

III.C. PROCEDURES FOR THE EVALUATION OF FACULTY

The College recognizes the fundamental principle that both colleagues and administrative officers should evaluate faculty members. Deans, chairs, and, when appropriate, program directors, shall conduct periodic evaluations of all faculty members in the program, department or school, regardless of rank. The procedures and standards for evaluation followed by each school, department or program shall be adopted by majority vote of that unit; they are subject to the approval by the appropriate Dean and by the Provost, and they must be approved by the Procedural Review Committee for consistency with College policies. Procedures become effective when ratified by the Committee on Personnel Policy of the College. The standards shall be applied in a manner that fosters each program's, department's or school's mission and serves to maintain the overall quality of the faculty.

Comment: This heading comes from current III.B.2, first paragraph. The point about differences among units has been moved to 1.below

Comment: Clarification per PRC suggestion

Comment: Moved up and revised from current III.b.2,paragraph 4

Comment: In practice, the PPC approves, and doesn't simply "record"

Comment: FAFAC: added "'s" to program and department

Comment: From the post-tenure review policy—I copied "maintains" here because this statement applies to ALL reviews, including annual merit and post-tenure. Change ok by Geoff

Comment: We've done a lot of reorganizing here—for example, the paragraph defining the PPC will now be in Section II., and I've tried to note major moves

Comment: PRC's question—is this meant to suggest that no other category of criteria may be applied (e.g., collegiality?) should there be some proviso "and shall include no more than" or something to that effect?

Comment: FAFAC: leave as is. This does not imply that other criteria could not come into play, and we are comfortable with that.

Comment: Moved from III.B.2, paragraph 7—with minor changes.

Comment: FAFAC: this paragraph seems more naturally to belong at the end of Section 1 of III.C.

1. Tenure-eligible and Tenured Faculty

Though specific procedures and standards among the several faculties of the College vary, the criteria for retention, tenure, promotion, and annual merit evaluation of tenure-eligible and tenured faculty members throughout the College shall include: possession of the professional education, experience, and degrees appropriate or necessary for their duties; conscientious and effective teaching with proper command of the material of their fields, and helpfulness to their students; significant contributions to their fields through research and scholarly or creative activity, and through professional service; and responsible participation in College governance.

Due Process. By delivery of a copy of this *Faculty Handbook* with their initial appointment contract, faculty members will be advised of the criteria and procedures generally employed in evaluations across the College; they will also receive a written copy of the procedures and of any special criteria adopted by the faculty member's program, department or school. Faculty members shall be advised in writing by the appropriate administrative officer when evaluations of their performance are to be conducted, they shall be afforded reasonable opportunity to present in writing, and, if the unit's procedures allow, in person, all relevant information¹; they shall have timely access to their personnel records as required by law;² they shall be afforded an opportunity to respond to any material considered; and they shall receive a written copy of all formal evaluations, another copy of which shall be placed in their personnel files.

Comment: PRC's suggestion, to clarify that the faculty member has the choice to present some (presumably sensitive) information in person

Comment: This note is new language, clarifying this right

Comment: Our clarification of the deleted (because unclear) "such requests shall be answered within applicatory", etc.

Comment: The note is new language

Comment: Following practice

¹ At all times, faculty members shall have the right to present in person information of a highly sensitive nature that they do not wish to have included in the written record.

²Per Code of Virginia section 2.2-3806; however, per a memo from the Provost endorsed by the Faculty Assembly April 25 2006, review committees for tenure and promotion shall provide candidates with access to the reviews, but redact the name of the reviewer and any other information that might identify the reviewer.

a. Annual Merit Review

Program directors, department chairs, and Deans shall **complete** annual merit reviews of each of their faculty members, in accordance with their unit's approved procedures (which may call for consultation with a faculty committee), for purposes of determining salary increases (see III.C.1.a.i below) and acknowledging good work or pointing out areas in need of improvement. ~~Annual merit reviews may also provide an opportunity to recognize changes in the faculty member's role over the course of his or her career; and,~~ As described in III.C.1.c. below, annual merit reviews may result in post-tenure review of the faculty member.

Comment: We've separated the various reviews and moved things around accordingly—this section has been moved from current III.B.3.a. par. 1 with slight changes.

Comment: PRC's suggestion, since in many depts., the reviews are actually prepared by a committee

Comment: PRC's suggestion—this made a certain amount of sense when this section was part of post-tenure review, but now it seems irrelevant

Annual merit reviews shall evaluate a faculty member's performance in the areas of teaching, research, and service and/or governance in accord with the guidelines for faculty evaluation in III.C., above. As part of this review, each faculty member shall submit an annual report in a format prescribed by the unit that summarizes teaching, research, and service and/or governance, as well as other information deemed pertinent by the relevant authorities (as appropriate, the faculty review committee, the program director, the department chair, and/or the Dean). The annual merit review may also consider, as appropriate, factors that extend beyond a single year, such as long-term research projects, teaching enhancement projects, and/or contributions to service and/or governance. Summaries of annual merit reviews must be submitted by the department chairs and program directors, if any, to the Dean; the Dean may request additional information. All due process delineated in Section III.C1. applies.

