

A Performance Audit of

Tenured Faculty in Higher Education

A Case for Improved Accountability

Office of the Legislative
Auditor General

Report to the UTAH LEGISLATURE







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October 20, 2026

TO: THE UTAH STATE LEGISLATURE

Transmitted herewith is our report:

“A Performance Audit of Tenured Faculty in Higher Education”
[Report #2026-31]

An audit summary is found at the front of the report. The scope and objectives of the audit are included in the audit summary. In addition, each chapter has a corresponding chapter summary found at its beginning.

[Utah Code 36-12-15.3\(2\)](#) requires the Office of the Legislative Auditor General to designate an audited entity’s chief officer. Therefore, the designated chief officer for the Utah System of Higher Education is Geoffrey Landward. Commissioner Landward has been notified that he must comply with the audit response and reporting requirements as outlined in this section of *Utah Code*.

We will be happy to meet with appropriate legislative committees, individual legislators, and other state officials to discuss any item contained in the report in order to facilitate the implementation of the recommendations.

Sincerely,

Kade R. Minchey, CIA, CFE

Auditor General

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AUDIT

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***Audit. Lead. Achieve.** These principles reflect both what we do and how we do it. We believe every organization can improve, and we can help. Our goal is to provide decision-makers with actionable information that supports continuous improvement, informed governance, and long-term success. To meet this goal, our findings must be objective, independent, and grounded in evidence. We design recommendations to be constructive, practical, and focused on helping organizations build upon their strengths. Our audits are designed to help policymakers better serve the people of Utah.*

What the Utah Higher Education System Is Doing Well

This audit identified several strengths of the faculty and administration from USHE's eight degree-granting institutions. Most institutions promptly responded to new legislative requirements regarding performance reviews of tenured faculty. Several institutions reported that the law caused them to strengthen their review processes – and we found evidence to support that. We found many outstanding faculty who make a high impact within USHE institutions. As we examined review files across the system, we also found many instances of excellent teaching. Appendix B of this report contains examples of the profoundly meaningful role that many professors play in supporting students' academic and professional success.

How This Report Supports Improvement

While legislation prompted progress, USHE institutions still struggle to correct instances where a tenured professor is a persistently poor teacher. The root cause is that the traditional structure of faculty supervisory positions discourages faculty accountability. As noted in Appendix A, performance reviews sometimes ignore clear evidence of poor teaching. In other cases, the reviews identify the problem but do not take corrective action. Extensive interviews with department leaders revealed that misaligned incentives, coupled with limited time, training, and authority, hinder their effectiveness. Our findings and recommendations are designed to strengthen the leadership model and promote better alignment between the system's strategic goals and faculty performance. We believe these recommendations can build upon existing strengths and contribute to better outcomes for students and institutions.

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PERFORMANCE AUDIT

AUDIT REQUEST

This audit operates under *Utah Code* 36-12-15.4, which directs OLAG to identify areas where the Utah System of Higher Education can enhance performance. In this audit, we evaluated how USHE institutions implemented new legislative requirements for post-tenure performance reviews.

BACKGROUND

Our audit methodology included over 120 interviews with administrators, deans, and department chairs from the degree-granting institutions. We also examined materials from 666 performance reviews of tenured professors.

Persistently underperforming faculty negatively impact Utah students because the prevailing department leadership model does not adequately address underperformance. Department chairs are not positioned to effectively lead their academic units.

TENURED FACULTY IN HIGHER EDUCATION



KEY FINDINGS

- ✓ 1.1 The Traditional Structure of Faculty Supervisory Positions Discourages Faculty Accountability
- ✓ 1.2 Department Chairs Are Generally Not Held Responsible for Their Performance as Leaders
- ✓ 2.1 Burdensome Administrative Processes Hinder Some Institutions from Holding Faculty Accountable
- ✓ 2.2 Remediation Plans Issued for Faculty Underperformance Increased after Legislative Action



KEY RECOMMENDATIONS

- ✓ 1.1 We recommend that the Board of Higher Education formally strengthen the supervisory role of academic department leaders across institutions to ensure they can effectively oversee faculty performance, address deficiencies, and promote continuous improvement.
- ✓ 1.2 We recommend that the Board of Higher Education redefine department chair roles across institutions to position department chairs primarily as academic leaders, rather than faculty members with secondary leadership responsibilities.
- ✓ 1.3 We recommend that the Board of Higher Education revise academic department leader selection processes across institutions to prioritize leadership capability and establish that chairs are appointed by, and are accountable to, institutional leadership for department performance.
- ✓ 2.1 We recommend that the Legislature consider whether the minimum due process for removing tenured faculty as specified in *Utah Code* is excessive.

 **REPORT
SUMMARY**

Students Are Negatively Impacted When Faculty Are Not Held Accountable

Deans and department chairs described how much damage a single poor performer can inflict on a department when persistent underperformance is not corrected.

Poor instruction can contribute to students abandoning majors and academic programs, including in high-demand fields Utah needs. Even when students persisted through a course with poor instruction, they report being unprepared to succeed in their field.

Students also reported avoiding or withdrawing from courses taught by these faculty and having to repeat courses due to inadequate instruction, potentially delaying graduation.

Some Institutions Paid Tenured Faculty to Leave Rather Than Navigate Burdensome Termination Processes

Aspects of the current tenure framework can shield faculty from accountability for persistent underperformance or misconduct. Leaders have instead used workarounds such as separation payments to persuade underperforming faculty to leave.

For example, one professor repeatedly used a university purchasing card for personal expenses and then received a \$175,000 separation payment. Another professor's repeated hostility toward colleagues resulted in a ban from certain campus buildings. The case was resolved by paying the professor a semester's salary and a \$34,000 lump-sum payment in exchange for leaving.

The Traditional Structure of Faculty Supervisory Positions Discourages Faculty Accountability

Department chairs are responsible for evaluating their faculty but are not positioned to effectively lead their academic units. As a result, the leaders most aware of faculty performance issues are disincentivized from holding faculty accountable for their performance.

Structural Barriers Limit Chairs' Ability to Hold Faculty Accountable

67%

of Interviews with Department Chairs

contained an explicit concern about the chair role's design, authority, workload, incentives, or training.

Workload / Capacity

37%

Incentives

37%

Inadequate Training

30%

Structure / Authority

37%

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BACKGROUND

Persistently underperforming faculty continue to negatively impact Utah students because the prevailing department leadership model does not adequately address underperformance. Department chairs are responsible for evaluating their faculty but are not positioned to effectively lead their academic units. As a result, the leaders most aware of faculty performance issues are disincentivized from holding faculty accountable for their performance.

FINDING 1.1 The Traditional Structure of Faculty Supervisory Positions Discourages Faculty Accountability

RECOMMENDATION 1.1

We recommend that the Board of Higher Education formally strengthen the supervisory role of academic department leaders across institutions to ensure they can effectively oversee faculty performance, address deficiencies, and promote continuous improvement. Clear authority and accountability at the department level are essential to maintaining high standards of instruction and faculty effectiveness. Strengthening this oversight should help institutions better fulfill their educational missions by improving teaching quality, enhancing student learning, and supporting stronger student outcomes.

RECOMMENDATION 1.2

We recommend that the Board of Higher Education redefine department chair roles across institutions to position department chairs primarily as academic leaders, rather than faculty members with secondary leadership responsibilities. Institutions should ensure that chairs have the time and support needed to carry out their leadership and supervisory responsibilities. This should enable chairs to provide stronger leadership and oversight within their departments.

RECOMMENDATION 1.3

We recommend that the Board of Higher Education revise academic department leader selection processes across institutions to prioritize leadership capability and establish that chairs are appointed by, and are accountable to, institutional leadership for department performance. This will align the role's incentives and expectations with its supervisory responsibilities.

FINDING 1.2 Department Chairs Are Generally Not Held Responsible for Their Performance as Leaders

RECOMMENDATION 1.4

We recommend that the Board of Higher Education require institutional leadership set and evaluate department chair performance using specific metrics. These metrics should be specific, actionable, and aligned with the institution's mission, as well as with the Utah System of Higher Education's updated performance incentive metrics outlined in Utah Code. Chairs should easily understand what metrics they are being held accountable for in their supervision of the faculty. These metrics will better align chairs' incentives with their responsibility to supervise and manage faculty performance.



CONCLUSION

Institutions must empower department chairs to fully lead their academic units and hold them accountable for performance. A department leader should have sufficient time, clear authority, training, protection, and incentives for effective leadership. Without those conditions, post-tenure reviews will remain less effective, and students will continue to receive lower quality instruction.





Chapter 1

Current Oversight Structure of Tenured Faculty Does Not Adequately Ensure Accountability

1.1 The Traditional Structure of Faculty Supervisory Positions Discourages Faculty Accountability

Persistently underperforming faculty continue to negatively impact Utah students because the prevailing department leadership model does not adequately address underperformance. Department chairs are responsible for evaluating their faculty but are not positioned to effectively lead their academic units. As a result, the leaders most aware of faculty performance issues are disincentivized from holding faculty accountable for their performance.

We believe most faculty and academic leaders sincerely work to improve student outcomes. But in cases where problems arise, the leadership model in most institutions struggles to correct poor performance.

The *Utah Constitution* grants the authority and responsibility for governing the state's higher education system to the Legislature.¹ The Legislature backs that authority with significant resources, appropriating over \$1.5 billion to its institutions in 2025 alone. The institutions, in turn, are responsible for correcting performance deficiencies in tenured faculty when they arise. We have found they are not reliably doing so. The root cause is an inadequately designed structure for supervising tenured faculty. We recommend correction.

Institutions must empower department chairs to fully lead their academic units and hold them accountable for performance. A department leader should have sufficient time, clear authority, training, protection, and incentives for effective leadership. Without those conditions, post-tenure reviews will remain less effective, and students will continue to receive lower quality instruction.

¹ As part of fulfilling these responsibilities, the Legislature has directed the Legislative Auditor General in *Utah Code* to review and monitor the system of higher education and its institutions for areas of high risk.



Students Can Receive Poor Instruction When Ineffective Faculty Are Not Held Accountable

Failing to enforce faculty standards has direct consequences for Utah students. When department leaders do not correct or hold accountable underperforming faculty, students experience persistently poor instruction and limited academic support. Our audit methodology included over 120 interviews with administrators, deans, and department chairs at each degree-granting institution. We also examined materials from 666 scheduled performance reviews from the eight degree-granting institutions.

Across the system, eight tenured faculty were required to undergo remediation to improve performance. We identified numerous other cases in which faculty with concerning teaching deficiencies were ultimately rated as meeting expectations or satisfactory.² In several instances, reviewers described faculty performance as below the required standard and yet still assigned passing ratings anyway. These cases indicate that final evaluation outcomes are not consistently reflecting documented concerns.



