied to

candidates who already have tenure at their home institution and only those candidates who are a “slam dunk” for tenure at the new institution.

Probation/Evaluation—Annual Evaluations

Consensus/Best Practice: The consensus among the benchmark institutions is that annual evaluations are required for all faculty members during their probationary period, though not necessarily afterward. Annual reviews are generally conducted at the departmental level.

Current CU Policies and Procedures: Each year, the chair or division head evaluates faculty performance in teaching, service, and research/scholarship. During the annual evaluation process, each faculty member is expected to update his or her Professional Plan—a clear statement of short- and long-term goals in teaching, research/scholarship, and service, including the nature and proportion of effort that will be devoted to each. The department chair reviews and approves the annual review summary and Professional Plan and clearly documents whether the faculty member is on course for promotion and/or tenure and is fulfilling department’s expectations.

Gaps: No gaps observed; the University of Colorado School of Medicine’s policies and procedures are in line with consensus/best practice.

Additional Observations: The University of Colorado has a more formal policy for annual review as compared with the consensus/best practice.

Probation/Evaluation—Performance Improvement Assessment/Remediation Plan

Consensus/Best Practice: Many of the best-practice institutions did not specifically discuss performance improvement/remediation plans for probationary faculty in their policies. Those that did discuss the issue generally note that the matter of developing a remediation plan, if necessary, should be undertaken by the faculty member and the department head, with the

faculty member informed of any deficiencies in performance and provided assistance with taking necessary actions. Progress toward achieving the goals of the remediation plan is monitored.

Current CU Policies and Procedures: The Rules of the School of Medicine state that “annual performance evaluations shall be conducted for all faculty members, in accordance with the university’s Standards, Processes, and Procedures Document” (www.cu.edu/regents/Laws/AppendixA.html). Annual reviews are conducted by the department chair (or a designee) and must be completed no later than May 1 of each year. A faculty member’s performance is evaluated based upon performance standards developed by each department and any written expectations agreed to between the faculty member and the department. The faculty member’s performance in teaching, clinical work or service, and scholarship should be considered, along with the assigned workload and administrative and faculty governance service. The annual review also provides the opportunity for faculty members to have input into job assignments and allocation of effort to teaching, research, service.

Gaps: No gaps observed; the University of Colorado School of Medicine’s policies and procedures are in line with consensus/best practice.

Additional Observations: Some of the benchmark institutions studied will use a reallocation of effort as a component of the remediation plan. That is, a candidate whose performance begins to falter in the area of research may be assigned greater teaching responsibilities in the next year, and vice versa. This issue is discussed in greater detail later in this report.

Probation/Evaluation—Third-/Fourth-year Comprehensive Review

Consensus/Best Practice: In the third or fourth year of appointment, a formal review is conducted for all probationary faculty. This comprehensive review generally, though not always, resembles a full tenure review, including the solicitation of external letters. This review is used to assess the faculty member’s progress toward promotion and tenure and to determine whether or not the faculty member will be reappointed.

Current CU Policies and Procedures: During the assistant professor's third or fourth year in rank, the Departmental Advisory Committee (DAC) evaluates the faculty member's record in teaching, service, and research/scholarship. The DAC may or may not request external evaluation letters. Upon completion of the review, the committee must state clearly whether satisfactory progress toward promotion and tenure is being made. Faculty members must be informed of the results of this review both orally and in writing.

Gaps: Unlike the consensus/best practice, the University of Colorado School of Medicine may or may not solicit external letters. Otherwise, no gaps were observed.

Additional Observations: The University of Colorado School of Medicine's three- to four-year comprehensive review has an additional element as compared with the consensus/best practice. Specifically, this evaluation is designed to resemble a mock version of the tenure review that will occur later in the faculty member's career.

In addition to conducting comprehensive reviews in the fourth year, one of the benchmark institutions also conducts such reviews in the second year. This second-year review, while occurring early in a faculty member's career, is not a *pro forma* review; it is as rigorous as the fourth-year review. It is intended to identify any problems and ensure the faculty member is progressing appropriately toward tenure.

Probation/Evaluation—Criteria (Formal Versus Implicit)

Consensus/Best Practice: Faculty are evaluated on the criteria for promotion and tenure, which include performance in research or scholarship, teaching, and service. Written examples of general criteria are often provided by the school or college; more specific written examples, when provided, are generally provided at the department level.

Current CU Policies and Procedures: Faculty are reviewed for promotion in light of School of Medicine criteria with respect to performance in teaching, research or scholarship, and service, as well as the fulfillment of departmental expectations. The school employs a Promotion Criteria

Matrix presenting examples of various levels of accomplishment in the areas of teaching, research, clinical activity, scholarship, and service. It is not intended to be an exclusionary list, but rather to assist faculty, department chairs, and promotion committees in matching candidates' accomplishments to the promotion criteria.

Gaps: No gaps observed; the University of Colorado School of Medicine's policies and procedures are in line with consensus/best practice.

Promotion and Tenure—Linked? Tenure at Associate Level?

Consensus/Best Practice: In general, among the benchmark institutions, the promotion and tenure processes are linked, with tenure being awarded at the time of the faculty member's promotion to associate professor.

Current CU Policies and Procedures: Consideration for promotion and an award of tenure are separate processes that may occur concurrently. Faculty who are employees of the University of Colorado in the regular academic ranks of associate professor or professor are eligible for consideration for an award of tenure. No maximum time limit exists for an award of tenure; the process may take upwards of 10 years. However, a faculty member who is denied tenure may not be reconsidered for tenure for three years.

Gaps: While the specifics of the University of Colorado School of Medicine's policies and procedures differ somewhat from those of the benchmark schools, they address the same issues.

Additional Observations: The award of tenure at the University of Colorado School of Medicine is a rare event and is reserved for those faculty members who are among the best in their field of scholarly endeavor. The tenure criteria at the School of Medicine include excellence in scholarship, which has led to a national and international reputation, as well as excellence in teaching and meritorious performance in the area of service. These requirements, particularly the requirement to have developed an international reputation in the field, are often not met by

faculty at the level of associate professor within a seven-year timeframe, which contributes to the infrequency with which faculty at that rank achieve tenure.

Promotion and Tenure—“Up or Out”?

Consensus/Best Practice: In general, the tenure process at the benchmark institutions involves an “up or out” approach.

Current CU Policies and Procedures: The tenure process at the School of Medicine does *not* involve an “up or out” approach.

Gaps: The policy at the University of Colorado School of Medicine does not involve an “up or out” approach to tenure. In contrast, 10 of the 11 institutions studied employ such an approach to tenure; Johns Hopkins is the only institution that does not. This makes the University of Colorado’s policy the exact opposite of the consensus/best practice.

Additional Observations: At the University of Colorado School of Medicine, while the tenure process *does not* employ an “up or out” approach, the process for promotion to associate professor *does* employ such an approach.

Promotion and Tenure—Process

Consensus/Best Practice: The consensus/best practice for the tenure review process is as follows:

- A departmental committee, working on behalf of the department, reviews the candidate’s dossier and votes on the case. The department’s recommendation, generally based on a vote of the department’s tenured faculty, and a separate letter from the chair, are forwarded, along with the dossier, to the next level for review.
- The next level of review is managed by a school-level promotion and tenure committee, which reviews the case, votes, and makes a recommendation to the dean. Recommendations from the School of Medicine committee and the dean are forwarded,

along with the dossier and any relevant documentation, to the appropriate university-level committee.

- The university-level committee's recommendation is forwarded to the executive administrator (chancellor, provost, or president) who makes a final decision on the case.
- The Board of Regents (or Board of Trustees) officially signs-off on the decision.

Current CU Policies and Procedures: The tenure review process at the School of Medicine is structured as follows:

- The Departmental Advisory Committee (DAC) reviews the dossier in light of School of Medicine's promotion and tenure criteria. The DAC's recommendation and vote, along with a separate letter from the chair of the department, are included in the dossier and forwarded to the Faculty Promotions Committee (FPC).
- The FPC reviews the dossier.
 - The full committee of 15 members reviews all dossiers, with a subcommittee of three members reviewing a single case in more detail and writing a review of the case for the benefit of the entire 15 member committee.
 - The 15 members are a balance of basic science and clinical science faculty who are all members of the faculty. However, some may not be employed by the university but rather by an affiliated hospital.
 - Recommendations for promotion and tenure are forwarded to the dean and the Executive Committee for action.
- The Executive Committee votes to affirm the FPC's recommendation. The Executive Committee submits the results of this vote to the dean, who also submits a recommendation for promotion or tenure to the chancellor.
- The Chancellor's Faculty Advisory Committee (CFAC) reviews the dossier and makes a tenure recommendation to the chancellor, who also submits a recommendation for promotion or tenure to the president.

- The president reviews the chancellor's decision. Recommendations for promotion or tenure are forwarded to the regents for final approval.
 - If the recommendation is tabled or disapproved by the FPC, a written memo is sent to the department chair explaining this action. The department chair may submit additional information, attend FPC meeting to provide additional information, or withdraw the recommendation.

Gaps: While the specifics of the University of Colorado School of Medicine's policies and procedures differ from those of the benchmark schools, they address the same issues.

Additional Observations: The University of Colorado School of Medicine, in comparison with the consensus/best practice, has one additional step, involving the Executive Committee, in the tenure review process.

Promotion and Tenure—Committees

Consensus/Best Practice: The committees cited by the benchmark institutions generally include a departmental committee, college/school of medicine committee, and a university-level committee. Promotion and tenure committees are made up of senior faculty members who have achieved the same rank/status as the candidate up for promotion and/or tenure.

Current CU Policies and Procedures: The committees involved in the tenure review process at the School of Medicine include the Departmental Advisory Committee, the Faculty Promotions Committee, the Executive Committee, and the Chancellor's Faculty Advisory Committee.

Gaps: No gaps observed; while the specifics of the University of Colorado School of Medicine's policies and procedures differ from those of the benchmark schools, they address the same issues.

Additional Observations: As mentioned above, the University of Colorado School of Medicine, in comparison with the consensus/best practice, has one additional committee, the Executive Committee, which reviews tenure and promotions cases.

Promotion and Tenure—Who Votes?

Consensus/Best Practice: While tenure committees are made up of senior faculty members who have achieved the same rank/status as the candidate up for promotion and/or tenure, generally only tenured faculty vote on tenure cases.

Current CU Policies and Procedures: As discussed above, all individuals who review tenure cases, such as those on the Faculty Promotion Committee, are members of the CU faculty. However, some may not be employed by the university but rather by an affiliated hospital. These faculty have full-time appointments at the university but are not tenure eligible. As only tenured faculty vote on tenure cases, these faculty may not vote. (A subcommittee of tenured faculty of the FPC votes on tenure cases).

Gaps: No gaps observed; the University of Colorado School of Medicine's policies and procedures are in line with consensus/best practice.

Promotion and Tenure—Who is the Ultimate Decision Maker?

Consensus/Best Practice: While all decisions must be approved by the board of regents/trustees, the ultimate decision maker is effectively the provost, chancellor, or president.

Current CU Policies and Procedures: Recommendations for promotion or tenure are forwarded to chancellor for final approval. The president reviews the chancellor's decision and all recommendations for promotion or tenure are forwarded to regents for final approval.

Gaps: No gaps observed; the University of Colorado School of Medicine's policies and procedures are in line with consensus/best practice.

Promotion and Tenure—Criteria (Formal Versus Implicit)

Consensus/Best Practice: Criteria for tenure and promotion generally focus on excellence in research. While strong accomplishments in teaching and service are also required, research appears to be weighed most heavily. Departmental- and school- and/or college-level guidelines and examples of various levels of accomplishment exist to assist faculty and administrators in making tenure and promotion decisions.

Current CU Policies and Procedures: The award of tenure in the School of Medicine is intended for faculty who are among the best in their field. The first requirement for an award of tenure is excellence in scholarship, resulting in a national and international reputation. The second requirement for an award of tenure is excellence in teaching. The balance between accomplishments in scholarship and teaching may vary considerably from one faculty member to another, but excellence in both scholarship and teaching must be present for tenure to be awarded. Professional/administrative service and/or clinical activities also weigh into the tenure decision, but must be accompanied by excellence in both teaching and scholarship if tenure is to be awarded.

As discussed above, the School of Medicine's Promotion Criteria Matrix offers some examples of accomplishments in the areas of teaching, research, clinical activity, scholarship, and service. Faculty will need to achieve excellence by a number of these criteria to be awarded tenure.

Gaps: The University of Colorado School of Medicine's requirement for excellence in both scholarship leading to a national and international reputation and in teaching is unique in that this dual requirement is not a specific criterion mentioned among the benchmark institutions. The standards for tenure at the School of Medicine exceed the requirements of the consensus/best practice.

Promotion and Tenure—Policies/Practices on External Letters

Consensus/Best Practice: The requirement for the number of external letters varies across the benchmark institutions, with the low end of the range being set at four. The letters are generally solicited from a list of names made up of suggestions submitted by the candidate, augmented by suggestions from the department chair, and/or departmental committee, and possibly others. The reviews are generally not chosen exclusively from the list provided by the candidate. Reviewers must generally be external to the institution and required to be in a position to make informed judgments about the candidate's work and provide an objective evaluation. Candidates are either discouraged or forbidden from suggesting mentors, collaborators, etc. as possible reviewers. The final list of reviewers from whom letters were requested and the letters themselves are confidential and are not shared with the candidate.

Current CU Policies and Procedures: CU policy calls for letters from three to six academic referees who can accurately evaluate the candidate's qualifications. At least three of these references must be from outside of the University of Colorado School of Medicine. The candidate is asked to provide names of those who should be considered as external reviewers; letters are then requested by the department chair or the chair of the Departmental Evaluation Committee. As with the benchmark institutions, candidates are discouraged from requesting letters from collaborators. (Note: Unlike the School of Medicine, the Schools of Pharmacy and Dentistry allow letters from collaborators.)

The policy addressed the confidential nature of the letters in the context of the candidate's access to the information in the dossier. Specifically, the policy states that the candidate should have access to all information in the dossier, "with the exception of letters of recommendation solicited from outside the faculty member's department, which are to be treated as confidential to the extent provided by law."

Gaps: The School of Medicine's policy differs from the consensus best practice in several respects:

- It calls for a minimum of three external letters, whereas the low end of the range of the benchmark policies calls for a minimum of four letters.
- It allows the candidate the ability to select all evaluators.
- It does not require that all such evaluators be external to the institution.
- It addresses the confidentiality of such letters somewhat indirectly.

Promotion and Tenure—Length of Probation

Consensus/Best Practice: The probationary period among the benchmark institutions is generally seven years.

Current CU Policies and Procedures: Faculty who are employees of the University of Colorado in the regular academic ranks of associate professor or professor are eligible for consideration for an award of tenure. No maximum time limit exists for an award of tenure; however, a faculty member who is turned down for tenure may not be reconsidered for three years.

Gaps: The length of the probationary period for tenure at the University of Colorado School of Medicine's (which may exceed 10 years) is not specified as it is in the consensus/best practice (seven years).

Additional Observations: The standard time for promotion to associate professor at the University of Colorado School of Medicine is seven years; faculty members who are not promoted to associate professor during the seventh year at the rank of assistant professor will be given one year's notice of nonrenewal.

Post-Tenure Review—Post-Tenure Review in Place?

Consensus/Best Practice: While some form of post-tenure review exists at a limited number of the benchmark institution, a formal system of post-tenure review is generally not in place.

Current CU Policies and Procedures: Post-tenure review is required by the regents of the University of Colorado and is conducted every five years after award of tenure.

Gaps: No gaps observed; the University of Colorado School of Medicine's employs a more formal policy in contrast to the benchmark schools.

Post-Tenure Review—Process Linked to Annual Review?

Consensus/Best Practice: At institutions where post-tenure review is in place, the process is not linked to annual review.

Current CU Policies and Procedures: Post-tenure review is conducted every five years after the award of tenure. Per conversations with the School of Medicine, post-tenure review is not linked to annual review.

Gaps: No gaps observed; the University of Colorado School of Medicine's policies and procedures are in line with consensus/best practice.

Additional Observations: At the University of Colorado School of Medicine, when it is necessary, per the post-tenure review policy, for faculty to undergo Extensive Review, the primary unit examines the five previous annual performance evaluation reports. This practice is discussed in greater detail below.

Post-Tenure Review—Annual Evaluation Improvement Plan?

Consensus/Best Practice: Faculty members whose performance is found to be substandard are given guidance and suggestions by the department chair or appropriate committee on how to improve their performance. The faculty member, together with the department chair, and/or committee prepares an improvement or development plan.

Current CU Policies and Procedures: The post-tenure review is conducted by the department Post-tenure Review Committee, which is made up of at least three tenured faculty peers. The committee evaluates performance in teaching, research, scholarship and service, and forwards a

written report to the department chair and then to the faculty member and finally the dean. Faculty receiving an evaluation of “meeting expectations” or higher, since the award of tenure or the last review cycle, remain in the regular review (i.e. five-year) cycle.

In contrast, faculty who receive two “below expectations” ratings within the previous five years will undergo Extensive Post-tenure Review. In Extensive Post-tenure Review, an Evaluative Report of the faculty member’s performance is prepared by the primary unit. Following completion of the Evaluative Report, the faculty member will work with the appropriate individual or committee to write a Development Plan for the next one-to-two years with specific goals and activities to address the areas of deficiency identified in the Extensive Post-tenure Review.

Gaps: No gaps observed. The consequences of a poor Post-tenure Review are somewhat unclear and the School of Medicine’s process with respect to annual improvement plans is somewhat more formal than that at the benchmark schools.

Post-Tenure Review—Reassignment of Research/Teaching Responsibilities?

Consensus/Best Practice: On the whole, it is possible for faculty who are no longer as productive in research or teaching as they once were, but who are still an asset to the university, to be granted a reassignment of research/teaching responsibilities.

Current CU Policies and Procedures: Per interviews with the School of Medicine, faculty who are not meeting expectations in one area can have their responsibilities reassigned, (i.e., decrease their research responsibilities and increase their teaching or service responsibilities.) In cases where such a reassignment of responsibilities is part of the Development Plan (discussed above) but has not produced the desired results, sanctions may be imposed. The campus schedule of sanctions includes:

- Reassignment of duties
- Loss of eligibility for sabbaticals or campus travel funds
- Salary freeze
- Salary reduction

- Demotion in rank
- Revocation of tenure
- Dismissal

Gaps: No gaps observed; the University of Colorado School of Medicine's policies and procedures are in line with consensus/best practice.

Additional Observations: One benchmark institution employs a unique approach in this regard with respect to its basic science faculty. If a basic scientist goes for a period of two years without getting 25 percent of his or her research efforts supported by extramural grants, his or her level of effort and commensurate pay is reduced. All faculty have appointments that span 12 months a year; if they fall into the category described above, they are moved to an 11-month appointment with a commensurate reduction in salary and will likely not receive a merit raise. This process can be repeated two more times, until the faculty member is moved to a nine-month appointment; over three years, this results in a salary reduction of 25 percent and an effort reduction to 75 percent. Concomitant with this is a reassignment of responsibility, though the incentive to do research remains because such faculty can regain their 12-month appointments if their research performance improves.

Dismissal for Cause—Neglect of Duty?

Consensus/Best Practice: Among the benchmark institutions, neglect of duty is commonly included in policy as a potential ground for dismissal for cause of all faculty, including tenured faculty, although it has generally never actually been cited in a faculty dismissal.

Current CU Policies and Procedures: A faculty member may be dismissed when, in the judgment of the Board of Regents, the good of the university requires such action. The grounds for dismissal shall be demonstrable professional incompetence, neglect of duty, insubordination, conviction of a felony or any offense involving moral turpitude upon a plea or verdict of guilty or following a plea of *nolo contendere*, or sexual harassment or other conduct which falls below min. standards of professional integrity.

Professional incompetence is defined to mean the failure to perform teaching, research/creative works, and service duties in a consistent and satisfactory professional manner. A judgment of professional incompetence is based upon peer review of the faculty member's performance; this generally occurs through the post-tenure review process.

Gaps: No gaps observed; the University of Colorado School of Medicine's policies and procedures are in line with consensus/best practice.

Dismissal for Cause—Reassignment of Research/Teaching Responsibilities?

Consensus/Best Practice: This issue is specifically addressed in only two of the benchmark policies. One policy allows for such action "[u]nder exceptional circumstances and when such action is clearly necessary and justified..." while the other prohibits such action "...unless immediate harm to the faculty member or others is threatened by continuance."

Current CU Policies and Procedures: This issue is not specifically addressed in the policies of the School of Medicine.

Gaps: The School of Medicine policy lacks a discussion of the reassignment of responsibilities as a possible consequence of proceedings for dismissal for cause.

Dismissal for Cause—Administrative Leave Without Pay?

Consensus/Best Practice: In general, the benchmark policies state that salary shall continue through any period of suspension and no reduction or loss of salary shall take place until there has been a full review and final decision regarding the matter.

Current CU Policies and Procedures: The campus schedule of sanction includes, among other things, a salary freeze.

Gaps: No gaps observed; while the specifics of the University of Colorado School of Medicine's policies and procedures differ from those of the benchmark schools, they address the same issues.

Alternatives to Tenure—Other Options/Opportunities

Consensus/Best Practice: Other opportunities exist for faculty members at some benchmark institutions outside of the tenure-track. For example, clinical tracks are available for clinicians who spend the great majority of their time in clinical activities, including the teaching and training of health professionals. These are fixed-term, renewable appointments.

Current CU Policies and Procedures: Research professors (that is, faculty members whose primary duties are to conduct research) may be given titles in the research professor series. Faculty members appointed in this series will have limited involvement in instructional programs. Faculty in the research professor series are at-will employees, in accordance with applicable state laws and university policies. They are not eligible for tenure or sabbatical assignment. Positions in the research professor series and regular tenure-eligible faculty series are not interchangeable. Faculty members holding regular tenure-eligible appointments may be reassigned to the research professor series only if requested by the faculty member and agreed to by the department chair.

Gaps: No gaps observed; while the specifics of the University of Colorado School of Medicine's policies and procedures differ from those of the benchmark schools, they address the same issues.

Additional Observations: The University of Colorado School of Medicine does not distinguish between clinical faculty and other faculty on the basis of a track system. Clinicians who spend the great majority of their time in clinical activities will not normally meet the standards for tenure but hold tenure-track appointments.

Appendix D: Sample Statement of Responsibility

Statement of Responsibilities of the Faculty⁹

Faculty members have the responsibility to maintain competence, exert themselves to the limit of their intellectual capacities in scholarship, research, writing, and speaking; and to act on and off the campus with integrity and in accordance with the highest standards of their profession.

The faculty member is entitled to freedom in the classroom in discussing the subject, but should be careful not to introduce into teaching controversial matter that has no relation to the subject.

Faculty members are citizens, members of learned professions, and members of the academic leadership of an educational institution. When speaking or writing as citizens, they should be free from university censorship or discipline, but their special position in the community imposes special obligations. As faculty members however, they should remember that the public may judge their profession and institution by their utterances. Hence faculty members should be accurate at all times, should exercise appropriate restraint and show respect for the opinions of others, and when speaking or writing as private citizens should make every effort to indicate that they are not speaking for the institution.

I understand and accept these responsibilities:

Signature of Faculty Member

Date

⁹ Based on the Statement of Responsibilities of the Faculty 5.D.2, Regent Law, University of Colorado Board of Regents

Appendix I: Transcripts of Open Forums

- 1. University of Colorado at Boulder**
- 2. University of Colorado at Colorado Springs**
- 3. University of Colorado at Denver and Health Sciences Center:
Downtown Denver Campus**
- 4. University of Colorado at Denver and Health Sciences Center:
Health Sciences Center Campuses (open forum and faculty assembly
combined)**

Advisory Committee on Tenure-Related Processes
University of Colorado at Boulder Open Forum
May 4, 2006

Provost Susan Avery introduced Provost Heckler and General Estes.

Provost Heckler summarized the process and introduced General Estes.

General Estes summarized the report.

Question (Provost Avery): I talked to Mark ahead of time, knowing how people read documents, they tend to go to the executive summary and not read the body of the text. I noticed that there were inconsistencies. There are recommendations in the body of the text that don't appear in the executive summary, and there are wordings of the recommendations in the executive summary that are not consistent with the wordings in the recommendations in the body of the text. Are you going to perhaps revise this so that it could be consistent before getting it on a website just so it is complete?

General Estes: Of course, it already is on a website.

Provost Avery: Can it be revised?

General Estes: If you go back and look, what we were trying to do in the executive summary was we tried to address most of the recommendations and there are some cases in . . . where the recommendations were repeated because the context is a little different. The recommendation may be the same but you have to put it in the context of why it was there. That's why it was repeated. There are three cases of that. The recommendations themselves, the intent of the recommendations shouldn't be different. It may have been cut down slightly in terms of wording to put it in the executive summary. The only thing that we repeated verbatim in the executive summary was the issue of looking at the case files. We thought that was so sensitive that we weren't going to try to cut and paste. We just put that whole thing in the executive summary. It's about 2 pages long. But the rest of it, there are some adjustments that were made to try to get it down to less than 20 pages and not repeat the full report. If there is a place or you're particularly concerned because you think it really is inconsistent, I would really like to see that.

Provost Avery: I can discuss that with you, Mark. The main recommendation that did not show up in the executive summary that was in the body of the text, which just lends weight to what you were just talking about in the post-tenure review process, is the recommendation related to resources and faculty development. That's in the body of the text but not in the executive summary. I think in terms of Joe Blow off the street or the public or the Regents, I don't know if the Regents are going to read this in detail, I know that Pete and Tom are going to do it – but if just having that statement gives the complete picture of sanctions and incentives really do require resources?

General Estes: Let me address that if I can because this is an issue of discussion . . . There were some who felt it really ought to be brought out and then, the internal group drove this and they said, we don't want to make it look like we're whining. We ought to put down what we think is right and let them deal with it. And that's why it didn't appear in the executive summary and it's toned down significantly . . . although there is a recommendation, as you mentioned, that does specifically say resources and limitations for many of these things especially in terms of incentives for faculty and in terms of faculty development that's where it specifically appears is in the area of faculty development.

Provost Avery: I think it's really important, and I'll speak as the Provost from the Boulder Campus, because I've had many discussions with Jeff Cox about the need for faculty development pool of funds which we had at one point but then when resources were, we took a huge resource cut, we did very well on faculty development from assistant to tenure time, but post-tenure the faculty development is very, very meager and this is just having an independent report to highlight the importance of faculty development past tenure, I think gives us the weight, so to speak, of actually trying to . . . budget request forward in a more active way.

General Estes: Right or wrong, that's what we did and that's why we did it. Again, you will find some places where some of the things in the body, that's why, people, I've even had people who come up to me and had the recommendation highlighted, and I start probing a little a bit, they haven't even read any of the text. They've totally drawn it out of context and worked through their own agenda, not even understanding what the words mean. That's not what you're addressing here, and to be honest with you, it was just a matter of space. But you have a good point. It's clearly an issue that came up at the Denver campus as well – resources, not only resources in terms of providing dollars for faculty development, but how in the world are we going to pay for these recommendations. Where's the money going to come from? It's interesting to say do these things but we really do need to think about this carefully as a collective body and it's going to be up to Mark and his committee to figure out, at least the best they can, with the input they get from the campuses and from the public forums and from the faculty forums, how to address this. Because if we don't address it, it is a major issue. If we don't address it, find a way to do it; a lot of these things aren't going to happen. The university is going to be in worse shape if somebody a year from now goes out and says, let's take a look here and see what happened, and all these recommendations and all these things to implement and nothing changed. See what a waste of time all that was. We're in trouble if that happens. You're going to be worse off than before the independent report. It's really something to think about. It's easy to say we as a member of Mark's committee, not as the study director, but we just have to be really careful to not put things down that are not achievable or not get the right level of attention that puts the resources . . . something else is going to have to give, and that's why it's going to be a high level decision up at the Regents level, I think, is where they're going to have to decide what is it this university wants to do; what are the goals of the university? Back to that issue again. We have looked for them and they were looked for when we did the independent study; the issue came up again when we talked to President Brown and he raised this

issue about the goals of the university and I suspect that part of what Mark's committee is going to come up with . . . The other part of this is that once those goals are established, all of your evaluations are based on the primary unit criteria. If those goals don't affect the primary unit criteria, you're not going to produce the kinds of people with tenure or post-tenure that you're looking for to meet the goals of the institution. There's got to be some kind of connection there. That kind of thought process will really help the public understand better what you're trying to do and especially if the primary unit criteria adjust as the needs of the university adjust. If we have the same primary unit criteria, nobody has changed them for 15 years, probably something wrong. I suspect in some departments they change as they should; others probably have the same ones for a long time.

Provost Heckler: Howell's committee was tasked to identify recommendations not costs. So that has fallen out to the Board of Regents' committee, and one of the things we are doing is working our way through each recommendation and determining what hard dollar costs do we think are associated with this recommendation and then what soft costs in terms of just human resource time for implementation. So, we're trying our best around that table to identify for each recommendation those costs to the university so when the Regents adopt it, they understand there are cost implications that we're going to have to address.

Provost Avery: And I think those cost implications, I would encourage the Regents, to seriously say, what is, when you're looking at the costs and the ideal is probably to implement it all, you'd like to do it all, but you have to weigh that against other costs, certainly other emerging things that require our attention as well. Weighing the cost of this versus the cost of some other things that put us at risk, I think are also some important decisions.

General Estes: When the Regents, actually when the Faculty asked that this be done, and the Regents put the guidance out, put this thing together, and they asked me to come do this; I can remember in the discussions we were having at the first meeting, my comment was, realize what you're asking for because you get an independent study, you get recommendations and you don't implement them, the public is going to be all over you. There's the balance that you just mentioned that pushes back a little bit, but you have to step back and say, how is the public going to receive this. We've got to come out of this better off than we were before we went into it. I see no reason why they won't happen, but the public perception if we only implemented half the recommendations because we don't have any money, I don't think is going to make it. The university will have big problems with the public on that. That being said, I hear you. I understand exactly what you're saying. What we're going to ask the Regents to do is each chip in a million dollars. I say that facetiously but you know what, you've got alums out there who recognize how important this is to have a healthy university. They have assets available to help . . . like this. I'm not so sure that there wouldn't be some sort of an effort, maybe you don't do just so you can beef up your tenure-related processes, but if they think this is going to help not only make the university better so that you do a better job, have a higher level of qualification in the classroom teaching your students, but the public

perception of the university is stronger, you might find some people who are interested in trying to help. Just a thought.

Comment: The long-term benefits of doing faculty development correctly, especially after tenure, could be costed out, and they have to be greater than ignored. This is a benefit to the university and it's crazy to cut programs.

Provost Avery: I do know that the one year that we did have it; I think we had funds one year tied to post-tenure review, and I had done a couple of post-tenure reviews, just the little amounts of dollars, \$2,000-\$3,000 sometimes that allows them to engage in looking at a different area of scholarship, or to do an outreach program, or to go to a major conference, or to have the research funds to go look at a great library or resource overseas.

Question: How big was the fund?

Provost Avery: \$100,000. Over the last 3-4 years we've sustained continuing budget cuts between \$60-80 million.

General Estes: Well, things ought to be a little better next year.

Provost Heckler: This is a zero sum gain. When you said in Susan's position and mine, we're going to be wrestling between this fiscal compliance, research compliance, and diversity. So we're going to have to, that's really going to have to be the Board; those are the major things that are coming at us from the Board perspective that we're going to have to sort through. Those are the big ones.

Question: I'd like to bring the subject up of removing tenured faculty from the classroom, and the background for this is in 130-some years the university has fired only 2 tenure faculty members. This has been in the last 6 years. One for incompetence; one for moral turpitude. The last one was for moral turpitude and one of the alleged victims of this, sued the university. This case was in district court; it started Monday, and it was finished today, and her question was why didn't the university do something sooner? We eventually fired this person . . . because we lost that case today, and so, that will be the headlines tomorrow, and I think that this long process of removing a tenured faculty person for cause does have to be shortened, and it's going to come up with this result of this verdict we got today.

General Estes: There's a big effort to re-look at the P&T committee because that's where it goes and so, my understanding is there's a major review going on to figure out how to make that work better and more efficiently and all the things you just raised, but there's been an issue that's come up on the campuses which I think is interesting and it's very true. There are people who are tenured that left the university because they were going to be put in the process for dismissal for cause. It looks like only two but there were probably a lot more. This brings up the point, you will see in the report that there is a recommendation that talks about gathering more data, whether its people trying to get

tenure or people post-tenure who are coming up for post-tenure review, you really need to track that better. Because those numbers are telling you, those numbers will not only help you with this issue we're talking about, all these years only 2 dismissals for cause happened, 2 cases and people say there is no . . . but it will also help you if you could look at those within the areas in which they happened, you can do exit interviews. You might find out that there's something you need to adjust in the process; there's something wrong here; why are they leaving? Mark has pointed out that, at least in the last year,

Provost Heckler: Last few years.

General Estes: Last few years, we're down to the neighborhood of about 50% of people who come up for tenure actually get it.

Provost Heckler: That's downtown. That's on our campus.

General Estes: That's on one campus. This is a lot tougher. Why is it more difficult now? Is it because of this rigorous tenure program, people don't want to put up with it? They go off and do something else? Is it the people we're getting don't have the qualifications that we'd like to have? I don't know what the answer is. But if you gather the data and do the exit interviews, you'll find out what's causing this and that's really important to put back into the process.

Question: For the record, I'm Garen Tooey, I'm director of the Baker Residential Academic Program, which is an undergraduate program, about 400 students, that's one of the reasons I'm here because we have a group of faculty who are a little bit different than the tenure-track faculty. They don't get tenure, and you probably know all about that instructor rank and so I'm interested in that. My other interest, of course, is that you had asked earlier about tenure and I was fortunate enough to have gained tenure elsewhere before I came here. I got it at UC-Irvine back in '96, and I have a few observations I want to talk about before I talk about the residential program. The first thing I want to say is that I'm impressed when I saw the executive summary and I saw your presentation on the internet last week. If I had to go out of this campus after having been at the University of California for 9 years and then here for 5 or 6, if I had to tell people what the University of Colorado at Boulder did with tenure, I would have come up with more or less many of the things that this group found. So, I'm impressed. I'm internal, I know this, I didn't talk to anybody and I'm impressed with the things that were discovered, the things that were affirmed. I'm very pleased with, my own feeling is tenure here is a very good process and no less rigorous than it was at the University of California at Irvine. In fact, it might be tougher to get tenure here than it would be there. So, I was very impressed so I just want to commend you on finding the issues that are probably the right issues. There are a few in there that I was more sensitive to than others because I saw it happen here, and . . . I don't feel like anonymity matters to me very much because I'm tenured. But I do want to let you know a couple of things. First, I was an early tenure case at the University of California by about 2 years, maybe 3. It was a bit fuzzy. It was fairly rigorous. It involved a lot of the steps you show here, but it was very fair I felt. While I had some weaknesses, it was very clear what the recommendation was, I felt very

good about the process. Having been here, I've seen a little bit of a different process and I'll let other people address that if they want. So, you should just know that. I got early tenure. When I came here, Susan remembers because she was helpful in getting me here, and I appreciate that. That was '98-99. People went through the process again – not a full tenure case but they went out for letters again. They didn't ask the same people who had provided letters for Irvine and they asked people who are very well-respected. I think some of them are Nobel laureates in my field, I'm not positive, I don't know who they are, but I'm guessing. I was very pleased with that again because I felt like when I came to CU, there were no issues whatsoever about whether I fit in here or not. One of the things I want to mention here; I want to reiterate something you found when you looked through some of these cases. What I found most disturbing and it was a very minor number of situations here at CU, but what I found most disturbing was when I felt like I had gone through a reasonable process and there were other people who came from outside who went through a process that I felt would not even make tenure where I had come from and they entered right at tenure here. I just want to point out that I'm really glad that you found that because it's such a minority of people but it is so demoralizing to the faculty that I know for a fact some have left this campus who are better faculty in my opinion than the ones who were tenured because they were so furious at this kind of process and then that just demoralized them from there on in. I just watched the downfall. I think that's something we need to be very careful of in any process that looks at tenure. Not just the individuals who you're dealing with, but the 98% of the others who don't fight it, if you will, they like the process, they go through it, and they're willing to take their licks if it's a year later or whatever.

General Estes: You saw the recommendation where we saw, if you're not on the 7-year track, there are exceptions, there's early tenure, hire with tenure, there's all kinds of reasons why . . . what process you're going to follow and don't go off and do something unique, slipping somebody in through the system, and get visibility at a multi-level, multi-level review. That's precisely why . . .

