

CFA's Final Recommendation on External Review Process for Faculty Promotions

TO: Steering Committee
FROM: Committee on Faculty Affairs
RE: External Review Process for Faculty Promotions
DATE: April 2019

Related Document: RPD2017 CFA Changes for External Review.docx, details the suggested changes to the external review process using track changes.

Introduction:

In April 2018, CFA delivered its recommendation on the External Review Process for Faculty Promotions Charge (issued December 2017). The Recommendation was accepted by Steering and moved to Step 7 of the governance process. Because the Reappointment and Promotions Document (RPD) requires approval by the Board of Trustees (BOT), the Recommendation was submitted to the BOT for approval at their October meeting. At that meeting, the Board raised several questions about the recommended policy, and thus Steering directed CFA to consider the issue again. Because this recommendation is the product of work on two charges to CFA (December 2017 and October 2018) and extensive campus testimony, CFA offers a history of the issue and its previous deliberations before explaining proposed changes to external review (p. 8) and its final recommendation on page 11.

In this Final Recommendation, CFA recommends that 1) the College adopt a policy of concealing the identity of external reviews from the candidate and all evaluating parties in the promotions process. The Committee also proposes that 2) while candidates should never know the identity of their reviewers, they should be able to decide to have those identities revealed to the parties evaluating them. CFA proposes many more minor changes to the external review process to accommodate these major changes and generally improve the solicitation and use of external review letters in the promotion process.

Background of December 2017 Charge:

On December 6, 2017, Steering sent CFA a charge regarding external review letters used as part of the process for promotion to professor. The charge noted a concern that had been raised by some faculty members regarding a change in the most recently approved (2017) Reappointment and Promotions Document (“RPD”). As noted in the charge, this concern centered on the fact that certain stakeholders in the promotion process - Deans, the Provost, the President, and some members of a candidate’s PRC - would now have access to unredacted external review letters

(and thus know the identity and institutional affiliation of the author) where in the past the procedures stated that the identity of external reviewers would be removed from letters prior to the candidate receiving a copy. Given that these procedures were written and implemented at a time when the candidate's materials were in paper form and the entire dossier was physically moved through the promotion evaluation process, many campus members inferred that the reviewer's identity was anonymous to the Candidate, Dean, CPTC, Provost, and President. Under the 2017 revised procedures, external reviewer identities would still be hidden from the candidate, but the other parties have the ability to access this information. This change was prompted by testimony raised in an open forum held to address revisions to the 2017 RPD in which certain members of the campus community felt strongly that the identity of external reviewers should be known to deans and other stakeholders. As such, the 2017 RPD contains the following stipulation on page 58:

“Copies of reviewers' reports shall have the name and any other information identifying the reviewer removed, after which the report is provided to the faculty candidate for review and response. The original, unredacted documents shall be accessible to the PRC, Dean, CPTC, Provost, and President.”

This specific change was not highlighted during the approval of the RPD. Therefore after the RPD was approved through the governance process, faculty members expressed concern to Steering that they did not have an opportunity to provide feedback on this significant change to the promotion process. Steering issued a charge to CFA.

2017 Charge:

Steering requested that CFA “take testimony from the faculty and consider its decision to provide the original, unredacted external review letters to the dean, the CPTC, the provost, and the president”. CFA was also asked to solicit testimony from the Dean's Council and from the Provost. After collecting testimony “CFA should then determine whether its recommendation from May, 2017 should be changed and complete a final recommendation”. Further, “if CFA determines that this recommendation should be changed, the committee should make all edits necessary to Section IV of the RPD, and these should be included in the final recommendation.”

April 28, 2018 CFA Recommendation:

As directed by Steering, CFA collected testimony from the various stakeholders listed in the charge. Testimony from the Dean's Council was solicited through its CFA representative, Jane Wong, and testimony from the Provost was solicited through its Academic Affairs representative, Ieva Zake. Testimony was collected from the faculty through email, a Qualtrics

survey, and an open forum held on April 18th, 2018 (Deans also provided testimony at the open forum and via the Qualtrics survey). These efforts yielded 3 emails, 41 Qualtrics responses, and 12 comments stated at the forum. In the process of collecting testimony, CFA offered four possible suggestions to the issue about the identity of external reviewers:

1. Go back to the original process and make it clear that unredacted letters do NOT enter into the promotion process (thus only the PRC chair would know the identity of the reviewers).
2. Keep change made in the 2017 RPD - the external reviewers are blind to the candidate but revealed to the other evaluators.
3. Everyone (including the candidate) knows the identity of the reviewers.
4. Deans participate in the process of populating the list of external reviewers, but the evaluators (except the chair of the PRC) do not know the identity of the final two selections.