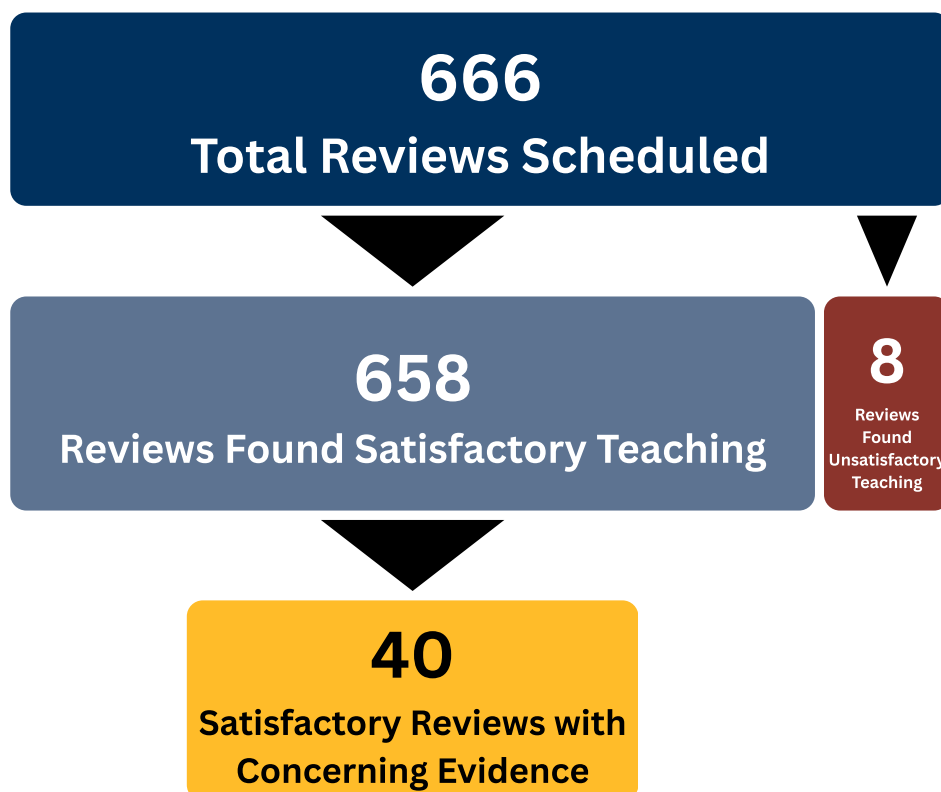
When department leaders do not correct or hold accountable underperforming faculty, students experience persistently poor instruction.

² *Utah Code* requires each tenured faculty member to undergo a formal review every five years. The single year we examined likely represents a portion of tenured faculty systemwide.



Figure 1.1 Many Cases of Underperforming Teaching Were Rated as Acceptable.

Of the 666 scheduled performance reviews of tenured faculty, only 8 reviews concluded that teaching performance needed improvement (excluding USU due to non-compliance with HB438). However, we selected 40 cases in which teaching was rated satisfactory despite evidence of poor teaching, indicating that performance reviews either ignored or did not detect many instances of poor teaching. These 40 cases are not intended to be exhaustive but instead illustrate the types of issues identified.



Source: Auditor generated from institutions' post-tenure review files.

To demonstrate the scope of this issue, Appendix A demonstrates 40 anonymized examples across institutions within the Utah System of Higher Education (USHE) where evidence of poor performance did not result in meaningful accountability. We also spotlight several of these throughout the audit.

The consequences resulting from these cases of poor teaching are significant. Students reported avoiding or withdrawing from courses taught by the faculty in some of the 40 cases we identified. Among these cases were faculty assigned to teach required classes that some students reported having to repeat, in one example, potentially delaying graduation. These challenges can be particularly prominent in fields such as science and engineering, possibly contributing to students abandoning fields that Utah is in high demand of.



Post-Tenure Review Files: Student Feedback Dismissed



Some faculty dismiss or outright ignore student input. In one post-tenure review at a teaching institution, a tenured faculty member seeking promotion to full professor had an extensive history of poor student evaluations. The professor partially attributed the low scores to the boring nature of the subject taught. The review committee admonished it was the professor's responsibility to make their courses engaging regardless of what they taught. The promotion to full professor was approved anyway.

Post-Tenure Review Files: Student Feedback Ignored

At another teaching institution, a professor undergoing post-tenure review was asked to reflect on their recent course evaluations. Their response said: "I have no answer to this. I haven't looked at student evaluations for some time." The institution approved their post-tenure review anyway.



We also identified exemplary faculty who are transformational for Utah students. We present these examples in Appendix B.

We believe most tenured faculty are sincerely interested in student feedback and continually work to improve. In our examination of each institution's review files, we also identified exemplary faculty who are transformational for Utah students. We present examples of these faculty in Appendix B. But deans and department chairs described how much damage a single

poor performer can inflict on an entire department. One chair alerted administration that a toxic, chronically absent faculty member had put the whole department "in crisis." The chair noted it took courage to speak up about the problem because they had already been asked to "back off." Another chair recounted that alumni who loved the program refused to recommend it to others because of a single poor-performing tenured faculty member. Finally, students at another university commented that the reputation of the entire university was declining because of a notoriously poor professor.

Department Chair Incentives Are Misaligned and Not Structured to Hold Faculty Accountable

Chairs typically serve as temporary leaders and are selected based on faculty input. This differs from a professionalized model where management appoints supervisors who serve indefinitely. Chairs are given responsibility for evaluating and supervising the performance of their peers but are thwarted by



both structural and cultural barriers. Many department chairs in USHE institutions are not given adequate protection and authority to perform their responsibilities to supervise faculty. These factors result in poor faculty performance, particularly inadequate teaching, remaining unaddressed and underreported.



Across government, supervisors are expected to play a central role in managing employee performance by monitoring, providing feedback, and addressing deficiencies.

Across government, managing employee performance is generally a central supervisory responsibility. Supervisors typically set expectations, monitor performance, provide feedback, and intervene when performance falls short of established standards.

During our audit process, we met with department chairs from each degree granting institution. While department chair roles can vary across USHE institutions, common structural features create consistent disincentives for holding faculty accountable. About two-thirds of chairs we met with explicitly

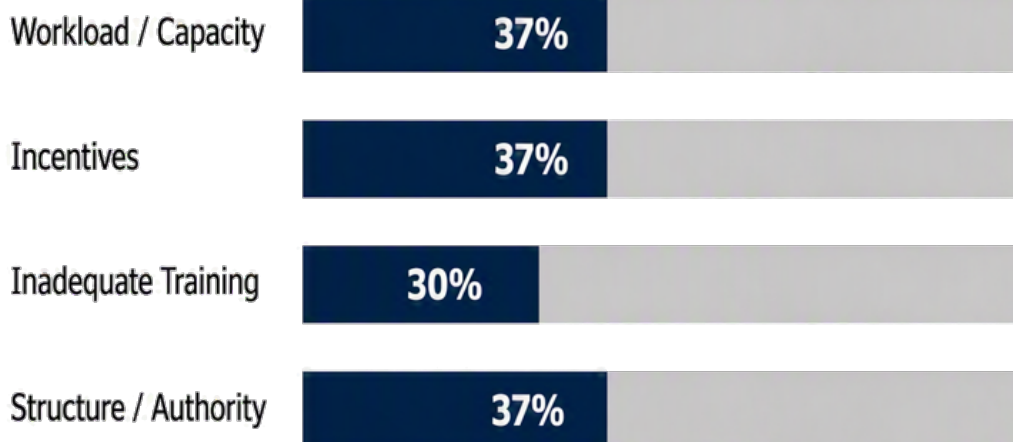
expressed concern about their roles' structure, authority, workload, incentives, or training.

Structural Barriers Limit Chairs' Ability to Hold Faculty Accountable

67%

of Interviews with Department Chairs

contained an explicit concern about the chair role's design, authority, workload, incentives, or training.



Source: Auditor interviews with department chairs throughout USHE institutions.



From these interviews and other audit evidence we analyzed, we identified recurring themes across institutions that limit effective accountability at the department level. These shared traits affect how chairs work and discourage them from confronting poor performance.

The Rotating Chair Model Undermines Faculty Accountability. Department chairs in USHE institutions are often selected through a rotational model where faculty temporarily serve as leader and, after their term, return as regular faculty. This creates structural disincentives that discourage chairs from addressing faculty underperformance. Some chairs expressed reluctance to act against colleagues they will later work alongside when their term is over. This reluctance may be heightened among junior faculty whose continued employment, relationships, or future promotions depend on maintaining support of influential senior faculty.

Post-Tenure Review Files: Performance Issues Left for Successor

At one university, a poor performing faculty member was inaccurately rated as meeting expectations for years until a new faculty member was appointed chair. Only then was that faculty member issued an improvement plan for their chronic underperformance.



Interviews with Leaders: The Influence of Senior Faculty



A junior faculty member serving as department chair shared that a senior faculty member's teaching quality was declining but that they could never tell that person to improve or issue an improvement plan. The chair said it would "be crazy to do because of that person's [power] in the department."



Addressing faculty underperformance often requires sustained effort that can extend beyond a chair's time in the role.

How chairs are selected reinforces these disincentives. Chairs in several USHE institutions are selected through processes that rely heavily on faculty input or election, which influences how they perform.

This reliance on faculty support discourages chairs from addressing faculty underperformance and other issues that strain relationships. Several leaders explained that the demands of the role sometimes result in very few faculty who are willing to accept the position at all. One chair reported that their dean urged them to stay well past their term's completion to prevent other less desirable faculty from assuming the role. All of this leaves departments with significantly weaker oversight.



Chairs commonly serve three-year terms, and the short duration can compound these problems. Addressing faculty underperformance often requires sustained effort that can extend beyond a chair's time in the role. The lack of continuity contributes to situations where chairs identify but do not resolve performance concerns.

Chairs also receive minimal preparation for the role. At some USHE institutions, newly appointed chairs receive little formal training, sometimes relying instead on informal guidance from a predecessor (if available) or experienced chairs in other departments. When training does occur, it often focuses on administrative details like budgets and scheduling rather than the leadership and people-management skills the role demands. Some report that this leaves them unprepared for difficult conversations about performance altogether.

Chairs Are Expected to Perform Most Faculty Responsibilities While Also Serving as the Department Leader. A consistent theme across institutions was that chairs had insufficient time to adequately perform both responsibilities of being a faculty member with teaching and research duties and managing the department as the chair. Some institutions release chairs from only 25% of their usual faculty workload to lead the department. When chairs are faculty first and supervisors second, they may neglect the harder, time-intensive leadership responsibilities that drive accountability. This constraint is especially pronounced for lower-ranked chairs, who must prioritize their own teaching and research performance for future promotion or tenure.

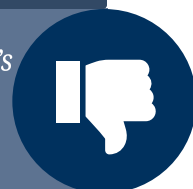
Post-Tenure Review Files: Chair Service Slowed Research



At one university, a professor failed their post-tenure review after serving as department chair because they couldn't recover momentum towards their research agenda. While the committee noted "how difficult research can be while taking on the responsibility of such a leadership position" they nevertheless implemented a remediation plan.

Post-Tenure Review Files: Chair Service Harmed Teaching

In another case, a post-tenure review committee excused a faculty member's poor student evaluations as resulting from that professor also serving as department chair.