Comment: And the reason I wanted to bring that up just so, I'm sure you realized it when you were doing it, I think it's very critical for people and the public to understand how important it is for the people who are not involved in the problem, so to speak, you had a number of problem cases. The rest of those that are very reasonable and very normal, there are people who are affected very deeply by a process which differs for someone else than the one they had themselves and even if it's not in their unit, units can have different criteria but if someone sees a problem in another unit, one of the things to recognize about CU-Boulder is it's very interdisciplinary. I like it here because of that, but that also means that if you're in a different unit and they have different criteria and you see that, there are people who might think, that stinks because that person went this way. It's not very many, I just wanted to let you know it's a few but those can be very demoralizing. That's one thing I just wanted to bring up. Back to the issue of, and the Regents are here, which is great, because I'm just learning this. I've only been director for one year at Baker. I have wonderful teachers. They are fantastic teachers. Some of these people are much better than me. Part of that is because if I look at my expectations at CU, similar at Irvine, but maybe not as bad here, not as much there as it is here;

teaching here for me is less important in my reviews than my research. We all know that. Faculty who are tenure-track pretty much all know that. We balance that but it does mean that I think a lot of us don't teach as well as we could because we feel the pressure on the other side for research, especially when it comes to tenure. I didn't feel that here but I know people who do – got to write a grant, got to get money, got to get grad students – and that's fine. That's what we do, but teaching seems to take a second, I don't think anyone intends for it to, but it seems to take the back seat. What disturbs me is when there are cases when someone is an exceptional teacher and it comes back to the unit or comes back to the people doing the work, that teaching, you got to make a better case here if it's going to get through. I don't know who says this and I don't know if it's even real and it's somebody's perception and they say this but you've got to make a better case here for the research because that's what's going to matter. That disturbs me because I like teaching and I think CU-Boulder ought to be about good teaching as well as good research. Having said that, I'm concerned about this rank of people that we call the rostered instructors or whatnot, not all of them, some of them are here temporarily, some of them here have issues, maybe they don't want to be research-oriented faculty but it's my understanding that it's Regental policy going way back, I don't know how far, that in fact they cannot be tenured, those ranks cannot be tenurable and someone might want to speak to that. If that's true, it sends another message to the public that some of the best teachers here are not that important and that concerns me because some of these people are wonderful, wonderful teachers. The reason I wanted to bring that up is that, I can't change this process, but when I was at UC-Irvine, we had tenure people, I believe, I could be wrong, but I'm pretty sure that they were tenured people who were primarily teaching faculty and they were outstanding. I think it's something that I don't know how it fits into your process or not.

General Estes: Did you see the work on differential workload? That's exactly what we're talking about.

Comment: This is at 0 research.

General Estes: That may be too much of a difference for a research university but it's 40-40-20, and we think we should address the issue that you're raising, we ought to be able to, for a tenure faculty member, orient that 40-40-20 on what they're really good at – if it's research or teaching or service probably wouldn't be – either research or teaching, but you ought to be able to have a differentiated workload that says we're going to put this particular person 60% on teaching and 30% and 10%. Whatever it is, be able to adjust it, to get the best you can out of that faculty.

Comment: I think we do quite a bit of that. I don't know about the teaching side but I certainly know we do it on the service side because I'm in differential service now, but this may not be the right committee or forum or view of this, but one thing I would really encourage people to consider is what the pros and cons, I'm sure it's done individually, I'm sure there are internal views of this, it would be interesting to know what your folks would think, what your committee would think about what harm it would be to the university or benefit it would be for people who are primarily starting up by teaching.

They don't have a huge research component or maybe they can be affiliated at a minor level, but to teach. These are people who carry a huge load and some of them are exceptional. I don't want to say all of them; there are issues, but it hurts when I see some of these people who move on because they are so good.

General Estes: There are universities . . . they don't have a research component.

Question: How long is the term you can appoint somebody as an instructor?

Response: I believe it's 5.

Provost Heckler: No, instructors are in at-will appointments.

Response: These are too, but you can do a 5-year, I think it's a maximum. . . .

Response (Jeff Cox?): They're indeterminate; they are at-will employees. We generally will not keep someone in an instructor rank beyond 5 years without putting them up for senior instructor. Under the instructor bill of rights on the CU campus, there is a form of, whatever you want to call it, pseudo-tenure, de facto tenure for instructors which kind of meets AAUP guidelines for instructors under continuous employment so that there is a continuing career track for instructors as there are for other non-tenure line faculty lines within the system some of which are used on this campus; some of which are not, but say the health sciences center can use clinical faculty so that it's not such a black and white issue and we do have instructors who have served this campus long and well because they're great teachers. They can't undergo normal tenure review because the standards of the Regents require that you be at least meritorious in both teaching and research and to be excellent in one or the other so that we have a standard that requires both. I personally think that's the correct standard for this campus.

Comment: What I would say to that is I think it's that issue that needs to be articulated to the public very well and carefully because, what I see for example, families, parents who come and they wonder why our best teachers are in fact not of the same rank as our tenure-track faculty and of course I feel it deeply because I get paid more, which I think is great, but I feel bad for them of course, but I get paid more but I also have a higher bar, if you will, to get rid of me. I realize that. I realize that I could probably get away with a lot more than they can, and so it's hard for me to explain to these parents, and I'm sure to the public, since that is the public, that these are no less important to us than the ones that we hold more dearly and it's harder to bump, so to speak. Maybe that's just an issue of perception and an issue of, because I think that's another thing to consider, a lot of people blame people at the University of Colorado, Susan or someone, because something didn't happen, you didn't do this, but a lot of this is Regent policy, it goes way back. If it doesn't change, these people are doing the best they can sometimes within that.

Provost Avery: You have to realize this goes back, probably, to General Estes' opening remarks on the goals of the university, and the goals of the Boulder campus are a research I AAU university, and tenure requirements are associated with that particular peer group.

That's not to say that the use of instructors, and we try to get the best instructors and keep the best instructors, is an important asset to the entire instructional component but locking up a budget and not allowing that flexibility I think would hurt the university fiscally and keeping it alive and active. We have many, many instructors who are acknowledged and have received awards, alumni awards, other types of teaching awards, and I think it's important to highlight those cases as we go along. As you say, we do, just as we do, I'd make the same argument that you eloquently made, on our research staff. We have many research faculty who don't have teaching, who are not on the tenure-track, who teach our graduate students, who open their labs for undergraduate students and do all these wonderful things for which they receive no career-track and they don't even have a career track at all, and they have fewer benefits than some of the instructors do. As long as we have career tracks and recognize both of these groups of people who aren't on the tenure-track and what they add to the rich intellectual growth of the University of Colorado at Boulder, I think we're OK, but I think we need the flexibility of having all these types.

General Estes: What you're describing right now is the sort of thing that needs to be on a website to help the public understand. I guarantee you that most people think that everybody here eventually gets tenure. I don't think the public generally understands . . . just do research. They're not tenured. There's a group of instructors here who aren't on the tenure-track and don't want to be.

Comment: And they are the majority of people who are here, actually.

General Estes: I didn't understand that until I did this, and I'm not sure I have the understanding you all do, but I certainly understand there's a difference . . . Most people think that you run people through this system; it's going to be easy for them to get through it because they're taking care of their friends, and they get into the system and once they're in, they're in. I'm just giving you the public perception. The university needs to do a better job and people should go out and speak at public forums; they need to talk about these things and stand up and take the heat and help the public understand this better because it is not well-understood anywhere in the country. What about differential workload on the Boulder campus?

Provost Avery: We have differential workload.

General Estes: You're allowed variation from the 40-40-20?

Provost Avery: Definitely and talking about incentives and tools. You mentioned tools. Differentiated workload is one tool that one can use for faculty development and actually to encourage sort of a heterogeneous faculty rather than a homogenous faculty. As you go through your career, I think that sometimes, post-tenure, you would like to open up and explore new things whereas, pre-tenure, you're on this sort of treadmill to get tenure. Sometimes people can't get off the treadmill and do other things and other times people do want to get off. Capitalizing and using that tool, the differentiated workload, to actually utilize your workforce to the fullest extent is what you would really like to achieve. We rely heavily on tenure-track faculty post-tenure to actually also do a lot of

administrative and service for the university. If you look at Jeff Cox, who is taking time out from certainly doing an excellent job, made that commitment to step down from teaching, his research is going to suffer as well, to do some administrative work and we have many faculty who do. You've taken on the residential academic program. That's a major commitment.

General Estes: And you get service credit for that?

Provost Avery: Yes, you get service credit. I think it's used and sometimes it can be used even more. It's one of the tools that you do have to work with a faculty member to see where they want to go and it's a career development tool as well.

General Estes: I get calls that say these people get tenure and all they do is go out and do research. They don't understand what goes on. Yes, they do research; they're supposed to do research . . . the classroom gets better by expanding the horizons in a given discipline.

Comment: We all chuckle about that because we've heard it said and yet, it's the predominant feeling out there. . . . If the misperception is out there, it's our fault. It isn't the responsibility of the public to go find the information. It's our responsibility and we're not disseminating it.

Provost Avery: And that's some of the messages that really need to get out. If you look at the role the research enterprise plays at the University of Colorado at Boulder, it goes well beyond Boulder. The economic driver, there's 50 spin-off companies over the last 3-4 years. You don't think that brings jobs and economic . . . You bringing \$500-600 million a year in federal dollars. That's leverage 4 to 1 for the economic development of the state. You have a higher quality of life associated with performing arts and creative arts and the outreach. The Music School goes up to Central City and rural areas and to Denver to do these things.

General Estes: I made this comment to the systemwide faculty council that we just had. These issues that are out, you can't let them sit. You have to go. . you have to take them on as a body and try to help the public understand. Just letting them sit there, those misperceptions are going to continue to grow. It's going to get worse.

Question: . . . National Oceanic Sciences and LASP and also differentiated workload person. I'm 60% time on an academic advising, I'm associate director of academic advising for the college of arts and sciences. My question is about early tenure process. My understanding is that CU and perhaps just the Boulder campus has a fairly unusual policy about early tenure in that the bar for achieving tenure is higher than at the normal time, and I'm curious what results you might have seen in the context of your survey.

General Estes: It's interesting that you bring that up. It's a recommendation that's in there. What we found was, and Michel Dahlin guides the administrative policies for the system, she was the head of an internal working group and when we stumbled onto this

issue of higher standard for people who are getting early tenure, she said absolutely not. The policy is out there; the policy is very clear; there will not be higher standards. We went to websites and plucked it right off websites here in Boulder. It was still on there. So, it's not a misprint; it is a fact that that's going on because it was on there. No wonder people had the impression.

Question: Was that all campuses or just Boulder?

General Estes: Only here.

Comment (Jeff Cox?): The council of deans has just changed the policy on this campus. Part of the misunderstanding was the use of terms. Standards are controlled by the Regents; criteria are controlled by campuses and units and the word "standard" should never have been on the website. We can't set standards, only the Regents can set standards, but there was, prior to Monday, a higher bar, is the other way it was put; or a higher set of criteria for tenuring people early, but even before this was brought to the campus' attention by this report, the deans had been working for a year on changing the policy and it's been changed. So, now the system requires everyone to undergo comprehensive review so after one has gone through comprehensive review, one can be considered for tenure and promotion under that same standards and criteria as would be used in the seventh year.

General Estes: So the way this is policed is through the multi-level review. If a department is holding somebody to a higher standard . . . college level, they should catch that.

Provost Avery: Let me push a little on that because Jeff and I have been doing this for a year now, engaged in this discussion with the deans, and almost in every other Regental policy or systemwide policy, there's always the opportunity . . . they set sort of the minimum standard and there's always the opportunity for the campus to be more restrictive or set higher expectations except for this particular policy, and I'd like to know why we can do it with grading, we can do it with drop deadlines; we can do it with any other number of policies where we can be more restrictive or we can have higher expectations than what the system sets as a minimum but we can't do it for this one. And this is the problem that Jeff and I have had in the dialogue because people will come back and say, why can't Boulder have a higher set of criteria or standards for early tenure. It's being more restrictive and if the system or Regental policy sets the minimum level. So there's an inconsistency, I think, in how you treat this policy, versus other policies. I don't think that discussion has been had, and I tried to get an answer out of Michel and we haven't gotten one that's satisfactory. This is moot because we decided to go ahead and have the same standards and meet the criteria.

General Estes: But if you're going to grant tenure, then you ought to be judged by the same set of criteria whether you get it early or not. You're getting credit if you're getting it early because you've done something outstanding in your area.

Comment: But there are problems, we've essentially agreed with you, but as someone who was not as enthusiastic about changing it as others were, I do think that there are problems having to do with questions about career trajectory on the research side, and about having sufficient evidence on the teaching side. If we're worried that tenure is a life-time sinecure, then offering it even earlier, raised the risk, but the campus agreed with your argument that if you have a set of accomplishments that have to be met, once you've met them, then you're eligible.

General Estes: That would be the argument. The other thing would be looking at the issue of giving credit for tenure is another place where you get into that discussion. One, two, or three years; what's the criteria, because it's cutting off years. In fact, Mark and I were having a discussion and he knows of a case where somebody wanted to get some credit, they got the credit; they got into the tenure track and they want those years back because they weren't going to make it.

Comment: On this campus, if you claim years of credit, you can't get them back. If you don't claim them, you can petition to move your clock up, but you can't take them and then say you made a mistake.

General Estes: so, maybe the thought is that it's really hard early on for somebody to get approval for credit because you need a little time in the system. And once they're in, you can't get them back. So, some thought needs to go in there because there's another period when we might have some problems with people being . . . in terms of the criteria. The only thing the policy says is that it can't be more than three years. It has to be in the letter of agreement when they sign-in, but the criteria for determining whether it's one, two, or three years is unclear.

Comment: It's negotiated but largely up to the candidate. It's their decision. We actually have a more restrictive policy than lots of campuses that will allow someone to count all their prior years of service.

Provost Avery: I still think it would be nice to know to reach closure on why this particular policy is treated so differently than any other policies, where we have the flexibility as a campus.

General Estes: Is it because it's related to the granting of tenure?

Provost Avery: I don't know. It would be interesting to hear the Regents' perspective on it because it's basically your policy.

Regent Steinhauer: I'll comment first on your comment a little while ago about someone called and said I don't want my kid being taught by somebody who just does research. I've been questioned by that. My answer to that is students who go to research universities are taught by teachers or professors that create and discover knowledge. Those who go to non-research universities or colleges are taught by the books that these

teachers write or by the teachers that learn from the teachers at the research universities. I think that's a strong, strong statement for research universities because it's true.

General Estes: The argument you hear is that once people are tenured, they are out of the classroom; they don't take the time to teach. The whole purpose of the university to teach students goes by the wayside because tenured professors don't have an interest. They use grad students to teach and they're still getting this big salary. This is the other interesting . . . they get this great big salary from the university . . . and what they don't know is the salary that they're getting when they're doing research comes from the grant not from the university. It's been interesting. People have brought that up . . . go back and do your research because that's what happens. Those salaries are paid for out of the grant. That takes the burden off the university.

Regent Steinhauer: That's so true at the medical school where some of the chairs get huge salaries but their base salary from taxpayers' dollars is very low. They get it from big grants.

General Estes: Of course, the medical school is a whole different issue. The whole way they're tenured because they have clinicians to a very large extent, and they're doing their practices. Much like the research professors, they're not tenured but the student body gets to benefit from having them here because they open up their labs. It's kind of what the clinicians are doing in the medical school – they're opening up their lab and their lab happens to be their patient care.

Regent Steinhauer: Patient care has to be part of the research, teaching, and service.

General Estes: But that's why tenure isn't a big deal over at the medical school. They have a whole different way of thinking about it because most of them are clinicians. . . .

Provost Heckler: Just to let you know some of the next steps. The advisory committee meets very Wednesday night. We meet downtown, and those are open public meetings. People are welcome to come. We have public comment at every meeting. What we're doing is working our way through the recommendations. We're trying to crank out 10 a night. We're not that successful yet, but we are starting to work our way through and the discussions are really around do we want to forward it to the Board, and if so, how do we recommend doing it; is it change in Regental law, change in administrative policy statement, or is it a change in practice; who's responsible to actually implement it; and then, what do we anticipate the costs to be – hard costs and personnel costs so we get some sense of that analysis and the discussions are extensive on each of the recommendations and we are also ranking whether they are critical, absolutely have to be implemented, important or desirable so we're getting some scale of the relative importance of each one of the recommendations and are working our way through that. On June 28 we'll present our preliminary overall report of the committee to the Board. We'll have Howell there at the Board meeting as well and then we're going to start the working through the actual items for adoption. When planning to give the first portfolio of adoption items to the Board on August 3. There are going to be some that require

more extensive consultation with faculty governance and those we'll forward either in September or for ones that are the most extensive at the very latest October. We're trying to balance the conversation with the faculty with the Board's sense that they need to take action and they need to be responsive to the public. So, we're really under pressure to move this along as quickly as we can while having appropriate consultation. We're anticipating that the faculty assemblies are going to have executive committees working with us through the summer on the policy items and then there are some larger discussion items that will come back to the faculty at-large in the fall.

Question: Are you going to have any discussions on implementations with the chancellors and vice chancellors?

Provost Heckler: Once we've gone through and I think done our committee work on what we're thinking at the committee level, I'm going to take that document and run that through our groups in terms of the academic vice chancellors. Also, we'll be interacting with some of the chairs of the RTP committees on the campuses to get some faculty input. But I'm pushing the committee to get done in early June so I really have the month of June to consult with folks before we come forward to the Board.

General Estes: Let's take somebody who is up for early tenure and the policy, for the university's standpoint has been same criteria, can't have higher criteria for early tenure for some period of time and reaffirm . . . Let's say you have somebody who decides that they're going to implement stronger criteria or higher criteria . . . You have to have a way to identify it because they're not following the process and then you've got to have some kind of sanctions. Sanction may be too strong a word. Some repercussion. If you don't do that, it's going to be really hard to have people toe the line, and you're probably going to have variations anyway but you at least have a system set up to identify that the problem is out there but the university has to have some stick to use to say, folks, we're really serious. We want you to follow this process and you need to figure out what that balance is. It's not just the oversight; it's how you make the oversight stick.

Advisory Committee on Tenure-Related Processes
University of Colorado at Colorado Springs Open Forum
May 12, 2006

Vice Chancellor Rogers Redding introduced Provost Heckler and General Estes.

Provost Heckler gave a brief overview of the process and introduced General Estes.

General Estes gave a top line review of the report.

Comment/question: There was information in the report with regard to the faculty development program. Can you talk to how that works or doesn't work?

General Estes: The LEAP program that was specifically cited in there is something that I think only goes on at the Boulder campus. It's funded by the National Science Foundation. It's a program specifically as I remember aimed at women in particular, but it was an attempt to try to get the mentoring process in a much stronger position than it is now to try to retain, and I cited women but it may have been more diverse than that. It may have been the underrepresented faculty. To try to find ways to mentor those people better so you can hang on to those people in the university system. We took a quick look at it. It looked like a really great program. The problem is it's not totally under CU's control because the reason they're able to do it is because they got funding from the National Science Foundation, and I think it runs out in about a year, and it's only applicable on one campus, but it's the kind of thing that needs to be done to strengthen faculty development. If you look in the report itself, in the long part of the report, there's a paragraph about this long about it. It will give you more detail if I didn't give you enough.

Comment/question: More of a comment than a question, in reading the report, I commend your committee for an excellent effort at issue spotting. It does seem to me that now we're coming to the point where the rubber meets the road. I would encourage the committees that are addressing this to focus seriously on the issues of accountability and education in the classroom. There's been a lot of failure with regard to that, and I've submitted for the committee's review a letter, and I encourage you to look at it. It just underscores the importance of seriously addressing those two issues as you move forward. So, hopefully, you all will do that. Mind if I hand out the letter to folks in the room?

Comment/question: This is more about the process from here. Under the Regents rules faculty have a say over how people are hired and evaluated and that type of stuff. If your recommendations get looked at, and it being done over the summer when faculty disappear and go work on their grant, and I know the committee has faculty members, but how are you going to get that broader faculty input and buy-in and not let us feel like, here's a really important thing that now comes out the day before we all leave. So, what's the long-term process?

Provost Heckler: We're very sensitive to that issue. Some of these things are administrative, and some of them are really about governance, and we have the incoming chair of the systemwide faculty council, R L Widmann, on our committee. She's also the current chair of EPUS, educational policy university standards committee. So, we have her at the committee. We also now have Pamela Laird who is on the systemwide faculty personnel committee who sits in our committee meetings and is observing which items actually are going to need to engage those committees in the discussion. What we're going to be doing is working with a subcommittee of faculty who have been appointed, I believe, by the system faculty council that have representatives from all the faculty assemblies to help us write the draft policies this summer. Then, we're going to determine with the faculty, which items are really ready to move forward because they're not a significant policy implication for the faculty. Those we plan to present to the Board first week of August. The ones that the faculty have determined are substantive faculty discussion issues will come to the faculties on the campuses, and my expectation is I'm probably going to be doing another round in the fall right after the start of your classes on those key issues that we've written new policy about. We're anticipating at least at this point, we're halfway through the recommendations right now, and we're anticipating three major policy changes. One is a new omnibus policy called the tenure accountability policy and a number of the accountability issues that are in the recommendations will be contained in that accountability policy. Second is we're expecting a substantial overhaul of the post-tenure policy, and then the third is likely a new policy that deals with faculty development. So, I'm anticipating those policies are going to come back to the faculty for discussion in late August and early September. The ones that we think we are ready to go on we're going to present some of those to the Board in September. The ones that are going to take even more substantive involvement we plan to present in October. We're really trying to find a balance here because our Board of Regents really feel the need to be accountable as swiftly as possible to the public. We've had a number of these issues around tenure that have been dragging on for a long time in the university and folks are really demanding that the university take accountable steps. So, they're really trying to balance that accountability with shared governance, and that's the compromise we've come up with.

General Estes: What I was looking for was some data on post-tenure since we talked about that, and the thing I've found in here is in the academic year 03-04, 177 faculty underwent the normal 5-year post-tenure review. Of the 177, only 1 was identified as performing below expectations based on the annual performance evaluations, which are obviously annual, once a year. There was a performance improvement plan put together as required by policy. In addition, 19 other faculty, not scheduled for post-tenure review, were identified as below expectations, and PIAs developed. One of the things we found in both the granting of tenure and the post-tenure area is that if somebody thinks they're in trouble, they're probably going to leave. They're not going to get themselves into a position where they actually have to go through the review and get a bad mark against them. That data is tough to gather. So, one of the things you'll see in the report is that we really need to have that data based on exit interviews when people leave as to why they're leaving and then try to make a determination if the processes need to be adjusted because of that. The data just isn't there. We were able to gather in a rough way but the

specifics on why people exited the program, whether it was the granting of tenure or the post-tenure review process, the information just isn't available. You can figure out who left but you don't know why. From talking to faculty, the feeling was that the reason they leave is that they know they're not going to get tenure or there's a big problem in the post-tenure review area and they just leave the system. Any other questions?

Comment/question: As far as junior faculty, mentoring is incredibly important. One of the other things, and maybe this recommendation has been in there, we've talked about it a lot amongst faculty, is implementing a pre-tenure sabbatical, like a semester for junior faculty to concentrate on their creative or research work. Has that been considered or has that come up at all within this process?

General Estes: It came up in a couple of contexts a little different than what you just said, but one of the things we found is there are people who have done work outside of this university that feel they ought to get credit for it when they come here and get in the tenure track. So they want credit and you can get up to three years credit, as you all know, for work that you've done previously. What happens to some of these people though is once they get into the process, they want that credit and then they find out the process is much more rigorous than they thought and they want that time back so they have time to get their research done or whatever it is, and once you get those years credit, you don't get them back. So, that's maybe a place where, I'm trying to relate to your question a little bit with a specific example. Somebody gets in and finds that because they got the credit, they don't have time to get their research done, is there a way to give them some time to get the research done and is it a sabbatical, is it an extra 6 months, or whatever it is. I think the objective here is to produce the kind of faculty that the university needs and so, there needs to be flexibility in the system for specific situations. That's my opinion anyway. Right now, the normal 7-year track is what most people are on, but there are exceptions where people get it early, and there are exceptions when people get it late. Clearly, ladies who are having youngsters, the system has finally woken up to this and said, stop the tenure clock, let them have their child, and then come back and start the tenure clock again. So, they will go more than 7 years. They will get 7 years to get it done, but they do it in maybe 8 or 9 depending on what the person's situation is. There are probably other examples like that. Mark, do you have any thoughts about this issue?

Provost Heckler: Actually, you grabbed the thought that will inform the committee. The committee is not talking specifically about pre-tenure sabbaticals. I think they are looking at a variety of faculty development programs and what resources might be necessary to appropriately support them because the university does a very poor job of investing in pre-tenure faculty to help their development. We have various grant programs that are competitive but you know they're not nearly what needs to be there, and at least on the two comprehensive campuses, other than Boulder, that is this campus and the Denver campus, the teaching loads are very high, unusually high. So, what I think we're trying to do is offer some recommendations about how to address that issue of, we set this high research bar, but oftentimes we fashion in line with institutions that have far lower teaching loads, and then we provide no supports for those faculty to

potentially allow them to buy down some teaching time so they can get the research up to the bar that's expected for them in order to have national impact, which is one of the university's unstated objectives. So, we are not talking about pre-tenure sabbaticals, but we are looking at this issue of what kind of resources are going to be needed for junior faculty and I think the sense around the table is that we don't have a comprehensive system in place, and we need to go there. But I will say one of the things we are debating at the committee is that we could say that we want to put a comprehensive faculty development system in place, but we have to recognize that even with systems in place, if faculty don't take responsibility for their own professional development, we're not obligated to give them tenure. That's the balance that we need to provide. We should provide support but we also, faculty need to be responsible for their professional development. Some faculty might say, you haven't given me adequate mentoring support therefore, I should be given tenure. This is something that we're trying to wrestle with at the committee. In fact, that was this Wednesday's discussion, lengthy one too.

General Estes: Or, that's why I failed because you didn't give me enough mentoring. That's come up. The university doesn't want to get itself into that position, but clearly the mentoring junior faculty, we saw some great examples of that across the university system. There are some departments that are really doing it well, but we say some, we could just see it in their eyes, it was too hard. They just weren't doing it. They were doing the absolute bare minimum so they could say they had a program, but there was no program.

Comment/question: So, as a faculty member I was fine with you guys looking at the process . . . and with your recommendations it doesn't seem like a surprise to me. So, what's your gut feeling on why the things that you wish were happening aren't happening in the system?

General Estes: Let's see if I can phrase this the right way. Faculty in the university is made up of a lot of different people with a lot of different ideas and because of the university system and what you all do for a living, which is teach kids, to me there's a, I don't want to make this sound wrong which is why I'm being really careful here, trying to follow a given set of rules is in some people's minds that are professors, it's hard. It's not a regimented system in the university. There needs to be a lot of full information, a lot of different opinions, and an environment in which you can express yourself so that kids can learn. That to me creates a different kind of a person than might come from someone with my background, from a very regimented part of our society in the military where somebody says something and everybody gets behind him, for the most part, and away you go. I don't think that happens in a university system. I think there's always, the rules are the rules, we understand that, but those are just rules. You know what I'm saying, and so there's a little reluctance to maybe line up behind things and so it's a little harder to implement a set of rules in a situation you might have in the university compared to something like a company or where there are very regimented things and if you don't follow those rules, you're out. It's not conducive to an academic environment, whether you're tenured or not. And so, I think because of the kind of people that are drawn to this work, of teaching in universities, that they're not as apt to, they're apt more

to question than to get right behind and follow, and I think that's why the implementation is somewhat problematical. That's why the oversight is important. I think, certainly, the faculty understands, that there are big questions about this, and it's put the system at risk a little bit at this university based on the public perception. That's not good. You all don't want that in the faculty anymore than anybody else. So there's a recognition that maybe we need to move this direction a little bit and tighten things up a little bit and that is we need to follow what we're asked to do and then, we'll use an oversight process to be sure we're doing it right. That's kind of the way it's done in the rest of the world. Now, is there going to be total acceptance of this? For all the reasons I just gave as carefully as I could, there's going to be some push-back. Just because that's the nature of the system. But we need to recognize that there's a balance here, and in my opinion, we're too far one side right now, and it's causing problems of perceptions about the effectiveness of the system. It's calling into question, is this the right system? To me, that's the wrong question because I'm convinced, having looked at it, that it is the right system. It's been around a long time; it's been tweaked; it makes a lot of sense to have the tenure-related processes that we have today, but if we're going to have processes, if that's what we're going to do, then we've got a problem. As hard as it is, and as much resistance as you want to put up against it, you've got to follow the processes especially in areas like this where it's really critical to the credibility of the university. You don't want a system that people say there's no accountability. That's a big problem in society in general. There's accountability with everything and so the balance is not right now and that's what this report tries to address, and trying to give you a plain English explanation, that's what I would like to see, more accountability. Recognition that we need to ask questions, we need to probe because it's the nature of the academic environment, but these processes are very important to the university and these are ones we need to get behind. There are places to push; there are places not to push. This is not the place to push and it's not to say that you shouldn't raise questions. If you don't think it's right, you ought to raise that and go make the process right, but once there's general agreement on what the process is going to be, it's so critical of the credibility of the university that you got to get behind it.

Provost Heckler explained the various opportunities to provide comments, and how the rest of the process will work.

Advisory Committee on Tenure-Related Processes
University of Colorado at Denver and Health Sciences Center:
Downtown Denver Campus Open Forum
May 2, 2006

Transcript of questions and comments portion of the open forum

Question/comment (George Walker): I see the University as a moderate bureaucracy. On page 8 . . . best practices . . . the consistent best practice is an expedited hiring process . . . not used for hiring candidates to increase faculty diversity. I want to read 2 short sentences that I wrote and filed with the Colorado Civil Rights Commission on Wednesday the 26th that I'll be sending to my acquaintances at universities across the United States. For the director of the Colorado Civil Rights Commission I testify at the first three meetings of the tenure review committee I testified before the legislature . . . even though CU higher education tenure process has historically discriminated against people of color, women, out-of-closet gays, lesbians, bisexuals, transgendered people and the disabled; the CU Independent report on Tenure-Related Processes makes a point of excluding affirmative action considerations from the tenure process. I apologize for this next sentence, General. I saluted you Monday . . . the report is prepared by a white man for a committee of ten white men and women. Said committee was appointed by CU all white Board of Regents. In the year 2000 all white committees, all white Boards should be a thing of the past. Once again I salute you for your . . . It's not personal. Did I interpret you correctly? I studied the report. It's my understanding though even in your report, you acknowledge that there is some serious problems with retaining faculty of color. Do I understand you correctly this report does not include affirmative action, though affirmative action is part and parcel of the tenure process?

General Estes: No, let me see if I can answer this the best way I can. There's been a lot of discussion about this issue of diversity. One of the reasons we didn't address the diversity issue head-on in this report is there is a panel looking at this issue, but it's looking at race, color, creed issues. There's also an issue of intellectual diversity. There's all kinds of diversity . . . One of the things I think will help the University in this area that you're raising, and the area that other people have raised in terms of this diversity issue and diversity in the largest sense, is that the Board of Regents have to decide what the goals of the University are. And then they've got to figure a way to phrase it so that they don't violate the law. It's going to be driven down into primary unit criteria because that's where everything is judged by. I don't care whether it's pre-tenure, tenure, or post-tenure, that's the system that we use and it's used throughout the country. We evaluate teaching, we evaluate research, and creative works and we evaluate service. Those are the specific criteria. There's room for additional criteria. The needs of the University can be addressed in the additional criteria. To me, we can sit here and have all the arguments we want to about this whole issue, and it's a very politically charged issue, I understand that.

Comment: We're not arguing.

General Estes: OK, we're having a discussion. But I think that's it's important that the Regents set the goals of the University and drive it down into the primary unit criteria if the needs of the University are not being met and then use that criteria to evaluate people that you're moving into tenure and evaluate their performance . . .

Comment: I agree with intellectual diversity. That's one of the reasons that I'm running for CU Board of Regents as a Republican. To increase the intellectual diversity in the Republican Party. My second point, would you agree, and I agree with you that the tenure process has to start at the primary unit, but when it comes to attracting some of the social, racial, ethnic minorities and women that I mentioned, the primary unit has not been doing its job. We're not reaching children through mentors . . . that we have to reach.

General Estes: What we were asked to do with the report was to evaluate the system that's being used today. Do they use the primary unit criteria, and is that primary unit criteria producing the needs . . . It's not up to us; it certainly wasn't up to the group that I chaired, to make determinations about the adequacy of the criteria itself. We just looked at it and said here's a process, here's the criteria, are they using that criteria to evaluate people pre-tenure, tenure, and post-tenure? The answer was . . .

Comment: You know better than I do that the military, air force, navy and marines, have led the nation in . . . affirmative action . . . we must have some sort of affirmative action and diversity. The military . . . and I'd like to know your personal opinion on affirmative action, and I can understand why you won't give it, but you certainly have been fair and you certainly deserve better treatment for what you have done because you have been with integrity right down the middle. You deserve better treatment than last Tuesday by my fellow Republicans.

General Estes: I'm perfectly capable of handling that. I appreciate your comments but it didn't bother me a bit. Do we have any other questions?

Question: Mary Coussons-Read: I would like to follow-up a little bit about this question of intellectual diversity. A little bit in the report and certainly in the papers and one thing that I've been talking to Provost Heckler about is the opportunity to . . . for the faculty in the institution who are very, very committed to intellectually diverse approaches to the important problem that we as faculty are trying to solve, not only within our disciplines but in the city and the state and the world, how can you anticipate a way that the faculty, without necessarily diluting the important work . . . how do you think you might be able to elaborate with the administration and hopefully with the Board in helping them realize . . .

General Estes: I'm going to give you a personal opinion. This is not in the report because we weren't asked specifically how to do this. That's part of what Mark's committee is getting ready to do, is how we're going to implement the recommendations. It seems to me that what we ought to be trying to do in the University is teaching the breadth of options that are out there and then teaching people how to make decisions

about those options so they can decide for themselves. I heard this comment the other day at a forum we were at, and I think it makes sense. That's what we're trying to do. It doesn't matter what your political persuasion is; it doesn't matter. You can still teach those disciplines and you can get up and teach what you need to about an issue – both sides of an issue so those who hear it can make their own decision about what they believe. Give a frame to understand the issue. That's the main part of what goes on in a classroom. If that's going on, really it shouldn't matter what the political persuasion of the person is. That's why we evaluate teaching. The criticism comes that if the same people who are doing the hiring process, have a specific political persuasion, they're the ones that are going through the process; they're the ones who are hiring; they're the ones who are saying who stays; then you get a certain element of society in there in terms of political persuasion that some people don't agree with. To me, you've got to prove that. You've got to prove to me that in a classroom an individual, just because they believe one set of things, is not teaching the full range of things that they ought to be teaching to the students. We didn't look at that. I can't tell you the answer to that question, but back on this diversity issue. This is a huge issue. Affirmative action is very important in this country and so the full breadth and depth of the diversity issue, is an issue for the Board . . . and decide what they want to do with this university. That's where the president and the faculty . . . That's why we have Regents. I'm not trying to put all the big monkey on their back exclusively because this has got to be worked together with the faculty. You all have to decide what kind of university you want. We either pay attention to these things or we don't. What's important to the Regents and the Regents are hearing from their constituents that they want this done, and then they've got to find a way to do it and not violate the law. It's really important to look and see what the law says on these issues. We did not do that, but I can guarantee that based on forums like this and the issues . . . study the law . . . The law says you can't do certain things, and I can't tell you what they are right now, but I'm going to know next time we get together . . . The law is really clear on some of these issues . . .

Question: . . . specifics in terms of the committee . . .

General Estes: The annual review and post-tenure review. This came from the faculty themselves. The feeling was that . . . and that there's great reluctance to put anything detrimental about someone in their annual report because . . . We heard this time and again. So, there's a great reluctance to call it like it is in terms of strengths and weaknesses. The other thing we found was a very similar thing happens in post-tenure review at the 5-year point. We also found there was a disconnect between the annual review and post-tenure review in terms of . . . getting all these great comments in the annual review and . . . where did that come from? Nobody's told me that before. There's a disconnect. We thought a closer relationship between the annual review and the post-tenure review so we don't have this lack of tracking problem. We also felt that this is where the public has trouble. People get the right of tenure and they don't understand the rigorous process you go through to get it and very few people actually get to that point. They don't understand lots of people fall out along the way and that those who finally get to the tenure review and are granted tenure have been through a rigorous process. So, they're high quality faculty members in the first place. Why would you have strengths

and weaknesses of somebody who had been through that process, I think the . . . you went through this really rigorous process to get tenure, you wouldn't be here if you weren't high quality. We're not going to let somebody in as a tenure professor unless they are willing to step up to the plate and do the workload required because if they don't do it, then another tenured professor has to pick up the slack. They're not going to let somebody in that's going to be a slacker. Over time, the public perception is that because there is not enough oversight and there's not enough accountability, people tend to wander a little bit too much. There's no specific way to address . . . There is a way to do it, it's just not . . . So what we thought was put some real incentives and some sanctions in that makes sense to the faculty. I've been asked, give me some examples of sanctions and some incentives. I'm not going to do that. I am not qualified enough to know what the motive is of tenure faculty. That's what you've got to get at. If you don't have meaningful sanctions and meaningful incentives, you've got to have something that means something to somebody. What I think those things might be may not even remotely address things that would incentivize . . . In a nutshell, that was the issue. There just wasn't enough rigor in the process.

Question (Jana Everett): I was just going to add one aspect that the Internal Working Group and the drafting group talked about. One of the reasons why there isn't a rigorous enough evaluation for either the post-tenure review or the annual review isn't so much that the chair is afraid of losing the faculty member, it's just that the chair has to live with the faculty member. If the department give the faculty member a bad review, then that faculty member is likely to become disaffected and less willing. So, perhaps it has to be at a different level like instead of the primary unit, the college that does that review at the post-tenure mark.

