



FLORIDA ATLANTIC UNIVERSITY

Board of Trustees

Item: VI. a. i.

**Tuesday, August 13, 2024**

**SUBJECT: AUDIT REPORT: FY24-A-03, COMPLIANCE AUDIT OF THE UNIVERSITY'S 2023-2024 POST-TENURE REVIEW (PTR) PROCESS**

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**PROPOSED Board ACTION**

Information Only.

**BACKGROUND INFORMATION**

The Florida Board of Governors (BOG) adopted Regulation 10.003 – Post-Tenure Faculty Review, authorizing, pursuant to amended State law, the Board of Trustees (BOT) of each institution within the SUS to adopt policies requiring tenured faculty members to undergo a comprehensive PTR every five years. This is our first periodic (i.e., every three years) audit of the University's PTR Process to assess and report on the Florida Atlantic University (FAU)'s compliance with applicable BOG regulations, State laws, and University regulations and policies.

This report reflects the results of our completed compliance audit of the University's 2023-2024 Post-Tenure Review (PTR) Process. As outlined in the report, we found that FAU successfully implemented and administered the PTR process and is in compliance with applicable State laws, BOG regulations, and University regulations and policies. We provided management with two recommendations to help improve the current Post-Tenure Review policies, processes, and practices.

**IMPLEMENTATION PLAN/DATE**

Not Applicable.

**FISCAL IMPLICATIONS**

Not Applicable.

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**Supporting Documentation:** Audit Report FY24-A-03, Compliance Audit of the University's 2023-2024 Post-Tenure Review Process


**Presented by** – Mr. Reuben Iyamu, Inspector General

**Phone:** 561-297-6493



**MEMORANDUM**

TO: FAU BOT  
Dr. Stacy Volnick, Interim President

FROM: Reuben Christian Iyamu, Inspector General 

DATE: July 1, 2024

SUBJECT: **Compliance Audit of the University's 2023-2024 Post-Tenure Review Process**  
**Report No. FY24-A-03**

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We have completed our first periodic (i.e., every three years) audit of the University's Post-Tenure Review Process in compliance with the BOG (Board of Governors) Regulation 10.003. The objectives of the audit were to assess and report on the University's 2023-2024 post-tenure review process and compliance with applicable BOG regulations, State laws, and University regulations and policies.

We submit this report which contains our conclusions and recommended actions, response from the Interim Provost/Vice President (VP) for Academic Affairs, and management action plans. We will periodically review and report on management's actions to address the recommendations within this report.

**The results of our audit disclosed that the University is in compliance with applicable State laws, BOG regulations, and University regulations and policies. However, we provided management with two recommendations to help improve the current Post-Tenure Review policies, processes, and practices.**

We would like to thank the staffs of the Offices of the Provost and General Counsel as well as select departments/colleges that have tenured faculty for their full cooperation and assistance during this audit.

Respectively Submitted,

cc: University Provost  
Vice Presidents  
Inspector General, Florida Board of Governors  
Florida Auditor General  
Dr. Stephen Engle, Associate Provost for Personnel  
Iselgis Garcia, Associate Vice President for Academic Finance and Administration  
Tori Winfield, Associate General Counsel

# Executive Summary

Florida Atlantic University (FAU), a component of the State University System (SUS), has completed its first annual comprehensive Post-Tenure Review (PTR) for the 2023-2024 academic year, as mandated by BOG regulations and State laws. This is our first, and continuing every three years, audit of the University's PTR process. The primary purpose of the audit was to assess and report on the University's compliance with applicable BOG regulations, State laws, and University regulations and policies.

Overall, we concluded that the University is in compliance with applicable State laws, BOG regulations, and University regulations and policies. Considering the new (or unfamiliar) requirements and the sense of urgency inherent in this inaugural year of PTR, we concluded that the University successfully implemented and administered the PTR process timely. However, we provided management with two recommendations to help improve the current Post-Tenure Review policies, processes, and practices. Specifically, we recommend management should:

1. Update the current University-wide policy to address three key provisions outlined in the BOG regulation relevant to the PTR process.
2. Require the applicable Units to update their current criteria and guidelines to address all four performance ratings.