The testimony collected by CFA revealed the following: a) the Deans felt strongly in keeping Option 2 above; b) the Provost felt that given the lack of consensus among campus members that it was best to preserve the policy that was approved last year (Option 2); c) there was a fairly even split among members of the campus community with two large groups in favor of options 1 or 2, with two smaller groups in favor of either options 3 or 4.

CFA carefully considered all the testimony and deliberated at length. The consensus opinion among CFA members was that Option 3 would be the best external review procedure for TCNJ. CFA arrived at this opinion for the following reasons:

- Option 1 (blind review) was problematic because the Deans and some faculty members argued that the external reviewer's identity was important for "contextualizing" the letter. Although there was disagreement on this position, the value that some members of the campus community put on this information could not be denied. In addition, several stakeholders (including faculty, several deans and the Provost) noted that it is extremely difficult to preserve the anonymity of external reviewers. **Testimony also revealed that the procedures were inconsistent across campus in that some candidates had unredacted letters, while others did not.** Alternatively, campus members persuasively argued that the principle advantage of this option is that a blind process eliminates the possibility that the reviewer's identity or institution could bias evaluations. That is, experts will work at a variety of institutions and represent every demographic group. There is ample evidence that shows people are influenced (either consciously or unconsciously) by this type of information.

- Option 2 (blind to only the candidate) was problematic because it disadvantages the candidate in the event that the candidate chooses to write a rebuttal to an external reviewer's letter (a crucial step in the external review process). Members of the campus community argued persuasively that the external reviewer's identity was important to "contextualize" the letter. Option 2 creates a process where the candidate is deprived of significant information that is available to those evaluating the candidate (PRC, Deans, CPTC, Provost, and President). Just like the Deans and the Provost argued for information "parity" in the promotion evaluation process, a lack of information parity for the candidate could not be justified in CFA's deliberations. Option 2 opens the possibility that the reviewer's identity or institution could bias evaluations. Alternatively, the principle advantage of Option 2 is that it creates the opportunity for evaluators to contextualize review letters.

- Option 4 (Deans participate in the reviewer selection) was problematic because the Deans argued that they often do not have expertise in the fields in which their faculty work and could not contribute substantially to reviewer selections.

- Option 3 (external reviewer identities are revealed to all) was the least problematic option.
 - Option 3 weaknesses:
 1. CFA recognizes that revealing the identity of external reviewers to all stakeholders in the promotions process (including the candidate) risks the possibility that review letters may be less candid or that a potential reviewer would be less inclined to write a letter. However, the Ad-hoc Committee on External Review (2007) surveyed 21 peer institutions and found that the majority of these institutions (70%) revealed the external reviewer's identity to the candidate. This suggests that it is common practice to reveal the reviewer's identity; therefore, revealing reviewers' identities is likely to have a negligible impact on the overall process. In fact, the RPD has language that indicates external review letters are only one part of the process and are meant to inform - but not determine - the promotion evaluation.

 2. Option 3 opens the possibility that the reviewer's identity will bias evaluations. This weakness is unavoidable if campus members want the reviewer's identity to contextualize letters, and it also applies to process currently in effect (Option 2). CFA believes that this weakness can be addressed by adding additional language to the RPD to provide evaluators guidance for using reviewer identity to contextualize letters.

 - Option 3 advantages:

1. Option 3 addresses the original concern that the external reviewer's identity is important to "contextualize" the letter. Importantly, Option 3 ensures that all evaluators, including the candidate, will have access to the same information (information parity in promotion evaluation) and the ability to contextualize the letter.
2. Option 3 will create a system in which the information for all promotion candidates is uniform. That is, the external reviewer's identities will be revealed for all reviewers for all promotion candidates. Under the 2017 RPD process, the identities for the external reviewers "shall be accessible". Therefore, Option 2 establishes a process where external reviewer identities will be revealed for a subset of reviewers and candidates based upon requests. At the open forum, campus members expressed a desire for a uniform process that could be implemented, and CFA determined that an unequal process was problematic. It is important to note that there is a campus history of striving for a uniform promotion process to ward off situations where evaluators consider candidates with different information. For example, TCNJ had an optional external review process prior to 2011. CFA noted at that time in their recommendation to adopt external review (governance documents 2008-2009) that candidates with and without external review created a problem for the CPTC because the candidates' information was not uniform. The current CFA reasoned that candidates with and without external reviewer identities revealed would be similarly problematic. Option 3 eliminates this significant problem by establishing a uniform process for all promotion candidates. Retaining Option 2 **also** requires submitting redacted letters to the electronic system while at the same time making un-redacted letters accessible to promotion evaluators. Bypassing the electronic system in this way might require changes to MOA #114, which governs electronic submission of promotion materials. At a minimum, procedures for sharing those letters would need further development of the procedures described in the 2017 RPD.
3. Option 3 is the least controversial. There was a strong divergence of opinion regarding Options 1 and 2. Selecting one of these options would prove unpopular with a large segment of the campus community. CFA did not receive strong opposition to Option 3.
4. Option 3 will be simple to implement. The RPD will require minor revisions, and the un-redacted letters will be submitted by the candidate to the electronic system. Those are the only changes that are needed.