General Estes: That's a good point because, in fact, in the benchmarking the best practice was cited – someone asked why you would cite Georgia State as the best practice. Because they had the best practice. They do the post-tenure review not at the department level, they do it a college level. . . .

Question: Is it fair to say . . . in general there aren't the right kinds of rewards for a good review. . . .

Comment: That's the other aspect, and Howell mentioned that neither the carrots nor the sticks are available. If there was some money to enable a faculty member to go to some conferences in a new area or if there was a practice of . . . not giving the person any salary increase, just as an example . . .

General Estes: We're very careful not to be viewed as whining about this issue. It's an important issue. To me, this is an issue the Regents need to look at and decide what's important to this university. If we're not putting enough money into resources to allow the incentive structure to be strong enough to give some teeth to it, and of course we want to have the sanctions side too, we don't just want to do the incentives side, if the Regents are going to have to decide, we're going to have to take some money out of this and put more in there. It's a balancing, it's a budget issue. . . . The thing to do is have a nice

alum come along and provide . . . I'm being a little facetious there, but that is another way you can do it. The alums could help with this. Truthfully, if this is an issue, an important issue, that you want to create a series of incentives in the post-tenure area, along with the sanctions that are meaningful, then there's a way to do that.

Question: It's sort of related to incentives for faculty in the post-tenure period. One of the conversations, I'm a mid-career faculty member. I'm not a full professor yet, and one of the conversations that many folks at my rank have is what is the real benefit of working toward promotion to full professor. . . . annual merit reviews, but many would argue that without simple intellectual drive to do it and achieve the highest possible thing you can in your career in the institution; it's not necessarily clear what rights and privileges you gain by ascending to the level of professor. So, I think if we start to think through the incentive structure, there are things that we can do that aren't necessarily monetary that may be cultural shifts that you might want to think about in the institution to show the value of those who achieve the rank of full professor.

General Estes: You're saying these are tenured faculty and what are the incentives and goals for full professor.

Comment: This is tied to post-tenure review. . . .

Advisory Committee on Tenure-Related Processes
University Of Colorado at Denver and Health Science Center:
Health Sciences Center Campuses Open Forum and Faculty Assembly
May 30, 2006

Associate Vice Chancellor Marguerite Childs introduced Provost Heckler and General Estes.

Provost Heckler gave a brief overview of the process and introduced General Estes.

General Estes gave a top line review of the report.

Comment/question: . . . where is the definition of primary unit?

General Estes: I know in the School of Medicine it's different.

Comment/question: . . . infrastructure of the campuses, where would responsibility lie? The Regents have given, by law, the authority for hiring, firing, promotion, tenure to the faculty, and this could be done through faculty assembly on a seven-year basis and become part of their charge or part of their by-laws to do reviews of criteria across campus, would it be done there or would it be done at the Regents' level or do you have any sense of where you'd like to see that happen?

General Estes: The actual criteria are set at the primary unit level. Then it's reviewed up through the dean and chancellor level and that's by Regent Law. It's not just set and not reviewed. There's a multi-level review like there is with lots of things. So, we think that's the right thing to do. We think multi-level review is correct because while the department may view a set of criteria as reflecting the goals of the university and what they want in their department, for example, the dean and the chancellor may have a different view as they look at it and say this doesn't really reflect the goals of the university. One of the things we found is when we say the goals of the university, if you can find those written, you're doing something we couldn't do. We've not found the goals of the university written anywhere. So, when we say that the primary unit criteria ought to reflect these goals, the Regents have really got to set those goals, and that's one of the important reasons for having the Regents participating in these sessions is they've heard this conversation, and it's an issue they're going to have to take on. They really do need to set these high level goals for what the university is looking for from the tenured faculty, and really for the faculty throughout because there are other parts of this study that recommend not just using the criteria for the three major criteria for teaching, research, and service, just using those for the major reviews like the comprehensive review or tenure review or the post-tenure review, but also using it as the criteria for evaluating the annual reviews and not just making those merit reviews. And so, if you're going to do that, that criteria is set. There's also the Regents' law that allows for additional criteria to be included and that's where the goals of the university would be reflected more clearly especially as it relates to diversity issues. Let me talk around this a little bit. There are two places we were asked specifically to address the issue of

diversity in the way most of us would think about it. The issue of intellectual diversity has come up in a number of other forums, and there are people who are pushing that very hard, and my view is, that may or may not make any sense, and it's something the Regents are going to have to take a look at. To be candid with you, where this came up was in a caucus at the legislature with the Republicans who have a very definite agenda and that's fine if they want to do that. But, in terms of what the university is looking for, diversity in the classroom in terms of the person who is standing there doing the instructing is one issue. Another issue might be what are you trying to teach in terms of this diversity issue? Are you trying to give people a perspective in which they can in fact make their own judgments about issues? In other words, if you're trying to teach them how to sort through an issue to make up their own minds about what they believe in, or are you trying to ensure that in the classroom you're teaching the wide range of political views that are out there? For example, if you're dealing with intellectual diversity. It's clear to me that listening to this caucus, they clearly were looking for the wide range of views to be presented; whereas, some, I think, feel that you're trying to give students the skills to make the determination about those things and to be able to research them themselves and be able to make up their own minds. It's a very different sort of view on this thing, and it's something the Regents, I think, are going to have to address. They've all heard this discussion, but to be candid with you, we ought to be straight forward about what the issue is here, and why it's come up. Anymore on this issue of the primary unit criteria?

Comment/question: Just out of curiosity, where were you on the continuum when you started and second, is this going over well with people you're presenting to outside the university system? Do they understand this or have they said anything?

General Estes: We've had some good comments, specifically about this chart [slide 8]. People have looked at it and said; now we sort of get it. To be candid with you, people who are pushing on this issue of tenure don't care about this chart. They're working a different set of problems. They view this as an excuse, now I've taken this away, so they have to come up with some other way to attack the issue and post-tenure review is it, and we're going to talk about that in just a second. So, that's the other area that's getting a lot of attention in the public. But, I will tell you, when I tell people about this, and I've had people from around the country, not just people in Colorado call me on this issue, and when I raise this issue with them and tell them about it, they're surprised. They didn't understand. They had misconceptions that are formed in whatever way, but it's obviously through misinformation. So, I really think it's important for the university to push this. Now, where was I when this thing started? I knew it wasn't 7 for 7, but I didn't know that it was possible as many as 100 applicants for each position; 1,000 for every 10. I didn't realize it was that rigorous. The more that I've talked to faculty members on various campuses and got tremendous help from the internal working group, which is made up of faculty members, this is a very rigorous process.

Comment/question: At the hiring, one of the things that happens at the hiring stage is there is a screening process that's going on. If you were hiring people with the intent that this person is going to get tenure, so we're hiring with bias, that that person is going to fit

in with the community of faculty . . . you don't randomly hire here and hope that they don't get tenure. You hire with the clear distinction that these people are tenurable.

General Estes: Those 10 are expected to get tenure. You can see, even with that, where you hire them and expect them to be able to succeed, you still lost 30% in these 10 cases. This is based on 10 actual cases that we looked at. I think what we're finding is, and Mark has raised this a couple of times, in fact I'll let him make the point, at the Denver campus, which you all are part of now, the numbers are even lower in this last year in terms of people who are actually getting tenure.

Provost Heckler: From the time of hire to the time of tenure, it was slightly over 50%.

General Estes: Now you can say that might be a cause for concern. Is it becoming so difficult and so hard to get tenure, people are just dropping out of it? They just don't want to go through the process; they just don't see the value of it. That could be part of the message, but I think the university has been trying over the years to react to this issue that tenure is not rigorous to attain. So, they may be tightening the process a little bit. The public doesn't understand that. The public still doesn't see the change, and yet it's becoming more and more rigorous to gain tenure, to the point, maybe where you're starting to not attract people who want to go into tenure track, to become tenured professors.

Comment/question: At the public schools, they call it tenure, and if you work at a place for three years, you're considered tenured and go on, and I think that's the perception that everybody has of the university, of higher education.

General Estes: Like I said, this is the kind of thing that the university ought to be actively pursuing to get out to the public, and really work hard with the reporters who have put this information out in the form of a press report to help them understand this, and we actually have taken the time to do editorial boards at both Rocky Mountain News and the Denver Post on exactly this issue.

Comment/question: I don't think I've ever seen anything written in the paper. They've covered everything else.

General Estes: Remember what's going on here, and Mark will talk to that a little bit because we were just talking before we started. One of the things that's going to be awfully important as we get through this effort that Mark is going through with his committee now is to put together a summary in which we can show the recommendations and what was done about them in a format that the press will pick up on and put out there to the public. So, it's going to be an important point.

Comment/question: Did you find any evidence of faculty in the post-tenure stage, essentially deficiencies there. . Churchill . . . which said we should have gotten rid of him before he said anything? How would we know that, but it seems like that's what they're trying to do, is say, you have to get rid of people before they do something that

shoots the university in the foot. There's no way, until somebody does it that you can evaluate it, so was there any evidence that post-tenure review is missing a lot of people, or is this just kind of a feeling that everybody has?

General Estes: The question was, was there any evidence that people were not paying attention to post-tenure review, and there's this feeling that, from the public's standpoint, that post-tenure review ought to catch people who will have problems before they do something stupid that's going to create a problem, and specifically related to maybe Professor Churchill. Let me start out by saying we of course had nothing to do with the evaluation or looking at Professor Churchill's case in particular. We were just looking at processes so let me just start with that. If you look at the report, there's a section that deals with post-tenure review. There are some numbers in there about the number of post-tenure reviews that took place; how many people were found to be below expectations, and have to have some sort of remedial training done in terms of setting up a plan for fixing the fault. There are very few cases of that at the 5-year post-tenure review. As you all know, in the post-tenure review, the annual reviews are tied directly to, they're all cumulative and added into, and they're part of the 5-year post-tenure review as opposed to what happens pre-tenure. What we found was in talking to faculty members, we couldn't look at evaluations specifically because those are private, but in talking to the faculty members who are doing this, they said, basically, what they're using the annual reviews for is salary distribution. You all know this better than I, the Regents policy says you can't give everybody the same percent raise. You have to split it, but if you look at the split that's going on, say from a 2.8 to a 2.1, just a couple hundred bucks maybe at most, and so, it really doesn't have any impact whatsoever. As a result of that, and since it doesn't make much difference, people are really reluctant to put what people are doing right, their strengths and what they're doing wrong, their weaknesses, into those reports. They just basically are used to do the salary distribution, and what we were told was very rarely do they document strengths and weaknesses. The other reason is that once you get a tenured faculty member, the last thing you want to do is lose them, and if you start telling them they've got all kinds of problems, they might go somewhere else, and they may not be that bad. There may be some things that they need to do to improve, but you don't want to have an adversarial relationship where you discourage someone to the point where they leave the university, and we actually had faculty members tell us that was another reason they don't want to document. They're reluctant to document weaknesses for tenured faculty.

Comment/question: One of the other problems is that a very rigorous review is very time-consuming on our colleagues. For every review you do, you have to get 3-5 letters, and we all review papers for journals as part of our professional responsibility and review other faculty's review. If every university starts demanding this rigorous review, because there's some pre-tenure you have to get letters from outside faculty several times and by the time we get through this process, our colleagues aren't very happy writing letters every other year for us.

General Estes: The external letters, of course, apply, as you well know, to the comprehensive and tenure review, not always the comprehensive, all departments don't

require external letters for the comprehensive but they all do require them and require 6 is normally the number for tenure review. Post-tenure review is another kind, but for the annual reviews people don't go out for external letters.

Comment/question: When you start talking about being rigorous, then you're starting to go back into that and say, well, maybe we should have 5 external people review the publications and make sure they're at the quality of when you were tenured and so forth. It can get very time-consuming.

General Estes: What we found is that the universities that seem to be having more success with post-tenure review are doing multi-level review of all the pieces – the annual reviews and the 5-year reviews. They're doing that at a multi-level or they're doing it with a group that is not directly associated with that particular faculty member. In other words, they are doing it with peer review but they're doing it with outside people being directly associated with the particular individual that you're looking at so you're looking at them more broadly across the standards for the campus, for example, or a particular school rather than specific department. And they're using such things as differential workload as incentives to encourage people to do better. The 40-40-20 split may not be the right thing to do although some people think it's exactly the right thing to do, but there are people who are a lot better at teaching than they are doing research and they'd much rather be in the classroom and so, if that's the case, then maybe you ought to be doing a 60-20-20 and that's another thing we're seeing some universities doing and it seems to be working well for them. To wrap it up now in the post-tenure business. It's just an area that does require some attention. Whether or not you do it the way you're doing it now or whether you can in fact come up with a series of incentives and sanctions that make sense that the faculty would recognize that this is serious business; that you can in fact do the annual reports in a way that's not so time-consuming. As you point out, faculty workload is a very important area, and there are only so many hours in the day, and we've heard this, what are we not going to do if we're going to do this? Giving people credit, there are people in administrative positions that do all this extra work, of course they're getting credit for service toward the university, but what we kept hearing back is that if people are not doing research and they're doing this work, they're looked down on by their colleagues. They're not viewed as being, as pulling their share of the load because they're not out doing the research they ought to be doing and so, that perception has to change in the university. In fact, we're going to increase the administrative workload of doing these kinds of things.

Comment/question: One thing that we have to watch out for, especially . . . with various grants, . . . if we're doing even 10% teaching and 10% administration and getting 100% from the government for doing a grant, we're in violation, and so, there's got to be a trade-off; there's got to be some mechanism that we can get by because most of the people down here are at least 80% of their salary if not more is generated from grants . . . so we have to be careful we don't get ourselves in violation of . . .

General Estes: You bring up another interesting point and that is the grants issue. This is another huge area of public misperception. Their view is that once people get tenure, all

they want to do is get out of the classroom and go do research on things that they want to go do, and that they and their department all in this together, and they sort of go off and do this thing, and universities are paying these huge salaries to these people for doing this research, and of course what you just pointed out, what happens in the grants is, most of the grants, the salary is included in the grant. The university is not paying the salary and the public doesn't understand that. The public thinks that that research is being paid for by the university as payment for the work that they're doing and they're not teaching.

Comment/question: Where do you think the legislature is as currently as we're discussing this? Are things shifting in your view? What are your thoughts on that?

General Estes: The question is where does the legislature stand on this and has anything changed? Again, I'm going to be very candid with you. I don't think anything has changed. There's an agenda there, and you can pick which ever one you want, but certainly there are some different agendas going on, and I stood up and explained this report. I spent a year doing this along with a lot of other people from both the internal and external groups. I'm convinced that what we have is based on fact; it's not based on perception; it's not based on hearsay; it's based on facts that were gathered. That's the point I keep making to these groups. I'm not so sure the statements you're making are based on facts; they have a different agenda. They have an agenda that they're trying to drive for whatever reason and whatever that agenda is, and we shouldn't classify all people in either one camp or the other. There's a large group that sort of sits there and listens and nods; there are a few people who get up and speak their minds and don't like what they hear because they don't think it was aggressive enough, for example, and this particular case some of the views were heard: it didn't change anything, doesn't make any difference, sort of pushes the ball down the road, doesn't help anything, and my view back is, absolutely wrong. It doesn't do maybe what you wanted to have done as a particular individual, but that's OK. You didn't spend a year of your life looking at this issue. You have perceptions about what ought to be, and that's fine. This is a free country. We have free speech and can say what we want, but this report is based on fact, not based on somebody's perception, not based on somebody's thinking about something. We based this thing on fact and we're convinced that if the university follows what we said in here and aggressively implements the recommendations, the university is going to be top tier of universities in this country when it comes to tenure. In fact, we'll be the one everybody is chasing after, and that's why it's really important faculty grab hold of this thing and run with it. If everybody sits back and says, OK, we got by this one, nothing changes then you're going to get other people who are going to come back and say, look, they did this report; it took a year; they put all these recommendations out there and nothing happened. Boy, could we have told you that was what was going to take place. That's the danger in my opinion. Now, if there are some things in here, as Mark and his committee . . . if there's a different way to approach them that might make more sense, by all means, you don't have to do exactly what this report says, but . . . where additional work is required, and if there's a better way to do it, go for it, but get engaged in this thing. It will absolutely make a difference in this university; it will make a difference in the public's perception of the university, which, like it or not, is important in this state . . . And I will tell you, it's not going to be that hard because as I go around

talking to people and talking to different groups about the report, it's amazing how many people say, I really didn't understand that. I didn't know that was the case, or I have people say, you say that the processes are all working, but the implementation is a problem and then their answer is therefore the process is broken. I say, wrong, the process is right. The process is correct; it's doing what it is designed to do; it's just that the university needs to be sure that it's being implemented and overseen properly so that you're doing what it is the process says. It's interesting how people can turn things very quickly and work it for their own purposes, which is OK. I don't have a problem with that, and I sure don't have a problem standing up and talking about this report. I think we did exactly what we were asked to do. I think the report is complete, and I think if the University implements, aggressively implements the recommendations, the University is going to be in great shape when it comes to this issue of tenure.

Does anyone have any questions on the issue of dismissal for cause that was raised in there? One of the things we found as we went around and talked to people was that there was a real feeling that if there is an issue which is headed for dismissal for cause; there's a problem going on that relates to this issue, dismissal for cause; it's very difficult to remove somebody who is tenured from the classroom, very, very hard. Criteria are so high and the bar is set so high that you could have a situation in which harm is being done to the students. I don't mean physical harm.

Comment/question: Can you explain that? You've said that a number of times, you've been quoted as saying that the bar is high to get faculty out of the classroom. On the other hand when you live with the criteria for getting somebody out, and it's probably as much or more than I can get rid of somebody who is cleaning my house, and so, I'm confused as to why you say the bar is so high to get rid of any state employee or anything, we have to document. It sounds like you want to have some way to just reach in and pull faculty out. . . . adverse affect.

General Estes: I want somebody; I want a group, I think, and it doesn't say this in the report, but my feeling is that a group of the person's peers ought to look at the situation and determine whether or not somebody ought to be removed from the classroom. Mark, do you want to use your example?

Provost Heckler: I've been in that situation where we have a faculty member who is not meeting any of the tests for dismissal for cause but might be in an abusive situation; that is, the students are being abused in the classroom, verbally, or harassed in the classroom. It doesn't meet the bar for dismissal for cause, and you sit in an administrator capacity, and you're kind of stuck in that situation trying to figure out how to address that faculty member without moving to the issue of dismissal. I think what Howell's group was trying to get at is there should be a peer process where you have these instances where it isn't the judgment or risk of the dean or provost in taking that person out because they are really kind of acting without any kind of support of policy, that there might be a process for addressing those situations in those moments where students might be placed at risk. So, that's the instance that I experienced, but Howell heard this from me after.

General Estes: This was after we did the report we heard this specific case, but we heard it enough from faculty as we went around. It was an issue of concern raised by the faculty.

Comment/question: There are campus committees that students can appeal to whenever they think there is a problem with the faculty individual, and bring up charges and then have to go through this whole process, and we have the same thing for students, too, if there's a problem. Is that group not effective . . . ?

Provost Heckler: You may be in a situation where things are moving very rapidly, and those processes take a good deal of time and so, it's trying to address those crisis situations that you come into beyond using a workplace violence policy or discrimination policy or the things that are generally used.

Comment/question: . . . research ethics committee . . . if there's any ethics violation or even a perception of it between a graduate student and faculty, there's a place that they can go to. It's a matter of filing . . . investigative committee. . . . we had those in place and I guess I don't know why they're not, maybe they're just not working and we need to . . . being able to reach into a classroom and pull somebody out because a student got a C on a test or something. I think we're moving toward that pretty quickly.

General Estes: That wasn't our intent.

Comment/question: When you start linking merit and annual review to student evaluations, that's what you're getting because we're moving . . . and I think we want to avoid that.

General Estes: I would agree. We certainly don't want a situation where a student getting a C, I'll use the example that you gave, is cause for moving somebody from the classroom. If we get to there, we've really lost it, but evaluating teaching skills, that's why you don't want to just use student evaluations. There's actually an administrative policy on multi-level evaluation teaching and you ought to be using all the various methods. We found again, and in this particular case since you just raised it, some departments are using only one method of evaluation of teaching and that's where you can get into trouble with that. If you just use student evaluation, I've had a number of people call me and said the only legitimate evaluation of a faculty member's actions in a classroom is a student evaluation. I question it personally. I think that's why you have your administrative policy that says there's multiple ways and you ought to be using all of those ways to evaluate teaching in the classroom. OK, that's enough from me. Mark, do you want to wrap up, and then we'll see if there are any more comments or questions?

Provost Heckler explained what the committee's process will be.

Comment/question: The policies that you're going to be writing, are they going to be recommendations because they come back to what we talked about . . . primary unit so

it's hard for me to imagine that a policy that you write is either going to fit with every single primary unit or are you going to in fact write the policy for each primary unit?

Provost Heckler: I think the policies at the level that we're dealing with them are things like "the primary unit shall update its primary unit criteria every seven years." So, what you're going to do in the primary unit, you folks are responsible at the primary unit level for those specific criteria. The committee doesn't get into that level; that's really not our purview.

Comment/question: As the process goes forward, I think everybody would agree that tidying up the process and making it more rigorous is beneficial for all the reasons that were stated today; that's pretty clear, but as you go through reviews and implementations and recommendations and primary unit criteria change over time, some faculty may get caught in the middle where they were hired under one set of expectations and then a year prior to their tenure process, everything changes, or it's post-tenure review and they received tenure ten years ago under one set and now things are changing and I would hope that the committee would address the privilege of faculty . . . incorporated . . . so that faculty aren't caught in an untenable situation.

Provost Heckler: We've had this exact conversation. We're very concerned now if we're getting into a rotating 7 years, and we've been thinking about, for example, doing the primary unit updates when you do the program review so it's an every 7 year process. We're going to have to be very explicit in policy as to which criteria apply when and that this is something that emerged in our committee conversations.

Comment/question: From my own experience when I served as interim vice president for academic affairs in the President's office, most of the third level reviews that came in were situations, . . . where one set of faculty in year one said this is what you ought to, then year seven the mix of faculty changed and they said no, this is what you got to do, and the faculty is caught and gee, I started down the path doing this and now I'm asked to do that. It's very important to establish the culture of faculty and protecting rights and privileges is very important to work in.

General Estes: What we found was in some of the departments, I should say in some of the colleges and schools, they freeze the criteria at the 5 year point, and something like that makes sense. The other thing we found was, and we heard it from a lot of people, that the criteria, not only were they not sure what the criteria was they were going to be judged against the 7 year point, but the criteria changed as you went through the multi-level review. The department might have one set of criteria, the dean another, and the chancellor another, and they didn't know what the heck they were supposed to be doing so, it's really important that we keep the same set of criteria and as you move up through the system; let me say it a different way, it's really important that the chancellor level and dean level insure that the primary unit criteria is the criteria that supports the university causes at-large and not just the department and that's part of the multi-level review of the criteria itself. Once the criteria are set, that same criteria has to be used at all levels and that we found was not the case necessarily.

Comment/question: . . . split votes along the way and then pushed up to the president's office for . . .

General Estes: Some work that needs to be done.

Provost Heckler: We have a member of the ACTRP, Bob Damrauer from the Denver campus, who has a comment.

Professor Damrauer: This is the point when I always say criteria don't change; it's how they are evaluated . . .

General Estes: And that's OK. That's the way it ought to be, but what we heard was people are injecting new criteria at varying levels, not always, but occasionally it happens and . . .

Comment/question: In summary, then, you were quoted as saying shortly after this that there were going to be major, sweeping changes. Is this what you're talking about, these updated policies? Or are we expecting the other shoe to drop?

Provost Heckler: No, there aren't any other shoes. When I got into the detail of Howell's report, and really began to think about what it means and how we do business on a day-to-day basis, if we implement each of these recommendations, it has a substantial change in the way we do business. If, for example, we're doing annual merit reviews right now, we're checking whether the person exceeds expectations or meets expectations. If a year or two from now we're actually giving that faculty member advice about where they sit in their progress to tenure, and whether their progress to tenure to date is meritorious, non-meritorious, or excellent; and if in your post-tenure review, you are getting similar feedback from a committee of your peers about how you are continually progressing in your ongoing professional development, that's a big change in the way we do business. If the Board of Regents establishes goals for the university, and asks that those goals be imbedded in the primary unit criteria and that when you judge a faculty member at comprehensive review, you're determining whether or not that faculty member is helping the department achieve university-wide goals. That's a substantial change in the way we do business. So, my comments really reflected that. The scope of what you see in Howell's report is really the scope of what we're dealing with, but on the ground, it is going to change how we work. Marguerite?

Associate Vice Chancellor Childs: I have a technical question and that is one of the recommendations is that annual reviews should be conducted through peer review process consistent with policy, and right now the Regents' laws have an exception for the health sciences center in terms of peer review. Have you guys talked about that or do you have an idea of how you'll handle that in the future because I think the reason that exception was put in is . . . peer review doesn't always work in this health sciences environment in the same way . . . traditional faculty.

Provost Heckler: I would assume when we start to work on the policies, because there will be a new policy statement for tenure accountability, and if it emerges in the light of that policy and we've neglected something that you've worked out that's working efficiently, I think it's got to be brought to that policy group and then it will come to the committee.

Associate Vice Chancellor Childs: . . . some give and take . . .

Provost Heckler: Absolutely. We're anticipating in these areas we're going to have give and take with the campuses and with the faculty, and we're going to take the time to do that.

General Estes: Mark has raised the issue of implementation of these recommendations. The implementation is important if we write it into new policy or whatever it is, but that to me is not the implementation. Writing a new policy is not . . . and how are we ensuring that; that's what's going to be important. You know, again, we're going to get one shot at this with the public, and I don't just mean the public in this state, I'm talking about there are people across the nation watching this to see what happens, and we're going to get one shot at saying we did this right or we didn't make it, and so, it's really important, I think that we do put the rigor into this up-front and that we try to the best of our ability, where it makes sense and where Mark's committee says we're going to forward these things, if we do put things in they are going to make a difference that people agree to and follow-up on because if we don't, we're going to be right back where we started. In fact, my statement when we started this was, if we don't aggressively pursue these recommendations, wherever they happen to be when we get through with this, we're going to be in worse shape than we were before we started in terms of public perception. Again, we're not doing this just for public perception. I want to make that point clear. We're doing this for the faculty and students, ultimately. There is an element of public perception.

Question/comment: . . . peer review . . . it seems like you put a lot of work into this and did an excellent job publishing . . . lessons learned or something in the Chronicle of Higher Ed or some other journal of education on the process, on the evaluation process . . . Right now is probably not the time to do it, but I'm thinking that down the line, lessons that are learned here and the work that you did . . .

General Estes: Lessons learned, one of the things that we've stayed away from is myths that we've killed because there are a lot of myths out there. I say killed, that's a categorical statement. You don't ever kill it. Hopefully,

Question/comment: . . . lay it to rest.

General Estes: With some people you're never going to get rid of it, but the point is going back out at some point after this whole thing is through and saying, "here's what we learned from this process," might be a worthwhile thing to do. The problem is once the report came out, people who had been writing on this, came out publicly and said . . .

kind of a nothing report, doesn't make any difference. My comment was, it's easy for them to say, come over here and try to be the University of Colorado implementing these recommendations and tell me it's going to be easy, or there's nothing new there.

Question/comment: . One negative study . . .

General Estes: I still firmly believe that the basic way tenure is approached and post-tenure is approached, is good. It's stood the test of time; it's been out there for a long time. It's the rigor behind the process. It's what you make of it as a university.

Provost Heckler: I think there are several faculty members who are on the committee who have some interest in doing some additional writing afterwards so I think it will be pretty fair game for them. Thank you very much for the generosity of your time, and please do contact us if you've got more comments, we'll welcome them.

Appendix J: Transcripts of Faculty Governance Meetings

- 1. University of Colorado at Boulder Faculty Assembly**
- 2. University of Colorado at Colorado Springs Faculty Assembly**
- 3. University of Colorado at Denver and Health Sciences Center:
Downtown Denver Campus Faculty Assembly**
- 4. University of Colorado at Denver and Health Sciences Center:
Health Sciences Center Campuses** (open forum and faculty assembly
combined – see Appendix I)
- 5. University of Colorado System Faculty Council**

Advisory Committee on Tenure-Related Processes
University System of Colorado Boulder Faculty Assembly
May 4, 2006

Provost Heckler gave a brief overview of the process and introduced General Estes. General Estes gave a top line review of the report.

Question/comment: This is not a question about your report . . . the problem I hear when tenure is discussed . . . is a dinosaur. That the rest of America do not have job security . . . in the 1950s and '60s . . . and that we see that the way faculty hiring is done and in fact there are not as many tenure-track faculty as there used to be, and there are a lot of adjunct and senior instructors . . . we see they're very good teachers. There's a very strong argument that you can be a lifetime very good teacher without tenure. I just wondered if your committee has any ideas about the general future of the institution of tenure not just what we should do today.

General Estes: You know I think there's a great reason for tenure, as I told you. I've looked at it, and I think it's extremely important to the culture of the university system. I firmly believe that. All the academic freedom, the fact that you can grant tenure tends to hang on the faculty so there are lots of reasons why you want to do it. What you just say though is that there's a balance there. Especially a university like the University of Colorado, you've got people who are not in tenure-track; they basically teach. That's a very important element. Then you've got the mix of the tenured faculty for all the reasons we talked about, the balance between the three major areas they're evaluated on, and then you have people who do research who really don't do any teaching. They open up the labs to let people come in; they'll mentor them, but they're not teaching a course per se. This institution has the balance of all. It's that combination, in my mind, that adds to the strength of the university. That's my belief.

Question/comment: I want to hear a little bit about the marketing and presentation of this information. The average citizen . . .

General Estes: I've said all this. I can't write the headlines for you. But you know, there are different agendas going on here. So, all I can do is try to put that aside from what I do and say. Look, you may have your opinion about this, but I've written the report in which I've spent a lot of time looking at it. It's based on fact. These conclusions and recommendations are based on that and that alone. No influence inside or outside. So, if you want to make those statements and you believe what you're saying, and you look at this to the depth that I have, then have at it. But they're working a different agenda, and you take any element of it that you want to and say that. I was astounded that there are people who would come up to me, and point at the words in the recommendation, and I probe on it just a little, and I find out they haven't read either side of it to understand the context of the recommendation. . . .

Question/comment: If you had 4-5 minutes alone in a room with our governor, what might you have to say to him about this?

General Estes: I did have 4-5 minutes with him. The value of having me do something like this is that I didn't have any preconceived notions. I come in, totally independent of thought here, not in anybody's . . . our assessment totally on the facts, but that's important. So you can have your persuasion one way or the other that's being guided by some thought process that you've gone through, and that's all well and good, but what you're thinking about, I'm just pursuing it, I'm not pointing at the governor per se on this, what people think, they're putting it into the context of a different agenda. They're not putting it into the context of how you improve this university necessarily. They have a different agenda for it regardless of which end of the spectrum you're on, it doesn't matter, and what we tried to do was to say, we're putting all that aside. We are not going to let that influence this report. We had a couple of cases where I can remember somebody bringing, I won't mention the person's name, but it was a faculty member who was helping us write the report, said you know we've done such a good job of keeping politics out of this thing, let's not say that and we took it out . . . Now, to answer your question, which was specifically how to get this message out, I just earlier today talked to the systemwide faculty council, and my plea to them was to say, you've got these issues out there, and I've looked at them, and the public just doesn't understand what the process is. You look at the report there's one chart in there, in the slides, that shows what the tenure process is – a bunch of blue boxes . . . applications . . . and ends up at tenure review, and numbers are associated with it and the rigor of it is explained in a very high level way below each of the boxes for each of the steps. The public's perception is that the tenure review is the process. And so they see 10 people are up for tenure review and 10 people come out who got tenure review. And they say there's no rigor in this. What they don't understand is that's not the process. The process starts with applications, thousands of applications come in. The average we found was 1,000 for each position, and by the time you cull that down to the point where you grant tenure, you've less than 1% of the people who applied actually get it. That's a whole different message. We haven't done a good job, I say we, our report is trying to put things out there the public can understand, and you'll find a recommendation we made is you need to set up a website which the public can go to that explains these things in reasonably understandable terms because it's a complex process with charts like I just talked about how tenure is actually granted. Same thing with post-tenure review, the rigor of that process. All the steps that go into it. You talk to people, they do not grasp that. All they say is . . . systemwide faculty council, take these issues on; don't ignore them. Find a way to . . . start giving speeches or talking to the public and help educate them because that's what's happened . . . I've gotten a lot more education on this issue of tenure. I'm not an expert by a long shot; I expect everybody in this room knows more about it than I do, but as a citizen of this state, I know a hell of a lot more about it than anybody else out there, outside of the university system. They want to grasp at the headline, and you as a university push back . . .

Question/comment: I read the executive summary.

General Estes: Big mistake. You have to read the whole report.

Question/comment: What I see in the executive summary is something that many political constituencies, public constituencies can read as a document that says that this process is faculty personnel management system which leads to firing, retaining, and developing faculty, and implicit in that is that when we hire people, we invest a lot of resources and so there's an effective use of state resources that's involved in this process which is an important economic factor. So, I want to congratulate you for putting this together because it does impress . . .

General Estes: It won't come as any surprise to you, I've stood up in front of groups that think this report is worthless; it didn't change the way we do tenure in the country and that was their agenda. It's interesting to listen to this discussion because, and what I try to do is to say, look, I understand where you're coming from, but go do the research; go look at this. Think about the implications of this; this particular state university, CU, if you didn't have tenure. It's a nice headline catcher; it sounds good, but does it really make sense? And you come to a real quick conclusion on that one. That's not a hard one to sort out, but again, I go back to the reason I got to that so quickly was, I've looked at lots of processes, across a lot . . . and I know a good process when I see it. I looked rigorously at your processes and found them to be very good. I just don't have an issue with it. I think the public wouldn't if they understood it a little better.

Question/comment: In the course of your presentation, which I appreciate very much, you indicated that out of 130 cases, you reviewed 95, is that correct, and in the process you found pockets of problems? Will the committee recommend a review of the university's complete system, department by department by department; college by college by college, or will there be some other remedial recommendation?

General Estes: Are you asking will there be retribution against the four we found with problems? That's not going to happen. That would defeat the whole purpose of giving us access to the files. Nobody would ever get access again.

Question/comment: No, I'm asking if the committee will recommend a review department by department for the degree of rigor and the need for change.

General Estes: I think implicit in what we state in these, is that there is a recommendation to do something; let's say review primary unit criteria every seven years. To ensure that's done, there's going to have to be a system implemented to execute that recommendation. That's what Provost Heckler's committee is doing, this Regent-appointed committee, as he explained, and I'm a member of that committee, my purpose on that committee is to be sure that that committee understands the intent of the recommendation, not necessarily just the words, but why, where did that thing come from? Why are we saying what we're saying? His committee's job is then to take the recommendations, whether or not we're going to implement it, and more importantly, the ones we're going to implement, which is going to be all of them, right? More importantly, how are you going to implement these things? What is the execution strategy? What changes need to be made to Regents' law or to administrative policies or what? Then it's going to be up to the chancellors and deans and department chairs to

ensure that those recommendations are followed. And then of course this is the oversight issue. You've got to have oversight to be sure it was done. So, that's how it will happen, I think, versus going back and doing a look at each department individually. I think that that would be very difficult to do in terms of time. Who is going to do it, and how would you go about doing it?

Question/comment: You requested copies of departmental by-laws, I believe, as part of this review, as part of the data set. Can you generalize a little bit on what you found in departmental bylaws because they often contain the process? Are departments very different?

General Estes: Yes, they contain the process and the primary unit criteria. One of the things when we looked at it we found departments . . . Our initial thought was, if you're looking at the same discipline on different campuses, especially the Colorado Springs campus, the Denver campus and the campus here, you're looking at the same discipline, why are the processes so different? And what we learned, again this part of the publication, there are very different parts of the university, and Mark, why don't you just take a couple minutes to talk about that issue. I don't want to say the wrong words and it's not something in the report, but the understanding of that in terms of differentiation between the campuses.

Provost Heckler: The question was if you are teaching art history at UCCS, you teach art history in Denver, and you teach art history up here; why do we have the same criteria for teaching, research, and service for those disciplines across the university? What I think the committee arrived at was an understanding that these are actually three distinct campuses; they have different student populations; they hire at a different level; they're competing with different peers; and so, there are different criteria that exist on the basis of that. I think the recommendation though is that wherever possible we ought to have some consistency but standards set by primary unit criteria do have to differ by discipline. Then across the campus, as you know, the vice chancellor's advisory committee, one of their charges is to ensure that there are not the same standards but comparable standards across disciplines, across the university as a whole and that multi-level review provides a balance here.

General Estes: What Mark has just described, I don't have the words quite as professionally as you just said them, but the campuses are different and you hire on different standards on the campuses, and so you're going to have different primary unit criteria even within a discipline that's taught at all 3 campuses.

Question/comment: . . . mission . . .

Provost Heckler: Although the mission, actually, the mission says research on all 3 campuses. It gets defined differently on those campuses. Any other questions?

Provost Heckler explained the various opportunities to provide comments, and how the rest of the process will work.