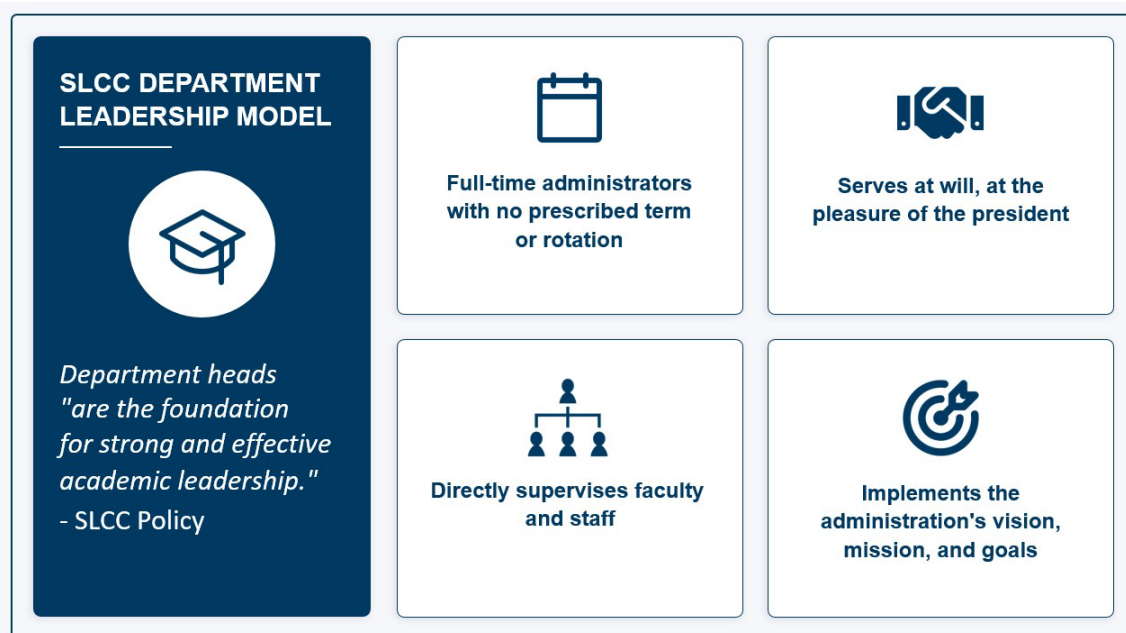


USHE Should Research and Adopt a New Governance Structure for Faculty Oversight and Accountability

Each institution decides how to structure its department chair positions, and that structure is a policy choice. Higher education institutions across the United States vary in how they define the role. One model consists of department chairs as full-time leaders who are responsible for the overall performance of their department. Most USHE institutions instead rely on the temporary, rotational model described above. Salt Lake Community College (SLCC) is a notable exception. They use a permanent, non-rotational model for its first-line department supervisors,³ whose role differs in several critical ways:



Salt Lake Community College uses a permanent, non-rotational model for its department supervisors, whose role differs in several critical ways.



Department leadership is given the mandate to “provide leadership, support and supervision” for faculty and to coordinate faculty “in endeavors to achieve the College’s mission and strategic plan.” Administrators and leaders at SLCC describe a “mentality shift” that comes from being held accountable as a leader for the student outcomes in their unit. Our review of SLCC's documentation found higher levels of accountability than at other USHE institutions. For

³ Although SLCC uses a different title, these leaders perform the same function as department chairs.



To better support USHE's mission, the Board of Higher Education must revise how USHE institutions lead and administer departments.

example, one department head terminated a tenured faculty member for consistently being late for class despite repeated warnings. Another terminated a tenured faculty member for repeatedly failing to give students timely feedback and grades. Some USHE institutions with weaker chair models were more tolerant of these problems among tenured faculty. A large public university in another state reported similar observations. That university allows deans to choose between a rotating chair model and a non-rotating department head model. A senior academic administrator indicated that the non-rotating model results in greater accountability for underperforming faculty.

Department Leaders Need Support from the Academic Leaders to Whom They Report. In some cases, deans or provosts resisted a department's efforts to improve a professor's performance and hold that professor accountable. As USHE revises the department chair role, we recommend that it also strengthen deans' and provosts' roles and responsibilities for improving the performance of tenured faculty. These more senior leaders should directly evaluate productivity metrics, recognizing that the department leaders' incentives for holding a colleague accountable are sometimes misaligned. Senior leaders should recognize when a chair's close professional relationship with the faculty member may create competing incentives. They should also closely examine productivity metrics and, when the evidence warrants, overturn a favorable rating given at the department level.

USHE's vision statement is to ensure that "Utah is an innovative global leader in providing world-class higher education...." To better support USHE's mission, the Board of Higher Education must revise how USHE institutions lead and administer departments.⁴

⁴ We recognize that, for some institutions, changes to the department leadership model may require teaching workload reallocation or additional resources.



RECOMMENDATION 1.1

We recommend that the Board of Higher Education formally strengthen the supervisory role of academic department leaders across institutions to ensure they can effectively oversee faculty performance, address deficiencies, and promote continuous improvement. Clear authority and accountability at the department level are essential to maintaining high standards of instruction and faculty effectiveness. Strengthening this oversight should help institutions better fulfill their educational missions by improving teaching quality, enhancing student learning, and supporting stronger student outcomes.

RECOMMENDATION 1.2

We recommend that the Board of Higher Education redefine department chair roles across institutions to position department chairs primarily as academic leaders, rather than faculty members with secondary leadership responsibilities. Institutions should ensure that chairs have the time and support needed to carry out their leadership and supervisory responsibilities. This should enable chairs to provide stronger leadership and oversight within their departments.

RECOMMENDATION 1.3

We recommend that the Board of Higher Education revise academic department leader selection processes across institutions to prioritize leadership capability and establish that chairs are appointed by, and are accountable to, institutional leadership for department performance. This will align the role's incentives and expectations with its supervisory responsibilities.



1.2 Department Chairs Are Generally Not Held Responsible for Their Performance as Leaders

The Legislature has recently empowered presidents and boards of trustees to direct their institutions' strategy and policy. Yet department chairs frequently remain evaluated under a traditional model of shared governance, in which they are often more accountable to the faculty they supervise than to metrics aligned with the university's mission. This faculty-facing accountability is a holdover that the recent shift in institutional authority has not yet reached. As a result, chairs have little incentive to ensure quality teaching and face no penalty for tolerating poor performers.

While USHE has set a vision, goals, and metrics, some departments have no comparable criteria. Instead, the chair's performance is often judged by whether faculty support their reappointment. As a result, chairs can be more accountable to the faculty they supervise than to the dean they report to, creating a disincentive to address faculty performance problems.



Given the challenges department chairs face, institutions rarely hold them accountable for specific measures of department or student performance.

Under the chair model, department leaders hold little authority over the colleagues they are supposed to supervise, and their short terms can leave too little time to accomplish lasting change. Chairs are generally not rewarded based on how they manage faculty performance. USHE should therefore restructure



Accountability and expectations frequently stop at the department level when the department leader lacks the time, authority, incentives, protection, and training.

the chair's role (as discussed in Finding 1.1) and then identify and set specific evaluation metrics for department leaders.

Effective governance and leadership require long-term strategic thinking and relevant, actionable metrics to gauge performance. Yet accountability and expectations frequently stop at the department level because of the rotating chair model. This creates a governance gap that hinders the entire institution's ability to progress toward its goals.



The former dean in a major state university system and an expert in higher education leadership argued that department leaders serve as the critical link between institutional priorities and practical implementation.

"In the current system, while top administrators and senior faculty members discuss and negotiate policy and plans for action, department chairs and faculty members are those who are responsible for doing that work. But even though administrators and senior faculty members may pass down policy changes to academic departments, chairs are not prepared, empowered or incentivized to be change agents.

The role of a department chair is often mainly viewed by both the person in the job and their colleagues as a placeholder—someone who fills the role temporarily until they return to the safety of their faculty position. And while shiny new presidential hires and "transformational plans" may be good for image management, significant institutional change is unlikely as long as chairs do not have the commitment, preparation, authority, responsibility and incentives to do the job."

- **Don Chu, Former dean**
California State University – San Marcos & University of West Florida

We believe that without effective department leadership, departments struggle to support institutional goals. We note that during our audit we saw capable, committed leaders serving as chairs and working to correct poor performance. But these leaders succeed despite a system riddled with incentives to instead act in their own self-interest and merely "suffice" in the role instead of moving institution and system goals forward.

The Legislature has made presidents and boards of trustees accountable for advancing USHE's strategic mission at their institutions. In the most recent general session, the Legislature also created new performance incentives tailored to each institution's role. These include the following:

- Timely degree completion
- Number of degrees awarded per full-time equivalent student
- Total research dollars expended (research universities only)
- Students completing 30+ credits (regional and community colleges only)

With their strengthened role, institutions should hold department leaders to higher standards of accountability, align those standards with institutional roles, and use those standards to evaluate performance. Institution leadership should set appropriate metrics by which to evaluate department performance. These metrics should align with the institution's role and the specific performance



metrics from the Legislature. Because all institutions are responsible for undergraduate teaching, we believe these metrics should include student outcomes as well.

RECOMMENDATION 1.4

We recommend that the Board of Higher Education require institutional leadership set and evaluate department chair performance using specific metrics. These metrics should be specific, actionable, and aligned with the institution's mission, as well as with the Utah System of Higher Education's updated performance incentive metrics outlined in *Utah Code*. Chairs should easily understand what metrics they are being held accountable for in their supervision of the faculty. These metrics will better align chairs' incentives with their responsibility to supervise and manage faculty performance.





BACKGROUND

The Legislature's adoption of minimum post-tenure review requirements, combined with implementation efforts by USHE institutions, has strengthened accountability for tenured faculty. Despite these improvements, significant gaps remain. Some institutions continue to avoid formal disciplinary processes because they are difficult to navigate. Inconsistencies in how post-tenure reviews are conducted can allow documented performance deficiencies to go unaddressed. These issues limit the effectiveness of post-tenure reviews as an accountability tool and highlight opportunities for the Legislature, USHE, and institutions to strengthen the review process.

FINDING 2.1 Burdensome Administrative Processes Hinder Some Institutions from Holding Faculty Accountable

RECOMMENDATION 2.1

We recommend that the Legislature consider whether the minimum due process for removing tenured faculty as specified in Utah Code is excessive. Streamlining this process could increase institutions' willingness to address underperforming faculty.

RECOMMENDATION 2.2

We recommend that the Legislature or the Board of Higher Education consider requiring institutions' due process standards not exceed those specified in Utah Code for dismissing tenured faculty. This would reduce administrative workload to meaningfully hold chronically underperforming faculty accountable.

RECOMMENDATION 2.3

We recommend that the Legislature or the Board of Higher Education consider clarifying that the materials listed in Utah Code 53H-3-406(9)(b) are required and cannot be omitted. This could help distinguish between suggested and mandatory elements.

RECOMMENDATION 2.4

We recommend that the Legislature or the Board of Higher Education consider specifying a maximum time limit for when performance is expected to improve following the issuance of a remediation plan. This could reduce the occurrence of extensive or non-specified timelines for inadequate performance to improve.

FINDING 2.2 Remediation Plans Issued for Faculty Underperformance Increased After Legislative Action

RECOMMENDATION 2.5

We recommend Utah State University implement a post-tenure review system that complies with Utah Code. This system should effectively implement remediation plans with a timeline for follow-up reviews to demonstrate improvement. Faculty persistently not meeting expectations should be sanctioned as a result of these reviews.



CONCLUSION

These issues limit the effectiveness of post-tenure reviews as an accountability tool and highlight opportunities for the Legislature, USHE, and institutions to strengthen the review process.





Chapter 2

Legislative Action Could Strengthen the Effectiveness of Post-Tenure Reviews

The Legislature's adoption of minimum post-tenure review requirements, combined with USHE institutions' implementation efforts has strengthened accountability for tenured faculty. Despite these improvements, significant gaps remain. Some institutions continue to avoid formal disciplinary processes because they are difficult to navigate. Inconsistencies in how institutions conduct post-tenure reviews can allow documented performance deficiencies to continue. These issues limit the effectiveness of post-tenure reviews as an accountability tool and highlight opportunities for the Legislature, USHE, and institutions to strengthen the review process.

2.1 Burdensome Administrative Processes Hinder Some Institutions from Holding Faculty Accountable

Tenure serves important purposes in Utah's higher education system, including supporting academic freedom and helping institutions attract and retain qualified faculty. However, aspects of the current tenure framework can shield faculty from meaningful accountability for persistent underperformance or conduct issues, to the detriment of students. University administrators report that the process to discipline tenured faculty is frequently cumbersome and complex due to the legal risks inherent in disciplining faculty with tenure status.⁵ This discourages leaders from taking corrective action and leaves some chronically underperforming faculty in the classroom. Leaders have instead used workarounds to avoid formally disciplining faculty as statute requires. For example, institutions have used separation payments or early retirement agreements to persuade underperforming faculty to leave.