Comment: Formerly III.b.2.c.—the last sentence has been shortened

i. Salaries There are currently no salary ceilings. Specific criteria for awarding salary increases are established by the College and may be governed by the Virginia General Assembly.

The initial responsibility for recommending merit salary increases rests with the department chair or program director in Arts and Sciences, or with the Dean, or designated associate dean, in the schools and the Virginia Institute of Marine Science. These recommendations are subject to review and adjustment by the Dean of the Faculty of Arts and Sciences, or by the Dean of the School, or by the Director of the Virginia Institute of Marine Science, and, finally, by the Provost.

Comment: Moved from current III.G—sections 2 & 3 on "Summer Session Salaries" and "Benefits" have been excised from the Handbook all together as they don't have anything to do with policy or procedure—**AND NEW COMMENT—THE SENTENCE BELOW HAS BEEN REMOVED BECAUSE IT MAY CHANGE WITH RESTRUCTURING AND IN ANY CASE DOESN'T REALLY CONCERN POLICY OR PROCEDURES:**

Comment: FAFAC: why is this statement needed? There are no floors either?

Comment: III.G.1.c. has been deleted because this is given in the due process clause above; III.G.1.d. has been deleted because the Provost no longer does this

b. Interim, tenure, and promotion reviews

All reviews for retention, tenure, and promotion of tenure-eligible and tenured faculty members shall begin with a report from a faculty committee, as identified in the procedures of the program, department, and/or school. The Dean(s) of the appropriate faculty and/or school(s) shall submit all recommendations regarding retention, tenure and promotion to the Provost. Each submission to the Provost shall contain the following: the comments and recommendations of the Dean(s), as well as of the chair or program director where appropriate; and all reports and votes prepared by faculty groups given an official role in the units' procedures³. The Provost, in turn, shall submit his or her decision to the President; the President's decision is final, subject to approval of positive recommendations for tenure and promotion by the Board of Visitors.

Comment: A clarification of III.B.2. par.3.

Comment: This paragraph contains new language, codifying current procedure and including Geoff's 2006 memo about procedures

The general **categories** governing interim, tenure, and promotion reviews are delineated in III.C.1. ~~In applying these categories, each recommending authority will consider all relevant information obtained for the evaluation, which must include students' evaluations of the candidates' teaching; tenure and promotion reviews shall include the opinion of experts outside the College.⁴ The categories shall be employed in a manner that fosters each Faculty's particular mission as well as improvement in the overall quality of the faculty.~~ Each case shall be judged on its own merits and not on comparisons with previous decisions.

Comment: PRC has suggested substituting "categories" for "criteria" when discussing GENERAL (as opposed to tenure) procedures

Comment: NEW: I suggest deleting this phrase to avoid the awkwardness of "applying categories"—and in the next sentence, I changed "applied" to "employed"

Comment: From current III.B.2.par.7; the note is new language

Comment: Substantive: Is this the case in practice for interim reviews? In my reading, that's what the handbook says. Geoff says ok. Also, PRC would change this word to "maintains" for ALL evaluations.

Comment: FAFAC: suggest deleting this statement as not being a procedural statement.

Comment: This section is new, culled from present Handbook and from the Provosts' 2006 memo.

i. Interim Reviews

At the time of their initial appointment and again as deadlines approach, tenure eligible faculty members shall be advised in writing by the appropriate administrative officer(s) when decisions affecting their retention and their tenure and promotion to associate professor are to be made. A faculty member whose tenure review is scheduled for the 6th year of his or her tenure-eligible appointment at the College shall undergo an interim review normally no earlier than the fourth semester and no later than the sixth semester of the appointment; faculty members with shorter probationary periods (see section III.C.1.b.ii. below) shall undergo interim review at the time designated in the initial appointment, unless the tenure review is scheduled within the first three years of the appointment.

³ For example: elected personnel committees; faculty members eligible to vote on retention, tenure and promotion in the program department, or school; elected advisory committees to the Dean. See also the Provost's memo on "Promotion and Tenure Files and Interim Reviews," 2006, Appendix J, hyperlink.

⁴ Per a memo from the Provost endorsed by the Faculty Assembly April 25 2006, review committees for tenure and promotion shall provide candidates with access to the reviews, but redact the name of the reviewer and any other information that might identify the reviewer.

Interim reviews shall be conducted in accordance with the general categories delineated in III.C.1, with the procedures delineated in III.C.1.b, and with the standards and procedures adopted by the faculty member's program, department, and/or school. The information considered shall include the candidate's curriculum vitae, self-evaluation, and student evaluations, **as well as some evaluation of the candidate's teaching based on at least one method other than student evaluation.**⁵ All due process delineated in III.C.1 applies.