## Background

On March 29, 2023, the Florida Board of Governors (BOG) adopted Regulation 10.003 – Post-Tenure Faculty Review<sup>1</sup>, authorizing, pursuant to amended State law<sup>2</sup>, the Board of Trustees (BOT) of each institution within the SUS to adopt policies requiring tenured faculty members to undergo a comprehensive PTR every five years. According to the regulation, the post-tenure review is intended to: (1) Ensure high standards of quality and productivity among the tenured faculty in the SUS, (2) Recognize and honor exceptional achievement, (3) Assess faculty members continued academic professional development, (4) Allow faculty members who have fallen below performance expectations to adhere to the requirements of a performance improvement plan to restore to expected levels of productivity, and (5) Enable management to take applicable employment actions on faculty members whose performance or conduct is unacceptable, non-compliant, and inconsistent with professional standards.

To help ensure consistency with the implementation of the PTR among the SUS institutions, the BOG regulation mandates the following steps or processes:

1. **Adoption of Policy** – *authorizes each University to establish a policy which shall require tenured faculty members to undergo a comprehensive post-tenure review.*

<sup>1</sup> <https://www.flbog.edu/wp-content/uploads/2022/11/Regulation-10.003.pdf>

<sup>2</sup> [http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=1000-1099/1001/Sections/1001.706.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1001/Sections/1001.706.html)

2. **Timing and Eligibility** – *Stipulates the faculty members that should be evaluated by each University (with exceptions documented) and the frequency of such evaluations.*
3. **Review Requirements** – *Requires each University to develop the criteria for evaluating eligible faculty members.*
4. **Process Requirements** – *Outlines the procedures and steps for the review, as well as the University officials that should conduct the PTR.*
5. **Outcomes** – *Stipulates the following performance ratings: 1) Exceeds expectations, 2) Meets expectations, 3) Does not meet expectations, and 4) Unsatisfactory.*
6. **Monitoring and Reporting** – *Requires each University (1) Chief Academic Officer (Provost) to report the outcome of the post tenure review annually to the University President and BOT, and (2) Chief Audit Executive to conduct an audit of the post tenure review process every three years and submit a report to the BOT.*

As authorized by the Board of Trustees (BOT) regulation<sup>3</sup> and in compliance with BOG regulation 10.003 and State law, Florida Atlantic University (FAU) established a university-wide policy to provide PTR expectations to each of its nine colleges and 40 departments/units. Consistent with the University policy, each unit that has tenured faculty members developed and maintained their own internal PTR criteria and policy guidelines and conducted their first annual PTR for the 2023–2024 academic year period. Processes were established (as set forth in the regulation and/or University policy) for eligible tenured faculty members to initiate the process by submitting a completed PTR file to the appropriate department Chair (Unit Head), illustrating their contributions to the University in the areas of teaching, scholarship, and service. The University Unit Heads convened a PTR Advisory Committee consisting of at least three professors<sup>4</sup> in the eligible tenured faculty members' unit.

The Dean of the applicable college reviewed the completed PTR file and the ratings provided by the Unit Head's PTR Advisory Committee and Unit Head and submitted a report reflecting the result of their review, any concerns, and a recommended performance rating to the University Provost. The Provost reviewed the entire PTR file and, in consultation with the President, prepared a report for each eligible tenured faculty member which included a final performance rating. For the final step, the Provost notified the faculty member, their Unit Head, and the appropriate college Dean of the overall PTR outcome and provided the faculty member with access to their complete PTR file.

## Objectives, Scope, and Methodology

The **objectives** of the audit were to:

- Assess and report on the University's 2023-2024 post-tenure review process and compliance with applicable BOG regulations, State laws, and University regulations and policies.

The **scope** of the audit included a review of the University's PTR policies, processes, and practices. We also examined the completed dossiers (PTR files) for a sample of faculty members that had a comprehensive PTR conducted in academic year 2023-2024. Our audit was primarily designed to identify instances of non-compliance (or progress in compliance) with applicable BOG regulations, State laws, and University regulations and policies.

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<sup>3</sup> <https://www.fau.edu/regulations/documents/chapter5/reg-5-002-8-15-23.pdf>

<sup>4</sup> The process was applied to ensure there were no perceived or actual conflicts of interest in evaluating the professors.