⁵ These risks are significant enough that USHE's policy states that any potential discipline towards a tenured or tenure-track faculty member should first be checked with the institution's legal counsel.

Some Institutions Paid Tenured Faculty to Leave Rather Than Navigate Burdensome Termination Processes



Source: Auditor Generated.

Administrators at multiple institutions explained that separation agreements are used because the established discipline processes are lengthy and difficult to navigate. We found several examples of institutions avoiding these processes by entering into separation agreements with tenured faculty members. We present three examples of these types of agreements.

Separation Agreement: Misuse of Purchasing Card



In 2024, a tenured faculty member was found to have intentionally and repeatedly misused a university purchasing card for personal expenses totaling thousands of dollars. Instead of disciplining the professor, the institution entered into a separation agreement with the employee to avoid the discipline process. They agreed to pay the offending employee \$175,000, provide a letter of reference from the provost, and entered into a non-disclosure agreement to prevent the institution from discussing the case and the circumstances that led to the agreement.

Separation Agreement: Abusive Conduct

One tenured faculty member was formally reprimanded for repeatedly being unprofessional and causing colleagues to feel unsafe. The institution banned the faculty member from entering certain buildings on campus as a result. The behavior did not improve over time, and, instead of disciplining the faculty member, in 2025 the institution offered compensation through a separation agreement in exchange for them to leave. They would be paid an additional semester's salary plus a lump sum of over \$34,000 so long as they would not enter university property again and agreed to not sue the institution.



Separation Agreement: Side-Stepping Formal Discipline Process



While going through the discipline process for a tenured professor, one institution decided to offer a separation agreement instead to “avoid the time, expense, and uncertainty of future proceedings.” The agreement gave the faculty member a year’s salary in exchange for them not challenging the sanction and simply leaving the institution.



USHE policy permits institutions to adopt even more protective standards than what *Utah Code* requires.

While we recognize that separation agreements may in some cases be an appropriate personnel tool, their use in these cases is concerning. Our concern is their use for professors who violated laws or institutional policies. In these cases, institutions spend public funds to avoid disciplinary processes already established in law and institutional policy.

Institutions Sometimes Adopt Policies That Are Substantially More Protective Than the Process Outlined in *Utah Code*

The law specifies the minimum due process for dismissing tenured faculty. However, USHE policy permits institutions to adopt even more protective standards than what the code requires. Several do. These policies can further hinder institutions from holding faculty accountable for poor performance.

Institution Policy - Measures in Lieu of Discipline



One institution’s policy states “When non-punitive measures such as guidance, counseling, therapy, leave of absence, voluntary resignation, or early retirement are available and will provide reasonable assurance that the faculty member will not repeat the violation of the rule, such measures should be taken in lieu of disciplinary sanctions under this code unless substantial university interests would thereby be undermined.”

Institution Policy - Procedural Layers

Another institution adds several additional procedural layers, including: a preliminary investigation process, screening for dismissal before hearing, multiple 14-working-day deadlines, a required pre-hearing conference, exchange of witness and documentary evidence lists, the presence of legal counsel, procedures for challenging board composition, closed-session deliberations, tie-vote rules, remand authority, and multiple appeal timelines.



Institution Policy - Restrained Process



Another institution's policy states that "the decision to impose a sanction should be guided by mercy and restraint."

Leaders should be able to act on underperformance without a process so burdensome that it discourages action. We believe personnel decisions should include reasonable safeguards, but our review suggests that some institutions have made those safeguards so extensive that addressing poor performance becomes difficult. While the recommendations in Chapter 1 to restructure the department chair role can substantially mitigate these disincentives, the Legislature should consider whether the due process required to dismiss tenured faculty is excessive. While still preserving tenure, the Ohio Legislature placed a time limit on post-tenure review appeals. The Legislature should also consider whether institutions' own due process policies should be allowed to exceed *Utah Code*.



Leaders should be able to act on underperformance without a process so burdensome that it discourages action.

RECOMMENDATION 2.1

We recommend that the Legislature consider whether the minimum due process for removing tenured faculty as specified in *Utah Code* is excessive. Streamlining this process could increase institutions' willingness to address underperforming faculty.



RECOMMENDATION 2.2

We recommend that the Legislature or the Board of Higher Education consider requiring institutions' due process standards not exceed those specified in *Utah Code* for dismissing tenured faculty. This would reduce administrative workload to meaningfully hold chronically underperforming faculty accountable.

Documented Teaching Deficiencies Often Do Not Result in Accountability

*Utah Code*⁶ requires institutions to create a remediation plan, with specific steps and a timeframe for improvement, whenever a post-tenure review finds a faculty member does not meet performance standards. Some review committees side-stepped this process by assigning passing ratings to faculty whom they determined were not meeting the institution's expectations. In some cases, the reviewers' own written findings and the outcome they assign contradict one another. When reviewers identify poor performance but do not rate the faculty member accordingly, they bypass the accountability the law requires, and Utah students bear the cost. The following three examples reflect a broader pattern seen in Appendix A.



Some review committees side-stepped the process by assigning passing ratings to faculty whom they determined were not meeting the institution's expectations.

Post-Tenure Review Files: Contradictory Conclusions



At a regional teaching institution, one faculty member's review committee explicitly stated that a professor's teaching was below the standard and required improvement. Yet, they rated the professor's performance over the review period as having met guidelines, citing personal challenges, instead of requiring an improvement plan.

⁶ *Utah Code* 53H-3-406 (10)(a)

Post-Tenure Review Files - Acknowledgement Without Action



One faculty member's review committee noted "aggressively" negative comments from undergraduate students about the professor's extreme levels of disorganization. Student evaluations pleaded with the department to stop allowing this professor to teach, with some talking about the faculty member's harm to the university's reputation. The review acknowledged the criticism but proceeded to rate their teaching as satisfactory.

Post-Tenure Review Files - Lack of Ownership



At a regional teaching institution, a department chair told a faculty member that their teaching was below standard, then rated it satisfactory anyway. The chair warned that similar performance in the subsequent year would result in a failing rating. Despite this warning, the next three years of annual reviews each recorded the faculty member's teaching as still below standard but was nevertheless rated satisfactory (or once as exceeding expectations) each time.

This pattern continued during this faculty member's post tenure review in 2025. The six-person committee found "significant concerns regarding teaching" and concluded that the professor's teaching approach had not sufficiently improved. However, just like the department chair, the review committee also rated the professor as meeting standards.

All eight degree-granting institutions are responsible for undergraduate teaching; yet only eight faculty failed post-tenure review for substandard teaching in 2024-25.⁷ Based on our review of the post-tenure review files from each institution, we believe this number does not accurately reflect the number of faculty whose teaching needs improvement.



Despite *Utah Code* specifying that institutions consider student evaluations, we found cases where review committees disregarded them.

⁷ This figure does not include Utah State University as described later in the chapter.



Only Eight Reviews of Tenured Faculty Found Teaching Performance Unsatisfactory

8

Reviews Found Teaching Performance Unsatisfactory

40

Concerning Cases

We selected 40 cases in which faculty members' teaching was rated satisfactory despite concerning evidence to the contrary. This indicates that reviews either did not detect or ignored instances of poor teaching. These 40 cases are not intended to be exhaustive but instead illustrate the types of issues identified.

Appendix A presents the 40 anonymized cases.

Institutions apply different interpretations to post-tenure review requirements, particularly regarding which materials are necessary and which are merely suggested.⁸ There is some confusion over whether the materials listed in *Utah Code*⁹ for conducting a faculty member's post-tenure review are *suggested* materials or *required* ones. The law states that reviews shall consider "a teaching assessment, including student evaluations, for all courses taught."¹⁰ Despite this provision, we found cases where student evaluations were minimized. Some

⁸ Several institutional stakeholders indicated the post-tenure review process was complex and time consuming. Because institutions are responsible for designing their review process, they have the authority to streamline the process while still complying with *Utah Code*.

⁹ *Utah Code* lists materials that are included in post-tenure reviews. These include:

- A teaching assessment, including student evaluations, for all courses taught;
- The quality of the tenured faculty member's scholarly research;
- Service to the profession, school, or community;
- Annual performance reviews;
- Intellectual property owned wholly or partly by, or commercialization efforts attributed to, the tenured faculty member;
- The tenured faculty member's compliance with the degree-granting institution's policies regarding the responsibilities and ethical obligations of faculty members;
- Any improvement plans for underperformance.

¹⁰ *Utah Code* 53H-3-406 (9)(b)(i)



review committees selectively consider student evaluations favorable to the faculty member or discount negative feedback. Some appear to emphasize “peer teaching observations” instead of student evaluations to demonstrate teaching effectiveness.¹¹ It’s also concerning that administrators at one institution told us leaders are considering limiting what materials the review committee can see about the faculty member it is evaluating.

Institutions interpret other parts of the law differently too.

While the law requires institutions to give a remediation plan with a specific timeline, some institutions offer significantly more time than others for faculty to demonstrate improvement. One institution gives deadlines as long as three years. Lengthy remediation periods allow underperforming faculty to continue affecting Utah students for years. For example, one faculty member received a remediation plan for poor teaching from at least 2019. This professor did not improve. Three years after the remediation plan was given, leaders allowed the faculty member to continue teaching students with a reduced workload. Students told the department this professor should not be allowed to teach, one even reporting it harmed their ability to pursue a career in a STEM field. In other cases, students similarly reported that ineffective instruction prompted some to abandon fields and programs they had previously been excited to enter.



Some institutions offer significantly more time for faculty to improve than others. This can leave poor performing faculty in the classroom for years.

The Legislature could clarify the law to reduce this inconsistency. For example, the State University System of Florida required specific review materials and capped improvement plans at 12 months. The Legislature could strengthen the language of what materials must be considered in post-tenure reviews and how long a faculty member has to improve. Such action could increase clarity and strengthen consistency across review committees.

¹¹ Some institutions encourage faculty members to select a peer to attend a class they teach and write an evaluation of the faculty member’s teaching performance. These are not supervisor evaluations but are sometimes used as evidence in post-tenure reviews.



RECOMMENDATION 2.3

We recommend that the Legislature or the Board of Higher Education consider clarifying that the materials listed in *Utah Code 53H-3-406(9)(b)* are required and cannot be omitted. This could help distinguish between suggested and mandatory elements.

RECOMMENDATION 2.4

We recommend that the Legislature or the Board of Higher Education consider specifying a maximum time limit for when performance is expected to improve following the issuance of a remediation plan. This could reduce the occurrence of extensive or non-specified timelines for inadequate performance to improve.

2.2 Remediation Plans Issued for Faculty Underperformance Increased After Legislative Action

After the Legislature adopted minimum post-tenure review requirements for all USHE degree-granting institutions,¹² the number of remediation plans that institutions issued for underperformance more than tripled. Many institutions that implemented the *Utah Code* requirements report that the changes strengthened their post-tenure review processes. Utah State University (USU) is an exception. USU's former academic leadership did not revise their post-tenure review process to comply with the requirements the Legislature adopted. As a result, we found multiple failed reviews that USU did not report to USHE as statute requires and for which it appears, in some cases, no remediation plans were issued. USU has now been out of compliance for two consecutive academic years. While the institution's new leadership has taken steps to improve compliance, including advancing an updated post-tenure review policy, USHE must ensure the university complies during the upcoming academic year.