Comment: FAFAC: added "at least" to allow multiple methods....

Comment: A slight rewriting of the Provost's memo

Comment: New language from the Provost's 2006 memo

Comment: FAFAC: redundant

Comment: PRC's recommendation, rather than "retain"

Interim reviews shall result in a decision to **continue** or to terminate the faculty member's appointment. The recommending authorities may also acknowledge good work and/or point out areas in need of improvement. A positive interim review does not guarantee a positive tenure decision; ~~in fact, interim review reports are included in candidates' tenure dossiers only when the program, department, or school's procedures specifically stipulate that they shall be.~~

Comment: New language: Geoff reports this has been a problem

Comment: FAFAC: Candidates are allowed to include any materials they wish in their tenure dossier – why should these reviews alone be prohibited?

Comment: Substantive—the Handbook says the Dean, but in practice, it's whoever makes the recommendation—the chair, the Dean, etc. AAUP says "body or individual making the decision"

When a recommendation or decision to terminate an appointment has been reached, the faculty member will be informed of that decision in writing by the department chair and/or by the Dean of the faculty or school. If the faculty member so requests, the Dean will confirm the reasons for the recommendation in writing. Grounds and procedures for appeal are described in III.C.1.e below.

Comment: Substantive issue: This is one spot where the language might change-- is the Arts & Sciences RPT considered a "recommending authority"?

Comment: FAFAC: suggest "state" or "provide" rather than "confirm"

Comment: New language: Adapted from the Provost's memos, from the post-tenure review policy, and from current Handbook III.B.2

ii. Tenure Reviews and Promotion to Associate Professor

At the time of their initial appointment and again as deadlines approach, tenure eligible faculty members shall be advised in writing by the appropriate administrative officer(s) when decisions affecting their retention and their tenure and promotion to associate professor are to be made. **Per AAUP guidelines, the probationary period for a faculty member in a full-time position shall not exceed seven years,⁵ including full-time service at another accredited institution of higher learning (except as noted in the following paragraph), and including authorized leaves of absence (except as discussed in "Extension of the Probationary Period" below). All recommendations for the granting or denial of tenure must be submitted to the Provost by 15 March of the penultimate year of probationary service, normally the sixth year.**

Comment: A change in existing language (III.b.2, par. 9) to clarify and make consistent with AAUP

⁵ For more information, see the Provost's memo on "Promotion and Tenure Files and Interim Reviews," 2006; see Appendix J, hyperlink.

⁵ "1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments." American Association of University Professors. 15 June 2006. <http://www.aaup.org/statements/Redbook/1940stat.htm>

Under no circumstance shall tenure be awarded until a tenure review has been conducted and a positive recommendation made by the President to the Board of Visitors following the procedures outlined in III.C.2. Subject to a positive review and the approval of the Board of Visitors, tenure shall be granted to any full-time faculty member who has attained the rank of assistant professor or higher upon that faculty member's appointment beyond seven years,⁶ with the following exception: if part of the seven years is represented by service at another accredited institution of higher learning or in a professional position relevant to the faculty member's academic appointment at the College, **the faculty member and the appropriate administrative officer(s)** may agree in writing upon a probationary period of as much as four years at the College immediately before tenure is granted, even if the total full-time service thereby exceeds seven years. The terms of such a probationary period will be stated at the time of initial appointment, both in the letter of intent and the final contract.

Comment: New language, but essentially what the current Handbook says in III.B.2, par. 9, and consistent with law—the BOV has to approve all tenure decisions. The point about errors in calculating years has been moved to the note.

Comment: Possibly substantive—I've made it a mutual agreement (following AAUP) rather than a requirement as in the original

Extension of Probationary Period. An untenured instructional faculty member who uses 120 days or more of paid or unpaid disability, family, infant, newly-adopted child care or parental care leave⁷ during any consecutive two-year period shall be entitled, at his or her election, to extend the tenure probationary period by one year. An untenured instructional faculty member who uses less than 120 days of paid or unpaid disability, family, infant, newly-adopted child care parental care leave during any consecutive two-year period but who has, nonetheless, taken a significant amount of such leave prior to consideration for an award of tenure, or who has experienced circumstances which, at the faculty member's election, could have resulted in a significant period of such leave, may petition the Provost for an extension of the probationary period. The decision to grant an extension of the probationary period under such circumstances shall be made at the sole discretion of the Provost, after consulting with the faculty member's Dean and/or department chair. The election to extend the tenure probationary period by one year or the petition to the Provost to extend the probationary period by one year must be made no later than March 15 of the contract year before which the tenure review normally would occur. If such election is made or if the petition is granted by the Provost, the faculty member thereby waives the requirement that a decision regarding the award of tenure be made within seven years. No faculty member will be granted more than one such extension.

