**Background:**

The New College of Florida previously performed reviews for tenured faculty every seven years. These reviews consisted of the faculty members compiling a dossier of their research and publishing activity and letters of recommendation from internal and/or external faculty. The respective college Chairs then write a letter to the Provost Advisory Committee (PAC) recounting the faculty member’s research and/or publishing activities, service to the university, and student evaluation comments. The PAC then sends a letter to the Provost indicating whether the faculty member has performed to the expectations of their respective division.

On March 29, 2023, the Florida State University System (SUS) Board of Governors issued regulation 10.003, Post-Tenure Faculty Review (Regulation). The Regulation requires beginning January 1, 2024, and continuing every three years thereafter, each university must conduct an audit of the comprehensive post-tenure review process for the prior fiscal year and submit a final report to the university’s Board of Trustees by July 1. The auditor must provide the university Board of Trustees with a report that includes the number of tenured faculty in each of the four performance rating categories and findings of non-compliance with the Board of Governors’ regulations. The auditor will present the audit report to the Board of Trustees. If the auditor finds that a university is out of compliance with the Board of Governors’ regulations the auditor must present the report to the Board of Governors at its next regularly scheduled meeting.

Because many of the SUS universities did not have a post-tenure review regulation in place or the review in place significantly differed from the requirements of the new regulation, the Chief Audit Executives of all the universities sent a letter to the Board of Governors Office of the Inspector General essentially indicating an audit of the FY 2023-24 post-tenure review program would be problematic. The Inspector General’s response indicates “We understand that each university will vary in its progress in implementing Regulation 10.003. The Board Office, in consultation with Governor Tim Cerio, Chair of Academic and Student Affairs, recognizes that the first cycle audit reports will reflect this and as such will not require auditors to report issues of non-compliance at a Board of Governors meeting. We do, however, expect that from the audit reports, the Board Office should be able to assess and evaluate each university's compliance or progress in compliance with each aspect of the regulation.”

In cooperation with the spirit of the Inspector General’s determination, the below is a report of the progress made by the New College of Florida as of the report date. Please keep in mind that during the new regulation period, the university has had three different Provosts, or interim provosts, been focused on substantial faculty recruitment efforts, and is required to bargain some of the new regulation requirements with the faculty union. As such, while there are still a number of required review process enhancements still in the process of being implemented, as outlined in this report, I am convinced of the university’s commitment to achieve compliance with the Regulation over the next few months.

**Engagement Objectives:**

The objectives of the audit included:

* + Confirming standards of quality and productivity for tenured faculty in each faculty position level are well established and communicated.
	+ Determine whether tenured faculty members are meeting the standards, responsibilities, and expectations associated with assigned duties in research, teaching, and service, including compliance with state laws, Board of Governors’ regulations, and university regulations and policies.
	+ Confirm post tenure review and promotion documentation supports the performance ratings assigned by the Chair, Provost, and President.
	+ Refocus academic and professional efforts and take appropriate employment action when performance does not meet expectations.
	+ Confirm compliance with the overall requirements of the Board of Governors’ regulation 10.003.

**Scope:**

The scope of the Post Tenure Review audit includes the post-tenured faculty review process applied in the Fiscal year 2022-23 as well as the actions planned and applied in fiscal year 2023-24 to achieve compliance with regulation 10.003.

**Audit Findings**

1. **Frequency of Post-Tenure Review**

Prior to the implementation of Board of Governors Regulation 10.003, Post-Tenure Faculty Review (Regulation), the university’s policy was to conduct a faculty post-tenure review every seven years. However, we noted only four of the nine seven-year post tenure reviews due were performed for the 2022-2023 fiscal year.

In adopting the new Regulation, the new interim Provost intends to complete post-tenure reviews for all full-time faculty who have not received a review in the last five years. However, due to the prior administration’s inadequate record keeping, the date of each faculty member’s latest promotion or post-tenure review is not well documented and/or readily available.

Recommendation: We recommend the university confirm the latest promotion or post-tenure review date for each full-time tenured faculty member to ensure all faculty due for their five-year post-tenure review are included in the cohort.

**Managements Response:**

Post-tenure reviews for all full-time tenured faculty who have not had a review within the last five-years will be completed by October 31, 2024.