More Tenured Faculty Failed Their Post-Tenure Review After the Legislature Passed HB 438

Leadership within institutions largely reported that HB 438 strengthened their existing post-tenure review processes to comply with the law. Data from several institutions reflect this shift. As seen in following figure, during the first

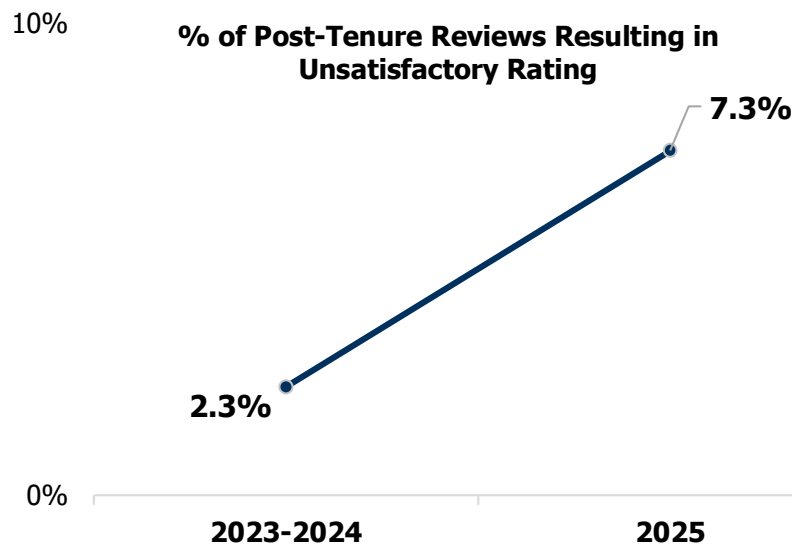
¹² HB 438 was adopted during the 2024 General Legislative Session to establish minimum requirements for tenure and post-tenure review.



academic year HB 438 was in effect, the percentage of post-tenure reviews that resulted in a remediation plan more than tripled.

Figure 2.2 The Rate of Post-Tenure Reviews Resulting in Unsatisfactory Rating Increased Significantly After HB 438 Was Adopted in 2024.

Several institutions reported the law caused them to strengthen their post-tenure review processes and led to greater accountability for poor performance. In the first academic year since the law was implemented, the rate of failed post-tenure reviews more than tripled from the two prior academic years.



**Note: Because of differences in data formatting across institutions, we report the average failure rate for the academic years ending in 2023 and 2024. This data excludes Utah State University and Weber State University.*

Source: Auditor generated from data reported by USHE degree-granting institutions.

While this is encouraging, we reiterate our concerns that the processes are not consistent at holding underperforming faculty accountable due to possible gaps that exist in statute.

Utah State University's Post-Tenure Review Process Was Not Compliant with *Utah Code*

Utah State University's previous leadership over academic affairs failed to implement requirements from the Legislature. Instead, they used a process that preceded the bill's adoption, which omitted several statutory elements.



Utah Code Compared to USU Policy

Utah Code	USU Policy
 Each tenured faculty member must receive a performance review annually and a post-tenure review at least every five years.	 USU only conducts annual evaluations and counts them as post-tenure reviews.
 Review committees must be formed and consist of tenured faculty peers.	 Department chairs conduct reviews. Peer committees are formed only after a warning has been given or if the faculty member requests one.
 Review committees must be appointed by administration and include at least two external members.	 Peer review committees are formed by mutual agreement between the chair and the faculty member. They require only one external member.
 Unsatisfactory performance following a review must result in a remediation plan being issued.	 Unsatisfactory performance only results in a remediation plan after a failed review and a warning.

Source: Auditor Generated from Utah Code and USU policy.

This is concerning, as USU did not accurately report the number of failed reviews to USHE. Our audit also found no evidence that USU consistently issued remediation plans per law, leaving poor performing faculty without accountability. We note that in August of this year, USU's Board of Trustees adopted a new post-tenure review policy that is better aligned with *Utah Code*. We recommend USHE ensure USU complies with the requirements specified in *Utah Code*.

RECOMMENDATION 2.5

We recommend Utah State University implement a post-tenure review system that complies with *Utah Code*. This system should effectively implement remediation plans with a timeline for follow-up reviews to demonstrate improvement. Faculty persistently not meeting expectations should be sanctioned as a result of these reviews.

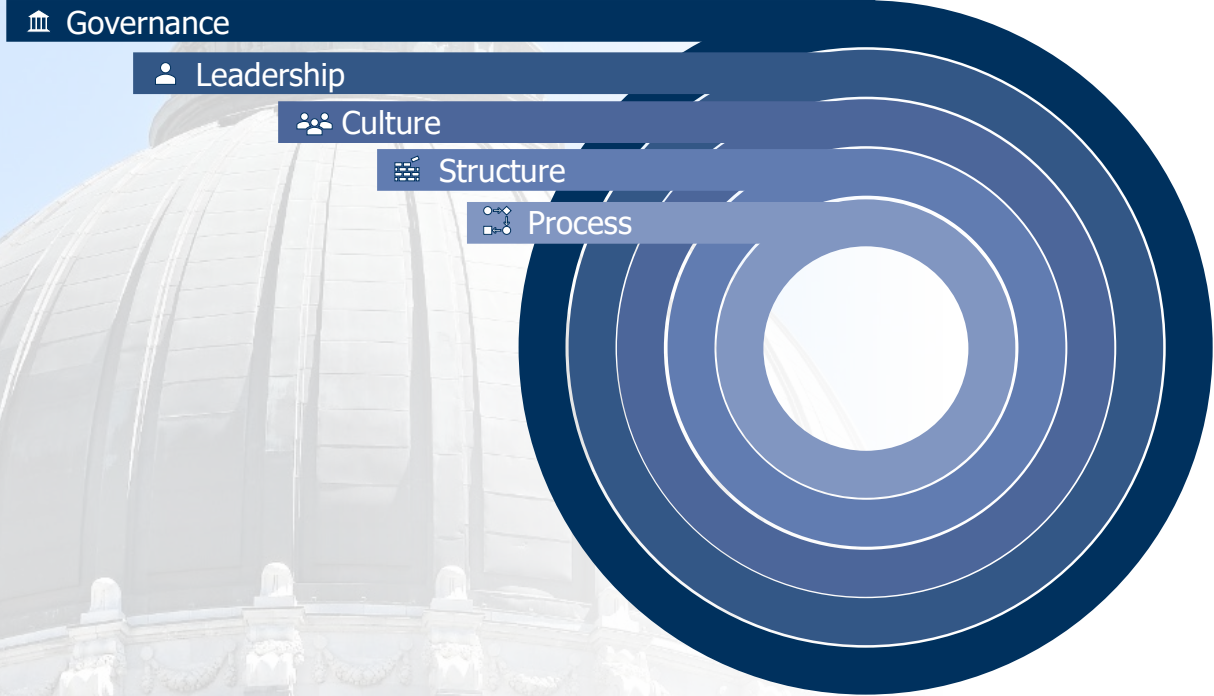




Complete List of Audit Recommendations

THE FIVE LAYERS OF CAUSE

We developed the Five Layers of Cause Framework to assist leaders in identifying the causes of organizational success and failure. To truly improve as an organization, leaders must understand the causes of major risks. Only when leaders understand these causes and their roots can they make meaningful improvements. Root causes are deeper and more fundamental.



The five layers of cause are defined below. They are ranked from most impactful in organizational change to least. The next page identifies the layer of cause in each recommendation.



GOVERNANCE

The laws and rules that establish the organization's mission, accountability, and funding. Governance empowers the organization with the leadership and resources needed to achieve meaningful results.



LEADERSHIP

The competency and character of the leaders of the organization. Leadership is the decisive force that transforms vision into action and effort into results.



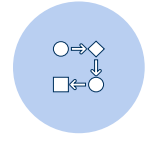
CULTURE

The collective beliefs, values, and behaviors of the organization. An organization's culture can determine employee engagement and morale, willingness to innovate, and quality of product.



STRUCTURE

The policies and standards that guide an organization's work. Structures direct the flow of work and establish what is and is not acceptable.



PROCESS

The steps taken to accomplish a task. Processes are the logistics—the capital, workflows, timing, and practices—that move work along.

Complete List of Audit Recommendations

This report made the following nine recommendations. The numbering convention assigned to each recommendation consists of its chapter followed by a period and recommendation number within that chapter.

Recommendation 1.1 (Governance)

We recommend that the Board of Higher Education formally strengthen the supervisory role of academic department leaders across institutions to ensure they can effectively oversee faculty performance, address deficiencies, and promote continuous improvement. Clear authority and accountability at the department level are essential to maintaining high standards of instruction and faculty effectiveness. Strengthening this oversight should help institutions better fulfill their educational missions by improving teaching quality, enhancing student learning, and supporting stronger student outcomes.

Recommendation 1.2 (Governance)

We recommend that the Board of Higher Education redefine department chair roles across institutions to position department chairs primarily as academic leaders, rather than faculty members with secondary leadership responsibilities. Institutions should ensure that chairs have the time and support needed to carry out their leadership and supervisory responsibilities. This should enable chairs to provide stronger leadership and oversight within their departments.

Recommendation 1.3 (Governance)

We recommend that the Board of Higher Education revise academic department leader selection processes across institutions to prioritize leadership capability and establish that chairs are appointed by, and are accountable to, institutional leadership for department performance. This will align the role's incentives and expectations with its supervisory responsibilities.

Recommendation 1.4 (Leadership)

We recommend that the Board of Higher Education require institutional leadership set and evaluate department chair performance using specific metrics. These metrics should be specific, actionable, and aligned with the institution's mission, as well as with the Utah System of Higher Education's updated performance incentive metrics outlined in Utah Code. Chairs should easily understand what metrics they are being held accountable for in their supervision of the faculty. These metrics will better align chairs' incentives with their responsibility to supervise and manage faculty performance.

Recommendation 2.1 (Governance)

We recommend that the Legislature consider whether the minimum due process for removing tenured faculty as specified in Utah Code is excessive. Streamlining this process could increase institutions' willingness to address underperforming faculty.

Recommendation 2.2 (Structure)

We recommend that the Legislature or the Board of Higher Education consider requiring institutions' due process standards not exceed those specified in Utah Code for dismissing tenured faculty. This would reduce administrative workload to meaningfully hold chronically underperforming faculty accountable.

Recommendation 2.3 (Structure)

We recommend that the Legislature or the Board of Higher Education consider clarifying that the materials listed in Utah Code 53H-3-406(9)(b) are required and cannot be omitted. This could help distinguish between suggested and mandatory elements.

Recommendation 2.4 (Structure)

We recommend that the Legislature or the Board of Higher Education consider specifying a maximum time limit for when performance is expected to improve following the issuance of a remediation plan. This could reduce the occurrence of extensive or non-specified timelines for inadequate performance to improve.

Recommendation 2.5 (Leadership)

We recommend Utah State University implement a post-tenure review system that complies with Utah Code. This system should effectively implement remediation plans with a timeline for follow-up reviews to demonstrate improvement. Faculty persistently not meeting expectations should be sanctioned as a result of these reviews.