Comment: Moved from current III.F.7.b.(7)

⁶ Should there be an error in determining applicable years of service for any appointment, tenure will not be awarded until a tenure review has been conducted and a positive recommendation made by the President to the Board following the procedures outlined in III.C.2.; such a review should begin as soon as possible after the error is discovered and in no case later than the next academic year.

⁷ See Section III.D. on "Leaves of Absence".

Normally, recommendations regarding the award of tenure shall be made during the fall semester of the penultimate year of applicable service, usually the sixth year. In certain circumstances, a reduction in the time of the probationary service may be made with the written agreement of the faculty member, the appropriate administrative officers, and the Provost. In such cases, before a tenure review commences, the candidate must also agree in writing that such review shall represent the only evaluation for tenure, notwithstanding earlier contracts or letters of intent, and that a decision not to grant tenure shall result in termination of the probationary faculty member's service in accordance with notice requirements in III.B.2.

Comment: The objects of some members object—to the limit of one extension, if the faculty member has had, say, two kids or two debilitating illnesses. I've asked Kiersten if there are any legal objections, and will let you know when I hear from her. In any case, we can finesse this by prefacing the sentence with "Except with the approval of the Provost," FAFAC agrees that the limit of on extension is problematic, and may have a discriminatory impact on women.

Comment: I deleted this sentence about the standard being seven years because everything that comes before puts the decision during the sixth year. I think the point is clear without it.

Comment: I've added all parties so it can't read as though the Dean & Provost could agree to bring someone up early without the candidate's consent

Comment: A rewriting of III.B.2. par.11 to accommodate practice in some of the Schools.

Tenure reviews shall be conducted in accordance with the general criteria delineated in III.C.1., with the procedures delineated in III.C.1.b.,⁸ and with the standards and procedures adopted by a majority vote of the faculty member's program, department, and/or school (and approved by the Procedural Review Committee and the Personnel Policy Committee). The relevant information considered shall include the candidate's curriculum vitae and self-evaluations; student evaluations and at least one other method of evaluating the candidate's teaching; and the opinions of experts outside the College.⁹ All due process delineated in III.C.1. applies.

No faculty member will be awarded tenure or promoted to associate professor without the approval of the Board of Visitors. When a recommendation or decision to terminate an appointment has been made, the faculty member will be informed of that decision in writing by the Dean of the faculty or school. If the faculty member so requests, the Dean will confirm the reasons for the recommendation in writing. Grounds and procedures for appeal are described in III.C.1.d. or III.G. below.

Comment: Somewhat substantive—the Handbook says the Dean, but in practice, it's whoever makes the recommendation—the chair, the Dean,

Comment: FAFAC: suggest "state" or "provide" rather than "confirm"

Comment: Is this right? Can a faculty member grieve a negative tenure decision if s/he argues that the decision is based on something other than discrimination or inadequate consideration?

Comment: "Normally" used to precede "receive," but I'm pretty sure it refers to when the contract is issued, not to the fact that the faculty member will get one

In the case of a negative decision on tenure, the faculty member shall receive, normally in the Spring of the year in which the decision is made, a terminal appointment for the next academic year. Should a determination be made, either by the Provost or by the Procedural Review Committee and/or the Faculty Hearing Committee, as described in III.C.1.d. below, that a new tenure evaluation should be conducted, the faculty member will still receive a terminal appointment. However, should reconsideration result in a positive decision on tenure, the terminal appointment will be superseded.

⁸ Per the Provost's memo on "Promotion and Tenure Files and Interim Reviews," 2006 (see Appendix J, hyper link), "untenued faculty may not participate in decisions on promotion and tenure in any formal way."

⁹ For more information, see the Provost's memo on "Promotion and Tenure Files and Interim Reviews," 2006; Appendix J, hyperlink.

iii. Reviews for Promotion to Professor

The specific procedures for review for promotion to the rank of Professor among the several faculties of the College vary: in some units, the review begins with the request of the candidate; in others, the review begins with the designated administrative authority. However, candidates for promotion to the rank of Professor shall normally have completed at least six years of service at the rank of Associate Professor, whether at the College or at another accredited institution of higher learning or in a professional position relevant to the faculty member's academic appointment at the College. When the review is initiated by a faculty committee, chair, or Dean, eligible faculty members shall be advised in writing by the appropriate administrative officer(s) when the review is to be conducted.

Comment: All new language, but following practice and the Provost's memo for what's required of such reviews

Comment: FAFAC: Is "several faculties" well-defined to mean the 5 units (as opposed to individual departments, programs...)

Comment: Apparently this years in rank isn't consistent across the schools—delete this sentence?

Comment: FAFAC: indeed, this varies across the schools... suggest deleting this sentence....