1. **Tenured Faculty in Administrative Roles Performance Reviews**

The Regulation requires the performance of tenured faculty in an administrative role to be evaluated annually. When administrative performance reviews were requested, the Offices of the Provost and Human Resources could only produce performance reviews for the period from March 20, 2023 through June 30, 2023. Performance reviews prior to March 20, 2023, could not be located. In addition, the administrative performance reviews for the Chairs for the period from March 20, 2023 through June 30, 2023 contained virtually identical wording for the Areas to Improve section of the

review. The Areas to Improve as identified in the review were to make the Chairs’ workload manageable and see that they are compensated fairly. There were zero recommendations as to how the Chairs could improve management, communication, coaching, compliance, administrative, or relationship performance. All the Chairs received the same “Commendable” rating.

Recommendation: We recommend the Provost perform and retain annual performance reviews for all tenured faculty serving in administrative roles. We further recommend Human Resources receive a copy of those reviews and place them in separate employee specific personnel files in order to be able to recall and produce the reviews when needed to document performance over time and evaluate performance trends. We also recommend the performance reviews include a discussion of the faculty member’s compliance with state laws, Board of Governor regulations, and university regulations; as well as any student complaints involving the faculty member. Tenured faculty performing administrative roles would include the Provost, Deans, Chairs, Provost Office tenured faculty personnel, etc.

**Management Response:**

Effective immediately, the Provost, in consultation with Humana Resources, will perform and retain a copy of all performance reviews for all tenured faculty in administrative roles and provide Human Resources with a copy. Performance reviews will include faculty specific discussions of opportunities for employee improvement and the faculty member’s compliance with state laws, Board of Governor regulations, and university regulations; as well as any student complaints involving the faculty member. The Office of Human Resources will retain tenured faculty performance reviews in an employee specific personnel file for reference as needed.

1. **Post-Tenure Review Timing Exception Approvals**

While extensions of the post-tenure review timing are permissible for extenuating or unforeseen circumstances per the Regulation, exceptions are not disclosed to the President by the Chief Academic Officer (CAO) in writing. In addition, we noted that when faculty do not work full-time every year for both semesters during the review period, there may be inadequate activity to support a meets expectations five-year performance rating, especially when faculty miss an entire year during the five-year period. While extended absences were noted in the post-tenure review summary letters, a meets expectation rating was still assigned even though there was a gap in teaching and service.

Recommendation: We recommend the Chief Academic Officer discuss post-tenure review extensions in their annual report to the President and Board of Directors. The annual report disclosure would include an explanation of the rationale for the extension and the date when the post-tenure review will be conducted. We further recommend that in these instances where the faculty member has experienced extended leave during the five-year review period, either an extension be granted such that a complete five-year period of full employment can be considered in the review, or a performance improvement plan be developed to ensure the faculty member makes-up the leave period workload when appropriate.

**Management Response:**

The Chief Academic Officer will discuss post-tenure review extensions granted in their annual post-tenure review report to the President and consider the extent to which five-years of full-time work was performed in the post-tenure review rating.

1. **Post-Tenure Review Content**

While the present post-tenure review program includes faculty research, teaching, and service accomplishments, the review does not include:

1. Quantifiable university, college, department criteria to support the consistent awarding of each performance rating,
2. A discussion of the faculty member’s compliance with university and Board of Governor regulations, state laws and Federal regulations,
3. A discussion of absenteeism,
4. A discussion of student complaints,
5. An independently written letter by the Provost or Chief Academic Officer assessing the faculty member’s achievements and level of contribution to the university’s mission during the five-year review period and recommended performance rating, with a performance improvement plan when the rating is does not meet expectations.

Recommendation: We recommend the post-tenure review program include quantifiable performance metrics, as well as discussions of faculty compliance with established policies, regulations and laws, absenteeism, student complaints, and a Provost or Chief Academic Officer recommended rating using the following scale as referenced in the Regulation:

* + Exceeds expectations: a clear and significant level of accomplishment beyond the average performance of faculty across the faculty member’s discipline and unit.
	+ Meets expectations: expected level of accomplishment compared to faculty across the faculty member’s discipline and unit.
	+ Does not meet expectations: performance falls below the normal range of annual variation in performance compared to faculty across the faculty member’s discipline and unit but is capable of improvement.
	+ Unsatisfactory: failure to meet expectations that reflect disregard or failure to follow previous advice or other efforts to provide correction or assistance, or performance involves incompetence or misconduct as defined in applicable university regulations and policies.