Appendices



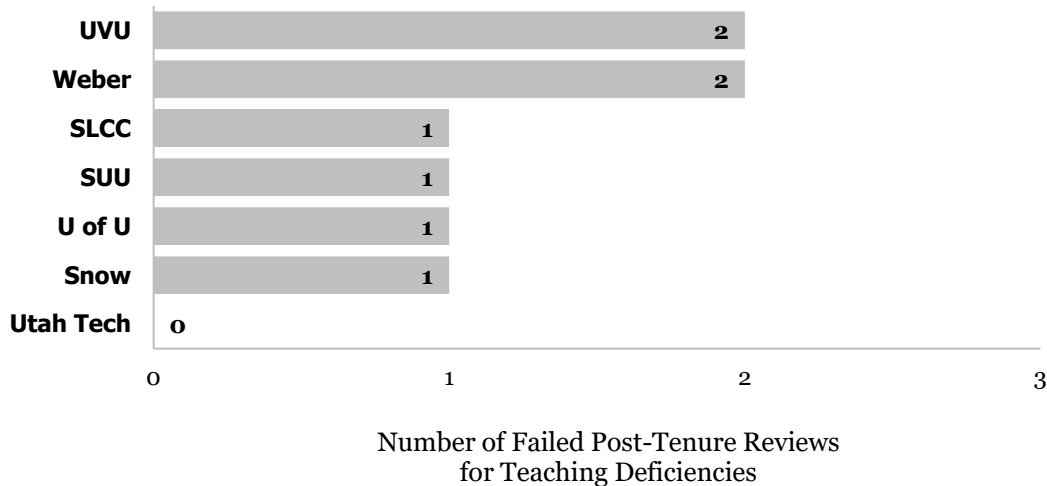
A. Concerning Cases



A. Concerning Cases

Across the eight degree-granting institutions of higher education, only eight tenured faculty members failed post-tenure review for substandard teaching in 2024-25. Evidence shows that teaching underperformance was identified far more often than it was addressed. Teaching is a core responsibility for each USHE institution, and Utah students paid over \$1 billion in tuition to these institutions during the 2025 fiscal year. We believe institutions should set and maintain high-performance standards for faculty who teach.

Figure A.1 Only Eight Post-Tenure Reviews Failed Across USHE Institutions for Poor Teaching. We omit data from Utah State University. USU was not compliant with HB 438, and their post-tenure review process differed significantly from the other institutions.



Source: Auditor generated from institutions' data reported to USHE.

The following table presents 40 cases we selected where the institutions' review process for tenured faculty documented evidence of teaching underperformance yet either gave the faculty member a favorable rating or failed to give a remediation plan. These 40 cases are not intended to be exhaustive but instead illustrate the types of issues identified.

These cases likely understate the extent of teaching underperformance for two reasons. First, these cases come from only a subset of all tenured faculty because post-tenure reviews happen every five years. Second, the cases only reflect documented cases of substandard teaching. Department leaders across the system frequently reported disincentives to formally document underperformance, likely making this list incomplete.

Case	Documented Concern	Institution Outcome
1	Courses regularly fell below department standards for student evaluations. Recurring themes and teaching deficiencies documented since 2015 were not “meaningfully addressed.”	Promoted to full professor
2	Only 11% of student evaluations would recommend this professor over the 5-year review period. Student comments emphasize extremely ineffective teaching that left them unprepared in a core subject.	Rated satisfactory and assigned to other courses without a teaching improvement plan
3	Pattern of not grading assignments in a timely manner since 2018. Students in multiple courses report that the professor did not grade most assignments before the final exam.	Meets expectations
4	Recurring concerns about lack of availability to students, low engagement in class, and insufficient feedback on student work.	Promoted to full professor
5	Student course evaluations since 2022 have consistently been below the department norm, and their most recent scores indicate further decline. Despite this, the committee stated the professor demonstrated solid performance in teaching and rated it as ‘good.’	Satisfies post tenure review
6	Chronically low student evaluations that cite extreme levels of disorganization. Student evaluations pleaded with the department to stop allowing this professor to teach. Some described harm to the program's reputation.	Rated satisfactory; Praised for extraordinary mentorship
7	Majority of student evaluations would not recommend this professor to their peers since 2021. Themes include confusing instructions and demeaning comments to students.	Meets expectations; Described student evaluations as “par for the course”
8	Poor teaching evaluations. Student complaints indicated the professor was unfamiliar with course content and showed limited concern for student success. Students suspect the university tolerates these concerns because the professor is a strong researcher. ¹³	Satisfactory / Effective

¹³ In cases where faculty may be productive researchers but poor teachers, institutions could consider adjusting work assignments in these cases to protect student learning.

Case	Documented Concern	Institution Outcome
9	Faculty member was unresponsive to students' and colleagues' requests for five consecutive years. Supervisor said the protections in place for underperforming faculty slow down attempts to address it.	Issued an "Intent to Reprimand" letter
10	Less than half of student evaluations recommend the instructor to peers. Themes include being dismissive to students and sexist behavior.	Satisfactory/Effective
11	Low student ratings of this instructor were attributed to the professor's competing duties as department chair.	Satisfactory/Effective
12	Reviewers described this professor's student ratings as "generally strong" as rationale for their vote. This is false. Only 2 of the last 8 courses with student feedback received majority positive instructor ratings. Three additional courses had no evaluations at all.	Meets guidelines
13	Department chair noted this professor's student evaluations are "well below" the department average, yet the chair gave them the highest rating possible for teaching performance.	Exceeds expectations
14	Committee explicitly stated that a professor's teaching was below the standard and required improvement. Yet, they rated the professor's performance over the review period as having met guidelines, citing personal challenges, instead of requiring an improvement plan.	Meets guidelines
15	For four consecutive years, a department chair warned a professor that their teaching performance was below the required standard, yet the chair formally rated the faculty member as meeting or exceeding expectations each time. In the fifth year, a post-tenure review committee found "significant concerns regarding teaching" and concluded that teaching had not sufficiently improved. Nevertheless, the committee, like the department chair, rated the professor as "meets guidelines."	Meet guidelines

Case	Documented Concern	Institution Outcome
16	A post-tenure review committee at a regional teaching university described a professor's student ratings as unacceptably low. Yet the committee assigned a passing rating anyway.	Meets guidelines
17	Students regularly indicated that this faculty member failed to provide feedback and did not interact with them in a respectful manner. The performance review committee, however, interpreted this as "student resistance" to the professor's "rigor and high standards."	Meets guidelines
18	Instructor ratings were consistently below average. Student feedback identified concerns with time management, insufficient emphasis on foundational concepts, and communication barriers.	Meets guidelines
19	The teaching supervisor gave the highest performance rating possible to a faculty member with below-average student evaluations that indicate poorly organized courses.	Exceeds expectations
20	Student evaluations for numerous classes do not recommend this instructor and consistently describe the professor as condescending. Other common complaints include that the professor does not like answering student questions, is unaware of what is in the course syllabus, and relies on the TAs to teach the course. The post-tenure review report made no mention of the student concerns. Instead it referenced a peer observation describing a "good learning environment."	Satisfactory <i>"We would place him in a higher category if one was available."</i>

Case	Documented Concern	Institution Outcome
21	Both the peer review committee and the professor's supervisors noted recurring teaching underperformance that needed to be addressed. Students reported frequently becoming confused and lost during lectures because the instructor did not effectively teach foundational concepts. A peer observation of a class corroborated the student frustration. The committee and supervisors still assigned a teaching rating of "Satisfactory/Effective."	Satisfactory/Effective
22	The student evaluations for a faculty member with a majority teaching role were consistently below average. During the most recent two years, they declined even further to very low levels despite teaching the same courses. The chair noted these concerns and urged improvement. The faculty member's performance was rated as meeting or exceeding expectations.	Meets or exceeds expectations
23	This professor had low ratings from student evaluations. Based on student feedback, the supervisor asked the faculty member to stop testing on personal stories and address deficiencies in basic course administration, including creating assignments and providing a textbook or other materials to support learning outside of lectures. Review ultimately gave a satisfactory rating in teaching.	Meets or exceeds expectations
24	Documented pattern of "very low" instructor ratings from student evaluations. Supervisor did not offer formal recommendations for improvement nor determine whether performance met the required standard.	Rating not indicated

Case	Documented Concern	Institution Outcome
25	Ten of the previous 11 classes a faculty member taught over the previous 5-year period rated their teaching as below the average. The supervisor review acknowledged the course evaluation scores but ultimately concluded: "Regardless, I believe you are providing a good and rigorous class on a very important topic." The review did not explain the basis for discounting the student feedback or offer suggestions for improvement.	No determination made / No remediation plan issued
26	Several student evaluation comments from the most recent courses indicated students found lectures unengaging and valued the course primarily because it was an easy elective credit. The professor acknowledged their low student ratings remained a problem, yet reviewers said nothing of the student feedback and rated teaching performance as meeting expectations.	Meets expectations
27	Faculty member's recent courses had poor student evaluation scores. Many comments are concerning. Some students described entering the course with enthusiasm but leaving disappointed after an unnecessarily difficult experience. Some indicated they would warn future students to avoid this professor's courses and the major itself.	Received an award and chair described this professor as an "expert instructor"
28	Professor received low student evaluations in consecutive years. The chair described sections of student comments as "rude and should be ignored." The chair encouraged the professor to only address constructive comments and to ignore the others. Despite this, the chair did not identify any areas where constructive improvement might be warranted.	Meets expectations
29	The review mischaracterized the student evaluation score, placing it one performance level higher than the actual measured score.	Meets expectations
30	Records indicate the faculty evaluation process was largely incomplete. There was no documentation of a performance review by a supervisor or review committee and nearly all courses did not reach minimum threshold for student evaluations to be included.	No rating indicated

Case	Documented Concern	Institution Outcome
31	Decline in teaching performance began in 2019, which “intensified over the last three years.” Students requested the department to “intervene on behalf of the class.” The department corroborated that the faculty member took months to provide grades on assigned work and frequently canceled class.	Faculty member given until 2029 to improve teaching through a “self-directed” plan
32	The review noted that the professor had low course evaluation scores in one class and low response rates in the other. The review did not identify specific areas for improvement in teaching. Instead, it described the professor as a “brilliant instructor.”	Meets expectations
33	A faculty member saw a persistent and “alarming” downward trend in teaching performance. Enrollment in courses taught by this professor dropped substantially.	Continued teaching with course reduction
34	The faculty member was not meeting expectations of their role and did not fulfill the requirements of a self-improvement plan issued the previous year following conflicts with students. The institution subsequently paid the professor two months' salary plus \$51,589 through a separation agreement.	Paid separation agreement
35	Consecutive performance reviews described a faculty member's teaching as unacceptable. The concerns included lack of preparation, unresponsiveness to students, and not adjusting to new curriculum. Teaching performance was found to be “outside acceptable departmental norms, and needs to be corrected.”	Issued warning without required remediation
36	Student evaluations described a faculty member's behavior toward them as aggressive, cruel, humiliating, vulgar, and intimidating. One student stated this professor is the main reason they chose not to continue in the major and pursue this career path. Although the supervisor concluded the conduct violated policy, the performance review did not require a remediation plan. Rather, the review recommended increasing the teaching load to align with other faculty.	No remediation plan given

Case	Documented Concern	Institution Outcome
37	Faculty member refused to participate in a performance review “since I will retire after next year.” The faculty member then refused to participate in a subsequent performance review and threatened to take eight weeks of sick leave if they were assigned to teach any in-person classes the next term.	Issued warning letters
38	A performance review praised the faculty member's teaching, stating that his contributions “cannot be overstated” and that he models a “love for learning.” The review also noted that he voluntarily teaches an unpaid course overload each semester. In contrast, student evaluations contained recurring concerns about the faculty member's lack of engagement. Students expressed that the professor did not want to be there and was dismissive of them. Some students said the course left them unprepared or unmotivated to take future courses in the subject. The performance review did not discuss these concerns.	Meets expectations
39	Both the post-tenure review and the four preceding annual performance reviews documented underperformance in teaching that is below minimum standards and “needs improvement.” However, all but one of these evaluations officially rated the professor as “meets expectations.” The only one that didn’t was rated as “exceeds expectations.”	Meets expectations
40	A faculty member had a history of assigning students excessive workloads relative to course credit hours and received consistently low ratings from students on teaching evaluations. Although the supervisor's narrative assessment identified these teaching concerns, the faculty member was nevertheless rated as meeting expectations in teaching.	Meets expectations

B. Encouraging Cases



B. Encouraging Cases

During our audit work, we identified many instances of excellent teaching across all eight USHE degree-granting institutions. The following case studies represent only a small sample and are not comprehensive. Together, they demonstrate the meaningful role that many professors play in supporting students' academic and professional success. They also illustrate the benefits students can receive when institutions identify, develop, and reward effective teaching.