Advisory Committee on Tenure-Related Processes
University of Colorado at Colorado Springs Faculty Assembly
May 12, 2006

Note: Because of technical difficulties with the tape recorder, an official transcript of the UCCS Faculty Assembly meeting is not available. The remarks below are based on notes taken at the meeting by the staff person to the ACTRP.

Provost Mark Heckler gave a brief overview of the process and introduced General Howell Estes. General Estes gave a top line review of the report.

Question/comment: How did PricewaterhouseCoopers determine the best practices in their benchmarking study?

General Estes said that PricewaterhouseCoopers determined the best practices based on their methodology and analysis.

Question/comment: The report did a great selling job, but there are fundamental violations during comprehensive tenure reviews. It is essential that the person under review receive a list of external referees and be allowed to veto any referee. Also, it is unfair that letters of reference are confidential because the candidate for tenure has no chance of rebuttal

General Estes explained that the processes described are not used or required system-wide. Some departments allow those under review to veto referees.

Question/comment: The report was balanced. Has there been any feedback about linking the annual evaluation with the comprehensive and tenure processes? The Regents' rules state that they are not linked.

General Estes said there has been some resistance, but the recommendation is based on faculty interviews that indicated there could be a disconnect between a tenure candidate receiving good annual evaluations but then not being awarded tenure, which is confusing. The annual evaluation has been used for salary distribution but pre-tenure annual evaluations should be linked to the tenure process. Strong mentoring programs would help provide feedback, and there should be a peer review process so that tenure candidates know if they are on-track for tenure.

Question/comment: Sometimes there are disagreements between the VCAC and a department.

General Estes said that primary unit criteria can differ by department, but it causes confusion if the various levels of review (i.e., chancellor, vice chancellor, dean) do not agree with a department's primary unit criteria. For a fair process, there needs to be rigor because there will be problems if criteria are adjusted as candidates go through the process.

Question/comment: Some departments such as Business have very explicit criteria which are beneficial because the candidate knows at every level if he/she is meeting the criteria and there is no re-interpretation.

Question/comment: Rigid criteria are not useful in every department. It may be fine in Business, but it is not useful in a department such as English, which may include scholarly and creative writing. How can this be rated? Each discipline needs to have its own criteria.

Question/comment: What is the justification for the “Statement of Responsibilities of the Faculty”?

General Estes said that the Internal and External Working Groups agreed that requiring the “Statement of Responsibilities of the Faculty” was important because it is in Regent policy, but faculty are unaware of it.

Question/comment: A faculty member asked General Estes what his views were of CU.

General Estes said that he has been very impressed with CU and especially the faculty he worked with on the Internal Working Group, who were superior professionals, knowledgeable, and willing to adjust to new ideas. However, he said he will not have a very good opinion of CU if the recommendations are not implemented because he would like to see CU have the best tenure program in the country.

Provost Heckler explained the various opportunities to provide comments, and how the rest of the process will work.

Advisory Committee on Tenure-Related Processes
University of Colorado at Denver and Health Sciences Center:
Downtown Denver Campus Faculty Assembly
May 2, 2006

Provost Heckler introduced General Estes. General Estes discussed the process.

Comment: On the dismissal for cause, what is hidden from that is the number of faculty that have been let go in departments. So, for example, in my department, I know since I've been here, we've had three people leave because of problems. So when it comes up to dismissal for cause, it might be good to have a study in terms of how many people have been dismissed at the departmental level. And tenure is the same thing.

General Estes: [slide shown] This is explaining the process. You all know what all this is. Here's where the public says look, people go through tenure review and this particular case where we were looking at for 10 positions, 7 people actually made it to the review and 7 got it. There's no rigor in the process. What they don't know is we started with 1,000 to 3,000 applicants to get to this point. They don't understand that process. We actually made this chart ourselves; we didn't pull this out of some other work that had been done; to try to help the public understand what the tenure process is. It's a rigorous process. Look at this, when you get up for tenure review, depending on which end of the 1,000 to 3,000 you are; 7/10ths of 1%; you show me another discipline that goes through that rigorous a process. That's tough.

Comment: In dismissal for cause I would say it is not that dramatic but it's not too far.

Professor Coussons-Read, chair of DDC Faculty Assembly: . . . group of us who met last Thursday and developed a document, which is a draft of something we will formally provide . . . and in it we looked through the entire report and we came up with about four areas that we thought were really critical in terms of faculty concerns about this, and . . . just captured the fourth one, uncaptured processes that may be related to tenure, promotion processes. I just want to briefly highlight a couple of the things that we as a group felt were important enough . . . Under the first heading is about policy consistency and accountability. There were a number of things that we as a group thought were quite important. First of all the need to connect annual merit reviews to tenure and promotion processes we felt was really critical . . . point that already the post-tenure review is connected to the annual merit reviews. However, the pre-tenure process is explicitly disconnected.

General Estes: Is that unique to this campus? Because we didn't find that. We didn't find that the annual reviews were connected to the post-tenure process.

Professor Coussons-Read: So that was one thing, but regardless of . . . So, we as a group regardless of what the formal relationship is now . . . it's clear that very methodical and well-documented connection of how annual merit reviews can and should be connected to the tenure and post-tenure process is necessary and overdue. So, that was

an important issue. Also, we felt that the possibility of utilizing existing retention, tenure, and promotion committee structure on the campus for post-tenure review would make a lot of sense with the caveat that that increases load on faculty participating in those processes and also would require additional resources because of the additional case load. Also, we felt that regular review of primary unit criteria is appropriate and necessary, and actually allows departments to formalize a ratcheting up of expectations of faculty that particularly occurs on this campus because it's very valuable. In terms of our second point, we call that valuing faculty strengths. Much of the discussion about this focused on how tenure and post-tenure review criteria must reflect not only the priorities of the university but also the varied ways in which faculty contribute, and I just want to call your attention to the second bullet point summarizes the gist of this, particularly the post-tenure period, we'd like to see criteria for post-tenure review to allow . . . many ways in which faculty serve the university. So, some have a tendency to excel as teachers, others in areas of service, and others in research.

General Estes: You saw, we talked about differential workload. You know this issue we're talking about, I'm sure we're going to get into this, and that is if in fact some of these things are implemented or all of them are, the workload on the faculty, especially those who are overseeing these processes, are going to go up. How do they get credit for that because that means there is less time for research, for example, or teaching or whatever it is because your time is going to be taken up? There are only so many hours in the day so that we're very sensitive to the issue of workload, and Mark in particular is sensitive to it, and you'll see that worked in this next go-around.

Professor Coussons-Read: That makes the rest of my job easy because that deals with our final point.

General Estes: I knew it was. That's why I said it.

Professor Coussons-Read: Thank you again. I'd like to turn it back over to the floor.

Question: Three questions. One . . . there's no free lunch on this . . . obviously we want more accountability and the public needs it, but on the other hand, . . . recommendations will cost money . . . we're not a Fortune 500 and we're poor public university so have you figured the costs of your recommendations and factored those into, the broader question are there cheaper ways to get to what we want without some of your recommendations? Second is the problems I've seen with this campus is, and I'm certain on all levels, RTP, have not come from faculty. I think the faculty do a very . . . devote a lot of time in terms of the RTP process. The problem comes in . . . at the university level the recommendations are only recommendations. The ultimate decision-maker is the provost or the chancellor and so it is there that . . . breakdown, and I don't think you take away the discretion involved, the administrators ultimately make the decision for tenure, but on the other hand, that's where in a few cases, there's been very serious, at least in my view, lack of transparency, as well as plain poor decision-making. That's where in fact the Ward Churchill situation ultimately came down so I didn't see in your report that particular problem. How do you relate . . . as our committee discussed the day before

yesterday is the problem, at least on our campus, is there's no clear definition of what post-tenure review is and so, the report seems to assume throughout that everybody knows what it is, and there needs to be fairly clear definition of this that we can then . . . define what this entity is.

General Estes: OK, let me see if I can take these one at a time. The issue of cost we didn't factor it in. It's real easy for people to make an independent recommendation and not pay attention to costs and just put it down, but you bring up a really good point because what it means, what this means to the university is there is a finite set of dollars you have and in my mind the Regents need to decide how to disperse those dollars across the university and if this issue of tenure, granting of tenure and post-tenure reviews is important, then it's got to create the system of incentives and sanctions. And it's got to make that stick and it means then that something else is going to have to give. What's the balance here? If this is now raised in importance, does it now need to get funded? You need to get the resources to be able to have the incentives that make sense to people because I think that's part of what exists right now maybe in post-tenure and the reason there isn't any teeth in it is because there's no money. How do you incentivize somebody? That could be part of the problem anyway. So, I totally agree. We did not cost what these recommendations will, we did not figure out the costs of the recommendations. We made the recommendations. Now, as it goes up through the system and eventually to the Board, they can make a determination on whether these things are affordable or not. I personally think, having asked for this independent study, the Board, I'm not trying to pre-judge here, please don't misinterpret me because we have some Regents in the room, they're going to make their own decisions, but you've got to pay attention to this as a university. Too much emphasis has been put on it; too much press; too much discussion. If the university doesn't do something, I think we're going to be in worse condition with the public than we were before we started this study. So, something has to change. So, that's the first one. The second one, the top-level review, the multi-level review on a campus is a chancellor. If there's a problem there, and I'm assuming that's what you were talking about; where's the oversight that occurs there? We didn't address it in the report. We thought that multi-level review was critical to the system; it's done in pre-tenure, not done in post-tenure. We gave you an example of a place where it is done in post-tenure. Certainly, the department level does not do the post-tenure review even by committee; it's done at least at the college level, and there's benefit to doing that. It provides a little bit more of accountability from people's perceptions. So, how do you provide that oversight of the chancellor? I don't have a good answer for you. It's certainly not in the report. I do know that there are people who talk about multi-level review say how many times do we need to review the reviewer's review? How many people need to look at this stuff? It gets to be too burdensome at some point so to provide another level of review above the chancellor may not be a good answer. Maybe Mark has thought this one through.

Provost Heckler: I think Howell's report actually captures . . . when it says there will be a 5-year audit. That's going to capture, I think, those periods when somebody might be stepping around the boundaries of the policy. This study captured those cases where people were stepping around the policy. We've been discussing what happens if you

break policy, what happens if you bend the rules? Right now, there aren't any sanctions that deal with either administrators or faculty because we have instances of both faculty and administrators breaking the rules in this study and so, what are the sanctions? Until that's addressed, I would agree with you that there isn't going to be much motivation . . .

General Estes: That's one way to do it. The problem is that catches it after the fact. If you find them now, what are you going to do about the ones that you find? Do you just sort of let them go, or that's an issue that would have to be dealt with. But it is one way to do it. The last question, what's the clear definition of the post-tenure review? Obviously, this must not be satisfactory or you wouldn't have raised the issue, but there clearly is Regent law on it. It's in their statements. There's a whole section that deals with it, and it's also in an administrative policy, which sort of takes the Regents' law and says here's how we're going to make this work, and I bet if I went to each campus, which we did, you'd find the same thing there. You'll find it brought down to that level as to how we're going to implement on the campus. So, there is a lot of definition, but for you to make the statement that there's no understanding of, no definition of what post-tenure review is, no understanding amongst the faculty says something needs to change. Those documents are not communicating to you what it should so it's a valid point and something we'll take into consideration. We did not find that in the discussions we had so it's a new comment.

Comment: I don't think it's the documents, necessarily, but . . .

Comment: . . . it would be good if when you see the formal process, you see the tip of the iceberg, and that's not just simply with regard to dismissal for cause, it's all kinds of things that happen. All of a sudden somebody is no longer the chair of a department or whatever . . . occurs in a very informal way. I would generalize it saying I think there are two extremes there. Historically, the university is operating 100% informal processes and 0% on formal systems, women and minorities . . . where is the right balance . . . public and accountability is good up to a certain point. Beyond a certain point . . . I came up with 99% was informal and 1% formal and maybe that was overly informal and a left-over of the old days, but . . . formalize everything . . . basically nobody would get up in the morning . . .

General Estes: Let me just go to your point because I think part of the public's misperception is they look at the post-tenure process and how many people have not passed the post-tenure review and have left the university? There's been very, very few if you look at the formal process. If you look at the informal process, which is how many people knew they weren't going to pass the post-tenure and left, and we don't track that. My personal view is, same thing is true with pre-tenure, people who come up through the system and leave because they know they're not going to pass the tenure because of what they've done so they just exit the program. You don't see that; it's lost in the system. We tried to capture a little bit here, but the recommendation in the report is to start capturing that data so that you can be fact-based on this, and make the explanation that the reason we have this is we lost 30% between here and here, for example. It would be interesting if you could get people to explain why they are exiting. That might be a little

bit tougher because then you could look at maybe something is wrong with the process, whatever it is. It might give you more insights into your process. Here's another place where who is going to collect the data, and who's got the time to do it, but I just think it's essential to the health of the program that you understand where you have people leaving the program before they reach the final point. It's going to help you make a better program. Gather the data, both pre-tenure and post-tenure, for exactly the reason you just described.

Comment: I'd like to get back to the post-tenure. Let me just preface this by saying the comment you just made about post-tenure I fully agree with. Where I'm having difficulty is in the report it doesn't sound like that.

General Estes: That's why I'm standing here, to tell you what the report really means.

Comment: In reading this report it becomes clear to me that something that I knew was true and that is 99% of the faculty and administration don't know what the post-tenure process is. If you start out by saying every 5 years then you're immediately wrong. Post-tenure is, according to the Regents' documents, an annual review. It is based on what happened in the annual reviews, and a below expectations rating automatically triggers part of what we considered the post-tenure review process. The 5-year thing was really a back-up plan to catch the occasional situation where the annual reports would not pick up a problem because it was spread-out and could not be determined on a yearly basis but was rather a trend that we'd like to stop. So, the design was always one of . . . occurred annually and the secondary back-up system was there to prevent long-term problems and you had to look at the entire process. It was all that together. It's interesting.

General Estes: You're right. There is a big misconception. This is not what we heard from faculty on the campuses.

Comment: Most of the reaction to, when people get discouraged about post-tenure review, they're thinking of that part of the process and it doesn't seem to be working but when you look at it in the whole picture, it is working because it is being caught earlier. That last thing doesn't have to be triggered very often. Where you do get a gripe, as far as I'm concerned, is that part of this always depended upon . . . in terms of incentives to make this process really work well and that aspect of it has never . . .

General Estes: We talked to an awful lot of people, and we didn't hear that explanation. What you're saying is the post-tenure process is a process like the pre-tenure. There's varying steps to it, but we sure didn't get that. The annual review is treated a lot differently in pre-tenure than it was in post-tenure. It certainly wasn't tied directly to the post-tenure review.

Question. . . Appreciate your comments recognizing the costs . . . there was no recognition of the costs, of the need for both human resources and institutional financial resources, and also that in the discussion of the various criteria of the kinds of things that would be considered for tenure and promotion . . . didn't include service at all. So, given

your sensitivity . . . I'm wondering if you'd be willing, this is a document that's going to get a lot of attention, and . . . but this is a document that will be getting, in your words, a lot of public attention. . . . much of the constituencies will recognize, and I'm wondering if you'd be willing to make the statement that parallels or captures some of the things that you've said . . .

General Estes: I have. I didn't just dream these up for you.

Comment: I didn't mean . . . I'm talking about something different to the broader public and the legislature.

General Estes: There are folks in the back of the room who are going to make sure that happens through the press. So, they're here listening to this conversation, and they've been at all of the sessions we've been to. I would like to take issue with one statement you made and that is, we don't talk about service. We do; I heard that comment; I went back and found five different references when I just went through the report. So, look at it carefully; it mentions all three of the primary, specific criteria that you use for promotion, tenure, and post-tenure of teaching, research or creative work, and service, is all in there.

Comment: I understand that it's in there, but I don't see it getting the attention, especially . . .

General Estes: One of the things you all might want to think about as a faculty is differential workload and how you've all been sticking with 40-40-20, and does it need to adjust; do we need to find a way to give more credit for service; for people who are engaged in these processes; for the years that they serve on these committees? This is the issue of work; there are only so many hours in the day. You can't do the research that's required of you if you are tenured faculty member and also serve on all these committees. There just isn't enough time. So, how do you balance that? How do we give credit? Is there a way to do that? Is there a way that makes sense so that we don't put such a burden on the faculty that there's no way to implement what the recommendations are.

Provost Heckler: I just want to comment on the issue of cost. We didn't ask in any of the questions of Howell's team, we did not ask for assessment of costs . . . Our committee's charge is to do the assessment for the Board. So, part of our agenda in each recommendation, we are assessing whether or not there are substantial costs or direct financial costs or human resource costs. . . .

Comment: I understand that. I'm looking for something that tells the public that this . . .

General Estes: Good point. I understand exactly what you're asking. Mark, I want to make sure that you have time to explain . . . does everybody understand what happens from here?

Comment: I want to go back a little bit to where we were talking about exit interviews. Some of the university groups that I'm working with right now are very keen on that so that we know why it is that somebody might not stick around as long. I'm thinking if we had a blanket policy about trying to find out why people stay and why they go, that this would be included . . . became a natural part of what we do . . . we could find all kinds of data that would be helpful . . .

Comment: I don't know if I'm the only junior faculty member here, but I really appreciate the way you started off with saying that tenure is not going away. I think that a lot of junior faculty are actually really terrified by the report and its potential impact on our tenure review process. One of the things that I thought was a great recommendation, which has been my experience, is the department chairs and respective division heads or deans communicating the expectations more clearly, and in my experience and some other junior faculty from other departments, the deans have one set of expectations and the department chair might have a different view of what those expectations are. And that's really confusing.

General Estes: Not only confusing, it's not in accordance with the process. You have to have the same criteria at every level.

Comment: They're supportive of the junior faculty getting tenure, but that miscommunication is under . . . The other thing that I think is really relevant is those marginalized faculty from minority groups are thinking of leaving, and they're thinking of leaving right around the time of tenure review. So, I would suggest, if it is possible, for those ethnic minority faculty and marginalized faculty to somehow have mentoring processes two years before going up for tenure.

General Estes: There's a very specific comment about that in the report.

Comment: And I think it would help us retain those folks of color and marginalized faculty. I think we're losing those people in the 18 months to two years before they go through the review.

General Estes: This whole issue of diversity has come up in every forum that I've talked to; I'm talking about diversity in the broadest terms, whatever type of diversity you want to talk about, intellectual diversity or the kinds of diversity you were just addressing. Where we've come down on this, and this has been a thought process that's occurred after the report because it came up in the report and what we were thinking about was the Blue Ribbon Panel that you have underway that's looking at this so we didn't want to get in conflict with that. You have a group looking at that very specific thing, and let's let them come up with what they want to. We didn't make a couple of brief comments about diversity because we were asked to in the report, but we thought the Blue Ribbon Panel was addressing that, and we'll leave them to do just that. But the issue keeps coming up, and as I've thought about this, we're right back to the primary unit criteria. You have specific criteria; you have additional criteria by the law, by the Regents' law, and you can in fact insert criteria that meets the needs of the university, and the Regents need to do

that at that level. What do the Regents want this university to be? What are there goals? And if you state those clearly, you drive those down into the primary unit criteria, and then you hold people accountable to stand by that criteria, whether it's promotion, tenure, or post-tenure; you're going to get what you ask for, at least you have a better chance, and you may not lose people who feel the university is not paying attention to that issue. As a result they are leaving the university before they ever come up for tenure in the first place. So, it's a very topical issue. One that you as a faculty need to wrestle with, I think.

Comment. . . I'm in the College of Liberal Arts and Sciences and I'm a chair of sociology, and many departments that I know of, including mine, have rigorous and well-documented primary unit criteria . . . it's ultimately the primary unit in this process . . .

General Estes: Can I ask you a question? At the multi-level review are the multi-levels of review, whether it's a department, college, or chancellor's level, supposed to use the same criteria or can they change it? What's the rule? You're supposed to use the same criteria, and that's why you have multi-level review because, and this is back to the issue of who reviews the chancellor. You've got three steps in the process, but that's why you have that so that you get that larger view that says did they follow the criteria or not; not to insert new criteria. Now, I can't tell you about what happens in practice. I'm sure you can give examples. What we found was we could not cite a specific example where that was occurring; you obviously have some. I say we can't; we did hear of one, and that was one of the problems we pointed out, where we had a decision made by somebody that clearly was not in line with the processes of the university. But nevertheless, you're supposed to use the same criteria all the way up and that's why the multi-level review occurs so that you catch problems of not following that criteria. And as you just described it, if it's not happening then it's a place where there needs to be some implication, some, I don't want to use the word sanction because it sounds too harsh, but some accountability if you do it differently because you can see where this would be very confusing to somebody and a concern for somebody coming up for tenure not knowing how the review process is going to go if someone is sticking in their own criteria.

Question: Most tenure review processes, there's corrective action, which is performance improvement, did you surface any instances in the campuses where that had been used and how many of those are being done? Because that would take care of that; it's intended to take care of the problem.

General Estes: That comes with below expectations rating on the annual review. It triggers the PIA, right?

Question: Do you know how many there might have been? Were there any?

General Estes: There may be some numbers in there; I can't remember.

Comment: I found them. 20 . . .

General Estes: A different interpretation might, somebody who is at the dean level or chancellor has a different perspective on the campus than somebody at the departmental level, but you don't apply new criteria. That's what you're talking about. No question you're going to interpret, you're going to look at the criteria differently but that's why you do multi-level review.

Question . . . what's the criteria? 40-40-20 . . . even at the chair level, we get confused. What is 40-40-20? . . . expectation for criteria is most important. . . .

General Estes: There are people, for example, who say within a given discipline that may be tied to all the campuses, certainly Colorado Springs, here, and Boulder, criteria ought to be the same. I don't think so based on what I've seen. They're different campuses, different levels of instruction that goes on, and the criteria needs to be different, but there are people who want to drive at least within a discipline the same criteria at every campus. It doesn't make any sense. They don't understand what's going on with the university system when they make that statement.

Comment: . . . there's not a lot of give in our university budget so again I would encourage you to take a look carefully at your recommendations, not necessarily in costs, but other cheaper ways to get at what you're trying to do. For example, an audit every 5 years, that's a costly endeavor. Would it be better to just say, if you lie on your application, you're going to be . . . so that people know . . . again, speaking of costs benefits, I encourage you to look carefully at what your recommendations . . . I also encourage you to really, seriously take a look at this interface between the university . . . because there is where . . . you can't just say I'll leave it to the chancellor . . . can't make the chancellors more transparent in their decision-making by saying, . . . have to explain why, and again, . . . that's a very serious problem that needs to be addressed . . .

Provost Heckler: At this point, because we're just a minute or so over your agenda, I just want to talk through our next steps. . . . [see general introduction and closing comments for the open forums and faculty assembly presentations.]

Advisory Committee on Tenure-Related Processes
University of Colorado at Denver and Health Sciences Center: Health Sciences
Center Campuses Faculty Assembly

See Appendix I.4 of the combined UCDHSC-HSC open forum and faculty assembly.

Advisory Committee on Tenure-Related Processes
University System Faculty Council
May 4, 2006

Question (R L): . . . there are some problems with implementation, would you characterize that as problems across the board or are they localized problems . . . or are the implementation problems systemic even though they're not across the board?

General Estes: When you do a study like this, you can't go to every department on every campus. We sampled and talked to a number of people on each campus to get a sense but we didn't talk to every department. We just couldn't get to everybody. So, I am absolutely positive that there are places in the university system in which these recommendations are exactly right, and I'm positive that there are departments in which they are exactly wrong because they're doing a good job. It's just a fact of life. You just couldn't talk to everybody. For example, I'll give you a couple of cases. Let's take mentoring. We really found great variations in the way departments mentor. Some do a magnificent job of it and have a very strong program, and others basically say they just don't have time to do this, and even within campuses, within the same discipline, you would think it would be somewhat similar. We found big variations in a given discipline across the campuses – between Boulder, between here and Denver and between UCCS. So, that's the other problem. There are going to be people who read the report and say, what do you mean? I'm a department chair and we do this exactly the way you say it in here. But there are also going to be people who are going to read it and say, we've got some work to do. And that's the purpose is to get everybody up on the same step as best we can.

Q: . . . concerned with the notion that very few people get dismissed for cause . . . cases of malfeasance, bad behavior . . . the data you focused on are those that came under appeal and were widely publicized, but there are many cases where people chose not to appeal because they knew they had no case. I wish there was a way to capture . . .

General Estes: Absolutely excellent point, and one which I think we need to make at the next level as we take this thing forward to the Regents. You will see a recommendation in there, especially in the pre-tenure area to gather the data that you're talking about – do it post-tenure, too. We ought to try to figure out because you're exactly right and as I have gone around and talked to various groups about this, not necessarily associated with any of the campuses, this issue has come up. They say only two dismissals for cause in the last two decades and how many people have been looked at and so there's virtually no program there. What you don't see is all the people who . . . what you saw, they knew what the outcome was going to be so they left the university. They never did come up for it; they just left because they knew what was going to happen. It was useful for the University system to gather that kind of data especially if you can get people to talk to you in the exit interviews and see if they'll give you the reason, they may not do that, but by at least gathering the data, you will have an idea of a couple things. You will understand the full range of people who leave over a period of time (shows slide). This is a little bit to the point that you raise because this is pre-tenure not post-tenure, but the

public looks at this, what they think of is they see the tenure review and they see seven people came up for review and seven people were granted tenure and they go, see, there's no process there. So, we put this chart together to help explain that tenure is not an individual event, it is a process that starts with applications. The point we're making is there are people who are weeded out along the way, even after you hire people, pre-tenure; you still lost 30% before it's granted. Same thing is going to be true post-tenure. You're going to have people come up for post-tenure review and the numbers out here are going to look really small, but when you go back and look at the various steps along the way, whether it was an annual review or the post-tenure review itself, you're going to find people fell out of the system, but that data is not there. I say it's not there, but there is some data in the report if you read the section on post-tenure review which talks about how many people fell out along the way for a given period of two years that we could gather the data on, and I think it was '03-04; '04-05 – two academic years. So there is data there, like how many people actually came up for post-tenure review. Obviously the annual review and post-tenure is tied to the post-tenure review because it's part of the packet that people look at post-tenure and of course you all know the process. This sort of discussion and the reason we built this chart and probably should have built one for post-tenure too, but this is the kind of thing that needs to be available to the public so they understand your processes better. Put it in a way that people can understand so they can look at this . . . much larger amounts of data and not just for 10 positions, make it for all of the positions that came up across the university system. If you have the data available, 1, it will help the public understand it better but 2, if you have a lot of people falling out of comprehensive review, for example, or you have a lot of people who are getting bad annual reviews in post-tenure, you can go back and evaluate what's going on here and maybe there's something wrong with the process. Maybe the university has an issue it needs to address. If you're not gathering the data, you're not going to know. All you're going to do is hear the kinds of things that you're hearing, 1, there is no process for tenure, and 2, there's no process for post-tenure because they just . . . you all know what I'm talking about.

Question . . . legislators . . . present your report and I believe I read it was not a meeting of the minds . . . talk a little bit about what went on.

General Estes: I was invited by the Republican caucus to come over and have lunch with them last Tuesday, the day after we did the report, and I am willing to talk to anybody, any group, . . . we had an interesting, lively exchange going on about the value of the report, the recommendations in the report and the extent to which the report, these are my words now, were working the agenda that they were putting forth. You got to remember when you go in front of a group like that, and you all certainly know this, there are extremes. What we were hearing was a real extreme, I think. There were a lot of people sitting there, sort of had their heads down and you could tell they'd heard this before, they'd seen . . . and that's fine. This is a free country. People can say what they want, and it certainly didn't bother me to stand up in front of them and have the discussion. What I did take a little issue with was the fact that there were comments made that the report had not teeth, and where's the meat was the other comment we heard. That comment was directly related to not seeing a substantial change in the way tenure is . . .

and I've tried to explain to them, this particular group of individuals, that we have spent a year putting this report together. This report is based on fact, as best as we could determine. That was true with the internal group and the external group, based on fact, not hearsay, not persuasion one way or the other, but fact. The recommendations, therefore, are best collection of ideas based on those facts, and I'm not convinced that what I was hearing out of this group was based on fact; it was based on what they thought was important, whatever issue they were working. I'm trying to be careful about how I say this for obvious reasons, but you know what I'm talking about. Let me be very clear. I have no trouble standing up in front of a group like that and talking. They have the right to say what they want to say; I have the right to say what I want to say because I'm the guy who is responsible for this report. Is that enough on that, I hope?

Question: Something that's related to that point, is that when I talk to faculty about . . . there seems to be a disconnect with the public about how faculty are evaluated. For example, in business you can decide whether to retain or fire someone in sales based on how many widgets they sell, but to faculty, one thing that we enjoy as faculty is the capability of sort of inventing careers for ourselves with different aspects of research and teaching that cross boundaries, try to solve complex problems and so, when I talk to faculty about developing benchmarks, . . . benchmark ourselves against our professionals, for example, that's something that's hard for us to get our heads around. I think we can figure out how to do it, but in terms of the best practices document that you looked at, do you have any ideas about how we can make that transition and capture . . .?

General Estes: This is only transitionally addressed in the report, and I say that because I've developed my thinking on this a lot more since . . . and had to answer questions. It seems to me that the criteria, clearly the criteria that you evaluate yourselves on now is very clear, it's called primary unit criteria and that's what you have it for. As people have come to me and said what if they have different standards here . . . What you need to do is make sure that reflects what you want this university to be. The way I addressed this in other forums is to say that it's up to the Regents. That's what they're elected for, to help state the goals that they see as Regents for this university and then that comes down to the president, down through chancellors, through the deans, down to the department level where you implement those goals in terms of primary unit criteria. Then you evaluate people. You have the specific criteria with three areas that's standard across the country, but you also have, there's an area, if you look at the criteria . . . administrative policies, you can put additional criteria in there that can reflect what you want and then you evaluate people using that same set of criteria whether it's pre-tenure or post-tenure. I think that's how to do it. You really have to put rigor into that primary unit criteria and that's why we say in the report that you have to review that at least every 7 years. You need to look at that criteria and say does it still reflect what we want this university to be and do we know what the goals of the university are? We started looking for those, and lo and behold, we can't find them. So, I think you're going to see, hopefully as a result of Mark's . . . and his committee . . . to implement these recommendations, these issues we're talking about now . . . I just think to come up with, the system is set up the way that it is and it makes sense to me, we need to be sure that at the primary unit level that that criteria really is reflected in it, not only that department . . . in terms of faculty but making sure who they hire reflects the goals of the university. . . . It

comes up every time is this issue of diversity and you know you have a blue ribbon commission looking at this now. That's one reason we didn't say a lot about it because conflicting, you've got a lot of people, 39 I think are on that commission, from a lot of different walks of life across this state. They're going to come back to President Brown with some recommendations. The issue we hear, they're looking at the basic things that we think of diversity, but I think in terms of what the university should be looking at is the broader issue, the whole realm of all the things that you could include in that, including intellectual diversity, which is the issue we keep hearing, a polite way of saying Republicans and Democrats, but that's the term we hear people say. . . . The other thing is . . . what the law is here. When we talked the other day with the Denver campus, it's real easy to say, we're going to put something in the goals . . . the law is pretty clear on some of these things. We're actually out gathering data now to try to find out exactly what the law says on issues of diversity. So, when we push this forward to the Regents, we've got it right. We don't want to put something in there that just isn't going to pass the light of day because it violates the law.

Question: . . you didn't have a close relationship with the university; you didn't know a lot about tenure . . . when you started. What do you think about it now?

General Estes: What do I think about tenure or the university? Both? I'm going to tell you what I think about tenure, and I think I've said that. First of all, you've got to have it. Anybody that says we've got to do away with tenure and applies that to a university in this country . . . make a change nationwide, they don't understand the implications of it. The faculty won't work here. If it's the only university that doesn't . . . can't be an outlier, that's my opinion . . . My view of tenure is that you've got to have it. I've already said that the processes are good. I really think that if you look carefully into what's behind the recommendations here, not just read the recommendations, because it's a little thin when you look at it; you've got to put into context of what the report says. If we can do the kinds of things that those recommendations . . . behind those recommendations, if there's a way to make . . . I use the word rigor, it may not be quite the right word, but really put some strength and some teeth behind the way we're doing it in places where we've identified problems, I think it will work fine. The public is going to have to understand tenure better and we've made some recommendations to put some stuff on a website in plain English . . . they'll be a little more informed. How many are going to actually go on a website and look, I don't know but hopefully, the press will pick up on things like this and get some of this out . . . educate the public a little better . . . so there's that part of it. In the post-tenure area, there's an accountability issue there. The public doesn't understand . . . anybody outside the university; they just look at it and they just don't think there's any teeth in it. We found that was our view as well. There is a program and there are places in the university system that are doing it well, sure. There are places where it's very rigorous with post-tenure review. The process looks very rigorous when you look at it but you go back and try to look at the specifics of it, and this primarily came from interviews with faculty members; we were a little bit surprised to hear, with support from the faculty that some real teeth needed to be put into the post-tenure review. We heard that on every campus, every single campus. How you do that, how you create a system of sanctions and incentives that mean something to the faculty

and you can implement them and there's a way to do it. The incentives all sound great but there's no money for them and that's the other issue especially . . . we'd love to have incentives but there's no money. How can we possibly have a system of incentives? We need to figure out what the priorities are. If tenure is important to this university, post-tenure, have to find a way to reallocate budgets somehow . . . Something else that . . . finite budget, only so many dollars, you got to make some decisions and hopefully this report will push things a little bit in the area of trying to find resources to put into post-tenure . . . If you go back and look at the policy on post-tenure review, it gives you a list of incentives and sanctions. I don't know how I missed that before but I just found that last night as I re-read some of these documents knowing I was going to face you today and make a trip to Boulder. So I went back and made sure I knew what was in there . . . it does list some. Are they viable? Are they ones you can use today? You have to decide. That policy was written some time ago. But that's the key, to find things that will incentivize people in post-tenure and also the sanctions that will stick because if they don't . . .

Question: Tell us your overall perception of the university after you've gone through this process?

General Estes: I'll give you a preliminary because I want to see the outcome before I make a final judgment. If Mark's committee works hard and they come up with a series of . . . see how all that goes and then we want to see what the university does with this once it gets into the system. And if nothing happens, my view is going to be substantially different from what it is right now. If this is important, and clearly it is, it's a major issue for this university right now which is why we did the study. So, obviously there is a reason. You all asked as a faculty that this be done so we did it. I remember when I got asked to do this, I remember making the comment, you will have a heck of a time not implementing these recommendations, the public is going to have a worse opinion because here you've asked somebody independent to do this study; they come up with these recommendations and then nothing happens, big trouble. So, you ask me again, what's my opinion now. I've got to tell you that the association that I have in doing this study with the internal working group was outstanding. I wouldn't say surprised, because I didn't know what was going to happen, but the faculty members from all the campuses that we had on the internal working group were absolutely first-rate. When we brought people off that internal working group and pulled them together with people from the external working group, Pricewaterhouse people, and put them together, I thought I would have oil and water in there but I didn't. It all blended very smoothly. Discussions were extremely professional from both sides. There was no major disagreement, which I found interesting, and that surprised me. I thought I would have to put minority reports into this report because I thought there would be some issue of which those two sides could not agree as we try to gather what recommendations we would . . . What we found was that the recommendations were complementary. Where the external group would come up with a recommendation, hiring for example, the internal group would have a recommendation as well with a slightly different and useful and so we would put both of them in there instead of just one. So they were complementary. This was a surprise to me. So you ask me again, what's my impression. My impression of the university

comes, obviously from having sessions like this, this is second one I've done. We did Denver earlier, we're going to you today, and we do Boulder later today. Mark was telling you where we're going. So, that's one engagement whereas I dealt with the internal working group over a long period of time and I thought the way they got organized, the way they approached it, the detail they went through, the facts that they tried to gather because they all had preconceived notions about what the answers to those questions were, because you all live it everyday. But they went through the process that Michel Dahlin asked them to go through. She led the internal working group and it was rigorous and it was well-done and it earned my respect.

Comment: When Rod started working with the Regents last year and talking about what you contemplated with the Regents' resolution on this, I did not contemplate an internal working group . . . General Estes came forward with that . . . that's what he wanted to do . . . He also said that if anybody tried to influence him, be it the regents, president, or faculty member or anybody else that he wouldn't tolerate it and he would go to the media.

General Estes: Of course I didn't have to do that. Steve brings up a really good point. I just need to say it again. I say it in front of every session and lot of you have heard this but this is independent. Nobody influenced this report inside or outside the university. This was based on facts that we gathered, and it was our best collective judgment about what to do about it in a way that we thought made sense. You can always take an extreme position. That's easy to do. Then you satisfy some people and really dissatisfy others and nothing happens because an extreme position is never going to get implemented. We had to find a way. Fortunately, the processes looked good. That cemented it for me because if the processes are good, we can work with that. There's a way to work that problem. If the processes were bad, now you've to find some alternative and that's where you really get camps divided. Everybody goes off in different directions. So, it just made a huge difference that we . . . the processes and everybody, both internal and external groups agreed the processes made sense. There are places they can be modified a little bit, strengthened here and there, little word changes, but that's like the laws of the land. Does everybody obey the laws of the land? No, it's the implementation that's important. It's finding a way to make the implementation stick so that you can say, look; you really got to do it this way. You can't be bending the rules around . . . department's way of doing business or our college or our campus. There's a way to do this, and let's get with it. It's easy for me to say given my background, you're saying we deal with this kind of thing everyday. I understand that but I do too but I know you're going to have outliers; it's just the nature; everybody is not the same. You're going to have outliers, but if you have an outlier, you've got to have a way to find them and you've got to have a sanction that makes a difference. That's how you make things implementationable. If you don't have that, you're going to have a lot of outliers and those outliers are going to create problems for this university and that's not what you need.