Reviews for promotion to professor shall be conducted in accordance with the general categories delineated in III.C.1., with the procedures delineated in III.C.1.b, and with the standards and procedures adopted by the faculty member's program, department, and/or school. The relevant information considered shall include the candidate's curriculum vitae and self-evaluations; student evaluations and at least one other method of evaluating the candidate's teaching; and the opinions of experts outside the College¹⁰. All due process delineated in III.C.1. applies.

When a recommendation or decision not to promote a faculty member has been reached, the faculty member will be informed of that decision in writing by the Dean of the faculty or school. If the faculty member so requests, the Dean will confirm the reasons for the recommendation in writing. Faculty members who are turned down for promotion to Professor may appeal on the procedural or substantive grounds described in III.C.1.d. below.

Comment: FAFAC: suggest "state" or "provide" rather than "confirm"

No faculty member will be promoted to Professor without the approval of the Board of Visitors.

¹⁰ For more information, see the Provost's memo on "Promotion and Tenure Files and Interim Reviews;" 2006; Appendix J, hyperlink. Per a memo from the Provost endorsed by the Faculty Assembly April 25 2006, review committees for tenure and promotion shall provide candidates with access to the reviews, but redact the name of the reviewer and any other information that might identify the reviewer.

c. Post-tenure review

The purpose of the post-tenure review is to provide a mechanism for faculty peers to review and evaluate a colleague's work and to assist those faculty members whose performance is found to require improvement. It is not a re-tenuring process and faculty members, once tenured, are not required to meet periodically what may be an evolving standard for tenure. Rather, post-tenure review is designed to ensure that all members of the faculty, regardless of status or length of service, are performing their duties conscientiously and with professional competence.

Comment: The section on Annual Merit has been moved to III.C.1.a. above

Post-tenure reviews shall be conducted in accordance with standards and procedures adopted by each program, department and/or school, subject to approval by the appropriate Dean and by ~~the Provost~~ **the Procedural Review Committee and the Personnel Policy Committee**. The standards shall be applied in a manner that fosters each program, department or school's mission, serves to maintain the overall quality of the faculty, and identifies any member in need of improvement.

Comment: I've deleted things here that I've moved to the front of section III.

If the program director, department chair, or Dean determines, based on annual merit reviews and in accordance with the program, department, and/or school's standards and procedures, that a faculty member's performance during the most recent three-year period has been unsatisfactory overall, that administrator will initiate an in-depth post-tenure review to be conducted by the appropriate faculty review committee.¹¹ ~~The post-tenure review shall commence by or before the beginning of the next academic year and be completed by the end of the Fall semester; it shall consider the faculty member's performance in the areas of teaching, research, and service and/or governance over the six years preceding the review.~~ The basic standard for appraisal shall be whether the faculty member under review discharges conscientiously and with professional competence the duties appropriately associated with his or her position. This policy does not prohibit an individual unit from conducting regularly scheduled reviews of its faculty members in addition to the annual merit reviews. In order to qualify as in-depth post-tenure reviews, these reviews must follow the procedures specified in this policy.

Comment: I added "administrative and professional faculty" to the note below

Comment: FAFAC: changed (in the footnote) "Provost and the Deans" to "Provost, the Deans..." and changed "merit and so to" to "merit nor to..."

Post-tenure reviews shall result in a determination of either "satisfactory overall performance" or "unsatisfactory overall performance." The appropriate faculty review committee will consider current curricula vitae, merit reviews during the period under review, and any other relevant information deemed appropriate according to the program, department, or school's procedures. The committee's report should approximate the depth of tenure or promotion reports, except that it

¹¹ Individuals holding administrative or professional faculty appointments—including the Provost, ~~and~~ the Deans of the Schools and of the Faculty of Arts and Sciences—are not subject to annual merit nor ~~and so~~ to post-tenure review as long as they hold such full-time administrative appointments.

need not include external reviews. The committee shall submit the report of its findings to the program director or department chair, if any, and to the Dean. Where appropriate, the program director or department chair may request additional information or may append comments to the report; he or she shall evaluate the performance as “satisfactory overall” or “unsatisfactory overall” and submit the report to the Dean. The Dean may also request additional information or append comments. All due process delineated in III.C.1.applies.

- Where the appropriate faculty review committee, the department chair or program director, if any, and the Dean are in agreement that the performance is “satisfactory overall,” the Dean shall forward a report to the Provost for his/her information.
- Where the appropriate committee, the department chair or program director, if any, and the Dean are in agreement that the performance is “unsatisfactory overall,” an “individual improvement plan” shall be developed according to the procedures set forth below, and the Dean shall forward a report to the Provost for his/her information.
- Where the appropriate committee, the department chair or program director, if any, and/or the Dean disagree, the Dean shall forward the reports to the Provost for decision.

A faculty member who receives a finding of “unsatisfactory overall performance” may pursue a grievance according to the procedures set forth in Section III.G. of the *Faculty Handbook*. Except in extraordinary circumstances, all appeals shall be heard and resolved within thirty calendar days from the date that notice of appeal is given.

i Finding of Unsatisfactory Performance / Individual Improvement Plans.