Case	Documented Excellence
1	Despite teaching overload classes, a professor received outstanding evaluations in every course taught while also making substantial contributions outside the classroom. One student described the professor as "the best teacher I've ever had" and another said the teaching style convinced the student not to drop the class. Despite describing the teaching performance in exceptionally positive terms, the annual review rated the professor as "meets expectations" rather than "exceeds expectations."
2	Although a professor had a strong teaching record in two courses, student feedback identified challenges in a third course. The department chair required the professor to work with the institution's teaching center, and course feedback showed marked improvement in the subsequent semester.
3	One comment from a student enrolled in a professor's highly rated course: <i>"I really liked how our professor commented on all of our assignments and provided feedback. I have never had a professor provide that much feedback, and it made me feel seen as a student."</i>
4	A professor proactively sought an improvement plan from the department chair and dean. The department chair said this illustrates the supportive purpose of action plans for professors working to improve.
5	Beyond standard course evaluations, one professor collects additional student feedback at the midpoint and end of the semester. They also regularly update course content, rubrics, and lab activities.
6	A professor secured a grant that allowed an undergraduate class to donate funds to a charity of its choice, provided students reached a unanimous decision. The project required students to engage with interdisciplinary fields such as philosophy, ethics, and debate. Its initial success led to an endowed gift that continues the practice.

Case	Documented Excellence
7	For a capstone project, a professor asks students to apply the negotiation concepts they learned throughout the program. Students select a meaningful transaction from their professional or personal lives and report the results. According to the professor, students have collectively saved more than \$10 million through the project over the years.
8	This professor created an engaging learning environment through enthusiasm for mathematics, clear instruction, and strong student support. Students frequently praised the professor's ability to explain complex concepts through a methodical, step-by-step approach and highlighted the value of well-organized lecture materials. They also noted the professor's accessibility and willingness to provide individualized feedback, which helped foster a welcoming classroom atmosphere. These strengths were reflected in consistently high student evaluation scores and positive student feedback over multiple years.
9	The professor launched a program in quantitative analysis. The program maintains relationships with its graduates to gather feedback about skills that students need for success in the business world, which in turn helps the program enrollment and job placement remain strong.
10	The professor helped establish a street medicine program that allows students to travel throughout the city in a van providing care to unhoused individuals. The experience has been described as life changing, giving students direct exposure to the realities faced by some of the community's most vulnerable populations.
11	A professor reports fostering a supportive environment where students feel comfortable seeking help and discussing challenges. To showcase student learning, the professor helped establish an event where students serve as lead chefs, demonstrating their culinary skills to family members and guests.
12	In undergraduate courses, the professor introduced innovative, evidence-based teaching approaches, including a science podcast. The professor also created research opportunities through coursework, resulting in multiple undergraduate student publications. These efforts were reflected in consistently excellent teaching evaluations and a practice of inviting feedback from students and peers.
13	The professor created four new courses and updated three others to meet student needs and industry trends. A teaching supervisor described the professor as having evolved into a student-centered educator who helps students actively engage with course material.

Case	Documented Excellence
14	The professor regularly experiments with new instructional approaches and developed a course that engages undergraduate students in scientific research. As one student put it, <i>"[The professor] is an amazing professor and an even better person. I go talk to [them] about my research and most professors don't really care and will tune me out, but [they] asked me very thought-provoking questions and helped me gain more experience."</i>
15	The professor has maintained strong student evaluations throughout a long teaching career and has received multiple university-wide teaching awards. Students report their approach emphasizes hands-on, career-relevant instruction. One student shared, <i>"[The professor] seemed like [they] had the structure of this class down to a science. There wasn't a minute that [they weren't] prepared.... You could tell that [they were] genuinely passionate about the subject and wanted to see [their] students succeed. Everything [they] expected from us was completely fair and really pushed us all to put in the work which I appreciated."</i>
16	The professor taught a sequence of four language courses. Six students who completed the program were subsequently admitted to prominent graduate programs that offered substantial scholarships. Student course feedback reflects the professor's impact in the classroom. As one student wrote, <i>"I cannot describe how amazing this class was. I don't know if it's just that this major is small, or that it's a teaching university, but I sincerely feel that I'm getting a tremendous education...I did not know until the end how meaningful this class would be."</i>
17	The professor received "extraordinarily high" course ratings, despite students describing the course as challenging. Students credited the professor's supportive approach and ability to lead classroom discussions. As one student wrote, <i>"[The professor] has a way to get almost any student talking. I felt we had meaningful discussions every class, and was always left thinking about what I had learned after."</i>
18	The professor has achieved strong student evaluations across seven mathematics courses and is viewed as capable of teaching nearly anything the department needs.¹⁴ The professor is also developing a new course with a focus on meeting industry needs.

¹⁴ Some faculty demonstrate teaching excellence across a broad range of courses. Institutions could consider reflecting these strengths in faculty compensation.

Case	Documented Excellence
19	The professor's teaching expertise extended beyond the classroom, including mentoring a junior professor through challenges involving students. Students also reported that the professor's courses were well organized, that feedback was useful, and that assignments helped them understand the theories taught in class.
20	Students shared that this professor's interest in them and their success made them more interested in the subject and more motivated to learn, including students who had previously disliked the subject. Consistent with that feedback, the teaching supervisor described the professor as the strongest instructor in the program.



Agency Response Plans



Utah System of Higher Education





October 13, 2026
Kade R. Minchey, CIA, CFE, Auditor General
Office of the Legislative Auditor General
Utah State Capitol Complex
Rebecca Lockhart House Building, Suite W315
PO Box 145315
Salt Lake City, UT 84114-5315

Dear Mr. Minchey:

Thank you for the opportunity to review “A Performance Audit of Tenured Faculty in Higher Education | A Case for Improved Accountability.” We appreciate the audit team’s work and the collaborative approach taken throughout this process.

The Office of the Commissioner of Higher Education (OCHE) recognizes the audit’s concern that traditional structures for faculty supervision may limit accountability and that department chairs are not always consistently evaluated or held accountable for their performance as academic leaders. We agree that providing department-level leadership with clear authority, well-defined expectations, appropriate support, and meaningful accountability are important to strengthening faculty performance, instructional quality, and student success.

OCHE is committed to working as a system and in close partnership with our institutions to strengthen academic leadership and continuous improvement. We view the audit’s recommendations as an important opportunity to conduct a systemwide assessment of existing institutional policies, practices, and accountability structures and to strengthen the selection, preparation, evaluation, and accountability of department chairs across the system. While the Board can establish clear statewide expectations and accountability principles, effective implementation will appropriately vary among institutions based on their size, mission, role, organizational structure, and student populations.

Regarding the recommendation concerning Utah State University, OCHE will work directly with university leadership to address the audit finding and support the development and implementation of a post-tenure review process that complies with Utah Code and existing Board policy. This work will include a clear action plan for implementation, remediation, follow-up review, and reporting on progress to the Utah Board of Higher Education.

We appreciate the audit team’s engagement and look forward to continued collaboration as this work moves forward.

Thank you,

A handwritten signature in black ink, appearing to read "Geoff Landward", is written over a horizontal line.

Commissioner Geoff Landward

Recommendation 1.1 (Governance): We recommend that the Board of Higher Education formally strengthen the supervisory role of academic department leaders across institutions to ensure they can effectively oversee faculty performance, address deficiencies, and promote continuous improvement. Clear authority and accountability at the department level are essential to maintaining high standards of instruction and faculty effectiveness. Strengthening this oversight should help institutions better fulfill their educational missions by improving teaching quality, enhancing student learning, and supporting stronger student outcomes.

Department Response 1.1: OCHE & institutions concur

1. **Who:** Office of the Commissioner of Higher Education (OCHE), Dr. TJ Bliss, Associate Commissioner for Academic and Technical Education, tj.bliss@ushe.edu, Dr. Merrill Halling, Assistant Commissioner for Academic Affairs, merrill.halling@ushe.edu, and Dr. Steve Hood, Assistant Commissioner for Academic Affairs, steve.hood@ushe.edu.
2. **What:** OCHE will convene a Task Force on Post-Tenure Review and Academic Department Leadership to consider the authority, accountability, and support needed for department chairs to effectively oversee faculty performance and promote continuous improvement. The Task Force will include an academic chair from the University of Utah's Department of Educational Leadership and Policy; a current or former chief academic officer from a degree-granting institution; a current senior academic officer; two current deans from USHE institutions, including one from STEM and one from the humanities, social sciences, or arts; two current department chairs, including one from an R1 institution and one from a regional institution; a current associate dean from Salt Lake Community College; the representative of faculty senates for the state; and a representative from OCHE's Academic and Technical Education team, who will convene meetings, keep notes, and track recommendations made to the Utah Board of Higher Education.
3. **How:** The Task Force will review relevant scholarship, current institutional practices, Board policy, and Recommendations 1.1 through 1.4. It will develop recommendations for the Utah Board of Higher Education regarding appropriate department-chair authority, accountability, and support.
4. **Documentation:** Task Force membership, meeting agendas, meeting notes, action items, and recommendations provided to the Board will document implementation.
5. **Timetable:** OCHE will convene the Task Force by November 2026. The Task Force will complete its recommendations in early 2027.
6. **When:** Following review by the Commissioner and USHE chief academic officer, recommendations will be presented to the Utah Board of Higher Education by the end of the first quarter of 2027.

Recommendation 1.2 (Governance): We recommend that the Board of Higher Education redefine department chair roles across institutions to position department chairs primarily as academic leaders, rather than faculty members with secondary leadership responsibilities. Institutions should ensure that chairs have the time and support needed to carry out their leadership and supervisory responsibilities. This should enable chairs to provide stronger leadership and oversight within their departments.

Department Response 1.2: OCHE & institutions concur

1. **Who:** Office of the Commissioner of Higher Education (OCHE), Dr. TJ Bliss, Associate Commissioner for Academic and Technical Education, tj.bliss@ushe.edu, Dr. Merrill Halling, Assistant Commissioner for Academic Affairs, merrill.halling@ushe.edu, and Dr. Steve Hood, Assistant Commissioner for Academic Affairs, steve.hood@ushe.edu.
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4. **Documentation:** Task Force membership, meeting agendas, meeting notes, action items, and recommendations provided to the Board will document implementation.
5. **Timetable:** OCHE will convene the task force by November 2026. The Task Force will complete its recommendations in early 2027.
6. **When:** Following review by the Commissioner and USHE chief academic officer, recommendations will be presented to the Utah Board of Higher Education by the end of the first quarter of 2027.

Recommendation 1.3 (Governance): We recommend that the Board of Higher Education revise academic department leader selection processes across institutions to prioritize leadership capability and establish that chairs are appointed by, and are accountable to, institutional leadership for department performance. This will align the role's incentives and expectations with its supervisory responsibilities.