We conducted various audit procedures to achieve our stated audit objectives and scope, including, but not limited to, interviewing key knowledgeable personnel in the Provost's Office to obtain an understanding of the University's post-tenure review processes and practices, evaluating and analyzing records, and reviewing completed PTR files for compliance with applicable University policies and regulations, BOG regulations, and State laws. The specific audit procedures conducted (are categorized based on the steps stipulated in the BOG regulation 10.003) and described below:

1. Adoption of Policy

- Determined that the University developed policies for implementing the PTR.
- Reviewed the University policy and determined whether it addressed key elements in the BOG regulation.

2. Timing and Eligibility

- Evaluated the University's compliance with the timing and eligibility requirements outlined in the BOG regulation, ensuring that (1) each tenured faculty member had a comprehensive post-tenure review conducted in the fifth year following their last promotion or comprehensive review, (2) 20% of the remaining tenured faculty members were evaluated, (3) tenured faculty members in administrative roles were evaluated annually, and (4) exceptions granted to tenured faculty members relating to the timing were documented and reported to the University President and BOT.

3. Review Requirements

- Determined whether all colleges and departments/units that have tenured faculty developed written criteria and guidelines for implementing the PTR.
- Reviewed a sample of established criteria and determined whether they included consideration of key BOG regulatory requirements for faculty members' accomplishments; history of professional conduct; non-compliance with applicable State laws, BOG regulations, and University regulations and policies; unapproved absences from teaching assigned courses; and substantiated complaints and does not discriminate based on the faculty members' political or ideological viewpoints.

4. Process Requirements

- Reviewed completed PTR files for a sample of tenured faculty members that had a comprehensive PTR conducted in academic year 2023-2024 and evaluated records to determine whether all of the key steps outlined in the BOG regulation and University policy were properly followed. We also evaluated the accuracy and completeness of the reviews relative to their colleges and departments/unit's written criteria and guidelines.
- Verified that the PTR was conducted by the applicable Unit Head (assisted by their PTR Advisory Committee), College Dean, and University Provost.
- Determined whether the University Provost notified the selected tenured faculty members, their Unit Head, and the appropriate college Dean of the overall PTR outcome.
- Reviewed and made inquiries to ensure confidentiality was maintained throughout the entire PTR process.

5. Outcomes

- Verified the University policy includes recognition and compensation considerations and consequences for underperformance.
- Reviewed and determined compliance with the outcome requirements in the BOG regulation, including whether (1) recognition and compensation were given to those who received a final performance rating of "Meets or Exceeds Expectations", (2) those who received a final

performance rating of “Does Not Meet Expectations” had a performance improvement plan (PIP), and (3) a notice of proposed termination, pursuant to applicable University regulations and policies, and provisions of the Collective Bargaining Agreement (CBA) was issued to those who received a final performance rating of “Unsatisfactory”.

6. Monitoring and Reporting

- Determined whether the University Provost submitted a report on the outcome of the PTR to the University President and BOT.

We conducted this audit in accordance with the *International Standards for the Professional Practice of Internal Auditing* and with *Principles and Standards for Offices of Inspector General*. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Audit Conclusions and Recommendations

Overall, we concluded that the University is in compliance with applicable State laws, BOG regulations, and University regulations and policies. Considering the new (or unfamiliar) requirements and the sense of urgency inherent in this inaugural year of PTR, we concluded that the University successfully implemented and administered the PTR process timely. However, we provided management with two recommendations to help improve the current Post-Tenure Review policies, processes, and practices. The details of our audit conclusions and recommendations, categorized in the BOG regulation, are described below:

### Adoption of Policy

In compliance with the BOG regulation 10.003(1) and as permitted by the University Board of Trustees, FAU adopted a university-wide written policy for implementing the post-tenure review. The policy was generally adequate, comprehensive, and contained the essential PTR provisions outlined in the BOG regulation and State law.

We recommend that management should update the current University-wide policy to address the following steps that are stipulated in the BOG regulation relevant to the PTR process:

1. Following the effective date of this regulation, the BOT shall not enter into any CBA that conflicts with the BOG and FAU regulations.
2. Nothing in this regulation is intended to prevent the BOT from instituting additional evaluation processes, criteria, or standards so long as they meet or exceed the requirements outlined in section 1001.706(6)(b), Florida Statutes, and the BOG regulation 10.003.
3. Exceptions granted to tenured faculty members relating to the timing for extenuating, unforeseen circumstances shall be disclosed in the Provost’s report to the President and Board of Trustees.

