University of Kansas School of Law  
Post-Tenure Review Criteria and Procedures
Approved by Faculty, March 25, 2014

General Principles: In accordance with Board of Regents requirements, Article 7, section 4 of the Faculty Senate Rules and Regulations, and the University Policy on Post-tenure Review, the University of Kansas School of Law, hereafter referred to as the Law School, has adopted these expectations and procedures for conducting post-tenure review. Post-tenure review is a process for periodic peer evaluation of faculty performance that provides an opportunity for a long-term assessment of a faculty member’s accomplishments and future directions in the areas of teaching, scholarship, service, and (in the case of library faculty) professional performance.

Post-tenure review must be conducted in a manner that respects the rights of faculty members involved, including academic freedom, tenure, and due process. In addition, all those involved in the evaluation process must recognize that it is a confidential personnel matter and take appropriate steps to protect confidentiality.

Period for Review: Post-tenure review is conducted on a seven-year cycle and covers the seven-year period leading up to the review, including the six prior annual evaluation letters and activities since the last annual evaluation. The cycle is restarted if a faculty member is evaluated for promotion or is awarded a distinguished professorship. Some years may be excluded from the period in accordance with the University policy and the review may be postponed if the faculty member is on leave during the year of review. The dean of the Law School will notify faculty members scheduled for post-tenure review no later than March 15 in the spring semester preceding the academic year of review.

Expectations: All tenured faculty members must meet academic responsibilities in the areas of teaching, scholarship, and service. Unless otherwise specified by the job description or differential allocation of effort, the ordinary allocation of effort for tenured faculty is 40% teaching, 40% scholarship, and 20% service. For library faculty, allocation of effort is specified in the job description and is ordinarily weighted heavily toward professional performance.

The Law School has defined its standards and expectations for teaching, scholarship, and service in its annual evaluation procedures. The expectations for post-tenure review are consistent with these standards, with overall productivity commensurate to the seven-year period under review. In keeping with the special obligations of the Law School to serve the profession, the legal system, and the public, activities may vary considerably among faculty members and an individual faculty member may meet his or her obligations in different ways over time. While the overall expectations remain constant, annual expectations are designed to be flexible and their application in the post-tenure review process must recognize that flexibility.

Review Committee: Post-tenure review is conducted by the Post-tenure Review Committee (hereafter, the committee). The committee shall consist of at least five tenured faculty members but may be expanded if more than five faculty members will be undergoing
review in a given year. If a member of the law library faculty is undergoing review, at least one member of the committee must be a member of the library faculty. In all cases, there shall be an odd number of committee members. The dean will nominate a slate of committee members and the faculty shall, by majority vote and secret ballot, approve or disapprove the entire slate of nominees.

No person may serve on the committee if his or her spouse or partner is scheduled for review. Prior to nominating a committee, the dean should consult with potential nominees and the faculty members who will be under review to determine whether there is a potential conflict of interest. If a faculty member who is undergoing review believes that a member of the committee has a conflict of interest, he or she may object to the inclusion of a member. If the member declines to withdraw, the remaining committee members shall consider the basis for the alleged conflict and decide the matter. If a committee member withdraws or is removed based on a conflict of interest, the dean will name a replacement.

**Preparation of the File:** Review will be conducted on the basis of a file that summarizes a faculty member’s teaching, scholarship, and service. In contrast to evaluation for promotion and tenure, copies of publications and original student evaluations are not required. Also, outside reviews of scholarship should not be submitted.

The faculty member under review should provide a brief narrative statement of his or her accomplishments in teaching, scholarship, and service during the review period as they relate to his or her long-term career path and goals. In addition, the faculty member should submit a current curriculum vitae and a list of additional activities not covered on the curriculum vitae. The dean will furnish copies of the faculty member’s annual evaluation letters for the years during the review period.

Although the file is not intended to reflect the elaborate documentation included in a tenure and promotion dossier, it should include the information necessary to provide an adequate basis for the evaluation of teaching, scholarship, service and (for library faculty) professional performance. A faculty member may include additional information pertinent to the evaluation and the committee may request additional information needed to conduct the evaluation from the faculty member or the dean.

**Evaluation and Report:** The committee will review the file and evaluate the faculty member’s overall performance and his or her contributions in the areas of teaching, scholarship, service and (for library faculty) professional performance. Applying the expectations defined in the Law School’s Faculty Evaluation Plan, the committee will determine whether the faculty member’s performance in each area, as well as his or her overall performance, meets expectations, exceeds expectations, or fails to meet expectations. In making its evaluations, the committee must bear in mind that (1) faculty members have differing responsibilities and make different kinds of contributions to the mission of the Law School and the University; (2) a faculty member’s activities vary over time according to his or her strengths, interests, and career path; and (3) innovative work may take time to reach fruition and may sometimes fail.
The committee will prepare a written report summarizing its evaluation. The report should provide a narrative description of the faculty member’s activities, an explanation of the committee’s ratings, and recommendations or suggestions for acknowledgement of contributions and future development of the faculty member. The committee will provide a copy of the report to the faculty member, who may submit a written response for inclusion in the post-tenure review file before it is forwarded to the dean.

**Consideration by the Dean:** The committee’s report (along with any faculty response) will be provided to the dean. If the dean agrees with the report, he or she will indicate that agreement in writing to the faculty member and place a copy in the file. If the dean disagrees with the committee’s evaluation, he or she shall explain the reasons for any disagreement in writing, with a copy to the faculty member and the committee. The dean may ask the committee to provide additional information or reconsider the review. If the dean disagrees with a positive evaluation by the committee, the faculty member may submit a written response.

The dean will forward a summary of post-tenure review outcomes and copies of the post-tenure review files to the Provost to be placed in the faculty member’s personnel files.

**Relation to Annual Evaluations:** The committee report will be considered as part of the annual evaluation process and the dean will discuss the review with the faculty member in conjunction with that process. This discussion should concentrate on the future professional development of the faculty member with an aim toward enhancing meritorious work and improving less satisfactory performance, including adoption of a performance improvement plan, if necessary. Any action on the review that is within the scope of the Faculty Evaluation Plan must be taken under that Plan.

**Appeals:** If a disagreement between the committee and the dean cannot be resolved or if the faculty member wishes to appeal an evaluation of “fails to meet expectations,” the matter will be handled using the conflict resolution process in the Law School’s Faculty Evaluation Plan.

**Phase In:** During the initial phase-in of the Post-tenure Review Policy, it will be necessary to determine when to review faculty members for whom more than seven years have passed since tenure and promotion or the award of a distinguished professorship. Each year, a minimum of three faculty members in this group will be selected for review, but the dean shall have the discretion to reduce that number to two in any given year. Individual faculty members will be selected for review as follows. First, faculty members may volunteer to be reviewed. If there are not enough volunteers to meet the required minimum, then additional faculty members to undergo review will be selected by lot.