Department Response 1.3: OCHE & institutions concur

1. **Who:** Office of the Commissioner of Higher Education (OCHE), Dr. TJ Bliss, Associate Commissioner for Academic and Technical Education, tj.bliss@ushe.edu, Dr. Merrill Halling, Assistant Commissioner for Academic Affairs, merrill.halling@ushe.edu, and Dr. Steve Hood, Assistant Commissioner for Academic Affairs, steve.hood@ushe.edu.
2. **What:** OCHE will convene a Task Force on Post-Tenure Review and Academic Department Leadership to consider the authority, accountability, and support needed for department chairs to effectively oversee faculty performance and promote continuous improvement. The Task Force will include an academic chair from the University of Utah's Department of Educational Leadership and Policy; a current or former chief academic officer from a degree-granting institution; a current senior academic officer; two current deans from USHE institutions, including one from STEM and one from the humanities, social sciences, or arts; two current department chairs, including one from an R1 institution and one from a regional institution; a current associate dean from Salt Lake Community College; the representative of faculty senates for the state; and a representative from OCHE's Academic and Technical Education team, who will convene meetings, keep notes, and track recommendations made to the Utah Board of Higher Education.
3. **How:** The Task Force will review relevant scholarship, current institutional practices, Board policy, and Recommendations 1.1 through 1.4. It will develop recommendations for the Utah Board of Higher Education regarding appropriate department-chair authority, accountability, and support.
4. **Documentation:** Task Force membership, meeting agendas, meeting notes, action items, and recommendations provided to the Board will document implementation.
5. **Timetable:** OCHE will convene the Task Force by November 2026. The Task Force will complete its recommendations in early 2027.
6. **When:** Following review by the Commissioner and USHE chief academic officer, recommendations will be presented to the Utah Board of Higher Education by the end of the first quarter of 2027.

Recommendation 1.4 (Leadership): We recommend that the Board of Higher Education require institutional leadership set and evaluate department chair performance using specific metrics. These metrics should be specific, actionable, and aligned with the institution's mission, as well as with the Utah System of Higher Education's updated performance incentive metrics outlined in Utah Code. Chairs should easily understand what metrics they are being held accountable for in their supervision of the faculty. These metrics will better align chairs' incentives with their responsibility to supervise and manage faculty performance.

Department Response 1.4: OCHE & institutions concur

1. **Who:** Office of the Commissioner of Higher Education (OCHE), Dr. TJ Bliss, Associate Commissioner for Academic and Technical Education, tj.bliss@ushe.edu, Dr. Merrill Halling, Assistant Commissioner for Academic Affairs, merrill.halling@ushe.edu, and Dr. Steve Hood, Assistant Commissioner for Academic Affairs, steve.hood@ushe.edu.
2. **What:** OCHE will convene a Task Force on Post-Tenure Review and Academic Department Leadership to consider the authority, accountability, and support needed for department chairs to effectively oversee faculty performance and promote continuous improvement. The Task Force will include an academic chair from the University of Utah's Department of Educational Leadership and Policy; a current or former chief academic officer from a degree-granting institution; a current senior academic officer; two current deans from USHE institutions, including one from STEM and one from the humanities, social sciences, or arts; two current department chairs, including one from an R1 institution and one from a regional institution; a current associate dean from Salt Lake Community College; the representative of faculty senates for the

- state; and a representative from OCHE's Academic and Technical Education team, who will convene meetings, keep notes, and track recommendations made to the Utah Board of Higher Education.
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 4. **Documentation:** Task Force membership, meeting agendas, meeting notes, action items, and recommendations provided to the Board will document implementation.
 5. **Timetable:** OCHE will convene the Task Force by November 2026. The Task Force will complete its recommendations in early 2027.
 6. **When:** Following review by the Commissioner and USHE chief academic officer, recommendations will be presented to the Utah Board of Higher Education by the end of the first quarter of 2027.

Recommendation 2.1 (Governance): We recommend that the Legislature consider whether the minimum due process for removing tenured faculty as specified in Utah Code is excessive. Streamlining this process could increase institutions' willingness to address underperforming faculty.

Department Response 2.1:

The Office of the Commissioner of Higher Education, in collaboration with the USHE institutions, welcomes the opportunity to work with the Legislature to review the minimum due process requirements in Utah Code governing the removal of tenured faculty. Any review should balance appropriate protections for faculty under state and federal law with institutions' ability to address sustained performance concerns in a timely, fair, and effective manner.

Recommendation 2.2 (Structure): We recommend that the Legislature or the Board of Higher Education consider requiring institutions' due process standards not exceed those specified in Utah Code for dismissing tenured faculty. This would reduce administrative workload to meaningfully hold chronically underperforming faculty accountable.

Department Response 2.2:

The Office of the Commissioner of Higher Education, in collaboration with the USHE institutions, welcomes the opportunity to work with the Legislature or the Board of Higher Education to examine whether institutional due process standards should exceed the requirements established in Utah Code for dismissing tenured faculty. This review should consider the benefits of a more consistent statewide framework, including reduced administrative burden and clearer expectations, while ensuring compliance with applicable state and federal law and preserving fair due process protections for faculty.

Recommendation 2.3 (Structure): We recommend that the Legislature or the Board of Higher Education consider clarifying that the materials listed in Utah Code 53H-3-406(9)(b) are required and cannot be omitted. This could help distinguish between suggested and mandatory elements.

Department Response 2.3:

The Office of the Commissioner of Higher Education, in collaboration with USHE institutions, welcomes the opportunity to work with the Legislature or the Board of Higher Education to clarify the requirements in Utah Code 53H-3-406(9)(b). Clear statutory language regarding the required elements of institutional post-tenure review policies would support more consistent implementation across the system.

Recommendation 2.4 (Structure): We recommend that the Legislature or the Board of Higher Education consider specifying a maximum time limit for when performance is expected to improve following the issuance of a remediation plan. This could reduce the occurrence of extensive or non-specified timelines for inadequate performance to improve.

Department Response 2.4:

The Office of the Commissioner of Higher Education, in collaboration with the USHE institutions, welcomes the opportunity to work with the Legislature or the Board of Higher Education to consider whether Utah Code should establish clearer expectations regarding timelines for improvement following a remediation plan. Any statutory

changes should provide sufficient time for meaningful improvement while ensuring that remediation processes are timely, structured, and consistently applied.

Recommendation 2.5 (Leadership): We recommend Utah State University implement a post-tenure review system that complies with Utah Code. This system should effectively implement remediation plans with a timeline for follow-up reviews to demonstrate improvement. Faculty persistently not meeting expectations should be sanctioned as a result of these reviews.

Department Response 2.5: OCHE and USU concur

1. **Who:** Office of the Commissioner of Higher Education (OCHE), Dr. TJ Bliss, Associate Commissioner for Academic and Technical Education, tj.bliss@ushe.edu, Dr. Merrill Halling, Assistant Commissioner for Academic Affairs, merrill.halling@ushe.edu, and Dr. Steve Hood, Assistant Commissioner for Academic Affairs, steve.hood@ushe.edu, will work directly with Utah State University leadership, including academic leadership and relevant deans.
2. **What:** USU has established a mandatory five-year post-tenure review process for all tenured faculty to evaluate effectiveness across all areas of their assigned responsibilities. The updated policy includes requirements for remediation plans, follow-up evaluations, and potential sanctions when faculty do not meet established performance expectations. OCHE will work with Utah State University as they implement their post-tenure review process to ensure that it complies with Utah Code and existing Board policy.
3. **How:** Post-tenure reviews are conducted by college Peer Review Committees. When a faculty member does not meet established performance standards, a Professional Development Plan (PDP) must be developed within 14 days of the committee's report. The plan establishes specific performance goals, expectations, and timelines for improvement. Supervisors monitor progress at designated intervals and provide a written assessment within 14 days of the plan's completion. The dean or appropriate vice president determines whether deficiencies have been successfully addressed. Faculty who fail to demonstrate satisfactory improvement are subject to additional administrative action, up to and including formal sanctions. OCHE will convene a meeting with Utah State University leadership to review the audit finding, applicable statutory and Board requirements, and the institution's current policies and practices. OCHE and USU will develop a written action plan with implementation steps, responsible parties, timelines, and a process for reporting progress to the Utah Board of Higher Education.
4. **Documentation:** OCHE will document with meeting agendas and notes, USU's written action plan, applicable policies and procedures, and progress reports to OCHE and the Board will document implementation.
5. **Timetable:** OCHE will meet with Utah State University leadership by November 2026. USU will develop an action plan and begin implementation in advance of a report to the Board in early 2027.
6. **When:** USU's revised policy has been adopted, with post-tenure reviews beginning in the 2026–27 academic year and continuing on a five-year cycle. In fall 2026, 75 tenured faculty were reviewed for compliance with the post-tenure review standard, and 11 were found to have not met the post-tenure review standard in at least one area of their role statement. A second round of reviews will take place in spring 2027 to address the backlog and bring the university into alignment with the five-year cycle. OCHE and Utah State University will report the action plan and implementation progress to the Utah Board of Higher Education by the end of the first quarter of 2027.



Utah State University



October 12, 2026

Kade R. Minchey, Auditor General, CIA, CFE
And the Utah State Legislature
W315 Utah State Capitol Complex
Salt Lake City, UT 84114

Dear Mr. Minchey and Members of the Utah Legislature,

On behalf of Utah State University, thank you for the opportunity to review and respond to the *Performance Audit of Tenured Faculty in Higher Education (Report No. 2026-29)*. We appreciate the Office of the Legislative Auditor General and the audit team's thoughtful work to identify opportunities to strengthen faculty oversight, accountability, and effectiveness across Utah's higher education institutions.

Utah State University recognizes the importance of clear performance expectations, consistent evaluation, and meaningful follow-through in supporting faculty excellence and student success. We concur with Recommendation 2.5 and have updated our Faculty Code as of August 7, 2026 to establish a post-tenure review process consistent with Utah Code, including clear expectations for remediation, follow-up evaluations, and accountability when performance standards are not met. Our formal response outlines these changes and our implementation approach.

We appreciate the Legislature's continued support and oversight of higher education and look forward to working with the Utah Board of Higher Education and other partners to strengthen institutional effectiveness and better serve students across the state.

Sincerely,



Brad L. Mortensen
President
Utah State University



Christopher Corcoran
Executive Vice President & Provost
Utah State University

Utah State University Response to Audit 2026-29: A Performance Audit of Tenured Faculty in Higher Education

Chapter 2

Recommendation 2.5: We recommend Utah State University implement a post-tenure review system that complies with Utah Code. This system should effectively implement remediation plans with a timeline for follow-up reviews to demonstrate improvement. Faculty persistently not meeting expectations should be sanctioned as a result of these reviews.

- **Department Response:** Utah State University concurs with this recommendation and has updated its Faculty Code (Sections 404.12.2 and 404.12.3) to establish a post-tenure review process consistent with Utah Code and HB 438.
- **What:** USU has established a mandatory five-year post-tenure review process for all tenured faculty to evaluate effectiveness across all areas of their assigned responsibilities. The updated policy includes requirements for remediation plans, follow-up evaluations, and potential sanctions when faculty do not meet established performance expectations.
- **How:** Post-tenure reviews are conducted by college Peer Review Committees. When a faculty member does not meet established performance standards, a Professional Development Plan (PDP) must be developed within 14 days of the committee's report. The plan establishes specific performance goals, expectations, and timelines for improvement. Supervisors monitor progress at designated intervals and provide a written assessment within 14 days of the plan's completion. The dean or appropriate vice president determines whether deficiencies have been successfully addressed. Faculty who fail to demonstrate satisfactory improvement are subject to additional administrative action, up to and including formal sanctions.
- **When:** The revised policy has been adopted, with post-tenure reviews beginning in the 2026–27 academic year and continuing on a five-year cycle. In fall 2026, 75 tenured faculty were reviewed for compliance with the post-tenure review standard, and 11 were found to have not met the post-tenure review standard in at least one area of their role statement. A second round of reviews will take place in spring 2027 to address the backlog and bring the university into alignment with the five-year cycle.
- **Contact:** USU Office of the Provost



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