### Timing and Eligibility

We concluded that FAU complied with the timing and eligibility section of the BOG regulation 10.003(2). Specifically, we noted that:

- Generally, each tenured faculty member had a comprehensive post-tenure review conducted in the fifth year following their last promotion or comprehensive review.
- 20% of eligible faculty tenured or promoted to full professor prior to 2019 were evaluated.
- The exception granted to the tenured faculty member relating to the timing was properly documented and will be reported to the University President and BOT in the Provost's report.
- All tenured non-administrative faculty were properly assessed for PTR eligibility.
- The tenured faculty in administrative roles reviewed were evaluated annually according to the PTR policy.

We noted no reportable issues that required management corrective actions.

## Review Requirements

As directed by University policy, each of the University's 49 units (9 colleges and 40 departments) that have tenured faculty members developed and maintained clear, written, quantifiable PTR criteria and policy guidelines for evaluating faculty members within their units. We obtained and reviewed the criteria and policy guidelines developed by 17 of those units. Based on our review, we concluded that the written criteria and guidelines developed by each of the reviewed units were adequate and generally in accordance with University policy and BOG requirements. The units' criteria also included consideration for tenured faculty members':

- Level of accomplishment and productivity relative to assigned functions during the five-year review period.
- History of professional conduct and academic performance.
- Non-compliance with laws, regulations, or policies as well as unapproved absences (where applicable).
- Substantiated violations or misconduct.

However, we noted that the criteria and guidelines developed by three of the 17 units reviewed did not disclose the four performance ratings stipulated in the University policy and BOG regulation. One college didn't include "Unsatisfactory" in the performance rating scale and two departments within that college indicated the quantifiable criteria for only two performance ratings, "Exceeds Expectations" and "Meets Expectations". The other two ratings, "Does Not Meet Expectations" and "Unsatisfactory," were not addressed by the departments. Nonetheless, the performance ratings issued to the tenured faculty members reviewed during the 2023-2024 PTR process were appropriate and properly supported in the PTR files.

To ensure all performance ratings are considered and applied to future PTR's, [we recommend](#) that management should require the applicable Units to update their current PTR criteria and guidelines to address all four performance ratings.

## Process Requirements

We concluded that FAU complied with the process requirements section of the BOG regulation 10.003(4), applicable State laws, and University regulations and policies. For each of the 13 PTR files we reviewed, the applicable tenured faculty member, their Unit Head, PTR Advisory Committee, College Dean, and the University Provost, all participated in the PTR process and adhered to their various steps and responsibilities as outlined in the University policy and BOG regulation. The PTR files properly documented all required activities and the faculty members were evaluated using the performance ratings of "Exceeds Expectations," "Meets Expectations," "Does Not Meet Expectations," and "Unsatisfactory." At the conclusion of the reviews, the Provost notified the faculty members, their Unit Heads, and college Deans in writing of the

final outcomes. We assessed that the FAU PTR process was conducted while maintaining confidentiality of the University’s records. We noted no reportable issues that required management corrective actions.

**Outcomes**

We concluded that FAU complied with the outcomes section of the BOG regulation 10.003(5), applicable State laws, and University regulations and policies. FAU’s PTR policy includes the recognition and compensation considerations for faculty members whose performance “Meets or Exceeds Expectations” and consequences for faculty members who receive a “Does Not Meet Expectations” or an “Unsatisfactory” performance rating. We noted no reportable issues that required management corrective actions.