Comment: I'd like to start with a comment and say thank you very much for this report. I appreciate . . . that we seem to be displaying quite abundantly . . . slide you have up . . .

I think it's extremely valuable. I want to start by thanking you for that type of overall view. One of the things that concerns me is this term intellectual diversity . . . There is a group that has a major impact on how this university runs in the future that seems to find intellectual diversity . . . Republican, Democrat versus those kinds of issues, but we have a tremendous amount of diversity in those individual areas where we work, I think we do represent diversity . . . we do accept diversity . . . our areas of expertise. My concern is the term limits that we're looking for that same legislative group . . . is now focused on this post-tenure review process, particularly . . . and one of the comments you made in your report was looking for ties both in those tenure processes, post-tenure review processes with annual reviews versus the overall periodic 5-year post-tenure. I would be surprised that there is not a very high correlation, that there would not be a very high correlation because I think there probably is a very high correlation, and I'm wondering if there were ever data that were available for this period, post-tenure, in which those annual reviews may have provided the same kind of process that you're looking at right here and other factors but these kinds of factors both annual reviews, peer activity that may have influence so that post-tenure review seems to have no teeth but . . . such as you demonstrated here. I wonder if that at all affects your post-tenure reviews.

General Estes: Let me tell you why it doesn't because . . . some of that data, and it is in the report, exactly what you're talking about, and we really got a strong feeling from all four campuses that the annual reviews were basically a way of doling out salary and especially if you're tenured, they're very reluctant to put comments in there that are negative. I've used the example that I'm not so sure this is any different than any other walk of life. I use my own personal example of my military background. You would think that mentoring and talking to people about performance would exist every year that you got your report. You get your annual report, sit down with you, and tell you what you're doing wrong and what you're doing right. That happened twice in my whole career, and it was the same person at different levels that did it. So, I'm telling you that it's hard, people don't like to sit down with somebody and look them in the eye and tell them there's a problem. They can tell them they're doing things well but it's hard sometimes. It's just not easy for people to do. The other issue is workload. I think within your system and this is true in lots of walks of life, the days are so full and this takes time to do right and if it's important, we're going to have to find time to do it. A lot of these issues we're talking about, this oversight stuff, we've got to find a way to give credit for it, service or whatever it is for these things, because it competes with your research and it competes with your teaching. There's only so many hours . . . Mark's committee. Let me go back to one other issue that you mentioned, sir, and that is this explanation. I think putting these kinds of things up on a website, making them available to the press; can help with this education process. When you see something like this come out of it, a big bolt coming at you that, let's say, your process isn't working, you ought to take that on as a challenge. We've got to explain this better and not sit back and let those misunderstandings sit out there and keep revolving around and the next thing you know it really becomes something big. I recognize it takes time to take these issues on but as a systemwide faculty council, you ought to be watching for these things and figuring out how you as a group can best address these issues to put them in the proper perspective and even if it means going out . . . you go outside and find somebody who is

at least an arm's length away from a candidate who is coming up for tenure and you go and solicit their opinion about this person's ability to get the job done and grant tenure, would this person be granted tenure at your university, that's a common question that you ask. You get external opinions on things like that; if you have an issue and you're going to solve it much like you've done with this independent report, go get some independent advice. Talk to people from another campus. Don't make it look like . . . it's all been done internally because the public says . . . you just have to take these issues on. Don't let them sit there and let the public go off on these misconceptions about what's going on. You can't let that happen. It's just . . . responsibility . . . Not that you don't have plenty of other work to do. The public in this country thinks they understand tenure but they don't. I'm speaking from experience. Now that I understand it better, I do have a reasonably good understanding, I didn't have preconceived notions one way or the other or I wouldn't have taken this job on, but I sure understand a lot better now. Is there a different way to do it? Yes, but let's all decide together how we're going to do it differently if there's going to be . . . single yourself out as the individual university that's going to say we're going to change the world . . .

Appendix K: Other Public Correspondence and Comments

ADVISORY COMMITTEE ON TENURE-RELATED PROCESSES
COMMENTS RECEIVED

Anonymous comments received through the ACTRP website; other comments received by e-mail and letter

Comment #1. This was e-mailed to Provost Heckler on March 21, 2006, and appeared in the *Silver & Gold Record*

WHAT IS THIS THING CALLED “TENURE”

DEAR EDITOR,

The first purpose of this letter is to answer the question “how hard and how expensive is it to fire a tenured professor? The second purpose is to supply some more background information on the tenure situation at CU given my almost 50 years of experience at CU. The surprising answer to my first question is that it is neither hard nor expensive to fire a tenured professor. I should know since I have been recently fired. Well it was pretty expensive for me but not the university since they have a team of lawyers in house. The previous CU president Betsy Hoffman numerous times stated that it would cost CU some three million dollars to fire Professor Churchill. Was she just blowing smoke? Perhaps? It might cost three million dollars to fire a football coach but a mere professor, never. CU did not fire Professor Churchill because it simply did not “want” to.

CU has three well used strategies to eliminate “failing” professors. The first one is to freeze or almost freeze their salaries. The second strategy to eliminate “failing” professors is to give them unpalatable courses to teach. The third strategy is to move them into administration, which of course explains why CU is in hot water so often. If these three strategies fail and the faculty member just plainly refuses to leave, CU can formally fire him or her. Apparently only two professors in CU’s history have chosen this last pathway. Me and the past CU Aerospace chairman, who had, in fact, hired me in 1967, Mahinder Uberoi! It is interesting to note that failing CU presidents operate under a different set of rules. Our past three CU presidents made a bundle of money, two of them are still making a bundle doing, who knows what for, from CU. Our last president almost single handedly forced Carl Weiman from CU with her famous letter telling “Carl” that he does not understand football! This is the same president that stated that she believed that the “c word” is a term of endearment! Carl Weiman is without a doubt one of the most brilliant, well rounded and creative professors of our time, or perhaps ever, and our past “failed president” was directly responsible for his departure. My Mother told me a “million” times not to exaggerate but this time I am not exaggerating.

I was formally fired from the University of Colorado on April 15/04 at which time I filed a law suit for reinstatement. Recently, 3/3/06, I received a document from Judge Bailin that my case against CU has been dismissed. I was not too surprised since few, if any, law suits against CU ever actually go to trial. One possible exception may occur this May, 5/1/06. Dr. Dana Ruehlman has filed a law suit against CU because she believes that CU harbored a hostile environment, specifically, my laboratory. I have, in fact, been subpoenaed by her attorney, George Johnson, to be, I think this is the right term, a hostile witness. The amusing thing is that I have also been subpoenaed by CU to be a witness on their behalf. Even more amusing, David Temple, CU lead attorney, has asked me, because this will be a jury trial, to both wear a tie and also not wear my “skull rings”. I said I would do this but it is pretty unlikely that the trial will ever be held given CU’s past track record of going to trial. It certainly appears to me that CU has developed some kind of deal to avoid being part of any public trial.

Now, there is no question that my case is very complicated but the “center piece” in CU’s case against me involves my admitted romance with a CU student, but never my student, Gretchen Hume in 1982! Many might remember the front page of the Colorado Daily 6/30/04 displaying a large colored picture of Gretchen Hume, kicking and struggling, being physically carried out of a Regents’ meeting by a uniformed security guard. This occurred some two months after I was formally dismissed. This picture is in a streaming video entitled “Igor” found on my home page, www.gamow.com Gretchen demanded that the Regents apologize to her for her failed romance with me in 1982? Surprisingly all the women Regents did

apologize but none of the men Regents apologized. I say failed because after being with Gretchen for some two months, we saw each other quite often in different places including my home with my wife Elfriede, she demanded that I leave my wife for her or she would never meet with me again. By the way, this is all in the record and supported by her testimony. In fact I did not see her again for some twelve years at which point she came back to CU and stated to various CU administrators that all our meetings and motorcycle rides and our romance were none consensual! This is important because the "center piece" of CU's case against me was whether our romance was indeed consensual or not. My attorney, Joe French, argued amongst other things that this case was "time barred" but Judge Bailin, chief justice of the district court, ruled that it was not! If her ruling is allowed to stand it means that "time barring" is not valid in any Colorado university i.e. university administrators who wish to dismiss a faculty member can simply reach back in that professor's history and fire him or her for any past alleged indiscretion. This is a huge change for our tenure system. It makes tenure at CU absolutely worthless!

There is also a murky area here in that relationships with students (not students in my class or in a professor's class, but students in general) were much different in the 80's and early 90's than they may be now, so a professor who is subject to a termination proceeding is vulnerable, under Judge Bailin's ruling, for reaching back into the past without anyone understanding what the standards were to judge a professor's conduct at that time. So back to my original three ways, the administration can file a failing professor but not a failing president. We can now add a fourth. University administrators who for some reason or another decide now to file a failing professor can add a fourth basis for trying to do since the Judge's ruling gives them an open path to reach back as far as they want. In these changing times that is a very awesome weapon to put in the hands of an administration."

After reading the article by Jefferson Dodge in last May's newspaper entitled "Review Leader: Tenure is 'core' of university" (Silver and Gold 5/19/05) I wrote a letter to the Silver and Gold but I was strongly advised by my attorney not to send it while my case was still in limbo. Since I am now out of limbo, I am also un-muzzled, so to speak, so I would like, at this time, to submit these thoughts. Reading Dodge's piece brought back many memories of some of my good long term friends and professional colleagues. I would like to compare and contrast five of us, including myself. They are the late Professor Stan Brakhage of film studies, the late Professor Howard Higman of Political Science, Professor Leonard Lewin of Computer and Electrical Engineering, the late Professor George Gamow (my Dad!) of the Dept. of Physics and myself, Professor R. Igor Gamow formally of the Dept. of Chemical and Biological Engineering. We were all well known tenured research professors on the Boulder CU campus. (by research professor I include all tenured CU professors since we all are, in principle, required to produce scholarly work, throughout our careers, that is known and respected world wide. None research universities and colleges, in sharp contrast to CU, actually discourage their faculty from doing scholarly work because they believe it distracts them from their primary mission of class room teaching.) We all had world wide intellectual reputations and with only one exception, myself, none of us had a PhD or had gone through the lengthy tenure review process so often described in the local press. In fact, Professors Brakhage and Lewin only had high school degrees! We, rarely, if ever, were in the classroom more than six hours a week and we rarely if ever taught classes in the summer. The position we all held was and still is one of the most coveted and privileged positions in the world, that is a "research professor"! Howard Higman once told me that a tenured research professor position is one only "second to the Pope" I agree.

R. IGOR GAMOW
BOULDER

Comment #2 (received anonymously from the ACTRP website)

***Faculty**

Input Field: comments

Response:

*I am an instructor at UCCS, and my comment comes from this perspective.

Since 52% of UCCS faculty are instructors and lecturers (with an even higher percentage of courses taught by non tenure-track faculty - NTTF), perhaps some of the resources spent on reviewing the tenure process would have been better spent on a critical examination of NTTF issues and their effect on the customer, i.e. our students and the education they receive. Some of these issues are turnover, salary, consistency across colleges and campuses, and the evaluation process.

Thank you for the opportunity to comment.

Comment #3. (received anonymously from the ACTRP website)

***Faculty**

Input Field: comments

Response:

* Diversity recommendation.

You rightly pointed out that diversity has often been synonymous with race. But in reality, it is not so limited.

People are diverse in a variety of ways: intellectually, culture, ethnicity, income, age, gender, orientation, etc.

To limit the definition of diversity to race (whether in writing or as applied), actually institutionalizes racism.

By limiting it to race it assumes that everyone of that race has the same experiences and backgrounds. They do not. Do not simply say that diversity is recognized and rewarded without also making it clear (in writing and as applied) that it means more than just race.

Comment #4. (received anonymously from the ACTRP website)

*** Faculty**

Input Field: comments

Response:

* Recommendation regarding Post-tenure review.

Everything that tenure protects (e.g., academic freedom), post-tenure review has the potential to take away.

I am not speaking of a professor who does not show up to teach classes. That is a clear, objective reason to revoke tenure. Rather my concern stems from pre-textual reasons which disguise the real reason.

Think of whistleblowers (whether in the university environment or not). Whistleblowers see something that is wrong in the workplace, they report it, and then they are fired. Of course, the employer does not fire them for blowing the whistle, rather they are fired for some rule violation, etc. Did they commit the rule violation? Probably -- with so many rules, it is impossible not to violate one rule a day (whether knowingly or otherwise). But the stated reason for the firing or demotion was merely a pre-text -- the real reason was for the whistleblowing.

Now, think in terms of the tenured professor, who is not necessarily a whistleblower. He makes tenure and he publishes articles or gives speeches that are controversial. Or, he finds something wrong that an administrator does and reports it. Regardless of the reason, whether the administrator has something against him because he openly criticized him or the university earlier, or he publishes in a controversial area, or makes a politically incorrect statement (see for example that high school teacher in Denver who dared criticize the Bush administration), or reports and fails students who plagiarize contrary to the wishes of his departmental chair who does not want students reported (so much for academic freedom), suddenly they start looking into whether this tenured professor violated any university rules. In reality, had he not made the statement, published the article, criticized an administrator, or actually required students to do their own work, no one would have i!

Investigated to see whether he violated a rule. Consequently, the putative reason for his firing or demotion in post-tenure is merely a pre-text.

Aside from pre-text, this relates to the bigger question regarding standards. What are the standards of post-tenure review? We require excellence in one area of the 3, and satisfactory in the remaining two. Do we expect professors to continue at this pace (i.e., working 70+ hours per week)?

Thank you for handling this in such an open manner, and for permitting me to respond anonymously.

Professor XYZ

Comment #5. (received anonymously from the ACTRP website)

* Community Member

Input Field: comments

Response:

* Remember there are some (more than a few) in the overall community that realize (Ward Churchill not withstanding) that a university MUST retain a comprehensive and complete tenure system of the type that CU has now...

I am former student at CU (1958-1961) that is STILL proud of my previous association and the kind of institution that CU is today...

Comment #6. (received anonymously from the ACTRP website)

* Faculty

Input Field: comments

Response:

* I think that reviewing the tenure process is a good thing. But the problem at the University of Colorado is not Ward Churchill (who should be fired), or too lax tenure granting, but the opposite: the fact the CU is unable to retain its faculty. Any administrator at CU should be aware of this. And the reason is very simple: the salaries are among the lowest compared with CU's peers in the AAU.

Continue focusing on the tenure process, to appease the republicans, and you will be fostering the decade long decline of the University, and the exodus of the best faculty.

Comment #7 (E-mail received)

April 25, 2006

Dear CU Tenure Review Committee,

It is with great dismay, frustration and outrage that I feel compelled to write this letter, in response to the recent anemic reporting about the apparently equally anemic CU tenure review process that I have read about in the local news. My opinion is based on nine years of experience (1989-98) at the CU-Denver campus, where I served as an adjunct instructor, as well as a research project director, and editor/publisher of a scholarly journal that put the CU-Denver Political Science Department (as well as CU at large) on the map within several academic disciplines, as well as in national and international organizations of scholars. As a former adjunct, I am well aware that my experience is by no means unique, and that I speak for many other people like myself, who have had no other choice than to earn their living outside their chosen work in academia. But my work went far beyond that of the average adjunct. So maybe ! my particular experience is instructive. You decide.

In 1989, I was writing my dissertation at DU (Graduate School of International Studies), and like many other ABDs, I was looking for teaching experience, so I accepted the invitation to teach courses in Indigenous Peoples Politics at CU-Denver. At the time, compensation for this coursework was about \$2200 for the typical 16-week semester course. In the second year, I accepted the invitation to attempt to find external funding (in the name of another man - a regular faculty member) to pursue research and publication, and after writing about two dozen proposals, the US Department of Education provided a grant of about \$150,000 for "The Fourth World Studies Expansion Project." This funding paid for a minimal (\$15K/year) stipend that allowed me to single-handedly administer the project (in another man's name), as well as expand my course offerings to include International Relations, Human Rights, and American Foreign Policy, in addition to Indigenous Peoples Politics - and make just enough money to survive. My courses were well-received and produced evaluations that were as good as any full-time faculty in the department.

From 1992 (when I earned my PhD) to 1998, working in another man's name (someone who did not have a PhD, nor a background in scholarly research), I ran a research project that eventually involved dozens of other individuals -including faculty members from other universities as well as CU-Denver, undergraduate students from my own courses, and people from other countries - writing, editing and publishing a scholarly journal that was distributed internationally, in development of dozens of case-study articles, including extensive cartography and intensive commentary. In another man's name, I published five full volumes of work, as well as an edited text-book and a teacher's guide. I also presented numerous papers at scholarly conferences, public forums on the CU-Denver campus, and served as a expert consultant in several contexts. And I continued to write proposals for external funding (always in another man's name, since I had no position of my own). In fact, I came to realize that I published more than the rest of the entire department faculty combined, in the six years that the project continued under my direction - while carrying a typical full-time load of coursework (4-5 courses per year, which eventually were compensated at a rate of \$2400, by 1998).

After nine years, I wanted credit for my own work. I didn't want another man claiming credit for my work (yes, it happened), nor to build another man's CV. I wanted my own place at the table. I felt that I had earned it and that I had proven myself in the profession, having accomplished anything and everything (and more) that any assistant professor would have been expected to produce to attain tenure. Yet, I could not even get to the first step of the ladder. I found that the regular faculty had a racket going on, playing the farce that is the tenure system at CU (and everywhere else). I found that tenure does not just protect faculty from removal, for their outrageous opinions published under fabricated identities (e.g. Ward Churchill), but more typically, it protects them from having to publish anything at all.

Tenure makes it possible for regular faculty to sit on their back ends, teach a bare minimum of courses, bore their students to death, attend a few committee meetings, enjoy their leisurely sabbatical years, pursue

no research, and write nothing of consequence - while the vast bulk of teaching work is carried out by exploited adjuncts - who can never even get their foot in the door. And these faculty - with jobs for life! - mark off their years awaiting retirement and pensions, gaining yearly pay raises, mutually feeding each other's egos, and circling their collective wagons to repel anybody else who wants to practice the teaching profession - and who comes to work with a relevant PhD (not a MA or JD) in hand, an active research and publication project, and an excellent teaching performance record. Take the challenge and Google the names of the CU-Denver Political Science Department faculty, today, and see what you find in terms of scholarly publications. Take the challenge and find out how many courses (and students) these people have taught, in comparison to adjuncts. Just look at the present list of faculty publications on the department website, and see who and what is being published. Honestly, take the challenge. Scary, taking oversight seriously, isn't it?

When I asked for support from the department, the response I got was, "If there are any future openings, they will be 'minority hires.' We already have too many white males." "If you were a 'person of color,' maybe we could do something for you." "We have to do more about diversity." Etc. (Ironically, it turns out that of the three people hired as faculty since 1998, two are white males.) When I expressed my frustration, I was told, "If you are so unhappy here, why don't you leave?" So what was the reward for all my work? A stab in the back and a kick in the teeth. Just what you might expect from a department that touts its "liberal" and "revolutionary" political credentials. The hypocrisy makes me gag.

Tenure is a joke, as it has come to be understood in this so-called review process and in the reporting thereof. It is not about protecting freedom of expression and opinion; it is about protecting cronyism and daisy-chains. It is about having no turnover, no fresh blood, no possibility of entry (much less advancement) for people who are serious about the profession. A couple of years ago, the department's web page explained that since CU-Denver is supposed to be a "teaching institution," the faculty were not expected to conduct research, nor to publish. And if that still holds (today's website says nothing about it), then on what basis is tenure to be gained or protected?

Now eight years since my departure, I continue to monitor the work I left behind at the Fourth World Center. Check it out. <http://carbon.cudenver.edu/public/fwc/fwabout.html>. The web page is exactly where I left it, eight years ago. Nothing has changed. Nobody ever even bothered to post the last volume of my work, nor any of cartography I produced. And my name is still listed as editor and project director! In fact, the project is dead in the water, though the website continues to tout the work that I produced as evidence of a continuing effort. Is that fraud? Ask your lawyers, or I will ask mine.

What's wrong with the tenure system? No public or institutional oversight, no common standards for recruitment, performance or accomplishment, no turn-over of personnel, etc. And yes, it is proof that you can really go far, conning people by claiming an ethnic identity - verifiable or otherwise - as your right to a pass, to a job for life, without having to jump through the same hoops as anybody else. Stalin would definitely admire the way he has been emulated by the CU Politburo.

You guys really want to shake things up? Please end tenure that protects lifetime jobs for do-nothings.

I have much more to say about all of this, but I will stop here.

Sincerely yours,

Marc A. Sills, Ph.D.
monkhhouse53@earthlink.net
EarthLink Revolves Around You.

Comment #8 (received anonymously from the ACTRP website)

* Faculty

Input Field: comments

Response:

* Overall, I thought the report was straight-forward and non-controversial, affirming as it does the process of reviewing faculty accomplishments for tenure. I hope it will address some of the common misconceptions held by non-academics. That said, I see that it received a less than warm reception from Republicans in the state legislature. This predictable reactions drives home the message of why tenure is important: There will always be ideologues who resist the very idea of academia, and who pose a serious and on-going threat to the principles that we hold so dear. I imagine they will brush this report aside and, with support from the Governor, attempt to legislate changes to the tenure process. My hope is that the resulting battle is one that our President and other high-level administrators take on without apology.

Couldn't the committee find a better ideal for the tenure process than Georgia State?

Comment #9 (received anonymously from the ACTRP website)

* Faculty

* I have read the thoughtful and well-written executive summary. I have a few comments:

1) There was some discussion regarding consistency across disciplines for performance standards (quote: "it would be beneficial to increase the level of consistency across departments where possible"). I was pleased to read the recognition that the specific criteria used to evaluate performance do and should vary widely between disciplines as a natural function of that discipline. At the same time, there was a call to make criteria consistent when possible. I would encourage those who seek to make the criteria more consistent across disciplines to take not just the discipline into account, but the resources available to faculty within the separate departments. For example, some departments may have graduate programs, statistical consultants, an office that supports efforts to find and obtain funding, equipment resources, low teaching loads, etc....which would enable them to have a higher level of research or creative output.

2) There was a recommendation that "annual review should be conducted through a peer review process, consistent with regent policy." Depending on what is meant by peer review in this context, the resulting work load would be onerous for everyone. Whether this is department peers or external peers, it will be burdensome and unproductive to review many records of performance annually!! Based on my reading of the underlying concerns, why not just make sure the chair gives explicit feedback during annual review regarding how the person is progresssing toward tenure and promotion? Especially because the overarching message of the summary is that the tenure process generally works well, why add such a burdensome paperwork task for people who are supposed to be focusing on teaching and research? Can there be another way to achieve the goal without increasing work loads?

3) Of the 95 cases reviewed, only 4 significant deviations were noted. One of these was clearly contrary to policy (recording the split vote as unanimous). The other 3 seemed to be reasonable exceptions in the best interest of the candidate, department, and/or university. I understand the need to make a policy to allow deviations from the standard procedures--I just hope this is written in a way that actually allows the same degree of flexibility and responsiveness exemplified in these few deviations.

4) There was some discussion of dismissal for cause in classroom conduct. This is a good opportunity for the university to clarify, in a transparent fashion to faculty, students, and the public, what the standards and goals of university classroom teaching are. Particularly given recent debates regarding discussion of controversial topics, this type of clarification would be useful.

Comment #10: (E-mail received)

5/5/06

A follow up on the yesterday's discussion at the DDC Faculty Assembly meeting, about criteria to be used in evaluating faculty at the UCDHSC.

It believe it was mentioned that we may use different criteria/expectations for DDC (old UCD) and HSC faculty.

I think that we should have exactly THE SAME criteria for ALL faculty at UCDHSC.

However, since the two faculties have slightly different missions, namely, DDC has more of the teaching mission while HSC has more of the research mission, the difference should be reflected, but only in weighting of the effort in the three areas: teaching, research, and service.

DDC is currently using 40/40/20, and HSC may use, for example, 10/70/20, or whatever distribution is decided.

But the criteria and expectations should be the same in the same institution, and as their goal should strive for excellence at any campus/location of the UCDHSC.

Related comments. We should also have: THE SAME Dean of Graduate Studies THE SAME Vice Chancellor for Research, etc.

If we do not do it, while on paper being the same, we will remain different, to the detriment of the institution.

With warm regards,

Krzysztof (Krys) Cios, Professor
University of Colorado at Denver and Health Sciences Center
Mailing address:
Computer Science and Engineering Department
Campus Box 109, NC 3815; 1200 Larimer St.
Denver, CO 80217-3364

Krys.Cios@cudenver.edu
phone: 303-564-3142
<http://isl.cudenver.edu/Cios>

Associate Director, University of Colorado Institute of Bioenergetics <http://www.uccs.edu/~iobe/>
Adjunct Professor of Computer Science, University of Colorado at Boulder
<http://www.cs.colorado.edu/people/>
Adjunct Professor of Preventive Medicine and Biometrics, School of Medicine, UCDHSC
Chair, Computational Intelligence Society Chapter, IEEE Denver Section <http://cis.ieee-denver.org/>
<http://ieee-cis.org>
Foreign Member, Polish Academy of Arts and Sciences http://www.pau.krakow.pl/czlonk_e.htm

Comment #11 (Letter distributed at the UCCS Open Forum)

Kyle H. Hybl
Attorney at Law

May 12, 2006

Dear Tenure Review Committee:

I applaud your efforts at evaluating the University of Colorado tenure system. With that said, I encourage CU to pursue a sustained campaign of accountability and good governance in an effort to create a culture which will best serve students, faculty, staff and the State of Colorado.

The report made a few recommendations which should be highlighted. These recommendations focus mainly on issues of accountability. Through aggressive and sustained application of accountability standards the system will be well served. Some of the suggestions include:

- a. Improving oversight of the tenure process;
- b. Documenting performance deficiencies by faculty;
- c. Training for faculty to ensure consistency and completeness in the application of rules; and
- d. Auditing tenure files.

Issues of oversight, documentation and training are not revolutionary concepts and are important for any institution whether academic or not.

It is my hope the institution will focus on accountability of faculty and staff. In addition, I have attached a suggested rewrite to the Statement of Responsibility. The rewrite encourages education through exposure to the full breadth of conflicting ideas in accordance with Regent Law 5.D.1.C.

A sustained focus on the issues of accountability and education will help fix CU's damaged national reputation and ensure a sound education for our students.

Sincerely,

Kyle H. Hybl

Enclosures: Statement of Responsibility
Suggested changes to Statement

10 Lake Circle. Colorado Springs. Colorado 80906
(719) 577-5867

Statement of Responsibilities of the Faculty¹

*Faculty members have the responsibility to maintain competence, exert themselves to the limit of their intellectual capacities in scholarship, research, writing, and speaking; and to act on and off the campus with integrity and in accordance with the highest standards of their profession.

*The faculty member is entitled to freedom in the classroom in discussing the subject, but should be careful not to introduce into teaching controversial matter that has no relation to the subject.

¹ Based on the Statement of Responsibilities of the Faculty 5.D.2, Regent Law, University of Colorado Board of Regents

Faculty members are citizens, members of learned professions, and members of the academic Leadership of an educational institution. When speaking or writing as citizens, they should be free from university censorship or discipline, but their special position in the community imposes special obligations. As faculty members however, they should remember that the public may judge their profession and institution by their utterances. Hence faculty members should be accurate at all times, should exercise appropriate restraint and show respect for the opinions of others, and when speaking or writing as private citizens should make every effort to indicate that they are not speaking for the institution.

I understand and accept these responsibilities:

Signature of Faculty Member

Date

Para 1, rewrite suggestion:

Faculty members are accountable for their actions and responsible to maintain competence, exert themselves to the limit of their intellectual capacities in scholarship, research, writing, and speaking; and to act on and off the campus with integrity and in accordance with the highest standards of their profession.

Para 2, rewrite suggestion:

The faculty member is entitled to freedom in the classroom in discussing the subject, but must at all times remember the faculty member's purpose to educate the students and create critical thinkers. This is best achieved through full exposure to conflicting opinions and ideas in a particular subject area. Faculty should be careful not to introduce into teaching controversial matter that has no relation to the subject.

Comment #12 (E-mail received)

From: Steven.Lowenstein@UCHSC.edu [mailto:Steven.Lowenstein@UCHSC.edu]

Sent: Thursday, May 11, 2006 5:16 PM

To: Heckler, Mark

Subject: Tenure Report

(Mark, would you also forward to General Estes, please. I do not have his email)

Mark and Howell,

On Tuesday I was asked to present the results of the Tenure Report to the School of Medicine Faculty Senate. One concern that somewhat surprised me was an observation by a very respected and engaged (and concerned) faculty member.

- First, we have to consider the origin of this report (and specifically, the political, partisan and ideological context);
- And second, the report calls for a more efficient process of dismissing tenured faculty members (the 6-month recommendation).

- Placing these observations side by side, one could conclude that the report would permit more rapid dismissal of faculty for ideological disagreements, or for speaking out for important, but controversial, values, etc.

Of course (as we discussed at the senate meeting), that is not the report's intent. While there is concern about the inability to take any actions against tenured faculty members who do not perform their jobs well or teach students well, the report really calls for faculty and administrators to work together to clarify the grounds for such action and sanctions that can be imposed. And the report clearly reminds every reader that tenure is still needed specifically to protect faculty members who advocate controversial or unpopular points of view. But perhaps, given the reaction of some legislators to the report, the fears of this faculty are understandable. For example, consider the reaction of at least two legislators (reported in last week's Silver and Gold) that the study failed to ensure that more conservative faculty members would be hired. I just wanted you to know about these concerns and this conversation.

This might also be an appropriate time to reiterate what others have said: Thank you both for your outstanding leadership on this entire project.

Take care,
Steve

Steven R. Lowenstein, MD, MPH
Professor of Surgery, Medicine and Preventive Medicine/Biometrics
Associate Dean for Faculty Affairs
University of Colorado School of Medicine, Box B-215
4200 East Ninth Ave, Denver, CO 80262
303-372-5631

Comment #13 (received anonymously from the ACTRP website)

Input Field: select

Response:

* Faculty

Input Field: comments

Response:

* I find it disappointing that the Regents define TENURE AND TENURE TRACK FACULTY as "Tenure may be awarded only to faculty members who are employed by the University and who have demonstrated meritorious performance in each of the three areas of teaching, research/creative work, and service, and demonstrated excellence in either teaching or research/creative work." (<http://www.cu.edu/regents/Policies/Policy5L.htm>) but as the HSC, especially the SOP, only those who are excellent in research are eligible for tenure. Faculty who are excellent in teaching and meritorious in research and service are simply not eligible for tenure. This seems like a double and unfair standard.

Comment #14 (received anonymously from the ACTRP website)

Response:

* Community Member

Input Field: comments

Response:

Hello. My son was recently selected as the "CU Outstanding Junior" for his high school, and invited to attend a function honoring him and his fellow recipients on July 15, 2006.

Hell WILL FREEZE OVER before I send him to your school. Ward Churchill is a complete disgrace to your institution. Add that problem to the disgrace caused by Gary Barnett and the entire Athletic Department, and I find it hard to believe anybody would want to send their kids to Boulder. Not if they can't get admission to anywhere worth their while.

You need to fire Ward Churchill. And fire him now. Change your tenure policies so that clowns like him are not able to achieve tenure in the future. And, don't allow tenure to prevent dismissal of idiots.

Appendix L: Media Reports and Articles

TUESDAY, APRIL 25, 2006

AVS TAKE 2-0 LEAD

ROAD WARRIORS WIN IN OVERTIME

> SPORTS, SECTION D

NUGGETS LIMPING HOME

Poor first-quarter play leaves Nuggets down 2-0 in series

> SPORTS, SECTION D

THE DENVER POST

Voice of the Rocky Mountain Empire | 50 CENTS MAY VARY OUTSIDE METRO DENVER | **

CU tenure review calls for “sweeping changes”

WHAT THEY'RE SAYING ABOUT THE RECOMMENDATIONS



Sen. Ron Tupa, D-Boulder

“I haven't heard anything in this report that can't be fixed. There's no damning evidence that the University of Colorado is broken.”



Rep. Keith King, R-Colorado Springs

“If CU is going to a higher standard, then if they find misconduct, they need to immediately flag it to the dean. Otherwise you get a Ward Churchill who year after year never gets flagged.”



Hank Brown, CU Interim President

“They made a number of procedural recommendations that I think were unanimous by the committee and will help improve the process.”

New dismissal guides, random audits proposed

A controversy surrounding tenured professor Ward Churchill's work led to a study of the system.

By Jennifer Brown
Denver Post Staff Writer

The University of Colorado should strengthen reviews of tenured faculty and make it easier to pull a bad professor out of the classroom, a report released Monday said.

The year-long study also found CU's seven-year process for awarding professors tenure is as rigorous as at other top universities but that the state's flagship school does not always follow its policies.

Despite criticism of the system that provides lifetime employment protection for professors, the review committee said tenure is necessary. The system promotes the freedom of professors to say what they believe without fear and is necessary to attract quality faculty, the report said.

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And the report said the university should change its standards for “dismissal for cause,” which includes professional incompetence, a felony conviction or moral turpitude. The criteria for removing a professor from the classroom are not specific enough and “ultimately could result in students being adversely affected,” it said.

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Areas of Inquiry—Conclusions & Recommendations

Areas of Inquiry—Tenure Review

Are there consistent compliance with and adherence to tenure-related processes?

- 95 files reviewed. Generally consistent compliance with tenure-related procedures. Departments and faculty members take the process seriously. No “rubber stamp.”
- Standard tenure clock (excluding the SOM) is seven years. For good reason, a number of common practice variations from the standard seven-year clock exist:
 - Faculty hired with tenure from outside the university—awarded tenure at hire.
 - Faculty hired with tenure credit—considered for tenure in fewer than seven years.
 - Faculty proposed for early tenure—are awarded tenure in fewer than seven years.
 - Non-tenure-track faculty considered for tenure—treated as “lives with tenure” review, but with no probationary period or comprehensive review.
 - Faculty hired as associate professors without tenure—the search process seen as comprehensive review. Proposed for tenure in no more than seven years at the discretion of the department.
 - Faculty may request to stop the tenure clock for up to two years, for things such as parental leave, in which case they would go up for tenure in greater than seven years.

Our main message is there is cause for concern. The processes are in pretty good shape — it's the implementation of these processes that needs to be strengthened.”

Get. Howell Estes III, above, leader of the tenure study.

> See TENURE on 7A

TENURE: Professors say report is vindication

< CONTINUED FROM 1A

university an out to get rid of a professor who harassed students, the report said.

"Our main message is there is cause for concern," said Gen. Howell Estes III, who led the study. "The processes are in pretty good shape — it's the implementation of these processes that needs to be strengthened."

The report was initiated a year ago by professors who wanted to restore public trust in tenure. Regents commissioned the study in March 2005.

Professors said the report provided vindication after CU's tenure policies were attacked by lawmakers and the public last year. Rod Muth, chair of the faculty council, said there was nothing "terribly surprising" in the findings. "There are no bombs," he said.

History professor Susan Kent said the report will "clear up the misperceptions out there" that arose after Boulder professor Ward Churchill's essay on terrorist victims came to light.

The report included 39 recommendations to improve the tenure process.

Among them is setting a timeline of no longer than six months to complete a "dismissal for cause" case and more clearly define what behaviors should lead to dismissal.

The report also recommends criminal background checks during the hiring process, a review of tenure criteria every seven years and a random audit of tenure case files every five years.

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Faculty from each campus can comment on the findings during the next month, beginning today at CU-Denver. The committee plans to recommend policy changes to regents next fall.

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The committee uncovered four cases in the 95 files that showed disregard of CU policy or no policy to follow.

In one case, a CU department reported a split vote to award tenure as a unanimous vote.

Another case highlighted a faculty member who sought help from someone outside the university when it was clear the department would not vote for tenure. The individual from outside the school, who was not named in the report, appealed to CU's president.

The department then reviewed the faculty member for tenure the following year, but only through one level of review — a violation of CU policy, which calls for several levels of approval.

In another case, a faculty member who was not on the tenure track was "promoted" by the department and put through the tenure review process because of a job offer from another university.

Regarding post-tenure review, which happens every five years, the report said professors are getting off too easy.

Following their example

These schools were considered "benchmark" institutions, and their tenure practices were studied for CU's tenure report:

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Harvard University
Johns Hopkins University
Northwestern University
Penn State University
Princeton University
Syracuse University
University of California at Los Angeles
University of Chicago
University of Georgia
University of Illinois at Urbana-Champaign
University of Massachusetts at Amherst
University of Minnesota
University of North Carolina at Chapel Hill
University of Pennsylvania
University of Texas at Austin
University of Washington
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Boston University School of Management (data collected only to examine alternatives to tenure)

Source: University of Colorado

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Regents said the report should restore public trust in tenure at CU because it shows the system isn't broken.

