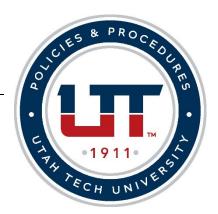
Utah Tech University Policy

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;

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- (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

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- 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;

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- (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;

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- (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

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