**Management Response:**

The university will work with the faculty to develop quantifiable performance metrics for the FY 2023-2024 reviews. Post-tenure reviews will include faculty member compliance with policies, regulations and laws as well as absenteeism, student commentary, and one of the performance ratings required in the Regulation.

1. **Post-Tenure Review Record Retention**

When requesting prior post-tenure review records, neither the Office of the Provost nor the college Chairs could locate the latest review or promotion documentation for four of the faculty members. In some instances, the latest review packet had been disassembled to create an upcoming promotion packet. When the office of Human Resources was asked about the latest post-tenure review documentation, we were informed the prior Provost and Chairs completely excluded Human Resources from the process and did not provide a complete set of review documentation for inclusion in the faculty member’s personnel file.

Recommendation: We recommend all completed post-tenure review documentation be retained by the Office of the Provost and a complete copy be provided to the Human Resources department for inclusion in the faculty member’s personnel file. In addition, we recommend the Office of Human Resources be included in the post-tenure review and promotion processes in order to ensure any history of personnel or compliance related issues are included in the post-tenure review as required by the Regulation.

**Management Response:**

Effective immediately, the Office of Human Resources will receive and maintain a complete documentation packet for all post-tenure reviews.

1. **Post-Tenure Review Faculty Letters of Recommendation**

In our study of available post-tenure review documentation, we noted instances where faculty members would write favorable letters of recommendation for one another. While it is beneficial for faculty members to provide input on the success of their peers, there is an appearance of a conflict of interest when faculty members exchange favorable reviews for one another.

Recommendation: We recommend favorable letters from faculty members who have just received a favorable letter from the same faculty member be noted as such by the reviewer and considered only as secondary support for performance evaluation.

**Management Response:**

Commencing with the FY 2023-2024 review period, the CAO will consider the merits of utilizing internal letters of recommendation from faculty recommending one another.

1. **Chief Academic Officer Report**

In accordance with the Regulation, CAO plans to develop a report which presents the President and Board of Trustees with an overview of the outcomes of the post-tenure reviews for each annual review.

Recommendation: We recommend the CAO’s post-tenure review report include the number of faculty in each performance rating category and the university’s response in those instances where the faculty member’s rating does not meet expectations or is unsatisfactory.

**Management Response:**

Commencing with the FY 2023-2024 review period, the CAO will prepare an annual post-tenure review report for the President and Board of Trustees in accordance with the Regulation.

1. **Teaching Excellence Support**

We noted that when assessing teaching excellence, there was often limited support available to document the rationale for the conclusion. The determination of excellence often relied upon a handful of student evaluations. When faculty experienced declining student enrollment in their class offerings, the decline was attributed to the university’s declining student enrollment rather than a reflection on the faculty member’s ability to attract and retain students.

Recommendation: The November 21, 2023 Internal Audit Report on Instructional Evaluations highlighted a need for the university to increase the student response rates. However, while student instructional evaluations provide valuable insight into each faculty members teaching proficiency and style, we recommend the CAO consider the addition of other quantitative metrics such as student enrollment trends to support the evaluation of faculty teaching excellence.

**Management Response:**

The CAO will support the effort to increase student instructional evaluation response rate and develop other measures to evaluate faculty teaching proficiency and success for the FY 2024-2025 review period.

1. **Distribution of FY 2023-24 Review Ratings**

The following Post-Tenure Review performance ratings were assigned by the respective college chairs or the Provost’s Advisory Committee (PAC) during the FY 2022-23 promotion and/or tenure reviews.

Exceed expectations – 1

Meets expectations – 2\*

Does not meet expectations – 1\*\*

\*Note: In those instances when the faculty member was recommended for promotion, a post-tenure review rating of meets expectation was assumed.

\*\*Note: A does not meet expectations performance rating requires a performance plan be developed to improve performance. A plan was not on file for the faculty member assigned below expectations rating.

Recommendation: We recommend a performance plan be developed for all tenured faculty members who previously received a does not meet expectations rating.

**Management Response:**

The Provost will develop a performance improvement plan for all faculty who received a does not meet expectations performance rating by August 30, 2024.

The audit was conducted in accordance with the Standards of the Institute of Internal Auditors.

Respectfully,

Alexander G. Tzoumas, CIA, CRMA, CISA, CFE, CDPSE

Chief Audit Executive and Chief Compliance Officer