The report showed that deviation from CU policy was limited, but the university would get more credibility if departments didn't "take quite so many liberties" with tenure rules, regent Steve Bosley said.

Regents also suspected the report would stave off attacks on tenure by politicians, or at least provide them context. A bill that would have made it easier to fire tenured professors died in the legislature last month.

"It might inform future legislative attempts," regent Gail Schwartz said.

But others said the report lacks teeth.

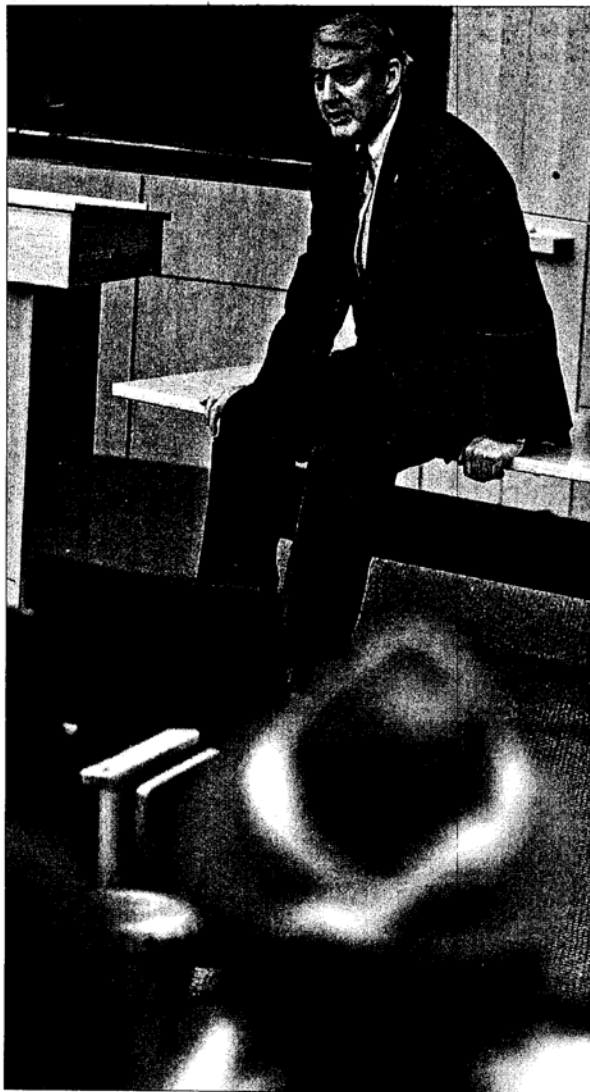
"It's like a putting a new coat of paint on an old house," said Rick O'Donnell, former head of the Colorado Commission on Higher Education. "They spent 116 pages saying all is basically well and let's dress it up a little and it falls a little short in what the public is expecting in tenure reform."

The university expects by mid-May to finish a separate investigation into whether Churchill plagiarized or misrepresented facts.

The report did not include a case study on Churchill or name any other professor. The committee reviewed files of professors who got tenure or went through a pre-tenure comprehensive review from 2003 to 2005. Churchill was awarded tenure in 1991.

Staff writers Dave Curtin and John Ingold contributed to this report.

Staff writer Jennifer Brown can be reached at 303-820-1593 or jenniferbrown@denverpost.com.



John Epperson | The Denver Post

University of Colorado interim president Hank Brown speaks to a group Monday at the humanities building on the CU-Boulder campus. The event is among a series of campus interviews for Brown as he seeks to become the university's permanent president.

Additional comments on the recommendations

Susan Kent, a history professor, said she watched the webcast of the report's presentation Monday. She said the report and the committee's work is a vindication of CU's tenure process.

"I knew from the very start that the Boulder campus was in very good shape," she said.

Kent was, until August, the associate vice chancellor for faculty affairs before returning to teaching. She said the Ward Churchill controversy fed a belief among the public that CU's tenure procedures were flawed. But she said she always believed the committee's work would show that is not so.

"From our perspective," she said, "we needed people to see what we do and do very well."

David Kassoy, a mechanical engineering professor at CU for the past 37 years, also welcomed the committee's work.

"I think it was handled in a way that will be beneficial to the university," he said.

Kassoy said Monday afternoon that he had not been able to read the committee's report. But, he said, professors shouldn't fear post-tenure review.

Kassoy said he served for a couple of years as chairman of the College of Engineering's tenure review committee. He, like Kent, said he never expected the committee to find gross policy violations.

"I think it was a great thing for the university because it will maybe help the public have a better idea of the processes we go through," he said.

Numerous professors and other faculty members said Monday that they had not yet seen the report and did not wish to comment.

Rick O'Donnell, former director of the Colorado Commission on Higher Education and a 7th Congressional District candidate, said of the report: "It's like a putting a new coat of paint on an old house."

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Front page stories include scanned placement and electronic copy

CU tenure review calls for "sweeping changes"

New dismissal guides, random audits proposed. A controversy surrounding tenured professor Ward Churchill's work led to a study of the system.

**By Jennifer Brown
Denver Post Staff Writer
April 25, 2006**

The University of Colorado should strengthen reviews of tenured faculty and make it easier to pull a bad professor out of the classroom, a report released Monday said.

The year-long study also found CU's seven-year process for awarding professors tenure is as rigorous as at other top universities but that the state's flagship school does not always follow its policies.

Despite criticism of the system that provides lifetime employment protection for professors, the review committee said tenure is necessary. The system promotes the freedom of professors to say what they believe without fear and is necessary to attract quality faculty, the report said.

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"Our main message is there is cause for concern," said Gen. Howell Estes III, who led the study. "The processes are in pretty good shape - it's the implementation of these processes that needs to be strengthened."

The report was initiated a year ago by professors who wanted to restore public trust in tenure. Regents commissioned the study in March 2005.

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ACTRP Tenure Review Media Clips from April 25, 2006 – July 11, 2006

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Front page stories include scanned placement and electronic copy

Among the points in the CU tenure report:

"The university's laws, policies, and procedures for tenure and tenure-related processes should be easily accessible and understandable, not only to the candidates for tenure, but to the public in general by methods such as posting them on campus or system Web sites. The increased accessibility will help underscore the transparency that currently characterizes the process."

"A random audit of tenure case files should occur every five years to ensure policies/processes are being followed, perhaps conducted by an external group of faculty or consultants."

"Training related to tenure review processes must be strengthened, especially at the department chair level."

"Since granting tenure is a process that begins with hiring, continues through the probationary period, and culminates with the tenure review, data should be collected on a systematic, ongoing basis on both attrition rates throughout the entire process, as well as the specific results of tenure votes, whether unanimous or split, at each level of review."

All new hires should be required to sign a statement of responsibility. Here is a sample statement, based on a statement already in the Board of Regents' law:

"Faculty members have the responsibility to maintain competence, exert themselves to the limit of their intellectual capacities in scholarship, research, writing, and speaking; and to act on and off the campus with integrity and in accordance with the highest standards of their profession."

"The faculty member is entitled to freedom in the classroom in discussing the subject, but should be careful not to introduce into teaching controversial matter that has no relation to the subject."

"Faculty members are citizens, members of learned professions, and members of the academic leadership of an educational institution. When speaking or writing as citizens, they should be free from university censorship or discipline, but their special position in the community imposes special obligations. As faculty members, however, they should remember that the public may judge their profession and institutions by their utterances. Hence faculty members should be accurate at all times, should exercise appropriate restraint and show respect for the opinions of others, and when speaking or writing as private citizens should make every effort to indicate that they are not speaking for the institution."

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Princeton University

Syracuse University

University of California at

Los Angeles

University of Chicago

University of Georgia

University of Illinois

at Urbana-Champaign

University of Massachusetts

Amherst

University of Minnesota

University of North Carolina

at Chapel Hill

University of Pennsylvania

University of Texas at Austin

University of Washington

Front page stories include scanned placement and electronic copy
University of Wisconsin-Madison

Boston University School of Management (data collected only to examine alternatives to tenure)

Source: University of Colorado

CU recommendations not groundbreaking, experts say

Panel's conclusions already seen in previous research, but focus on training, precise record-keeping praised

By Kevin Simpson

Denver Post Staff Writer

The year-long study on tenure at the University of Colorado, touched off by one professor's incendiary public comments, arrived at recommendations that have percolated in higher education for years, according to two national experts.

Cathy Trower scanned the summary on the CU website Monday afternoon and sounded underwhelmed as she read recommendations that mirror familiar concepts.

"I don't see a lot of anything that's groundbreaking in there," said Trower, a research associate in Harvard University's Graduate School of Education. "This seems like an awful lot of time and money spent because of one case. But that's often what happens."

Although the writings of ethnic-studies professor Ward Churchill stimulated the probe of how CU deals with granting and monitoring tenure, the study's results were similar to those covered by Christine Licata in the books on tenure and post-tenure review she has co-authored.

"We found that when institutions really didn't have the resources to put behind faculty professional development and attach clout to sanctions, the process was not viewed as being effective," said Licata, associate vice president for academic affairs at Rochester Institute of Technology/National Technical Institute for the Deaf.

One of nine case studies Licata and co-author Joseph Morreale examined was Georgia State University, whose post-tenure review policies the CU report recommends giving strong consideration. Georgia State emphasized faculty development and helping faculty shift responsibilities as their careers progress and their interests change, Licata said.

"It may just be getting on the radar screen at the system level, although this is not a novel concept," Licata explained. "As people are staying in positions longer, with mandatory

Front page stories include scanned placement and electronic copy retirement no longer a factor in higher education, that lends more power to the argument that we need to find other ways for faculty, over their careers, to continue to contribute in an effective manner."

She also noted that one point raised in the study - the recommendation of more specific language defining behaviors that warrant firing - may have been slightly off the mark.

"I think the language already in their policy covers behavior in the classroom," Licata said. "More the issue is how much evidence is required, what kind of paper trail. That's where we fall down in terms of what's expected in building a case. How much is enough?"

But the CU report did address several key points, both experts said.

Trower noted that the recommendation for training department chairs how to systematically review and evaluate faculty focused on a recurring concern.

"Chairs are not well trained in documenting progress toward tenure or promotion, and in giving feedback that will help guide the person," she said. "So absolutely, training is required - not just in what the heck are the policies and procedures, but also in the informal stuff, the unwritten rules that are so important to junior faculty like, 'Whose toes do I not step on?' - the things they don't put in writing."

Both Licata and Trower praised the concept of keeping more precise data to track tenure issues, and said it would help in several areas, such as in promoting faculty diversity.

But while impressed with the scope of CU's undertaking, Trower remained disturbed that such close examination of an institution such as tenure comes only as a reaction to one controversial incident.

"We in higher education wait for a crisis before we do anything, instead of listening to all of the researchers out there saying that the tenure process is broken," she said. "When will we do something about it systematically from the top, instead of one case at a time? Reports are being produced, but very little change is happening."

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Rocky Mountain News

TUESDAY, APRIL 25, 2006 ROCKYMOUNTAINNEWS.COM 50 cents in Denver

Tenure in turmoil

■ Independent study of CU urges dozens of fixes, more rigor in review process. 5A

Tenure trouble found

Panel finds many areas that it says should be fixed

By Sara Burnett
Rocky Mountain News

A much-anticipated independent study of tenure at the University of Colorado found dozens of areas that need fixing, from professors who got the lifetime job protection despite poor evaluations to post-tenure reviews that aren't rigorous enough.

The report released Monday lists 39 recommendations for change — suggestions that Mark Heckler, a CU provost, said would equal "a fairly substantial rewrite of how we do business."

But the study's author, retired Air Force Gen. Howell Estes III, also concluded tenure is vital to providing a quality education and that CU's system is as rigorous as any in the country.

"There is cause for concern," Estes said. "Are they overemphasizing? You betcha."

Regents Steve Bosley and Gail Schwartz, who sit on the tenure review committee, said the depth and breadth of the 160-plus-page report show the university was serious about its efforts. They pledged to make the changes necessary to correct problems.

"It's our responsibility ... and we'll take care of it," Bosley said. "We're gonna do the job."

What is tenure?

■ **Essentially, job protection.** A professor with tenure may be fired only for "adequate cause" — for example, committing a crime or falsifying research — or in cases of "extreme financial exigency."

■ **Supporters say it protects professors** from being fired for advocating unpopular views or disagreeing with authorities.

How is it earned at CU?

The process varies by department, but it generally takes seven years.

■ **It begins with annual reviews** of a professor's work, both inside and outside the classroom. The professor is evaluated in three areas: teaching, research and publications, and "service" such as serving on a university committee.

■ **In the third or fourth year**, the professor assembles a dossier, which includes all of his or her student evaluations, the grades given, copies of publications and research and documentation of service.

■ **The file is shared with a departmental committee** and sent to four to 10 "external reviewers," faculty members from similar fields at other universities, who submit comments.

■ **The committee then determines** whether progress toward tenure is being made.

■ **In the sixth year**, the process is repeated. This time, the file also is reviewed by the department chair, the Dean's Review Committee, the dean, the academic vice chancellor's review committee, the vice chancellor and the chancellor.

■ **Each group forwards recommendations** to the chancellor, who makes the final decision. The president reviews all of the chancellor's decisions, and all recommendations for tenure also must be approved by the Board of Regents.

■ **If a professor is denied tenure**, he or she may not apply again for three years.

Source: University of Colorado

Lawmakers critical of CU's tenure policies, meanwhile, said they had mixed feelings about the report.

CU launched the study last year at the urging of faculty, who feared that outrage over professor Ward Churchill was destroying public trust in the university.

Churchill, a tenured ethnic studies professor, wrote an essay in which he called some victims of the Sept. 11 terrorist attacks "little Eichmanns," a reference to the Nazi who was a chief architect of the Holocaust.

Some lawmakers joined Gov. Bill Owens in calling for Churchill to be fired. They also tried to pass legislation that would make it easier to fire tenured professors.

Faculty members and the Board of Regents decided to take matters into their own hands, rather than wait for changes to be forced on them.

In March 2005, the regents voted to conduct a systemwide review of how tenure is awarded and whether it allows inferior professors to collect a paycheck for life.

They appointed a 10-member advisory committee of faculty members, regents, a community member, an administrator and a student. That committee selected Estes to direct the review. He was paid \$25,000.

Two simultaneous reviews were conducted: one by a group of 15 faculty members, the other by 15

waterhouse Coopers, the consulting firm hired by the university.

The two groups submitted recommendations and findings to Estes, who wrote the final report.

The two groups had access to files for 95 tenure candidates, randomly selected from those who went through the process in the 2003-04 or 2004-05 school years. The files represent about 40 percent of all professors in tenure review at the time, Estes said.

The groups also compared CU policies with those at 10 other major research universities and interviewed 158 people involved in awarding tenure or post-tenure reviews.

In all, the study so far has cost about \$25,000.

Among the findings:

■ Of the 95 files reviewed, three were found to have "issues that raise concerns," including two that violated university policies. In one case, members of a department cast a split vote on whether to recommend a professor for tenure. The vote was recorded in the employee's file, however, as unanimously in favor.

In another case, a professor sought support from someone outside the university when it became clear he or she wouldn't get tenure. The outside person went to CU President Betsy Hoffman and alleged bias against the professor. The case was reviewed again the following year, and only by the chancellor, who approved tenure, despite a CU policy that said candidates must go through multiple levels of review.

■ While 95 percent of candidates for tenure during the study period were approved, the process "is not simply a rubber stamp."

Candidates are culled even before they are hired and during the first few years at the university, before they begin the formal review process. A review of tenure files found "a number of votes to deny tenure" as well as disagreement at various levels.

■ Post-tenure review is conducted each year after a professor is granted tenure, with a more thorough review every five years. The process, however, is "not tailored to address the need for an immediate response" if a faculty member whose

tenure was approved later was found to have engaged in misconduct.

Tenure: Dismissal for cause seen as too lengthy, difficult

Continued from 5A

conduct is especially substantiated." The process does not include enough incentives for good work or sanctions for poor performance.

■ **Dismissing a tenured professor for cause** — which includes professional incompetence, neglect of duty, sexual harassment or conviction of a felony — takes too long and is too difficult.

■ **According to Estes**, the standard for removing a faculty member from the classroom "is extremely high and ultimately could result in students being adversely affected." CU

has dismissed two professors for cause in the past decade, the study found.

Estes recommended the university assign a committee to review cases of dismissal for cause and that it set a goal of resolving those cases within six months.

He also suggested the university conduct audits of tenure cases every five years, to determine if everyone is following the rules and that it consider using workload and salary as incentives and sanctions in the post-tenure process.

State Rep. Keith King, R-Colo-

rado Springs, who this year failed to pass legislation making it easier to fire tenured professors, found things that he liked and things that troubled him in the report.

He said he was happy to see that the report called for a faster resolution to instances in which CU administrators move to fire a professor for cause.

"That's good," King said. "The process — who knows how it will turn out with Ward Churchill — has taken an extremely long time." CU, he said, has investigated at Churchill's work more than a year

ago.

But King was bothered that some professors got tenure without a full review and that standards are not always consistent between different departments.

"That is troubling," King said. State Rep. Josh Penny, R-Grand Junction, had a similar reaction to the report.

"I think CU deserves credit for looking this monster in the eye, but they've got a long way to go before they slay the dragon," Penny said. Rod Muth, chairman of the CU faculty council, said he wasn't sur-

prised by the report's findings and that he agreed with the recommendations.

The advisory committee now will go on a tour of sorts, explaining the report to the public, lawmakers and the faculty and asking for feedback.

The panel is expected to present more-concrete recommendations for change to the regents at their regular meeting in June, and the board could vote on some changes as early as August.

Staff writer Kevin Vaughey contributed to this report.

Tenure trouble found

Panel finds many areas that it says should be fixed

By Sara Burnett, Rocky Mountain News
April 25, 2006

Front page stories include scanned placement and electronic copy

Correction

A graphic on this story showing how tenure is awarded at the University of Colorado should have said that the second intensive review of a professor's work takes place in their seventh year of employment. It also should have said deans and chancellors participate in the first complete review, which takes place in the third or fourth year.

A much-anticipated independent study of tenure at the University of Colorado found dozens of areas that need fixing, from professors who got the lifetime job protection despite poor evaluations to post-tenure reviews that aren't rigorous enough.

The report released Monday lists 39 recommendations for change - suggestions that Mark Heckler, a CU provost, said would equal "a fairly substantial rewrite of how we do business."

But the study's author, retired Air Force Gen. Howell Estes III, also concluded tenure is vital to providing a quality education and that CU's system is as rigorous as any in the country.

"There is cause for concern," Estes said. "Are they overcomeable? You betcha."

Regents Steve Bosley and Gail Schwartz, who sit on the tenure review committee, said the depth and breadth of the 180-plus-page report show the university was serious about its efforts. They pledged to make the changes necessary to correct problems.

"It's our responsibility . . . and we'll take care of it," Bosley said. "We're gonna do the job."

Lawmakers critical of CU's tenure policies, meanwhile, said they had mixed feelings about the report.

CU launched the study last year at the urging of faculty, who feared that outrage over professor Ward Churchill was destroying public trust in the university.

Churchill, a tenured ethnic studies professor, wrote an essay in which he called some victims of the Sept. 11 terrorist attacks "little Eichmanns," a reference to the Nazi who was a chief architect of the Holocaust.

Some lawmakers joined Gov. Bill Owens in calling for Churchill to be fired. They also tried to pass legislation that would make it easier to fire tenured professors.

Faculty members and the Board of Regents decided to take matters into their own hands, rather than wait for changes to be forced on them.

In March 2005, the regents voted to conduct a systemwide review of how tenure is awarded and whether it allows inferior professors to collect a paycheck for life.

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They appointed a 10-member advisory committee of faculty members, regents, a community member, an administrator and a student. That committee selected Estes to direct the review, at a cost of \$25,000.

Two simultaneous reviews were conducted: one by a group of 14 faculty members, the other by Price-waterhouse Coopers, the consulting firm hired by the university.

The two groups submitted recommendations and findings to Estes, who wrote the final report.

The two groups had access to files for 95 tenure candidates, randomly selected from those who went through the process in the 2003-04 or 2004-05 school years. The files represent about 40 percent of all professors in tenure review at the time, Estes said.

The groups also compared CU policies with those at 10 other major research universities and interviewed 158 people involved in awarding tenure or post-tenure reviews.

In all, the study so far has cost about \$423,000.

Among the findings:

- Of the 95 files reviewed, three were found to have "issues that raise concerns," including two that violated university policies. In one case, members of a department cast a split vote on whether to recommend a professor for tenure. The vote was recorded in the employee's file, however, as unanimously in favor.

In another case, a professor sought support from someone outside the university when it became clear he or she wouldn't get tenure. The outside person went to CU President Betsy Hoffman and alleged bias against the professor. The case was reviewed again the following year, and only by the chancellor, who approved tenure, despite a CU policy that all candidates must go through multiple levels of review.

- While 95 percent of candidates for tenure during the study period were approved, the process "is not simply a rubber stamp."

Candidates are culled even before they are hired and during the first few years at the university, before they begin the formal review process. A review of tenure files found "a number of votes to deny tenure" as well as disagreement at various levels.

- Post-tenure review is conducted each year after a professor is granted tenure, with a more thorough review every five years. The process, however, is "not tailored to address the need for an immediate response to a faculty member whose conduct is especially substandard." The process does not include enough incentives for good work or sanctions for poor performance.

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- Dismissing a tenured professor "for cause" - which includes professional incompetence, neglect of duty, sexual harassment or conviction of a felony - takes too long and is too difficult.

According to Estes, the standard for removing a faculty member from the classroom "is extremely high and ultimately could result in students being adversely affected." CU has dismissed two professors for cause in the past decade, the study found.

Estes recommended the university assign a committee to review cases of dismissal for cause and that it set a goal of resolving those cases within six months.

He also suggested the university conduct audits of tenure cases every five years, to determine if everyone is following the rules and that it consider using workload and salary as incentives and sanctions in the post-review process.

State Rep. Keith King, R-Colorado Springs, who this year failed to pass legislation making it easier to fire tenured professors, found things that he liked and things that troubled him in the report.

He said he was happy to see that the report called for a faster resolution to instances in which CU administrators move to fire a professor for cause.

"That's good," King said. "The process - who knows how it will turn out with Ward Churchill - has taken an extremely long time."

CU started an investigation of Churchill's work more than a year ago.

But King was bothered that some professors got tenure without a full review and that standards are not always consistent between different departments.

"That is troubling," King said.

State Rep. Josh Penry, R-Grand Junction, had a similar reaction to the report.

"I think CU deserves credit for looking this monster in the eye, but they've got a long way to go before they slay the dragon," Penry said.

Rod Muth, chairman of the CU faculty council, said he wasn't surprised by the report's findings and that he agreed with the recommendations.

The advisory committee now will go on a tour of sorts, explaining the report to the public, lawmakers and the faculty and asking for feedback.

The panel is expected to present more-concrete recommendations for change to the regents at their regular meeting in June, and the board could vote on some changes as early as August.

ACTRP Tenure Review Media Clips from April 25, 2006 – July 11, 2006

Front page stories include scanned placement and electronic copy
Key findings

- **CU tenure processes** are similar to practices at other major research universities and, in some cases, are more stringent.
- **The tenure review process** is rigorous, transparent and selective. It is taken very seriously and involves many steps. There is no "rubber stamp."
- **Policies are followed** throughout the university, although some deviations have occurred. Of 95 tenure files reviewed, three raised concerns. In two of those cases, university policies were violated.
- **No formal audit** of the tenure case files takes place.
- **Post-tenure review** does not seem to be an effective means for faculty evaluation and development.
- **The standards** for dismissing a tenured faculty member for cause are extremely high and could result in students being adversely affected.

Recommendations

- **A random audit** of tenure case files should occur every five years to ensure policies are being followed. This should be conducted by an external group of faculty or consultants.
- **The university must improve** oversight of tenure cases to ensure the proper process is rigorously followed.
- **Post-tenure review** should be revised to reward faculty members who perform well and sanction those who do not. Workload and salary could be used as incentives and sanctions.
- **The university should establish** a committee to review dismissal-for-cause cases, with a specific timeline and a goal to complete reviews within six months.
- **Criminal background checks** should become a standard part of the hiring process.

What's next

- **The tenure advisory committee** will meet with faculty members on each campus and hold public forums on the report.
- **The committee** will solicit feedback via its Web site, www.cu.edu/tenurereview
- **At the June meeting** of the Board of Regents, the committee will present its findings. By August, the committee hopes to bring specific changes to the regents for their vote. Source: *University Of Colorado, Advisory Committee On Tenure-Related Processes*

Front page stories include scanned placement and electronic copy
What is tenure?

- **Essentially, job protection.** A professor with tenure may be fired only for "adequate cause" - for example, committing a crime or falsifying research - or in cases of "extreme financial exigency."

- **Supporters say it** protects professors from being fired for advocating unpopular views or disagreeing with authorities.

How is it earned at CU?

The process varies by department, but it generally takes seven years.

- **It begins with** annual reviews of a professor's work, both inside and outside the classroom. The professor is evaluated in three areas: teaching, research and publications, and "service" such as serving on a university committee.

- **In the third** or fourth year, the professor assembles a dossier, which includes all of his or her student evaluations, the grades given, copies of publications and research and documentation of service.

- **The file is** shared with a departmental committee and sent to four to 10 "external reviewers," faculty members from similar fields at other universities, who submit comments.

- **The committee then** determines whether progress toward tenure is being made.

- **In the sixth** year, the process is repeated. This time, the file also is reviewed by the department chair, the Dean's Review Committee, the dean, the academic vice chancellor's review committee, the vice chancellor and the chancellor.

- **Each group forwards** recommendations to the chancellor, who makes the final decision. The president reviews all of the chancellor's decisions, and all recommendations for tenure also must be approved by the Board of Regents.

- **If a professor** is denied tenure, he or she may not apply again for three years.*Source: University Of Colorado*

Churchill case not examined

'Different group dealing with issue,' panel chief says

Front page stories include scanned placement and electronic copy

By Kevin Vaughan, Rocky Mountain News

April 25, 2006

Ward Churchill's relatively quick trip from University of Colorado employee to tenured professor was unusual but not unheard of, according to an independent study of the system at CU.

That review, unveiled Monday, found instances in which professors were granted tenure without the full examination of their work normally required. The review also found that CU imposed a rigorous review in most cases.

Howell Estes III, the retired Air Force general who led the study, said he didn't consider Churchill as part of his review and couldn't comment on the specifics of his case.

"It's a separate set of actions," Estes said. "There's a whole different group dealing with that issue."

Churchill burst onto the national scene in early 2005 after a college newspaper published an essay the ethnic-studies professor had written in the wake of the Sept. 11 terrorist attacks. In it, Churchill compared victims in the World Trade Center to Nazi war criminal -Adolf Eichmann.

Churchill is now the subject of an ongoing inquiry into allegations of academic misconduct.

Churchill could not be reached for comment Monday.

An examination of CU records showed that Churchill was granted tenure after a high-ranking university official urged the appointment. It was granted despite questions about his academic credentials and without requiring Churchill to go through the rigorous, six-year academic review that is normally required.

Up to that point, Churchill had been a teacher and administrator in programs at CU that offered tutoring and counseling to minority students. He also lectured on various topics in the ethnic-studies program but was not in a job that was considered part of the "tenure track."

Tenure is sought by faculty members because it gives them a high degree of protection. Firing a tenured professor is extremely difficult and time- consuming.

The study released Monday found problems in a handful of cases in which it was determined that tenure was granted even though the established review process wasn't followed.

"The university," Estes wrote, "must improve its oversight of tenure cases to ensure that the entire process is rigorously followed."

Front page stories include scanned placement and electronic copy

Outsider led committee on tenure

**By Sara Burnett, Rocky Mountain News
April 25, 2006**

If the review of the University of Colorado's tenure process had taken place in a courtroom, Howell Estes III thinks he would have been the perfect juror.

The retired Air Force general said he had no preformed opinions when he agreed to direct the independent study and write the final report, which he made public Monday.

"I'm kind of like a member of a jury who hasn't been reading the newspaper," Estes said.

The Colorado Springs resident was commander in chief of the North American Aerospace Defense Command and U.S. Space Command when both were headquartered at Peterson Air Force Base.

He now works as a consultant on management issues, earning up to \$3,000 per day from corporate clients.

The review committee, made up of faculty members, three regents, a student, a community member and an administrator, selected Estes last year to lead the probe.

While some faculty members balked at the choice of someone outside academia, the committee said Estes' independence - along with his "impeccable credentials" - worked to the study's advantage.

Estes, 64, is a 1965 graduate of the Air Force Academy and has logged more than 4,500 flying hours. He flew 169 combat missions as an F-4 pilot during the Vietnam War.

"He wasn't a usual suspect," said Mark Heckler, provost at CU Denver and Health Sciences Center and a member of the committee.

Estes said he wasn't sure at first that he wanted to take on the job, which paid \$25,000.

He eventually was persuaded, both by Pam Shockley-Zalabak, the chancellor of CU's Colorado Springs campus, and by the opportunity "to help in some small way" on an issue important to the state, he said.

"We want to make damn sure (CU students) get the best education they can get," Estes said.

Committee members

A team was selected last year to examine tenure-related processes at CU.

ACTRP Tenure Review Media Clips from April 25, 2006 – July 11, 2006

Front page stories include scanned placement and electronic copy

Director

- Howell Estes III, retired Air Force general from Colorado Springs

Regents

- Steve Bosley, Tom Lucero and Gail Schwartz

Faculty

- R. L. Widmann, English professor, Boulder; Robert Damrauer, chemistry professor, Denver; Jennene Nelson, nursing professor, Colorado Springs; Richard Bakemeier, professor and associate dean, cancer education division, Health Sciences Center

Student

- Jonathan Kurche, student, CU School of Medicine

Community member

- John Huggins, director, Denver's Office of Economic Development

Administration

- Mark Alan Heckler, provost, Denver and Health Sciences Center

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DAILY CAMERA

Tuesday, April 25, 2006 | BOULDER EDITION | Boulder County's newspaper

50¢

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> SPORTS, PAGE 1C

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CU tenure flawed

Independent study
says it is too
hard to fire
tenured professors

By Brittany Anas

Camera Staff Writer

AURORA — An outside review of the University of Colorado's tenure system found that although policies are well-designed, there are some flaws with how protected professors are evaluated, and it is too difficult to fire them even if they are failing in their classrooms.

The extensive study led by retired Gen. Howell M. Estes III also raised concern with three tenure case files out of a pool of 95 that were randomly examined. Estes did not outline the specific cases, citing confidentiality reasons, but said in one instance a department had a split vote for awarding tenure and violated university policy by recording it as unanimous. In the other cases, there weren't policies to guide tenure-related decisions.

There are no "rubber stamps" in awarding tenure,

ON THE WEB

• Read the entire independent report on the University of Colorado's tenure processes.
www.cu.edu/tenurereview

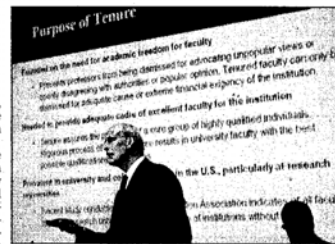
said the report Estes presented Monday at CU's Fitzsimons campus.

Estes also concluded tenure is needed at CU because it prevents professors from being fired if they advocate unpopular views and is essential in hiring highly qualified faculty members. Less than 1 percent of public research universities op-

erate without a tenure system, according to a survey from the National Education Association included in Estes' report.

CU's regents called for the independent study in March 2005 after an essay written by ethnic studies professor Ward Churchill prompted controversy. Churchill, a tenured professor who teaches American Indian studies, appeared to sympathize with terrorists who brought down the World Trade Center in the online essay he wrote after the Sept. 11 attacks. A separate investigation is look-

Please see STUDY on 5A



Retired Gen. Howell Estes III delivers his independent report on the tenure process Monday at the University of Colorado's Fitzsimons campus in Aurora. The word "tenure" is projected across Estes' forehead by chance as he stands in front of the projector.

Front page stories include scanned placement and electronic copy

: Tuesday, April 25, 2006

SECTION • A

FROM PAGE 1A

Study reports system flawed

Continued from 1A

ing at academic misconduct allegations against Churchill. The committee's findings are due next month.

Documents released last year from Churchill's personnel files also suggest the tenured position he took in 1991 — without a Ph.D. or having been on the customary "tenure track" — was designated for someone who would add diversity to the faculty. The spot was a "special opportunity position."

What that meant in 1991 is not clear, but a modern policy describes the program as a source of money to help "recruit and hire a more diverse faculty." Last fall, a committee investigating Churchill dropped its query into whether he lied about his American Indian ethnicity to give his work more credibility.

The university is touting the independent review of its policies as the most extensive look at tenure, and regents say peer universities nationwide are interested in CU's findings.

CU regents Steve Bosley and Gail Schwartz, who are on the tenure-review advisory panel, said Estes' report will help the public understand how tenure works and that it will be a first step in restoring taxpayers' confidence in CU.

Estes acknowledged during his presentation Monday that there are a lot of "myths" surrounding the tenure system. It is a rigorous process, he said, that on average takes a professor seven years to go through. Less than 1 percent of applicants are granted tenure.

Of the university system's nearly 3,700 teaching faculty, 60 percent have tenure or are on tenure track.

The 180-page report provides 39 recommendations for how CU can improve how it handles tenure.

The report says the university needs to re-examine its "dismissal for cause" criteria for tenure-protected professors. In the past decade two tenured CU faculty



ASSOCIATED PRESS

Board of Regents Vice Chairman Gail Schwartz, right, makes notes as retired Gen. Howel Estes III delivers his report on the University of Colorado's tenure system at CU Health Science Center in Aurora on Monday.

REPORT RECOMMENDATIONS

Here are some of the key recommendations from the report, which was made public Monday:

A random audit of tenure case files should be conducted every five years to make sure policies are being followed. An external group of faculty members or consultants should do these audits.

Tenure criteria should be reviewed every seven years.

Tenure policies should be re-examined every 10 years.

Post-tenure review should continue to occur through a committee-based peer review process and be subject to review by deans and vice chancellors. Each campus must assure a more rigorous process of evaluating faculty performance. Also, faculty development should be

strengthened.

Policies and procedures surrounding tenure should be accessible to the public, and written in a way that is understandable.

Oversight of tenure cases by the university needs to be improved. Chancellors or vice chancellors should grant approval if candidates need more or less time to go through the tenure track, which typically takes seven years.

Criminal background checks should be a standard part of the hiring process.

Dismissal-for-cause cases should be completed within six months, and the university should clearly define the behavior that could cause dismissal.

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Estes said professors should not be fired if they receive bad reviews from students. But the university should be able to oust a professor who "harasses" students or otherwise adversely af-

fects them. Termination also should be done in a timely matter, Estes said.

CU has spent nearly \$158,000 on the review so far.

The university will undertake a month of briefings and public hearings, and CU's Board of Regents is scheduled to be updated during a meeting in June. The regents could vote on changes to the tenure process by next

TRACKING TENURE

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Latest: The independent study released Monday found that although CU has well-developed tenure policies, there is room for improvement. Estes made 39 recommendations. Regents and professors expect the study will help the public understand the university's tenure system.

Next: Briefings and public hearings will be held throughout the next month. There will be an open forum from 2:30 to 4 p.m. May 4 on the Boulder campus in Coors Events Center Room No. 4. The regents will be updated on the report at their June 28 board meeting. Regents could vote on changes to the tenure system by the fall.

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If the university implements the report's recommendations, it could have the best tenure policies in the nation, said Rod Muth, chairman of CU's Faculty Council.

Rep. Keith King, R-Colorado Springs, criticized the report because, he said, it doesn't go far enough in keeping tenured faculty members in line. He said that while the report appears to be well-thought-out, the technical aspects and the ability to enforce the rules are missing.

King, who sponsored legislation this year that would have made it easier for colleges to fire tenured faculty, said a recommendation of peer reviews for faculty opens the door "for another Ward Churchill."

The Associated Press contributed to this report.

Front page stories include scanned placement and electronic copy

CU tenure flawed

Independent study says it is too hard to fire tenured professors

**By Brittany Anas, Camera Staff Writer
April 25, 2006**

AURORA — An outside review of the University of Colorado's tenure system found that although policies are well-designed, there are some flaws with how protected professors are evaluated, and it is too difficult to fire them even if they are failing in their classrooms.

The extensive study led by retired Gen. Howell M. Estes III also raised concern with three tenure case files out of a pool of 95 that were randomly examined. Estes did not outline the specific cases, citing confidentiality reasons, but said in one instance a department had a split vote for awarding tenure and violated university policy by recording it as unanimous. In the other cases, there weren't policies to guide tenure-related decisions.

There are no "rubber stamps" in awarding tenure, said the report Estes presented Monday at CU's Fitzsimons campus.

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Front page stories include scanned placement and electronic copy

Tracking tenure

April 25, 2006

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Report recommendations

April 25, 2006

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Tenure policies should be re-examined every 10 years.

Post-tenure review should continue to occur through a committee-based peer review process and be subject to review by deans and vice chancellors. Each campus must assure a more rigorous process of evaluating faculty performance. Also, faculty development should be strengthened.