When a faculty member’s post-tenure review results in a finding of “unsatisfactory overall performance,” the faculty member, in consultation with the appropriate personnel committee, the department chair or program director, if any, and the Dean shall develop an “individual improvement plan” to address the area(s) of deficiency. The plan must be acceptable to the committee, the department chair or program director, if any, and the Dean. Unless, upon the recommendation of the Dean, the Provost grants an extension, the plan must be accepted no later than forty-five calendar days from the date the faculty member receives notice of a finding of “unsatisfactory overall performance” as determined under the provisions of Section III.C.1.c. above, or forty-five calendar days from the date the faculty member receives notice that an appeal of such a finding has been denied, whichever last occurs. Where agreement cannot be reached, the final determination of whether or not an “individual improvement plan” is acceptable ultimately belongs to the Dean; however, in deciding whether or not to approve the plan, the Dean shall apply the

standards of the specific program, department, and/or school for “satisfactory overall performance.”

If a faculty member fails to submit in a timely fashion and in writing an acceptable improvement plan, the Dean, after consulting with the appropriate faculty review committee and the department chair or program director, if any, may seek impositions of sanctions, including dismissal, for misconduct or neglect of duty in accordance with Section III.F.4. of the *Faculty Handbook*. Sanctions (excepting dismissal) do not obviate the need for improvement in performance; the Dean shall also order revision and resubmission of the performance plan.

Comment: I've deleted this sentence because in fact imposing sanctions closes off the possibility of pursuing a grievance (the same committee conducts the formal hearing):

ii. Follow-up Reviews.

During the second semester after an approved individual improvement plan is in place (not counting the semester during which the plan is approved), the appropriate faculty review committee and the department chair or program director, if any, will assess, and report to the Dean, the progress made in implementing the individual improvement plan. This preliminary assessment shall be in writing and shall describe the extent to which the faculty member to date has implemented the plan and corrected the area(s) of deficient performance. The preliminary assessment may also contain recommendations to improve progress on the individual improvement plan. A copy of the preliminary assessment shall be given to the faculty member and to the Provost and shall be included in the faculty member's personnel file.

If at any time during the term of the individual improvement plan the appropriate faculty review committee, the department chair or program director, if any, and the Dean agree that the faculty member has failed to make a good faith effort to implement the individual improvement plan, the Dean may seek to impose sanctions, or, in extreme cases of recalcitrance, and with the Provost's approval, may institute dismissal proceedings for neglect of duty or misconduct, in accordance with Section III.F.4. of the *Faculty Handbook*.

Comment: Same comment as above

During the fourth semester after an approval individual improvement plan is in place (not counting the semester in which the plan was approved, and excepting those extreme cases in which dismissal has been sought), the appropriate faculty review committee will conduct a compliance review. If the appropriate faculty review committee, the department chair or program director, if any, and the Dean concur that the faculty member has satisfied the conditions of the performance plan and maintained “satisfactory overall performance,” the report is entered into the faculty member's personnel file. If the faculty member has not satisfied the conditions of the performance plan or if his or her performance is found to

be “unsatisfactory overall,” the Provost, in consultation with the appropriate faculty review committee, the department chair or program director, if any, and the Dean, will either order the creation of a new individual improvement plan for the faculty member (per Section III.C.1.c.above),¹² or implement proceedings for sanction or dismissal in accordance with Section III.F.4 of the *Faculty Handbook*. ~~If, during the term of the individual improvement plan, the relevant department committee, program director or department chair fails to implement these guidelines for assessment in good faith, the faculty member may file a grievance in accordance with Section III.G.~~

Comment: Same comment as above

Comment: PRC suggests deleting this sentence, which was added by Assembly when the new PTR was developed—I agree with PRC that the language is unclear; also, bad faith allegations are a form of misconduct, which is made explicit in the new III.F.

iii. The Role of the Provost in Post-Tenure Review

Insuring the integrity of the post-tenure review process is a duty of the Provost. To that end, each Dean shall present an annual report to the report to the Provost about the functioning of the post-tenure review process in the Dean’s academic unit. In addition to the duties described above, the Provost may grant an extension of any deadline in the process upon recommendation of the Dean; the Provost also has the authority to postpone the post-tenure review process for an individual faculty member if the Provost decides that it is in the university’s interest to do so.

Comment: The exemption for the Provost and Deans has been moved to a note to the third paragraph

d. Emeritus Faculty. Retired tenured faculty may be awarded “emeritus” status; retired associate professors in the Faculty of Arts and Sciences may be promoted to Professor Emeritus. The award “emeritus” and/or promotion to Professor Emeritus must be approved by the department or school in which the retiree held tenure (consistent with any relevant department or school procedures and with the standards enumerated in III.C.1.), by the appropriate Dean(s), and by the Provost, President, and Board of Visitors. Emeriti faculty members continue to enjoy certain privileges of active faculty members, including parking, email, and library loan privileges.