Given this careful deliberation of the evidence, CFA determined that Option 3's advantages outweigh the weaknesses and that it was the best option available. Option 3 satisfies the Dean and Provost's concern for information parity in the promotion evaluation process. Option 3 extends this information parity to the candidate. It will ensure that the information for all promotion candidates is uniform at all levels of the evaluation process. Option 3 was the least controversial and easiest to implement and maintain. Importantly, CFA believes that disadvantages of this process (the possibility for bias to contaminate evaluations, or that review letters might be less candid) can be addressed by including additional language in the external review instructions in the RPD document.

Based on this reasoning, CFA recommended that the external review process be altered to Option 3 - reviewer identities are revealed to all campus members.

April 2018 to October 2018:

CFA's recommendation was accepted by Steering and moved to Step 7 of the governance process. Because the RPD is a Board-level policy, the final step in the process is approval by the Board of Trustees.

Bill Keep, Interim Provost, presented the recommendation to the Mission Fulfillment Subcommittee of the Board of Trustees on September 25, 2018. The BOT members raised two questions:

1. To what extent did the faculty consider the impact on the quality of external review letters given a change where external reviewers will know that their review will not be confidential? Having considerable experience writing reference letters, the BOT members express skepticism that the proposed change would have a slight or unimportant impact on the quality of external review letters.
2. After the Interim Provost described the promotion documentation process, BOT members asked: Was the recommended change shaped by the campus' current technology (i.e., Vibe) rather than by what policy would produce the highest quality external review letters? If so, then would a change in process rather than in policy provide quality external reviews?

Background of October 2018 Charge:

In keeping with the timeline below, CFA should consider the questions raised by the Board of Trustees. In doing so, CFA should consider 1) the role and potential value of external reviews as

articulated in the Reappointment and Promotions Document and 2) the policy most likely to produce high quality external reviews from highly qualified reviewers. CFA should consider consulting with Interim Provost William Keep regarding the context of the concerns of the Board of Trustees. After collecting testimony, CFA will report its recommendation to the faculty prior to submitting a final recommendation to Steering. In that report, CFA should clearly articulate who, if anyone, will know the identity of the external reviewers.

CFA Preliminary Recommendation regarding the October 2018 charge:

CFA carefully considered the feedback from the Board of Trustees and the campus testimony gathered on this issue (described earlier). Based on this testimony, CFA developed several guiding principles to shape the decision on external review letters.

1. External Review Quality - There are three factors that influence the quality of external reviews. First, reviews should be completed by qualified individuals. Second, reviewers should provide candid reviews of the scholarly work. Third, campus evaluators in the promotion process should focus on the quality of the arguments offered by the external reviewer.

To satisfy the first criterion, the process should solicit letters from qualified individuals. The best quality external review letters conceal the identity of the external reviewer to the extent that we can legally conceal a reviewer's identity. This satisfies the second and third criteria. There was general agreement among campus members that external reviewers would likely provide less candid reviews and would be less likely to agree to perform the review if their identities were revealed to the candidate. In addition, concealing external reviewers' identities from evaluators prevents the reviewers' personal or professional characteristics from biasing (unwarranted positive or negative attributions) the evaluation process.

2. Uniform Evidence - The candidate's application materials are carefully prepared and detailed. Each evaluator in the process (i.e., PRC, Dean, CPTC, and Provost) should have access to the same information when evaluating the candidate's qualifications for promotion. One major issue with a process that conceals the external reviewers' identities from evaluators to guard against bias is that evaluators have no information to determine whether the external reviewer is qualified and appropriate (no conflict of interest). Therefore, every evaluator of promotion materials should be provided evidence that letter writers are qualified and appropriate.