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April 26, 2006

The Rocky Mountain News

Lawmakers: Tenure plan not enough Report's author says CU systems sound but need oversight

By Sara Burnett, Rocky Mountain News
April 26, 2006

Republican lawmakers grilled the author of an independent report on the University of Colorado's tenure system Tuesday, saying its 39 recommendations for change aren't tough enough.

Legislators also said the report does nothing to change the "culture of the left" among faculty - a culture they blame for giving job protection to controversial professor Ward Churchill.

"I think your process is broke," said Rep. Keith King, R-Colorado Springs.

Howell Estes III, the retired Air Force general hired by CU to conduct the year-long study, disagreed.

CU's systems are sound, he said. What's missing is oversight and accountability for people who don't follow the rules.

"It's fixable," Estes said.

The lunchtime meeting Tuesday at the University Club downtown came one day after Estes made his findings public. While the discussion was civilized, Republicans weren't shy about expressing their disappointment.

CU Regent Steve Bosley chalked up much of the anger to the Churchill situation.

Many lawmakers wanted Churchill fired last year, after learning he wrote an essay in which he referred to some victims of the Sept. 11 terrorist attacks as Nazis.

ACTRP Tenure Review Media Clips from April 25, 2006 – July 11, 2006

Front page stories include scanned placement and electronic copy

Their anger has only grown as the investigation into Churchill's work has stretched to more than a year.

"What you saw was a huge amount of frustration boiled to the surface," Bosley said afterward.

Estes' report revealed several weaknesses in CU's current tenure system. For instance, of 95 tenure files reviewed, three raised concerns.

In one case, a professor received a split vote from his or her department on whether to grant tenure, but the vote was recorded in the tenure file as unanimously in favor.

In another case, a professor who believed he or she wasn't going to get tenure asked someone outside the university to approach then-President Betsy Hoffman. That person alleged bias in the tenure decision, and the next year the professor was considered again, this time by only the chancellor.

In both cases, tenure policies were violated. But Mark Heckler, provost at CU's Denver and Health Sciences campuses and chairman of the tenure advisory committee, said Monday that the university will not go back and take action.

That decision could change going forward, however.

Bosley assured fellow Republicans Tuesday that there will likely be sanctions against employees who violate policies in the future.

"If we're going to have credibility with the people of the state, we don't have a choice," Bosley said.

What's next

The committee reviewing CU's tenure policies expects to bring a proposal for changes to the Board of Regents for a vote in August. Over the next few weeks, they will hold several public forums:

May 2: CU Denver Building, Room 150, 11:30 a.m. to 1 p.m. May 4: CU-Boulder, Coors Events Center, 2:30 to 4 p.m. May 12: CU-Colorado Springs, University Center, 12:45 to 1:45 p.m. May 30: CU School of Medicine, second-floor lecture hall, 10:30 a.m. to 12 p.m.

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The Denver Post

Tenure review at CU may help it diversify

By Jennifer Brown/Denver Post Staff Writer



Arturo Aldama, left, a tenured ethnic studies professor at CU-Boulder, and student Carla Castillo discuss her paper Tuesday. Aldama says minority and female profs are tapped more often for service duties, which takes time away from the research facet of tenure.

The University of Colorado's examination of tenure could end up knocking down barriers some say keep minorities and women out of the tenured ranks, CU leaders said Tuesday.

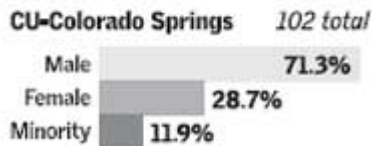
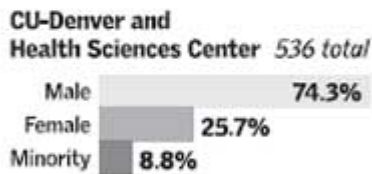
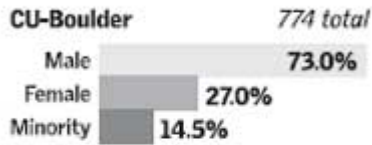
The university will consider policies in the coming months to increase the number of women and minority faculty who have tenure, a lifetime employment protection awarded after several years of review. Both groups are underrepresented at universities in Colorado and across the country.

One suggestion arising from Monday's release of a report on tenure is for academic departments to change research criteria

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CU's tenured faculty

Women and minorities make up a relatively small percentage of the tenured faculty at the University of Colorado's three campuses.



Source: University of Colorado

Thomas McKay | The Denver Post

to accommodate minority faculty who do community and ethnic-based research, which often is published in lesser-known journals.

Another idea is to allow some faculty to shift their workload - now set strictly at 40 percent teaching, 40 percent research and 20 percent service.

Minority faculty, who tend to spend more time mentoring students of color and serving on committees, should get more credit for that during tenure review, Regent Gail Schwartz said. She was among several university leaders who said CU should infuse its diversity goals into the tenure process. They say there's no need to lower standards to attract minorities and women.

The idea that a university has to lower its academic standards to attract more minority faculty is "intolerable" and "immensely aggravating," said Arturo Aldama, a tenured professor in ethnic studies.

The problem, he said, is that some of the cutting-edge research that delves into social issues of ethnic communities does not get the respect it should during the tenure process.

Minority faculty are tapped more often than white colleagues to serve on committees and mentor students. Aldama, at the Boulder campus, said he knows

minority faculty who are on 15 committees during their first year.

"I hope that the tenure process isn't just bean-counting," he said. "Some of these qualitative issues need to be taken into account."

But neither Aldama nor CU-Denver provost Mark Heckler, head of the tenure committee, believes the university should alter faculty workloads and make the service component more than 20 percent.

"Service is valued less at the university than teaching and research," Heckler said.

Instead, Heckler expects his 10-member committee will have "substantial discussions" in the next few months about requiring departments to modify their research criteria.

Minority faculty, looked upon as role models in communities of color, often do research in those communities, Heckler said. Their work is published in multidisciplinary venues,

Front page stories include scanned placement and electronic copy and tenure review committees hold it up against research published in top-tier journals by some of their white colleagues.

Tenured faculty at Boulder include two American Indians, 16 African-Americans and 34 Latinos out of 774 tenured professors. Only 27 percent are female.

Staff writer Jennifer Brown can be reached at 303-820-1593 or jenbrown@denverpost.com.

Editorial

CU regents need to tighten up tenure

A study has found a proper tenure system is in place, but there are gaps in implementation. The board should enact the proposals for improvement.
DenverPost.com

The Ward Churchill scandal put an unflattering spotlight on tenure at the University of Colorado, considering the controversial professor received it, and its job-for-life-comforts, almost overnight.

Yet, after months of probing and benchmarking CU's program against 16 others across the country, an independent review of CU's tenure process found what many suspected: CU has sound tenure procedures in place, they're just not always followed properly, and the post-tenure review process lacks teeth.

Or, as Gen. Howell Estes III, a CU outsider who led the review would say, the post-tenure review process lacks "rigor."

And it's downright impossible to remove a tenured professor. The bar to firing has been set so high, the report indicates, that students could be adversely affected.

(While the Churchill controversy was one spark for the tenure study, his case was not studied by Estes' group. Plagiarism and other allegations against Churchill are being reviewed by a separate group.)

"Our main message is there is cause for concern," Estes said. "The processes are in pretty good shape; it's the implementation of these processes that needs to be strengthened."

The independent review produced a series of reasonable recommendations that now will go to the Board of Regents for approval. Among them is setting a timeline of no longer than six months to complete a "dismissal for cause" case and more clearly defining what behaviors could lead to dismissal.

The group also proposed a review of tenure criteria every seven years and a random audit of tenure case files every five years. Estes' panel reviewed tenure files for 95 faculty

ACTRP Tenure Review Media Clips from April 25, 2006 – July 11, 2006

Front page stories include scanned placement and electronic copy members and found only two violations of policy and two instances where there was no policy so officials created their own rules.

That type of review every few years is a prudent and necessary step.

CU's regents and President Hank Brown also must ensure that tenured professors are reviewed honestly. The probe found that too often, department heads don't want to get too specific or use negative comments during a post-tenure review because it could negatively affect the faculty member's salary.

For the tenure system to work, administrators can't give too much weight to professors' early work and must thoroughly assess their performance as they move through their careers.

We support the current tenure system because the benefits of academic freedom are profound. But, as this report points out, it's a system with flaws that need to be fixed. The report is a good step in that direction.

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Silver & Gold Record

Serving the University of Colorado's Faculty and Staff

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Howell Estes, study leader for the advisory committee on tenure-related processes, presents his tenure report on Monday at the Nighthorse Campbell Native Health Building at Fitzsimons. Estes makes 39 recommendations in his report. See story below. Photo by Casey A. Cass

Estes: Tenure processes mainly sound

Post-tenure review among concerns, according to report

By Jefferson Dodge

A report on CU's tenure procedures issued Monday says that while the University's processes are sound and consistent with those at peer institutions, several areas are in need of improvement.

The report is part of the review that was prompted last year by the flap over CU-Boulder Professor Ward Churchill of ethnic studies. It includes a host of recommendations, including ensuring that post-tenure review is more rigorous, making it easier to remove faculty from the classroom when they are harassing or being abusive toward students, conducting criminal background checks on all faculty at the time of hire and having faculty sign a "statement of responsibilities" when they are hired.

In addition, a consultant examined the files of 95 faculty members who went through the tenure-award process in 2003-04 and 2004-05 and found three cases in

which there were policy violations or other irregularities.

Retired U.S. Air Force Gen. Howell Estes, who served as study leader for the advisory committee on tenure-related processes formed about a year ago by Faculty Council and the Board of Regents, presented 39

recommendations and a 177-page report to the committee on Monday at the Nighthorse Campbell Native Health Building at the Fitzsimons campus. The report was compiled from the findings of two groups: an

TENURE continues on the back page

No surprises in tenure-study findings, faculty leader says

By Jefferson Dodge

Faculty Council Chair Rod Muth of UCDHSC education said there were "no surprises" for him in the report on CU's tenure-related procedures that was released on Monday. Muth added that if he had written the report without seeing any of the data, "I probably would have hit a lot of the recommendations. ... There are no bombs. I think the recommendations are all good recommendations."

Regarding the 95 tenure files that a consultant examined and the three that exhibited irregularities, Muth said, "Any time you take a random sample of cases over time, you're going to find some violations of procedure." But Muth added that he is concerned about the three "cases where policies have been ignored or otherwise sidestepped. It's not good for the system."

Muth said the proposal to require criminal background checks on all faculty at

FINDINGS continues on the back page

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April 27, 2006

Silver & Gold Record

Estes: Tenure processes mainly sound

POST-TENURE REVIEW AMONG CONCERNS, ACCORDING TO REPORT

April 27, 2006

By Jefferson Dodge

Silver & Gold Record assistant editor

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Retired U.S. Air Force Gen. Howell Estes, who served as study leader for the advisory committee on tenure-related processes formed about a year ago by Faculty Council and the Board of Regents, presented 39 recommendations and a 177-page report to the committee on Monday at the Nighthorse Campbell Native Health Building at the Fitzsimons campus. The report was compiled from the findings of two groups: an internal working group of CU faculty and an external working group, consultant PricewaterhouseCoopers, which conducted the confidential review of the tenure files. The two groups answered the same set of questions -- compiled last summer by the advisory committee -- relying on sources that included data and policies collected at the CU campuses and other universities, 158 interviews with internal constituents and 16 interviews with individuals at peer institutions. Then members of both working groups helped Estes draft the report, which will be used by the committee to make recommendations to the regents at the end of June, after a series of open forums at CU. The entire process is expected to cost \$423,560, according to CU officials.

While Estes' study was an examination of CU's tenure processes -- not an evaluation of the merits of tenure itself -- the report outlines the important role tenure plays in preventing faculty from being dismissed for "advocating unpopular views or openly

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disagreeing with authorities or popular opinion." The report also notes that only 0.6 percent of faculty at public research universities work at an institution that does not have tenure, which means CU needs tenure to remain competitive in hiring and retaining the best faculty. The report states that for every 10 open tenure-track faculty positions, CU receives 1,000 to 3,000 applications, conducts 100 to 150 preliminary interviews and eventually grants tenure to seven of those 10 individuals. Estes said in the report that the tenure-awarding process is rigorous and "is not simply a rubber stamp."

Post-tenure review

Regarding post-tenure review, however, Estes told the committee Monday that there is dissatisfaction among some faculty about the rigor and effectiveness of that effort. "It is a process that occurs primarily on paper and does not incorporate adequate incentives or disincentives," the report states, and it recommends that CU consider adopting a model used at Georgia State University, where a campuswide committee performs post-tenure reviews rather than a department-level committee. The report also recommends that the professional development aspects of post-tenure review be strengthened, to provide "incentives for faculty reward and development and sanctions for faculty discipline and remediation."

Regarding the recommendation to make it easier to remove faculty from the classroom in cases where students are being adversely affected through verbal abuse or harassment, for instance, the report states that "the consensus best practice is that a faculty member may be assigned other duties if immediate harm to the faculty member or others is threatened. If a cessation of duties is deemed necessary, faculty are placed on administrative leave with pay until appropriate processes have been completed." The report recommends setting a six-month timeline for completing dismissals for cause and revising CU's dismissal-for-cause policy "to define more clearly the behaviors that lead to removal from the classroom and processes leading to dismissal for cause."

Currently, the Laws of the Regents state that dismissal of a tenured faculty member is warranted in cases where there is "demonstrable professional incompetence, neglect of duty, insubordination, conviction of a felony or any offense involving moral turpitude upon a plea or verdict of guilty or following a plea of nolo contendere, or sexual harassment or other conduct which falls below minimum standards of professional integrity."

Estes told the committee that the Privilege and Tenure Committee is already reviewing the timeliness and effectiveness of the dismissal process, but his conclusion was that the standard for removing faculty from the classroom is so high "that you could have students being adversely affected." He said the dismissal policy should be revised to clearly define the behaviors that warrant removal from the classroom. "As I read these materials, it just wasn't very clear," he said. But Estes also cautioned against setting the bar too low. "You wouldn't want a situation where students had the opportunity to remove somebody because they don't like the grade they got," he said, recommending that a faculty committee -- a peer discussion -- be used to evaluate such incidents. "You have to be careful of the rights of the individual involved," Estes added.

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Review of tenure files

The examination of 95 tenure files by the consultant was an unprecedented review that included about 40 percent of tenure cases brought during the two-year period, Estes said, and the three at issue exhibited both deviations from policy and actions not covered in existing policy. For example, a department had a split vote on granting tenure to an individual, but recorded it as a unanimous vote, the report states, and a candidate was given an extra year to complete the tenure review process because that faculty member got bad advice during the comprehensive review. In one case, a faculty member sought help from an individual outside the campus community when it became clear that tenure would not be awarded to the faculty member, the report says, and that outside individual appealed to the president, alleging bias. The president then allowed the individual to be reviewed again the following year at the vice chancellor level only, not at the department level, according to the report.

In another case, a non-tenure-track CU faculty member received an outside offer for a tenured position, and the individual was treated as a "hire with tenure" and put through the final tenure-review process at CU, bypassing the seven-year timeline and the comprehensive review. The report states that while such an approach is common, CU should have a formal policy on how the "hire for tenure" procedure should be used and how to promote non-tenure-track faculty members into tenured positions in a retention situation. "We think this would be very confusing to the public, and they'll think you're jimmying with the system," Estes told the committee. "It's not a violation of policy, but it doesn't sound right."

As a result of those discrepancies in the 95 case files, Estes said oversight should be improved, policies changed where needed and any exceptions to policies approved in advance at the vice chancellor level. "If you don't follow the process, it doesn't matter how rigorous it is," he said.

As for the recommendation that CU conduct criminal background checks on all faculty at the time of hire, the report states that dealing with any misconduct should be kept separate from the tenure-awarding process, unless that misconduct affects a candidate's teaching, research or service. During a press conference after the meeting, Estes said that while conducting background checks is "fairly common practice" in the private sector, he did not find many universities that conduct such checks on a regular basis.

The report also recommends requiring all new faculty hires to sign a "statement of responsibilities," based on language in the Laws of the Regents, that calls on faculty to "be careful not to introduce into teaching controversial material that has no relation to the subject." The sample statement provided in the report also says the position carries special obligations, and faculty "should be accurate at all times, should exercise appropriate restraint and show respect for the opinions of others, and when speaking or writing as private citizens should make every effort to indicate that they are not speaking for the institution."

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Other recommendations

The report makes several other recommendations, including:

- * Conducting a random audit of tenure case files every five years, as Price-waterhouseCoopers did, using an external group of faculty or consultants. "Nobody goes back into those case files and looks to see if processes were followed," Estes told the committee.
- * Linking annual merit reviews to comprehensive review, tenure review and post-tenure review, and making the annual reviews reflect a faculty member's progress toward promotion and tenure. The report also recommends strengthening annual evaluations after tenure by documenting deficiencies, and using salary or workload differentiation as incentives or sanctions. Estes said the fact that annual merit reviews are linked to salary increases can discourage evaluators from being honest about performance problems. "This isn't any different than at other places in the country," Estes said. "It's tough to look somebody in the eye and say, 'We've got a problem.' "
- * Strengthening training for department chairs and having the chairs of the vice chancellors' advisory committees meet at least annually to discuss "best practices."
- * Firmly enforcing CU policy on using multiple means to evaluate teaching, not relying solely on Faculty Course Questionnaires.
- * Reviewing primary-unit criteria -- and related mentoring and faculty development programs -- every seven years, as part of the program review process, to ensure that the criteria align with campus and University goals. "If those criteria don't lay out what's best for the department and the University," Estes said, "you could be getting people who don't match the needs as they exist today." He added that if diversity is a stated goal of the University, it should be reflected in the primary-unit criteria.
- * Reviewing tenure policies and processes no less frequently than every 10 years.
- * And increasing consistency across departments in areas such as the structure of -- and voting rules for -- primary-unit committees, how external letters are solicited, mentoring of tenure candidates and new faculty orientation.

Estes concluded his report on Monday by saying that the review had been launched in part because "the public had lost confidence in the system." He added that "all of this was done to ensure that CU can get the best faculty, and that the students can get the best education. I'm convinced that if you carry out these recommendations, the University's system for tenure will be as good as there is in the country."

The report is available online at www.cu.edu.

No surprises in tenure-study findings, faculty leader says

Front page stories include scanned placement and electronic copy
April 27, 2006

By Jefferson Dodge
Silver & Gold Record assistant editor

Faculty Council Chair Rod Muth of UCDHSC education said there were "no surprises" for him in the report on CU's tenure-related procedures that was released on Monday. Muth added that if he had written the report without seeing any of the data, "I probably would have hit a lot of the recommendations. ... There are no bombs. I think the recommendations are all good recommendations."

Regarding the 95 tenure files that a consultant examined and the three that exhibited irregularities, Muth said, "Any time you take a random sample of cases over time, you're going to find some violations of procedure." But Muth added that he is concerned about the three "cases where policies have been ignored or otherwise sidestepped. It's not good for the system."

Muth said the proposal to require criminal background checks on all faculty at the time of hire "begs lots of discussion. What we run across so often is that we take a shotgun approach to swat a fly. If you have an aberration, fix the aberration."

Asked about the report's recommendation to lower the bar for removing faculty from the classroom, Muth said, "If there are problems with harassment or other problems like that, we need to make sure faculty are not abusing the students. But it works both ways. On the other side, you've got students harassing faculty."

In an interview with S&GR this week, study leader Howell Estes said the CU faculty on the internal working group and the consultants from PricewaterhouseCoopers largely produced the same findings after conducting their research over the past several months. "I thought we'd have some head-knocking, but we didn't," he said, explaining that not only did both groups gather similar data, their recommendations were alike. "There wasn't any conflict -- there was discussion," Estes said. "There were no minority reports. There was agreement by both groups that this report is accurate."

He said the report is unique, because unlike other studies of certain aspects of tenure done by faculty around the country, this review was comprehensive, incorporated internal and external examinations, and was led by an independent outsider. "There was absolutely no outside influence on the data gathered or on the conclusions reached in the recommendations," he told S&GR. During a press conference on Monday after he presented the report to the advisory committee on tenure-related processes, Estes said that in doing the study, he wasn't concerned about the different views held by special interest groups. "I gave you my assessment ... and if it doesn't match up with someone else's thoughts, that's too bad," he said. Asked if the report would satisfy Republican legislators who supported an effort this spring to make it easier to dismiss tenured faculty through post-tenure review, Estes said, "My hope would be that to set a bar higher than any other institution in America will satisfy the concerns." (See related story on page 5.)

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After Estes' presentation on Monday, advisory committee member R L Widmann of UCB English asked Estes to explain his recommendations on linking annual merit reviews to tenure-related reviews, which is against Board of Regents policy, and on requiring background checks. Estes replied that some people may receive great annual reviews and wonder why they failed at the comprehensive- or tenure-review levels. Regarding background checks, Estes said, "We cannot afford to have someone get into the University system and then find real problems in that person's background." Regent Gail Schwartz asked how diversity goals were incorporated into primary-unit criteria. "We were unable to identify the goals of the University in general on this issue," Estes replied. "If you don't have some goal in mind as a University system, then how in the world do you get it injected into those criteria?"

Estes told S&GR that his study determined that the tenure-awarding process is rigorous and meets peer benchmarks. "Nobody in their right mind would want to go through that process," he said. He added that the need to make it easier to remove tenured faculty from the classroom stems from situations where a faculty member's behavior is unacceptable, but does not fall within the grounds for termination. "You've got this very strict rule [for termination], and unless they've done one of those things, you can't pull them," Estes said. "You might have students sitting in class, very upset, because there is no relief."

One of the scenarios flagged as problematic in the confidential review of the 95 case files was a case of a non-tenure-track faculty member at CU who received an outside offer for a tenured position and was placed on the fast track for tenure at CU, skipping the comprehensive review stage and going directly to tenure review.

That scenario, which occurred in 2003-04 or 2004-05, is similar to the circumstances under which Ward Churchill of UCB ethnic studies was hired in his faculty job in 1991, according to his personnel files, which were released by UCB in February 2005. After reports surfaced that he had received an outside offer from another university, Churchill was appointed as associate professor with tenure after serving as director of the University Learning Center. On Tuesday, Churchill said such hires are not unusual in higher education, including at Harvard University, which he said offered tenured positions to prominent scholars Daniel Bell and Arthur Schlesinger when they had only master's degrees.

Asked about the tenure-related changes recommended in Estes' report, Churchill said, "Personally, I think that's up to the faculty. If the Faculty Senate proposes a change, I wouldn't oppose it. But I don't think it's the purview of an Air Force general, the Board of Regents, the governor or the Legislature." Estes told S&GR, "There's no question that this study wouldn't have taken place if it hadn't been for Ward Churchill." But Estes also made it clear that his study did not examine the controversial professor's case in any way. "A different group is dealing with that issue," Estes told reporters on Monday. "That was not my charter."

Republicans give Estes, tenure report an icy reception at caucus meeting

LEGISLATORS SAY TENURE PROCESSES ARE BROKEN AT CU

Front page stories include scanned placement and electronic copy

April 27, 2006

By Marianne Goodland
Silver & Gold Record reporter

Retired Gen. Howell Estes and members of the CU advisory committee on tenure-related processes got an icy reception on Tuesday from members of the House Republican caucus, during a presentation on Estes' report which was released Monday. (See stories on page 1.)

Republicans challenged the report's findings, stating that they believe the tenure process is broken and asking how the recommendations will encourage the University to hire more conservative faculty.

During a brief presentation on his report and recommendations, Estes emphasized the independence of the report, and addressed some legislators' comments regarding tenure that had been reported in newspapers Tuesday. He told legislators that in his estimation, a major university must have tenure to attract and retain quality faculty. "The more we looked at tenure, the more we found the processes are solid," Estes said of the committee's efforts. "CU is not lagging in [its] process. Where their problems lie is in implementation." He said oversight of the tenure process is not rigorous and added that post-tenure review at CU "lacks teeth" and is not effective, because reviewers are reluctant to point out tenured faculty members' performance deficiencies.

"My report is the start of the process, not the end. There is more to come," Estes told the legislators, referring to the public forums that will be held on the report and the advisory committee's recommendations to the Board of Regents. "We need your support. Let the process run the full gamut." After that, legislators can look at the results, he said. As a member of the advisory committee, Estes said his function "is to make sure that the report's intent is carried out."

In response to a question from Rep. Jim Kerr (R-Littleton), UCDHSC Provost Mark Heckler, who chairs the advisory committee, explained the timeline for the group's work and discussed Estes' recommendations. "What [Estes] is recommending will transform the way we do business," Heckler told legislators, referring in particular to the recommendation that primary unit criteria be re-evaluated every seven years to ensure that they match the University's goals.

Rep. Ted Harvey (R-Highlands Ranch) said his concern was that the "culture of the left is hiring professors from the culture of the left," and that the report doesn't address how to bring about ideological balance among the faculty. Rep. Keith King (R-Colorado Springs) said he disagrees with Estes' assessment that CU's process for tenure is solid, calling it "broken." King added that no meaningful review of a professor's work is being done because the reviews are done by faculty peers. Rep. Kevin Lundberg (R-Berthoud) said he was disappointed by the report, and he asked if Estes had examined alternative methods for granting tenure, so that the regents and the administration could find a

Front page stories include scanned placement and electronic copy balance between political viewpoints. Estes responded that such a balance could be achieved by evaluating the primary-unit criteria every seven years, to ensure that those criteria align with the University's diversity goals if those goals included diversity of political thought.

But Rep. Matt Knoedler (R-Lakewood) said that a focus on ideological diversity would miss the point. He told Estes that instead of counting the numbers of liberal and conservative professors, faculty should be teaching critical thinking skills, so that students can challenge ideas. Faculty don't need to teach all views, he said, but they need to teach critical thinking.

Estes acknowledged that the Republican legislators may not believe the report has enough substance, but he pointed out that "what's in this report is fact," and that when it comes to implementation of the report, University officials will need to put substance behind the recommendations. "If they don't, you'll hear from me again," Estes assured the audience.

In a question-and-answer session with reporters after the caucus meeting, House Minority Leader Rep. Mike May (R-Parker) asked what guarantees legislators and taxpayers have that the University will strictly follow the existing tenure processes and implement the changes recommended in Estes' report. "If there are no consequences or reasons to follow the process, that's a significant concern," he said.

Regent Steve Bosley, a member of the advisory committee who attended Tuesday's meeting, acknowledged that the Republican legislators had appeared angry when questioning Estes, and he said that indicated their frustration over the amount of time it has taken the University to deal with Professor Ward Churchill of UCB ethnic studies. "Change is being demanded," Bosley told reporters. The loss of public trust, which was noted by Estes on Monday, is reflected in legislators' comments, Bosley said. "I can understand that they're getting beaten up by their constituents on Ward Churchill," he said.

When asked about Estes' recommendation that dismissal for cause actions take no more than six months, Bosley said that while six months may be too short, he thinks such a process should take less than the two years it appears to be taking to conclude the Churchill case. The old ways aren't acceptable anymore, Bosley added. "If we're going to have credibility with the people of the state, we don't have a choice [but to change]," he said.

Democratic legislators are expected to meet next week to hear Estes' presentation.

Gov. Bill Owens was out of town and unavailable for comment on the report. Spokesman Dan Hopkins said yesterday that Owens has not yet reviewed it.

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May 2, 2006

The Rocky Mountain News

Public, faculty to discuss tenure at CU

By Sara Burnett, Rocky Mountain News
May 2, 2006

The University of Colorado will hold the first of several public meetings today to discuss the findings of a year-long study of tenure.

The report released last week included 39 recommendations for changes to the job protection system, including auditing tenure files every five years, shoring up the post-tenure review process and lowering the threshold for when a bad professor may be removed from the classroom.

The independent review was conducted in the wake of controversy over CU professor Ward Churchill, who wrote an essay in which he referred to some victims of the Sept. 11 terrorist attacks as Nazis. Churchill, who has tenure, could not be fired for his comments, despite calls for his job from many lawmakers and the public.

Today's meeting is from 11:30 a.m. to 1 p.m. in Room 150 of the CU Denver Building, located at Lawrence and 14th streets. A faculty meeting will follow.

Upcoming public meetings also are scheduled for these dates and times:

- Thursday, May 4, 2:30 to 4 p.m. at the Coors Events Center, Room No. 4, on the Boulder campus
- May 12, 11 a.m. to 12:30 p.m. at the University Center, Room No. 302, on the Colorado Springs campus
- May 30, 10:30 a.m. to noon at the School of Medicine, 2nd floor lecture hall, on the Health Sciences Center campus at 9th Avenue and Colorado Boulevard in Denver

Tenure more than academic freedom

By Gabriel Kaplan
Assistant professor of Public Affairs
University of Colorado

Critics of academic tenure have again taken out their cudgels after the recent release of the independent study of tenure at CU-Boulder.

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While the arguments are familiar, tenure is one of the most poorly understood aspects of higher education.

Professors and administrators argue tenure is a vital tool for preserving the greatness of American colleges and universities.

Critics argue that tenure awards lifetime job security to people who cease to be productive and who mock society's values and beliefs.

But, it's not clear if even academics understand, or at least agree on, why tenure exists.

The consensus view among academics is that tenure exists to preserve academic freedom. To some extent this is true. Tenure has provided some protections for the rights of faculty members to research and to publish on topics that are controversial or held in contempt by the public.

But, tenure hasn't always protected faculty. The notion of academic freedom in America grew out of the 1916 case of Stanford Professor Edwin Ross, who was fired for criticizing, of all things, the gold standard. And since then, tenured faculty have continued to be dismissed for being Communists or for having some affiliation with the Communist Party, for advocating "socialism" or for urging resistance to the military draft.

Faculty such as assistant professors and lecturers don't have tenure, but they are presumed to enjoy the same protections of academic freedom as their more senior and tenured colleagues.

Nor were tenure and academic freedom the reasons given by CU for refusing to sanction Ward Churchill for his statements about Sept. 11. The investigating committee claimed his statements were protected by the First Amendment since they were the statements of a private citizen about a non-academic matter.

So, a strong case could be made that tenure is not essential to academic freedom. Tenure is hardly necessary where the culture already recognizes and embraces the right of faculty to ask unpleasant questions or to suggest distasteful answers.

A more practical explanation for the practice of tenure comes from economists. The University of Toronto's Aloyius Siow and Columbia's Jagdish Bhagwati and Brendan O'Flaherty have argued that the case for tenure rests on the same economic rationale as patent protections for inventions. Tenure, they argue, encourages specialization, which is vital to excellence in higher education. Advancing knowledge and earning tenure both require that the individual focus attention on a narrow area or field. Under this theory, tenure protects academics from being penalized for knowing a lot about a little.

If academics knew they faced a danger of being pushed out as their specializations became out-moded, their best strategy would be to generalize and dabble broadly in a variety of topics. But this is a less optimal system for advancing knowledge at the fastest

Front page stories include scanned placement and electronic copy and most socially useful rate. The promise of tenure gives younger faculty the incentive to do the intense (and professionally risky) and focused research that's the hallmark of academic excellence.

While this explains a rationale for tenure at top research universities, it doesn't do as good a job explaining why tenure should be used at more teaching-oriented institutions like state colleges. Although such schools have adopted the tenure traditions and the emphasis on research of their elite peers, their production of research and knowledge is more limited.

Finally, there's another rationale for tenure, one that makes the most sense to me. It's at the heart of how we organize universities. It's rooted in one of the longest traditions of the academy, but it's rarely mentioned. It's the role tenure plays in academic governance.

Ever since the first universities sprouted centuries ago, they have been self-governed. The faculty set the rules, established the curriculum and set the standards for an educated graduate. Independent boards and administrators hired are responsible for financial matters and day-to-day issues. The faculty's role in governing has been seen as essential because of a common understanding that learned and expert scholars could (and should) best evaluate what constituted necessary knowledge and how best to deliver it.

Academic self-governance remains at the heart of the university today. In a recent survey of academic governance that I conducted at all four-year colleges and universities, well over 90 percent of institutions indicated they awarded tenure and an almost equal amount placed great emphasis on an explicit role for faculty in organizational decisions.

It's important to understand the role of governance at American institutions of higher education. At CU, 20 percent of faculty time is expected to be taken up by service on academic committees and decision-making about organizational issues. Faculty meet to decide changes to curriculum, course content and graduation criteria, admissions, hiring of future colleagues, the creation of new degree programs, and standards for promotion and institutional advancement.

There are few realms in American life where the employees' role in such decisions is widely seen as so essential and so central.

Colleges and universities rely on the same principles of democracy and representative governing as the rest of our society. In a functioning democratic system, no successful deliberative body should be able to determine its own membership.

If members can freely decide who participates in decisions, then democracy dies, because the majority can vote out and remove members of the minority over issues of major disagreement.

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Front page stories include scanned placement and electronic copy

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By itself, tenure isn't enough to encourage faculty to live up to all their governing responsibilities.

But it is an essential tool for securing their participation by promising that their jobs will not be checked by powerful people and factions who disagree with them.

May 3, 2006

The Denver Post

CU profs raise issue of costs, workload in tenure reform

By Jennifer Brown
Denver Post Staff Writer
DenverPost.com

University of Colorado at Denver professors questioned Tuesday why a year-long study of tenure did not address the costs and extra faculty workload of reform.

The report, released last week, said CU should strengthen reviews of faculty who have the lifetime employment protection and make it easier to pull bad professors out of the classroom.

It included 39 recommendations to improve the tenure process, including a review of tenure criteria every seven years and a random audit of tenure case files every five years.

The CU-Denver faculty assembly said in a collective statement the changes would require "significant investments in time, training, staff support and record-keeping."

Front page stories include scanned placement and electronic copy

Some professors said they worry the public is expecting major changes to CU's tenure process but that the university does not have the money to implement them.

"I'm looking for something that tells the public this doesn't come free," business history professor Pamela Laird said. "Otherwise it's an unfunded mandate."

Gen. Howell Estes III, a retired U.S. Air Force general who led the study, said it's up to university regents whether to spend money on tenure reform.

Staff writer Jennifer Brown can be reached at 303-820-1593 or jenbrown@denverpost.com.

May 5, 2006

The Denver Post

Tenure more than academic freedom

By Gabriel Kaplan
Assistant professor of Public Affairs
University of Colorado
DenverPost.com

Critics of academic tenure have again taken out their cudgels after the recent release of the independent study of tenure at CU-Boulder.

While the arguments are familiar, tenure is one of the most poorly understood aspects of higher education.

Professors and administrators argue tenure is a vital tool for preserving the greatness of American colleges and universities.

Critics argue that tenure awards lifetime job security to people who cease to be productive and who mock society's values and beliefs.

But, it's not clear if even academics understand, or at least agree on, why tenure exists.

The consensus view among academics is that tenure exists to preserve academic freedom. To some extent this is true. Tenure has provided some protections for the rights of faculty members to research and to publish on topics that are controversial or held in contempt by the public.

But, tenure hasn't always protected faculty. The notion of academic freedom in America grew out of the 1916 case of Stanford Professor Edwin Ross, who was fired for criticizing, of all things, the gold standard. And since then, tenured faculty have continued to be dismissed for being Communists or for having some affiliation with the Communist Party, for advocating "socialism" or for urging resistance to the military draft.

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Faculty such as assistant professors and lecturers don't have tenure, but they are presumed to enjoy the same protections of academic freedom as their more senior and tenured colleagues.

Nor were tenure and academic freedom the reasons given by CU for refusing to sanction Ward Churchill for his statements about Sept. 11. The investigating committee claimed his statements were protected by the First Amendment since they were the statements of a private citizen about a non-academic matter.

So, a strong case could be made that tenure is not essential to academic freedom. Tenure is hardly necessary where the culture already recognizes and embraces the right of faculty to ask unpleasant questions or to suggest distasteful answers.

A more practical explanation for the practice of tenure comes from economists. The University of Toronto's Aloysius Siow and Columbia's Jagdish Bhagwati and Brendan O'Flaherty have argued that the case for tenure rests on the same economic rationale as patent protections for inventions. Tenure, they argue, encourages specialization, which is vital to excellence in higher education. Advancing knowledge and earning tenure both require that the individual focus attention on a narrow area or field. Under this theory, tenure protects academics from being penalized for knowing a lot about a little.

If academics knew they faced a danger of being pushed out as their specializations became out-moded, their best strategy would be to generalize and dabble broadly in a variety of topics. But this is a less optimal system for advancing knowledge at the fastest and most socially useful rate. The promise of tenure gives younger faculty the incentive to do the intense (and professionally risky) and focused research that's the hallmark of academic excellence.

While this explains a rationale for tenure at top research universities, it doesn't do as good a job explaining why tenure should be used at more teaching-oriented institutions like state colleges. Although such schools have adopted the tenure traditions and the emphasis on research of their elite peers, their production of research and knowledge is more limited.

Finally, there's another rationale for tenure, one that makes the most sense to me. It's at the heart of how we organize universities. It's rooted in one of the longest traditions of the academy, but it's rarely mentioned. It's the role tenure plays in academic governance.

Ever since the first universities sprouted centuries ago, they have been self-governed. The faculty set the rules, established the curriculum and set the standards for an educated graduate. Independent boards and administrators hired are responsible for financial matters and day-to-day issues. The faculty's role in governing has been seen as essential because of a common understanding that learned and expert scholars could (and should) best evaluate what constituted necessary knowledge and how best to deliver it.