Comment: FAFAC: suggest this belongs at the end of III.C1, i.e. after the appeals section

Comment: New language, describing current procedures

¹² If the faculty review committee, the chair, the program director, and/or the Dean disagree, the Provost shall determine whether or not the faculty member has or has not satisfied the conditions of the performance plan.

e. **Appeals of Decisions against Renewal, Tenure, or Promotion**

The College—acting through the appropriate recommending authorities—may decide not to renew the contract of, award tenure to, and/or promote a tenure-eligible faculty member, and may decide not to promote a tenured faculty member, due to lack of any of the following: the professional education, experience, and degrees appropriate or necessary for their duties; conscientious and effective teaching with proper command of the material of their fields, and helpfulness to their students; **appropriate** contributions to their fields through research and scholarly or **artistic** activity, and through professional service; and responsible participation in departmental, faculty, and college governance (see Section III.C.1. above).

Comment: Substantive: Promotion—including promotion to full—has been added here

Comment: This section has been moved from III.B.12. and III.B. 11.d.

When a decision or recommendation not to renew a contract, not to award tenure, or not to promote has been reached by the appropriate faculty group or administrative officer, the faculty member will be informed of that recommendation or decision in writing by the department chair, when appropriate, and by the Dean of the faculty or school, and, upon request, will be advised of the reasons which contributed to that decision. If the faculty member so requests, the reasons given in explanation of nonrenewal or denial of tenure will be confirmed in writing.

Comment: PRC has suggested “appropriate rather than “significant” because this section applies to both tenure-eligible faculty members and candidates for promotion to full professor

Comment: FAFAC: suggest replacing “artistic” by “creative”

Comment: Somewhat substantive—the Handbook says the Dean, but in practice, it’s whoever makes the recommendation

A candidate whose contract has not been renewed or who has been denied tenure or promotion may request reconsideration by the decision-making authorities. In addition, candidates may file a formal appeal on these two grounds: (i) on grounds of violation of academic freedom or policies governing non-discrimination; and/or (ii) on grounds of inadequate consideration. Following the review procedures described below, should the College’s Faculty Hearing Committee or the Procedural Review Committee find that a candidate has been discriminated against, that his or her academic freedom has been violated, or that his or her case has not been given adequate consideration, that candidate has the right to have the decision reconsidered.

Comment: The first and last sentences have been moved from the end of current II.B.2. Substantive: Note addition of interim reviews and promotion here.

In cases in which no evidence of violation of academic freedom, ~~non~~ discrimination, or inadequate consideration is found, reconsideration of a decision not to renew a contract or against tenure or promotion can be undertaken only with the approval of the Provost.

Comment: FAFAC: double negative....

Comment: SUBSTANTIVE: should we add “or the President” here? If we don’t, is it understood that the President can’t demand a reconsideration unless the Provost approves one?

i. Appeal on Grounds of Violation of Academic Freedom or of Discrimination.

Comment: FAFAC: should stay in Provost’s hands in our opinion.

If a faculty member alleges that the decision against renewal or promotion was based significantly on considerations constituting (1) violations of academic freedom or (2) discrimination with respect to race, sex (including pregnancy), religion, color, national origin, disability, veteran

Comment: Medical Reasons and Financial Exigency will be in a different section

Comment: This has been moved from former section III.B.11.d.

status, sexual orientation, or age | the allegation shall be given preliminary consideration by the Procedural Review Committee. | The allegation, with supporting information, may be filed with the Procedural Review Committee only after receipt of the letter from the Provost or President informing the faculty member of the decision; the allegation must be filed no later than thirty calendar days after receipt of such letter. | The allegation shall be accompanied by a statement that the faculty member agrees to the presentation, for the consideration of the faculty committees, of such reasons and evidence as the College may assert in support of its decision. | Requests for reconsideration of an interim review or a tenure or promotion case on grounds of violation of academic freedom or of discrimination may be filed only with the Procedural Review Committee and with no other College committee.¹³ |

Comment: I changed the list slightly so that it matched the one Susan gave me for the section on discrimination

Comment: Substantive addition—the deadline makes these procedures consistent with those for inadequate consideration

Comment: SUBSTANTIVE: While of course the faculty member may seek external remedy, we want to limit the internal procedures to a faculty committee (not the EOC). And note the addition of the note below re seeking external remedy

The Procedural Review Committee shall review the charges, *determine that all parties are bargaining in good faith*, and seek to settle the matter to the satisfaction of all concerned. If the matter cannot be settled, | and if the Procedural Review Committee so recommends, | the matter will be heard by the Faculty Hearing Committee in the following manner.