Many campus members expressed significant reservations regarding a process that revealed external reviewer identities for some candidates but not all candidates. Similarly, promotion evaluators expressed significant reservations regarding a process that revealed external reviewer identities to some evaluators but not all evaluators. Such a process creates unnecessary inequity that could inappropriately alter a promotion decision. Such a process is problematic.

Proposed Changes to the External Review Process

CFA edited the 2017 Reappointment and Promotion Document (see related file “RPD2017 CFA Changes for External Review.docx) in Appendix “IV. External Review of Scholarly/Creative/Professional Activity for Promotion to the Rank of Professor” (p. 56-59), Part Five “I. Standard Application for Promotion and Reappointment” section “G. External Reviews of Scholarship” (p. 68), and Part Five “VI. Letter to External Reviewer for Promotion to Rank of Professor Only” (p. 74).

The first major proposed change is to use a process in which the external reviewers’ identities are concealed from the candidate and all promotion evaluators (i.e., PRC, deans, CPTC, and Provost). Typically, only the PRC chair will know the identity of the external reviewer. This procedural change accomplishes several goals: (1) scholars will be more likely to complete a review, (2) the external reviewer will likely provide a more candid review, (3) the evaluation of the external review will be protected from bias, and (4) all evaluators will have the same evidence to evaluate. This is the most objective process possible.

A second major proposed change is to allow the candidate to decide whether the reviewer identities should be revealed to the promotion evaluators. The reviewers’ identities will never be revealed to the candidate unless required by law. This change respects the perspective of many campus members that the reviewer identity can provide much needed context to review letters. Although there are many good reasons to reveal the external reviewers’ identities, campus testimony revealed that there are just as many reasons to keep the reviewers’ identities concealed. The promotion candidate should decide whether guarding against bias (identities concealed from evaluators) or providing context for the letter (identities revealed to evaluators) is the primary concern.

A process that conceals external reviewers’ identities creates a system in which the evaluators have no evidence of the quality or appropriateness of the reviewer. To address this problem, CFA proposes a third major change to the process. A list of potential external reviewers is

created and added to each candidate's promotion application under "Appendix G – External Review Letters." This list provides the name, affiliation, and qualifications of each potential reviewer. It also describes the relationship between the candidate and reviewer to evaluate whether or not the reviewer is appropriate. Only the PRC chair will know the identity of the external reviewers, but the complete list of potential reviewers provides the PRC, Dean, CPTC, and Provost with evidence that the reviewers (two of those on the master list) are qualified and appropriate. In addition, the Dean collaborates in the development of the list, which adds transparency and quality to the reviewer selection process.

CFA heard concerns regarding the PRC chair's responsibilities for maintaining the integrity of a blind external review process. Consequently, the fourth major change to the process was to clarify the PRC chair's role. The PRC chair contacts reviewers, receives letters, and prepares redacted letters. The PRC chair must keep the reviewer identities concealed unless the candidate chooses to have them revealed. In this case, the PRC chair will send the original letters to the PRC, Dean, CPTC chair, and Provost so that the candidate only has access to the redacted letters. The proposed changes to the RPD Appendix IV contain some strong, specific language additions to emphasize these critical procedures. More specifically, the "Background" section explains that "external reviewers' identities are.....typically concealed from all the parties evaluating the candidate (i.e., PRC...)". This language specifies that the PRC should not be aware of the external reviewers' identities. In addition, strong language was added to "1.e. Ranking of the final list" that says, "The identity of the people who completed the reviews will not be disseminated by the PRC chair to the members of the PRC in any way. Therefore, only the PRC chair will know the identity of the external reviewers." This language makes the expectation of the PRC chair's responsibilities explicit.

CFA proposes a series of small changes to the process including:

- 1) The timeline was altered to accommodate the Dean's participation in the external reviewer list creation. We also identified some steps that require a firm deadline, and other steps that could have a more flexible deadline. A process that is more flexible is preferable to one that creates a need for exceptions; therefore, more flexible deadlines are identified whenever possible.
- 2) The previous external review process did not elaborate on the procedures to be followed if external reviewers could not be secured before the list was exhausted. This process was clarified in the revised process.
- 3) The previous external review process did not allow for late reviews to be included in the candidate's application. The revised process allows the candidate decide if a late review is included (by waiving the full 14 day period to respond to the review).
- 4) The letter to external reviewers "VI. Letter to External Reviewer for Promotion to Rank of Professor Only" (p. 74) did not properly acknowledge that external reviewer identities

might be revealed by legal request. This possibility is now acknowledged to potential external reviewers.