Academic self-governance remains at the heart of the university today. In a recent survey of academic governance that I conducted at all four-year colleges and universities, well

Front page stories include scanned placement and electronic copy over 90 percent of institutions indicated they awarded tenure and an almost equal amount placed great emphasis on an explicit role for faculty in organizational decisions.

It's important to understand the role of governance at American institutions of higher education. At CU, 20 percent of faculty time is expected to be taken up by service on academic committees and decision-making about organizational issues. Faculty meet to decide changes to curriculum, course content and graduation criteria, admissions, hiring of future colleagues, the creation of new degree programs, and standards for promotion and institutional advancement.

There are few realms in American life where the employees' role in such decisions is widely seen as so essential and so central.

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May 8, 2006

1:14 pm US/Mountain

CBS 4 Denver

Review: Minority Faculty Have Heavy Work Load

(AP) BOULDER, Colo. A review of tenure policies at the University of Colorado has found that minority professors carry a heavier workload than their colleagues.

They are expected to mentor minority students, work on race-related committees and serve on search committees, the Boulder Daily Camera reported Sunday.

"I think the issue for many faculty members of color on campus is that whatever kinds of policies and procedures are available have to be not only designed for them, but for everybody," said Christine Yoshinaga-Itano, vice provost and associate vice chancellor for diversity and equity at CU.

"Students come to you because there are so few faculty members who are people of Colorado. You don't want to turn the students away. You understand their perspectives," said CU adjunct professor Shoba Rajgopal, who is originally from India.

"There are faculty members who go above and beyond their call of duty and they need to be appreciated for that," she said. Rajgopal plans to leave CU for a tenure-track position on the East Coast.

Retired Gen. Howell M. Estes III conducted an extensive study of the university's tenure policies, but did not make any specific recommendations on increasing the number of minority tenured faculty. He said that CU first needs to set clear diversity goals.

Solving the workload disparity isn't as simple as simply ordering a reduction for minority staff.

"There is a concern that changing the rules or the standards for faculty members of color implies that they can't compete," said CU-Denver Provost Mark Heckler.

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Front page stories include scanned placement and electronic copy

May 18, 2006

The Denver Post

Churchill wasn't only CU prof to leap over tenure process

By Arthur Kane
Denver Post Staff Writer
DenverPost.com

Sometime between 2003 and 2005, a University of Colorado employee was given instant tenure without the mandatory seven-year review because another school was about to hire him away.

The hiring was found during a review of CU's tenure process by retired Gen. Howell Estes III, and the incident has similarities to the 1991 hiring of controversial professor Ward Churchill.

Churchill's controversial hiring has played a key role in his critics' questioning of the university, and an investigation of Churchill's work released Tuesday is highly critical of the way the professor came to have a highly paid position at CU.

The investigative committee, which found Churchill plagiarized and fabricated his research, said Churchill was hired because of his high profile.

"The University has perhaps gotten more than it bargained for when it made decisions about Professor Churchill in the early 1990s, but there is very little about the present situation that is not foreshadowed by developments across the last fifteen years," the report said.

"For us, the indignation now exhibited by some University actors about Professor Churchill's work appears disingenuous, as they and their predecessors are the ones who decided to hire him," it added.

Churchill was hired with tenure and without the regular process in 1991. Evelyn Hu-DeHart, at the time a CU professor, wrote then that CU had to hire Churchill quickly because he was going to be hired by California State University, Northridge.

Cal State officials have since said he did not have an offer.

Hu-DeHart, now at Brown University, declined to comment.

CU spokesman Barrie Hartman said the rules have changed that allowed such a controversial hire.

Estes, while not commenting on the Churchill situation, said high-profile controversies surrounding CU are likely to prevent questionable hires.

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"There's a lot of visibility on campus, and I would be very surprised if someone would try to do something knowing the report is out there," he said.

Churchill's attorney, David Lane, said he did not know details of how Churchill was hired.

June 1, 2006

Boulder Daily Camera

Churchill study costs \$150K

Brittany Anas

Jun 1, 2006

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The University of Colorado spent nearly \$152,000 on its academic-misconduct investigation of tenured professor Ward Churchill, the school said Wednesday, and most of the money went toward attorney fees for the outside legal counsel hired to help faculty panel members.

Also, a sweeping review of the university's tenure policies is expected to cost CU up to \$435,000. CU regents called for the review in February 2005 after the release of documents showing that Churchill earned tenure in 1991 without the typical six-year evaluation and probationary period.

The costs are justified, university officials said. Members of the faculty committee who investigated Churchill's work were not paid and neither are those serving on the tenure-review panel.

"Do I think we have been as diligent as we could in holding down the expenses? Absolutely," said CU regent Tom Lucero, who is a member of the tenure-review committee. "These are one-time expenses to protect the university's image and guarantee transparency to the public."

Churchill investigation

Attorney fees have cost the university \$101,390 since it began looking into the plagiarism and fabrication allegations leveled against Churchill in March 2005.

"We felt that it would be fair for the committee to have independent counsel instead of university counsel," CU spokesman Barrie Hartman said.

The five-member panel found serious and deliberate misconduct in Churchill's work, including plagiarized passages, fabricated historical facts and questionable citations.

Eric Elliff, a Denver trial lawyer with Morrison & Foerster, was hired by CU to provide legal guidance for the panel as it did its work and interviewed witnesses. He also helped

Front page stories include scanned placement and electronic copy the university answer questions at a news conference last week when the report became public.

CU did not break down the attorney fees in the expenditure report that it provided to the Daily Camera.

Four CU employees who serve on the school's Standing Committee of Research Misconduct together were compensated a total of \$33,463. The faculty members had received grants for summer research but instead invested much of their time on the Churchill investigation. Hartman said it would have been "inappropriate" for them to have charged their grants for the academic-misconduct probe.

Travel and meal costs for the panel that issued its report on Churchill totaled \$8,408. Two of the panel members were from out of state.

State Rep. Alice Madden, D-Boulder, said she was surprised the investigation cost so much but said it was an important endeavor.

"We have the integrity of the university at stake," she said.

Other costs included \$4,715 in court-reporter fees and \$3,661 for books, copying and other materials.

Churchill has threatened to sue the university if he is fired.

Tenure review

The university so far has spent about \$170,000 on its extensive review of the school's tenure procedures, including \$134,421 in consulting fees.

There is an additional \$265,579 budgeted for those fees, but the university could come in under budget, said spokeswoman Michele McKinney.

CU hired PricewaterhouseCoopers to assist with the review, and retired Gen. Howell M. Estes III led the outside study.

The study, which became public in late April, found that although CU's tenure policies are well designed, there are some flaws with how protected professors are evaluated, and it is too difficult to fire them even if they are failing in their classrooms.

The tenure-review committee is considering the recommendations and CU regents could vote on changes to the tenure system by the fall.

June 4, 2006

Inside Higher Ed

Front page stories include scanned placement and electronic copy

Soft Support for Tenure

Americans back the concept of tenure — but they don't necessarily know what it entails. Americans think highly of professors — except that a substantial minority of Americans doesn't. Americans don't rate political bias in the classroom as the top problem in academe today — but many think it's a serious one.

Those are among the findings of a [national survey of public opinion](#) being released today by the American Association of University Professors. The results are a classic case of “is the glass half empty or half full,” with plenty of evidence to show that academe is held in high regard, and plenty of evidence of vulnerabilities in public perceptions. The survey was conducted by an independent polling group and has a margin of error of 3.4 percent. AAUP leaders said that they wanted to measure public attitudes in light of the barrage of criticism from various conservatives that higher education is a center of bias and outrageous views.

In some cases, higher education does well in the survey — in part because Americans are increasingly critical of so many parts of society, not just academe. For example, 41.6 percent of respondents said that they had “a lot of confidence” in American colleges and another 48.7 percent reported having “some confidence.” Only 9.7 percent reported having “hardly any confidence at all.” While academics might prefer to have more people feeling much confidence in them, more Americans express “a lot of confidence” in higher education than in organized religion (29.9 percent), the White House (20.7 percent), and the press (10.8 percent). Confidence in the military did exceed that for academe, at 53.9 percent.

Confidence levels in higher education vary widely by group, the poll found. In terms of age, people appear to lose confidence in academe as they age — more than half of Americans aged 18-34 have “a lot of confidence” in higher education, but only 26.8 percent of those 65 and over feel that way. Politically, liberals (50.5 percent) are more likely to have a strong confidence level in higher education than are moderates (42.2 percent) or conservatives (30.5 percent).

In terms of tenure and academic freedom, the survey found qualified support. For starters, the survey revealed that only 55 percent of those surveyed had even heard of tenure for professors. (Those who hadn't heard of it were read a definition that said that tenure was granted only after a probationary period of about seven years and that once tenure is granted, “professors usually can be dismissed only for serious misconduct or incompetence.”) In a paper analyzing the results, Neil Gross, an assistant professor of sociology at Harvard University, and Solon Simmons, a researcher in sociology at the University of Wisconsin at Madison, said that this large subset of the population that doesn't know about tenure creates “considerable room for partisan framing of the issue.”

Other survey results reinforce that view, with strong majorities endorsing the concepts of tenure but also accepting common criticisms of tenure. For example, 76.6 percent agree that tenure is a good way to reward accomplished professors and 69.7 percent believe that

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tenure is needed so professors can teach. But 80.7 percent believe that tenure sometimes protects incompetent faculty members and 57.9 percent believe that tenure removes incentives for professors to work hard. More than two-thirds of respondents believe tenure should be modified in some way.

On academic freedom issues, substantial percentages of the public believe that professors' rights should be limited in ways that contradict traditional notions of academic freedom. For example, more than half of Americans polled believe that public colleges should be able to fire professors who join radical groups like the Communist Party. Here are some results for questions about academic freedom:

Public Views on Academic Freedom

	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree
Professors who oppose the war in Iraq should be allowed to express anti-war views in the classroom.	29.0%	32.5%	14.4%	24.1%
Public universities should be able to dismiss professors who join radical political organizations like the Communist Party.	44.9%	17.7%	18.4%	19.0%
There's no room in the university for professors who defend the rights of Islamic militants.	39.0%	18.0%	21.8%	22.2%
The best way to ensure academic excellence is to make sure politicians don't interfere with research in colleges and universities.	50.1%	30.3%	13.6%	6.0%
The government should control what gets taught in the college classroom.	6.7%	13.9%	18.0%	61.4%

In looking at responses to various questions, Gross and Simmons characterized most people as being in a "no funny business" grouping: They generally support tenure and academic freedom, but their support gets softer when it comes to certain controversial topics.

One area on which the public has a view that is decidedly different from many faculty members is over the purpose of higher education — with the public taking a decidedly practical perspective. Asked about the primary purpose for higher education, 67.6 percent said that it was to teach students skills that they could use in their careers. Only 26.3 percent said that it was to teach students to think critically and only 6 percent said that it was to teach students about great works of literature, art, music and philosophy. There were few differences on this question by age, gender or politics, but among those who have a college education themselves, more than half think that the primary purpose is to

Front page stories include scanned placement and electronic copy learn to think critically, compared to just 13.1 percent of those with only a high school diploma.

When it comes to the charges of David Horowitz and others about alleged political bias being a major problem in higher education, the poll found that very few people rank that as the top issue. At the same time, substantial numbers of Americans think that it is a real issue. When Americans were asked to identify the top problem facing higher education today, college costs was a runaway winner, at 42.8 percent. It was followed by binge drinking (17 percent), low educational standards (10.2 percent), political bias (8.2 percent) and crime on campus (6.5 percent).

At the same time, many in the poll viewed problems that they did not rate as the top one as still being “very serious.” In some cases, there is relatively little ideological difference on whether people view certain issues as serious problems. But on other questions — such as political bias — there are clear breakdowns. Here is a breakdown — over all and by political orientation:

Problems in Higher Education Seen as ‘Very Serious’ by the Public

	All	Liberals	Moderates	Conservatives
The high cost of college	80.5%	84.0%	81.9%	77.0%
Binge drinking by students	66.2%	69.0%	63.0%	66.1%
Low educational standards	48.9%	45.9%	49.6%	51.1%
Crime on campus	45.5%	50.8%	47.2%	39.0%
Political bias in the classroom	37.5%	34.4%	31.1%	45.5%
Too much focus on athletics	36.3%	39.1%	35.7%	34.2%
Incompetent professors	34.6%	35.7%	31.8%	35.9%
Lack of support for diverse student population	30.2%	39.6%	28.4%	22.6%

With all the issues facing colleges, is being a professor prestigious? Most Americans think so, according to the survey: 53.2 percent of respondents said that the job of college or university professor was “very prestigious” and 41.5 percent said it was “somewhat prestigious.”

The paper on the study notes that there is a narrowing of the gap between the prestige levels of teaching at the college or elementary school level. Whereas previous studies have found college professors to be much more prestigious, they enjoy only a modest edge now. While physician outranks college professor on the “very prestigious” scale at 71.9 percent, the percentage finding professors “very prestigious” topped those for elementary school teacher (50.2 percent), lawyer (33.6 percent), and stock broker (16.7 percent).

— [Scott Jaschik](#)

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Panel: Stricter reviews needed

By Elizabeth Mattern Clark, Camera Staff Writer

June 14, 2006

A committee that recommended professor Ward Churchill be dismissed or suspended also called Tuesday for changes across the University of Colorado campus to help prevent another case like his.

CU's Standing Committee on Research Misconduct wrote in its new report that it found "systemic issues" that, if addressed, could prevent academic fraud or keep allegations from going unnoticed for years as they did in the Churchill case.

CU relies heavily on formal complaints in identifying misconduct, the committee members reported. More thorough reviews of faculty members by peers in their field would help change that, they said.

Scholars were publishing challenges to Churchill's accuracy a decade ago, but they didn't file formal complaints with CU. The research-misconduct group said that if they had complained, "The same sort of investigation would have ensued years earlier," before three top school officials asked for a formal investigation in March 2005.

Barring a written complaint, the peer review — one of several evaluations that professors have before and after receiving tenure — is the best level for identifying plagiarism, fabrication of facts and other errors that require the eye of someone trained in the faculty member's field, the committee said.

"If there is hope of identifying misconduct *sans* a complaint, it lies in the unit-level review conducted by peers of the individual," the faculty committee members wrote.

"To be successful at this level, the reviews must be serious rather than cursory, must involve individuals with as much expertise as possible in the reviewed individual's area of inquiry, and most importantly should involve a careful *reading* of the individual's work, rather than a simple count of articles, chapters or books."

Routine intense reviews could take a lot of faculty time, though, the report's authors noted. They suggested CU officials make sure all departments are "meeting at least reasonable standards" when evaluating their faculty members.

The committee also said CU should follow its standard hiring and promotion practices, which call for a lengthy review before granting tenure. Churchill, an ethnic studies professor, skipped the typical six-year probationary or "tenure-track" period when he was given the job security of tenure in 1991.

"We would like to believe that deviations that may have occurred in the case of professor Churchill would not be repeated with current procedures," the members wrote. They said the hiring process itself should be rigorous enough to discern potential academic fraud.

The committee's final recommendation was for CU administrators to help restore the reputation of faculty members — particularly in ethnic studies — "who have suffered from the fallout of this investigation."

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Panel members reported that CU should uphold the importance of academic freedom, saying Churchill's alleged misconduct was an "extreme anomaly" at the school and at universities across the country.

Al Ramirez, chairman of CU's ethnic-studies department since fall 2005, said hiring and review processes are "not broken" and that the committee generally acknowledged that.

"I think it's a very rigorous process, one that I defend and adhere to," he said.

And he was pleased that the report backed his call for CU leaders to support ethnic studies, Ramirez said.

"One of my principal concerns is the credibility and legitimacy of the department," he said.

Contact Camera Staff Writer Elizabeth Mattern Clark at (303) 473-1351 or clarke@dailycamera.com

Tenure committee wraps up review of Estes report

GROUP WILL FORWARD RECOMMENDATIONS FOR REGENTS' APPROVAL

June 15, 2006

By Jefferson Dodge

Silver & Gold Record assistant editor

The advisory committee on tenure-related processes has finished its review of the independent report released in April, and is forwarding all 39 of study leader Howell Estes' recommendations to the Board of Regents for approval -- including those that call for mandatory background checks for new faculty hires and an expedited dismissal-for-cause process.

UCDHSC Provost Mark Heckler, advisory committee chair, told S&GR Tuesday night that while all of the recommendations were endorsed, changes were made to a few of them, including the one that would require faculty to sign a statement of responsibility. That recommendation was expanded so that language on academic freedom is included.

The committee met on June 7 and again Tuesday to finish discussing Estes' recommendations. The committee will recommend a course of action to the regents at the June 28-29 board meeting, and new or amended policies are

Front page stories include scanned placement and electronic copy expected to move forward over the next several months.

Incoming Faculty Council Chair R L Widmann of UCB English told S&GR that in order to get faculty input, most of the recommendations will be reviewed and refined later this month by an academic policy working group consisting of the chairs of the faculty assemblies, the chairs of several Faculty Council committees, several members of the Faculty Council's Educational Policy and University Standards Committee, outgoing Faculty Council Chair Rod Muth of UCDHSC education, Heckler and interim Vice President for Academic Affairs and Research Michel Dahlin.

Estes told the committee on June 7 that his recommendation to make criminal background checks a standard part of the faculty hiring process was "driven a little bit by current events" and is "pretty common practice." Currently, CU policy gives the campuses some flexibility in determining whether to conduct background checks, University Counsel Charlie Sweet explained. For example, it is mandatory for all new employee hires at the downtown Denver campus, according to Heckler. But at CU-Boulder, such checks are reserved for security-sensitive positions and for officers.

"I know there will be faculty who won't like this, because they'll see it as invading their privacy," Jenenne Nelson of CU-Colorado Springs nursing commented. Widmann added that she has seen tempers flare over the issue at faculty meetings, because of the perception that it would erode civil rights. "But this is the way the world is going and the way the country is going," she said.

Estes stressed that it would only be for new hires, and he added that members of the public would likely say, "We go through this, why shouldn't they?" Widmann explained that one faculty concern is the definition of "moral turpitude," which is one of the grounds for dismissal. "If that's defined as having smoked marijuana 25 years ago, that's a concern for some faculty," she said.

The group agreed to submit that recommendation to the regents with Estes' proviso that any "misconduct is to be addressed as part of the disciplinary process and should be kept separate from tenure review, unless it impacts whether or not the candidate meets the tenure criteria for teaching, research and service."

Dismissal for cause

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The committee also decided to pursue Estes' recommendation that the dismissal-for-cause process take no more than six months, and be revised so that it is easier to remove faculty from the classroom when students are being harmed. Regarding the timeline for dismissal, Estes said the recommendation "absolutely comes out of public comment about how long it's taken to take care of the Ward Churchill [of UCB ethnic studies] case."

But Sweet countered that the current dismissal procedures cannot be completed within six months because they rely on faculty review, and faculty have many duties to juggle. "It's run by people who don't do this full time and have other things to do," he said. "We are not going to be able to get dismissal-for-cause cases done in six months unless we change the process." Regent Steve Bosley said "the time is really right" to change the dismissal process, given the publicity about how long the Churchill case has taken. But Sweet added, "If we were going to start this, we would need a lot of engagement by the faculty." Estes agreed, saying, "The faculty, in my mind, has to grab hold of these things and make them work, or else they won't go forward. It's their process. If they're not the ones to push it in a new direction, it's going to be very hard for the administration to do it."

Regarding Estes' perception that it is too difficult to remove faculty from the classroom when they are under investigation or are going through the dismissal-for-cause process, Sweet replied, "We do that all the time," by suspending faculty with pay pending the outcome of such reviews. He said that what the University really needs is to be able to discipline faculty in other ways -- such as a letter of reprimand, loss of pay or loss of rank -- for infractions that do not rise to the level of dismissal.

Widmann said UCB has a Standing Committee on Research Misconduct, and maybe it needs a "committee on teaching misconduct" that could investigate such claims and make recommendations to the administration. Nelson agreed, saying that having a faculty committee "allows for due process from peers."

Post-tenure review

The group also discussed post-tenure review and what incentives and sanctions would be effective in boosting faculty development for tenured faculty. Noting that "money is the only thing that drives people in this system," Nelson expressed frustration that underachieving faculty who have

Front page stories include scanned placement and electronic copy received little or no annual merit increase are sometimes rewarded later in their careers with a "compression" adjustment, to keep up with the market. "If they're not doing their jobs, don't give them compression pay," she said. "There's a difference between being compressed and being a poor faculty member."

Sweet suggested conducting an inquiry into "how much it costs the University to have an unproductive faculty member in a tenure line." He said that since every faculty member contributes to CU financially in some way, whether it be through research grants or tuition income generated by teaching, "I think it would be interesting to audit academic departments with respect to how much an average productive faculty member contributes financially. ... I bet you could ascertain which faculty members are not producing."

In other action at the June 7 meeting, the advisory committee endorsed recommendations from Estes calling for stronger enforcement of CU's policy on using multiple means of teaching evaluation, in addition to the Faculty Course Questionnaire; use of electronic and Web-based tools in the tenure review process, initially as a pilot project in selected units; campus guidelines on the selection of external evaluators, to ensure that they are objective and "an arm's length" from the individual being reviewed; and better oversight and policies on possible deviations from the traditional tenure process.

On Tuesday, the committee discussed its last two recommendations -- one on providing new hires with a sample dossier and tenure review timeline and one on documenting faculty mentoring sessions. The committee also decided to add a 40th recommendation, asking the Board of Regents to articulate broad, long-term goals for the University that are meaningful, that drive the allocation of resources and that will inform objectives at the campus, school/college and department levels, including primary-unit criteria.

Regents slated to hear first formal presentation on tenure-study report

June 22, 2006

By Marianne Goodland

Front page stories include scanned placement and electronic copy

Silver & Gold Record reporter

Next week, the CU Board of Regents will hear for the first time what faculty, staff, students and the public have been hearing for two months: a presentation from Howell Estes on his independent report on CU's tenure-related processes.

The regents will meet in Denver at the Tivoli Student Union next Wednesday and Thursday, June 28 and 29.

UCDHSC Provost Mark Heckler said this week that Wednesday will mark the first time most of the regents will meet Estes. Three members of the board -- Regents Steve Bosley, Tom Lucero and Gail Schwartz -- sit on the advisory committee on tenure-related processes.

Since the Estes report was released April 24, the advisory committee has been soliciting feedback from the University community through campus forums and its Web site. The committee has decided to forward all 39 recommendations contained in the Estes report, although several have been modified.

After Estes concludes his presentation, Heckler will present a status report on the work of the advisory committee and what the regents can expect in the coming months. The board will be asked to adopt the advisory committee's report at its August meeting.

Several themes have emerged during the advisory committee's review of the recommendations and will need to be addressed in University policy, Heckler told S&GR. Those themes include, but are not limited to, mentoring and faculty development, accountability and transparency. "There's a good deal of work [to do during the summer] to write policy and to engage faculty governance in moving the policies [forward]," he explained.

The regents also will be asked to approve a purchase and sale agreement for the UCDHSC Ninth Avenue and Colorado Boulevard campus, as well as holding final discussions and a vote on the 2006-07 budget and compensation for nonclassified employees. They also are slated to elect a new chair and vice chair next week. (To see the agenda, [click here](#).)

Front page stories include scanned placement and electronic copy
June 27, 2006

In 21st century, tenure not needed

Regarding the Ward Churchill affair and the concept of tenure:

It's the 21st century. Does anyone out there really believe that some potentate would fire a professor for something he said or for a revolutionary theory that he proposed?

The conflict between authority and freedom of thought is dead. We no longer need tenure to ensure that a professor will not be fired for radical or unpopular ideas. That will not happen! Tenure has outlived its usefulness and should be abolished. What purpose does it serve today?

BOB GALLAWA
Boulder

June 29, 2006

Denver Post

CU ponders accelerating profs' dismissal for cause

The decision to fire Ward Churchill took 15 months. The tenured prof's appeal could also take that long.

By Jennifer Brown
Denver Post Staff Writer
DenverPost.com

A University of Colorado committee is exploring ways to speed up the process of firing a tenured professor and allowing for the immediate removal from the classroom of faculty members accused of misconduct.

It can take years to get rid of a professor with tenure, a lifetime employment protection, and CU has no clear policy to stop a professor from teaching when there is an accusation of harm to students.

A faculty committee studying the university's massive study of tenure, released in April, is likely to ask CU regents in the fall to enact a policy change that would accelerate the dismissal-for-cause process, said committee chairman Mark Heckler, provost of CU-Denver.

The discussion at Wednesday's regents meeting came two days after CU-Boulder chancellor Phil DiStefano announced he intends to fire tenured professor Ward Churchill. It took 15 months for two faculty committees to investigate Churchill's writings and determine he plagiarized, fabricated and falsified material in his research.

Churchill plans to appeal to the university's committee on privilege and tenure, a process that in the past has taken 18 months.

Gen. Howell Estes III, who led the tenure study, suggested the university cut that to six months.

Heckler said that isn't possible unless CU allows faculty on investigative panels in potential termination cases to

ACTRP Tenure Review Media Clips from April 25, 2006 – July 11, 2006

Front page stories include scanned placement and electronic copy

shirk other responsibilities. That's one proposal his committee is exploring, he said.

Estes said the Churchill case has sullied the reputation of tenure, which he believes is necessary to attract quality faculty.

Regents are likely to consider policy changes regarding tenure in September and are awaiting faculty recommendations.

Regent Tom Lucero said CU should strengthen and expedite its dismissal-for-cause process.

"It's not fair to the university, but it's not fair to the professor either," he said.

Staff writer Jennifer Brown can be reached at 303-820-1593 or jenbrown@denverpost.com.

Daily Camera

CU to campaign on tenure's behalf

Public knows little about system, survey shows

**By Brittany Anas, Camera Staff Writer
June 29, 2006**

DENVER — University of Colorado officials plan to launch a public relations campaign to update the public on changes to the school's tenure policies and counter a widespread misconception that earning the job protection is easy.

The university is in the process of revamping its tenure system after an outside review found that although policies are well-designed, there are some flaws with how protected professors are evaluated, and it is too difficult to remove them from their classrooms even if they are falling below professional standards.

Retired Gen. Howell M. Estes III — who led the extensive review — told the regents at their meeting in Denver on Wednesday that if they adopt the recommendations in the report, they can regain the public's trust in the tenure system and be a model for other universities nationwide.

But CU's efforts will go unnoticed by concerned citizens unless the university publicizes the changes, Estes said.

Some regents said they receive daily e-mails asking why the university doesn't just do away with tenure, a common question prompted by the controversy surrounding tenured professor Ward Churchill. Documents released last year from Churchill's personnel files also suggest the tenured position he took in 1991 — without a Ph.D. or having been on the customary "tenure track" — was designated for someone who would add diversity to the faculty.

A national public-opinion survey released last month by the American Association of University Professors revealed that university outsiders know little about tenure, but a majority of Americans believe it should be modified. Thirteen percent of respondents said the job protection should be eliminated altogether.

"The public doesn't understand the breadth and the depth of the process," Estes told the regents. "You have to help them understand it better."

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Estes concluded in his report, which was released in April, that tenure is needed at CU because it prevents professors from being fired if they advocate unpopular views and is essential in hiring highly qualified faculty members. Less than 1 percent of public research universities operate without a tenure system, according to a survey from the National Education Association included in Estes' report.

CU regents called for the independent study in March 2005 after an essay written by Churchill prompted controversy.

Tenure is awarded to less than 1 percent of the professors who apply for jobs with the university, according to a chart included in the report.

"The public needs to understand it's a very rigorous process," Estes said after his presentation. "Right now, they think it's a joke."

Estes said CU should set up a Web site for the public that gives an easily understandable explanation of tenure processes. There should also be annual, public updates that could include information about changes to the tenure system and a breakdown of professors recently awarded the job protection.

CU spokeswoman Michele McKinney also said the university is considering hosting a symposium on tenure once it implements the new suggestions, which will come from Estes' report, a university advisory committee and faculty members. The symposium could attract administrators and professors from universities nationwide.

Also, CU faculty members and others involved in updating CU's tenure system possibly will host town hall meetings and speak to community clubs and organizations across the state.

Contact Camera Staff Writer Brittany Anas at (303) 473-1132 or anasb@dailycamera.com.

Colorado Daily

Tenure under review

By PAULA PANT Colorado Daily Staff Writer
Wednesday, June 28, 2006 11:00 PM MDT

Tenure-granting procedures at CU are poorly enforced and need more oversight, an independent committee told the CU Board of Regents at the board's monthly meeting, held Wednesday at the Tivoli Student Union on the CU-Denver campus.

The Advisory Committee on Tenure-Related Processes (ACTRP) also recommended drafting a policy that would allow tenured professors under investigation for misconduct to be stripped of teaching duties while the inquiry is proceeding, and speeding up the review process for firing a tenured professor to as quickly as six months.

"We want to be able to remove that teacher immediately and then proceed with the investigation," said ACTRP Chair and CU-Denver Provost Mark Heckler.

"Re-establishing the credibility with the public... is a huge issue here," said ACTRP Study Director Howard M. Estes III, in a presentation centered around the themes of increasing accountability and improving public perception of CU, themes which many say have also characterized CU President Hank Brown's administration.

Heckler later told reporters that ACTRP advised high-level CU officials to present an annual Tenure Accountability Report to the public.

"We find the processes were actually pretty good," said Estes. "The problem is the implementation was not

ACTRP Tenure Review Media Clips from April 25, 2006 – July 11, 2006

Front page stories include scanned placement and electronic copy followed.”

The tenure-granting system at CU has been the subject of intense public scrutiny since January 2005, when tenured ethnic studies department chair Ward Churchill, who does not hold a doctorate, gained public notoriety for an online essay comparing some Sept. 11 victims to Nazi policymaker Adolf Eichmann (SEE RELATED STORY BELOW).

On Monday, CU-Boulder Interim Chancellor Phil DiStefano announced his intention to fire Churchill for research misconduct, after an investigative committee found that Churchill plagiarized and fabricated information in some of his research.

In November 2005, ACTRP began an investigation into 95 case-studies of tenure review, in which they found four cases of “significant issues” in the tenure-granting process.

“Two of them were violations of policy and two of them were cases in which tenure was granted with no policy to guide them,” said Estes.

“The oversight's not very strong,” he said.

On June 13 the group, made up of consultants both internal and external to the CU system working independently of each other, issued 40 recommendations for improving the system, 30 of which have already been approved by faculty committees and drafted into policy handbooks.

“We faculty are behind this as strongly as we can possibly be,” CU English professor R. L. Widmann told the regents.

Twenty-four of ACTRP's recommendations were on the topic of accountability and transparency, while another 21 fell in the category of ensuring consistency.

The 40th recommendation was a request for the regents to “establish broad and enduring goals” that faculty up for tenure would be evaluated against, said Heckler.

The regents, who heard only a preliminary report on Wednesday, will vote to hear the full report in August. Their reaction to the preliminary report was overwhelmingly enthusiastic.

Regent Pete Steinhauer of Boulder called the preliminary report “outstanding” and said the recommendations are “superb.”

Regent Michael Carrigan of Denver said ACTRP produced “excellent work,” while Regent Cindy Carlisle of Boulder said the report was “substantial and terrific.”

The regents on Wednesday also heard an overview about the structure through which tuition is assessed.

Tuition on the CU-Boulder campus is “linear with a flat tuition window,” meaning students pay per-credit hour for the first nine hours and are charged a flat fee thereafter.

Yet eight of 14 of CU-Boulder's peer institutions charge per-credit up to the first 12 hours, said CU System Budget Director Rob Kohrman.

“Can we encourage undergraduates to graduate in four years instead of six (by possibly changing the tuition structure)?” asked CU System Budget and Finance Vice President Robert Moore.

Moore emphasized he was not offering any change proposals, but simply introducing the regents to the idea and encouraging further inquiry.

He and Kohrman also presented details of the capital construction projects on campus, including a renovation of Ketchum Arts and Sciences building and a 24-hour study area and lounge for students in Norlin Library.

The Regents will vote on the capital construction proposals today.

Daily Camera

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Letters to the Editor - July 4

TENURE

Academic freedom still being protected

The letter by Mr. Bob Gallawa (Open Forum, June 28) illustrates that when one starts from a false major premise, the subsequent reasoning can lead to bizarre conclusions. How can anyone who has experienced the past five years of life in the U.S. believe that "The conflict between authority and freedom of thought is dead"? To start at the top, just ask the civilian and military specialists who have tried to express well-founded conclusions that disagreed with White House policy on issues such as environmental concerns and the military aspects of foreign policy.

To bring the matter closer to home, it is hard to imagine a more damaging political blunder than Gov. Bill Owens' intrusion, from Day 1, in the matter of Professor Ward Churchill. He clearly demanded the firing of Churchill on the basis of that infamous essay, a politically motivated action. He could not have been thinking of academic misconduct at that early time, because the evidence wasn't in. And now he has compounded the error by congratulating the CU-Boulder chancellor for his decision to terminate the tenured appointment, implying that this result follows from his original demand.

Was there ever a clearer example of attempted political interference in an academic personnel matter? I believe that the governor's action will greatly assist Churchill in his threatened lawsuit, reinforcing his claim that he is being terminated for opinions he expressed, protected by the Bill of Rights, not for academic misconduct, an accepted cause for firing a tenured faculty member.

Tenure was created to protect university faculty members from retribution by external political or religious establishments or university administrations for their opinions expressed under the important principle of academic freedom. The evidence is overwhelming, to answer Mr. Gallawa's closing question, it still serves that purpose today.

CARL KISSLINGER

Emeritus professor of geological sciences

CU-Boulder

Boulder

Tenure recommendations to yield policy changes

July 6, 2006

By Jefferson Dodge

Silver & Gold Record assistant editor

Members of the advisory committee on tenure-related processes described their findings to the Board of Regents last week and received a round of thanks from the board.

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They announced that 30 of their 40 recommendations have already been drafted as changes to the Laws of the Regents, regental policy or administrative policy. Implementation of the remaining 10, which are also being forwarded to the regents, is still being hammered out, the committee members said.

Faculty Council Chair R L Widmann of UCB English, a member of the advisory committee, told S&GR that a group of key administrators and faculty leaders met for four days at the end of June to begin drafting the 30 changes that have been agreed upon so far. In addition to amending five regental laws and policies, those changes call for two new administrative policy statements and revisions to seven others, according to materials provided to the regents at their June 26 finance, audit and capital study session.

Those changes, as well as the committee's final report, are scheduled to go to the board for approval at its Aug. 3 meeting. The remaining law and policy changes, which need more work and/or more extensive faculty consultation, will probably go to the board in September or October, according to the committee's timeline.

UCDHSC Provost Mark Heckler, advisory committee chair, and study leader Howell Estes told the regents about the process used to examine tenure at CU, and they also described Estes' findings and recommendations, which have been adopted and refined by the advisory committee.

Those recommendations include overhauling the dismissal-for-cause process to make it faster, requiring faculty to sign a statement acknowledging the responsibilities that go along with academic freedom, conducting background checks on all new faculty, periodically auditing tenure files and primary unit criteria, improving faculty development and strengthening post-tenure review.

Heckler told the board that by bringing forward proposed changes to laws and policies, the advisory committee is going beyond making recommendations, and is instead providing a "road map" for how to execute those changes. He reminded the regents that the committee members gathered input from faculty and the public in May and then pored over every single recommendation in Estes' report, which took more than a month.

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Heckler also told the regents that the advisory committee had added a 40th recommendation, asking the board to set broad goals for the CU system that would be incorporated into institutional goals and primary-unit criteria.

"I want to thank the faculty for asking for the study to be done," Estes said. "It's important that it came from faculty. ... Re-establishing accountability and credibility with the public is a huge issue. To me, the best way to do that is for the faculty to step forward, embrace what's going on and say, 'These tenure-related processes are ours, so we will take the bull by the horns and fix it.' That's what they've done."

He said the public perception that faculty have a "job for life" is based in part on the small number of dismissals, but there also have been cases where faculty were advised that they were not up to par and wouldn't get tenure. "And they left the system," Estes said. "Nobody counts that, but that's part of the culling process and that says there is accountability."

Regarding changes to dismissal-for-cause procedures, Estes said that process should not be made so easy that a tenured faculty member could be fired because of a complaint from a disgruntled student who got a bad grade, for instance.

Several regents thanked Estes and Heckler for the advisory committee's work. Regent Pete Steinhauer called the examination "long overdue." Regent Cindy Carlisle called it "nothing short of astounding." Regent Michael Carrigan noted that while some questioned why Estes didn't target the institution of tenure itself, Estes kept an open mind and identified weaknesses, but also found that having tenure is consistent with best practices in higher education.

Regent Gail Schwartz said she heard from several individuals at a recent outreach event in Pueblo that "now all we have to do is get rid of tenure." Regent Jerry Rutledge added that he constantly gets comments about the bar being set too high for removing faculty from the classroom. "They think it's ludicrous, given our track record over the last year and a half," he said. "What will it take to regain their confidence?" Estes replied that he has tried to not issue detailed solutions to each problem, because he wanted to give the faculty an opportunity to solve the issues themselves, but he said he will comment later on whether the solutions are sufficient. "I hope [faculty] do understand how critical it is," Rutledge said.