

Utah Tech University Policy

642a: Addendum: HB 438 Post-Tenure Review



<https://le.utah.gov/~2024/bills/static/HB0438.html>

** If any provision of UT Policy 642: Post-Tenure Review conflicts with a provision of this addendum, the provision in this addendum shall control, effective May 1, 2024.

53B-2-106.1. Tenure -- Reporting

- (1) A president of a degree-granting institution, in consultation with the degree-granting institution's board of trustees, shall make policies:
 - (a) related to tenure and post-tenure review; and
 - (b) ensuring that the terms and conditions of tenured employment are stated in writing and provided to a faculty member.
- (2) Tenure and post-tenure policies shall:
 - (a) protect academic freedom in teaching, research, and in an individual's personal life;
 - (b) require that a final award of tenure be approved by the president of the degree-granting institution offering the award of tenure, in consultation with the board of trustees of the degree-granting institution; and
 - (c) comply with this section.
- (3) Beginning July 1, 2024, a tenured faculty member may be dismissed from employment at a degree-granting institution:
 - (a) for cause, including:
 - (i) professional incompetence;

- (ii) serious misconduct or unethical behavior;
 - (iii) legal misconduct substantially related to the performance of duties;
 - (iv) serious violations of board or institution rules;
 - (v) the conviction of a crime affecting the fitness of the tenured faculty member to engage in teaching, research, service, outreach, administration, or other assigned duties;
 - (vi) falsified credentials or plagiarism; or
 - (vii) inability or unwillingness to meet institutional expectations, including failure to address deficiencies outlined in a remediation plan following post-tenure review;
- (b) if the program in which the tenured faculty member works is discontinued by the degree-granting institution or modified to such a degree that the tenured faculty member's position is no longer needed; and
- (c) in the event of financial exigency of the degree-granting institution.
- (4) Policies governing dismissal of a tenured faculty member for cause shall include, at a minimum:
- (a) notice to the tenured faculty member of the alleged cause, including any evidence supporting the allegation;
 - (b) providing reasonable time and opportunity for the tenured faculty member to respond;
 - (c) a hearing before an independent board of tenured faculty peers;
 - (d) a written determination on the issue, including a determination of termination or continued employment; and
 - (e) an appeals process ending with the final decision of the president of the degree-granting institution in consultation with the board of trustees of the degree-granting institution.
- (5) A tenured faculty member who is being dismissed because the program in which the tenured faculty member works is discontinued or modified, as

described in Subsection (3)(b), or in the event of financial exigency of the degree-granting institution, as described in Subsection (3)(c), shall receive severance in accordance with the terms of the tenured faculty member's employment contract.

- (6) Nothing in this section prohibits a president of a degree granting institution from creating additional policies and processes regarding discipline of a tenured faculty member.
- (7) Beginning July 1, 2024, a degree-granting institution shall conduct, and a tenured faculty member shall receive:
 - (a) an annual performance review of the tenured faculty member's performance; and
 - (b) a post-tenure review, as described in Subsection (9).
- (8) A president of a degree-granting institution shall ensure that each program or department at the degree-granting institution has policies describing the minimum performance of a tenured faculty member for use in a post-tenure review.
- (9) A post-tenure review shall:
 - (a) be conducted by a committee of:
 - (i) tenured faculty member peers, appointed by the appropriate vice president at the degree-granting institution in consultation with the faculty member's department chair, including at least two individuals appointed from either a different department than the tenured faculty member going through post-tenure review, a different degree-granting institution than the tenured faculty member going through post-tenure review, or both; and
 - (ii) the provost or the provost's designee; and
 - (b) consist of a comprehensive review of the tenured faculty member's performance over the previous five years, including:
 - (i) teaching assessment, including student evaluations, for all courses taught;

- (ii) the quality of the tenured faculty member's scholarly research;
 - (iii) service to the profession, school, or community;
 - (iv) annual performance reviews;
 - (v) intellectual property owned wholly or partly by, or commercialization efforts attributed to, the tenured faculty member;
 - (vi) the tenured faculty member's compliance with the degree granting institution's policies regarding the responsibilities and ethical obligations of faculty members; and
 - (vii) any improvement plans for underperformance
- (10)(a) If, following a post-tenure review, a tenured faculty member is found to not meet the standards established by the degree-granting institution, the degree-granting institution shall create a remediation plan to address deficiencies and a timeline by which the tenured faculty member is expected to address the deficiencies.
- (b) A tenured faculty member who fails to address deficiencies as described in Subsection (9)(a) may be subject to disciplinary action from the degree-granting institution, including dismissal for cause, subject to the appeals process described in Subsection (4)(e).
- (c) In consultation with the board of trustees, a president of a degree-granting institution who does not dismiss a tenured faculty member who fails to address deficiencies as described in Subsection (9)(a) shall justify in writing to the board why the tenured faculty member is not being dismissed.
- (11) A president of a degree-granting institution shall provide an annual report to the board, no later than October 1 of each year, with the following information:
- (a) the number of post-tenure reviews that took place at the degree-granting institution in the previous year;
 - (b) an analysis of scores from post-tenure reviews that took place in the previous year with personal information redacted;

- (c) the number of post-tenure reviews from the previous year that resulted in a remediation plan;
- (d) a qualitative summary of the types of remediation plans created in the previous year, including an average timeline by which tenured faculty members are expected to address deficiencies; and
- (e) a summary of written justifications described in Subsection (9)(c), if any, with personal information redacted.

Policy Owner: Provost and Vice President of Academic Affairs

Policy Steward: Faculty Senate

History:

Approved 05/01/24