A process where the external reviewers' identities are concealed is most likely to produce quality reviews and unbiased use of those reviews. Allowing the candidate to have the external reviewers' identities revealed enables the process to be flexible to accommodate special situations. Providing the list of potential reviewers adds much needed transparency to this important stage of the process and provides evidence that the reviews were prepared by qualified and appropriate reviewers. These changes create an external review process that addresses all the concerns CFA heard in the campus testimony and one that is markedly superior to our current process.

Campus Testimony on the 2018 CFA Preliminary Recommendation (October 2018 charge):

CFA prepared an anonymous, electronic survey that went out to all faculty and Deans for examination and comment. The survey contained CFA's preliminary recommendation (all the text prior to this section) and a copy of the 2017RPD with edits made using track changes. People reviewing these documents could see all the proposed changes and follow the rationale for each change. The survey opened on Friday February 8th, 2019 and remained open until March 22nd, 2019 (a total of 42 days). CFA sent a reminder to provide feedback on Wednesday March 6th and noted that the survey would be open during Spring Break.

A total of 67 responses to the survey were recorded. The survey asked respondents to "Please indicate what roles you have served on campus that inform your opinions regarding external review in promotion (check all that apply)." Respondents identified as "Administrator" (3), "Department Chair" (27), "Promotion and Reappointment Committee (PRC) Chair" (23), "PRC member" (43), "College Tenure and Promotion Committee Member" (12), and "Faculty" (62).

Summary of Testimony

The testimony was supportive of the changes described in "*CFA Preliminary Recommendation regarding the October 2018 charge*" section of this recommendation. A majority of respondents (58.12% or 39 people) indicated that these changes would "improve the external review process in promotion". Some (16.42% or 11 people) indicated that these changes would "do little to change the external review process". Others (25.37% or 17 people) indicated that the proposed changes would "make the external review process worse than the current process". CFA carefully analyzed the 17 responses who felt the changes were making the process worse. Five respondents expressed concern that the reviewer's identity would be revealed to the candidate. The revised recommendation ("*CFA Preliminary Recommendation regarding the October 2018*

charge”) does NOT allow the reviewer’s identity to be revealed to the candidate. Another 5 people supported the *April 28, 2018 CFA Recommendation* that argued to reveal the external reviewer’s identity to all people in the promotion process including the candidate.

The testimony reflected a variety of opposing viewpoints regarding external review; however, the majority of the campus agrees that the CFA’s latest proposed changes (*CFA Preliminary Recommendation regarding the October 2018 charge*) would improve the external review process.

Final Recommendation:

CFA recommends moving forward with the proposed changes described in the “*CFA Preliminary Recommendation regarding the October 2018 charge*” section with a few minor tweaks that were prompted by detailed campus testimony collected in the most recent electronic survey.

1. The revised RPD described a “collaborative process” between the PRC and candidate to develop a list of external reviewers (section 1.d. Compilation of the final list). CFA deleted text that said, “The candidate may remove any name on the PRC list if he or she provides a detailed rationale that describes why the particular reviewer could not provide an objective review of the candidate’s scholarly/creative/professional activity.” Feedback suggested that we include this statement to be explicit regarding the appropriateness of a reviewer. CFA agreed with the feedback and decided to retain this text.
2. Feedback suggested that the Disciplinary Standards might be useful to the reviewers. CFA agreed and added the option of sending the Disciplinary Standards to the reviewers in Section “3. Sending Materials”.

Given the types of concerns expressed by campus members, CFA recommends careful and deliberate communication to the campus if the proposed changes to the external review process are accepted. Several members expressed skepticism that PRC chairs, PRC members, Deans, CPTC members, etc. would follow the established processes. Several others expressed difficulty discriminating between current and proposed changes to the external review process. CFA believes these issues can be minimized by clearly explaining the purpose of external review and detailing specific changes to the external review process in a shorter document. We suggest the following points and changes be itemized in communications to the campus.

1. External review is an important part of a personnel decision that helps the candidate explain the maturation of the scholarly record. Therefore, it is crucial that the procedures described in

the revised Reappointment and Promotions Document be followed exactly. Failure to follow personnel procedures could result in an inappropriate decision and subject campus members to potential lawsuits.

2. The entire list of potential external reviewers will become part of the applicant's promotion application.
3. By default, the actual external reviewer identities are REDACTED from ALL parties involved in the promotion process (candidate, PRC, Dean, CPTC, and Provost).
4. PRC chair shall NOT reveal the identities to anyone unless the candidate has decided to reveal the external reviewers' identities to the PRC, Dean, CPTC, and Provost.
5. No member of the campus community should pressure the candidate to reveal external reviewers' identities.