As shown in the table below, 44 of the 63 tenured faculty members reviewed in the 2023–2024 academic year period received a final performance rating of Exceeds Expectations. Based on the University policy, those 44 faculty members will receive a 3% or \$3,000 merit base salary increase, whichever is higher. In addition, Associate Professors will receive a \$2,500 one-time bonus and Full Professors will receive a \$5,000 one-time bonus. Likewise, those 18 faculty members that received Meets Expectation will receive a 3% or \$3,000 merit base salary increase, whichever is higher. Management indicated that they would receive the recognition and compensation in accordance with the FAU PTR policy, which was agreed upon by the Provost, in August, the beginning of the next academic year.

|   | <b>PTR Outcome Categories</b> | <b># of Tenured Faculty members</b> |
|---|-------------------------------|-------------------------------------|
| 1 | Exceeds Expectations          | 44                                  |
| 2 | Meets Expectations            | 18                                  |
| 3 | Does Not Meet Expectations    | 1                                   |
| 4 | Unsatisfactory                | 0                                   |
|   | Total                         | 63                                  |

**Monitoring and Reporting**

We concluded that FAU complied with the monitoring and reporting section of the BOG regulation 10.003(6), applicable State laws, and University regulations and policies. As required by the BOG regulation and State law, the University policy indicates that the Provost will annually report the outcomes of the PTR process to the University President and BOT. Management indicated that the Provost’s report reflecting the outcomes of the 2023-2024 academic year PTR process will be reported to the University President and BOT. We noted no reportable issues that required management corrective actions.



# Provost/VP Response

## Dr. Russ Ivy, Interim Provost & Vice President for Academic Affairs

We wish to thank the Office of the Inspector General for completing their audit of the University’s Post-Tenure Review Process for 2023-2024 that finds the University in compliance with applicable State laws, BOG regulations, and University regulations and policies. Considering the sense of urgency inherent in this inaugural year of PTR, we are pleased by the conclusion that the University timely and successfully implemented and administered the PTR process.

There were no PTR related appeals to the Office of the Provost. On August 3, 2024, the University will distribute the merit-based compensation to eligible faculty as follows:

| <b>PTR Outcome</b>   | <b># of Faculty</b> | <b>Recognition</b>   | <b>Total Recurring Cost</b> | <b>Total One-Time Cost</b> |
|----------------------|---------------------|--|-----------------------------|----------------------------|
| Exceeds Expectations | 44                  | 3% or \$3,000 merit base salary increase, whichever is higher, one-time bonus of \$2,500 (Associate Professors) or \$5,000 (Full Professors) | \$219,532.89                | \$193,770.00               |
| Meets Expectations   | 18                  | 3% or \$3,000 merit base salary increase, whichever is higher  | \$91,895.94                 |                            |
| <b>Total Costs</b>   |                     |  | <b>\$311,428.83</b>         | <b>\$193,770.00</b>        |

We will incorporate the below recommendations to improve the current Post-Tenure Review policies, processes, and practices. The Office of the Provost has charged its PTR Work Group comprised of faculty, administrators, and staff to routinely review the University’s PTR policy. It will be updated to reflect best practices in support of the University’s mission.

# Management Action Plan

| Action plan   | Responsible Employee            | Target Date       |
|---|---------------------------------|-------------------|
| <b>Recommendation #1</b> - We recommend that management should update the current University-wide policy to address the three key provisions outlined in the BOG regulation relevant to the PTR process. The three provisions are outlined in the report.   |                                 |                   |
| The Provost's Office will update the current University-wide policy to expressly state: (1) The BOT shall not enter into any CBA that conflicts with the BOG and FAU regulations, (2) The BOT may institute additional evaluation processes, criteria, or standards so long as they meet or exceed the requirements outlined in section 1001.706(6)(b), Florida Statutes, and the BOG regulation 10.003; and (3) Exceptions granted to tenured faculty members for extenuating, unforeseen circumstances shall be disclosed in the Provost's report to the President and the Board of Trustees. | Associate Provost for Personnel | December 31, 2025 |
| <b>Recommendation #2</b> – We recommend that management should require the applicable Units to update their current PTR criteria and guidelines to address all four performance ratings.  |                                 |                   |
| The Provost's Office will require the applicable Units to update their current PTR criteria and guidelines to reference all four performance ratings.   | Associate Provost for Personnel | December 31, 2025 |

## Engagement Team

**Audit Conducted by:** Allaire Vroman, Internal Auditor/Investigator  
 Ivette Montalvan, Internal Audit/Investigations Manager

**Audit supervised and approved by:** Reuben Iyamu, MBA, CIA, CFE, CIGA, CIG  
 FAU Inspector General

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