Comment: SUBSTANTIVE: This phrase says that the PRC can decide the case is without merit and say it shall NOT go to Faculty Hearing—PPC or Assembly may need to decide whether that's the intention. It's also not clear exactly what the PRC should do in this informal inquiry—Alan does NOT think the PRC should decide whether or not the behavior alleged is discriminatory or violative of academic freedom, but suggested the italicized language as possible clarification

(A) The Faculty Hearing Committee may, with the consent of the parties concerned, hold joint pre-hearing meetings with the parties in order to (1) simplify the issues, (2) determine which facts the parties can agree upon, (3) provide for the exchange of documentary or other information, and (4) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.

Comment: FAFAC: urge that if the matter cannot be resolved at PRC level, PRC cannot block it going to Faculty Hearing Committee...

(B) Service of notice of hearing with specified charges in writing will be made at least twenty calendar days prior to the hearing. The recommending authorities who made the decision not to renew or promote the faculty member may waive a hearing and may respond to the charges in writing at any time before the hearing. If the responding party or parties waive a hearing, but deny the charges or assert that the charges do not support a finding of a violation of academic freedom or of nondiscrimination policies, the Faculty

¹³ These procedures are not intended to impair or limit the right of anyone to seek remedies available under state or federal law. Since federal and state procedures require that complaints of discrimination be filed within specific deadlines, individuals who pursue the internal complaint procedures described in III.C.1.d.i. may fail to meet state and federal guidelines for filing a complaint. Accordingly, a complaint may be filed with an external agency in order to meet state and federal agency deadlines without jeopardizing one's right to a College hearing. However, if relief is sought outside the College, the College is not obliged to continue processing a request for reconsideration while the case is being considered by an outside agency or criminal/civil court.

Hearing Committee will evaluate all available evidence and rest its recommendation upon the evidence in the record.

- (C) The Faculty Hearing Committee, in consultation with the President, the faculty member making the complaint, and the responding party or parties, will exercise its judgment as to whether the hearing should be public or private.
- (D) During the proceedings, the complainant and the respondent each may have an advisor and/or lawyer of their own choice.
- (E) At the request of either party or the Faculty Hearing Committee, a representative of an appropriate educational association (such as the AAUP) shall be permitted to attend the proceedings as an observer.
- (F) A verbatim record of the hearing or hearings will be taken and a transcript will be made available to the faculty member, without cost, at the faculty member's request.
- (G) The faculty member making the complaint is responsible for stating the grounds of the allegations and shall bear the burden of proof. If the faculty member presents sufficient evidence to prove that the recommending authorities based their decision on considerations violating academic freedom or constituting discrimination, it is incumbent upon those who made the decision not to renew, tenure, and/or promote the faculty member to come forward with evidence in support of their decision. The Faculty Hearing Committee will not be bound by strict rules of legal evidence, and may admit any evidence which is of probative value in determining the issues involved. Reasonable effort will be made to obtain the most reliable evidence available.
- (H) The Faculty Hearing Committee may grant adjournments to enable either party to investigate material evidence for which a valid claim of surprise is made and to prevent prejudice.
- (I) The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence; however, the parties bear the burden of arranging for the presentation of witnesses and documentary or other evidence. The administration will cooperate to the extent practicable with the Faculty Hearing Committee in securing witnesses and making available documentary and other evidence.

Comment: This is my rewriting, with Alan's help, of what a "prima facie" case would entail

- (J) The faculty member making the complaint and the responding party or parties will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the Faculty Hearing Committee determines that the interests of justice require admission of their statements, the Faculty Hearing Committee will identify witnesses, disclose their statements, and if possible provide for written interrogatories.
- (K) Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the cases by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed.
- (L) The Faculty Hearing Committee shall render a judgment based upon the evidence admitted at the hearing or hearings. The findings of fact and the decision shall be based solely on the hearing record and shall be in writing.
- (M) If the Faculty Hearing Committee concludes that a violation of academic freedom or of nondiscrimination policies has been established by the evidence in the record, it will so report in writing to the faculty member and to the President. If the President rejects the report, the President will state the reasons for doing so, in writing, to the Faculty Hearing Committee and to the faculty member, and will provide an opportunity for response from the faculty member and/or the committee. If the President accepts the report, the President **shall indicate the point in the process at which reconsideration is to begin** and shall recommend to the relevant administrative authorities, in writing and with supporting reasons, appropriate relief.

Comment: What should be the time limit? Ten days?

Comment: FAFAC suggest 14 calendar days; do need an explicit time limit.

Comment: Clarifying that the President has to send the case back for reconsideration, though he or she can add additional relief (e.g., extra time)

Comment: Substantive: We've taken the BOV out of the procedures. The BOV approves positive tenure decisions; they never see negative ones—we don't want the BOV entering into tenure decisions. These procedures were originally copied from the procedures for dismissal of a tenured faculty member for misconduct—the involvement of the BOV isn't appropriate here

ii. Appeal on Grounds of Inadequate Consideration

If the faculty member alleges that the decision against renewal was based on inadequate consideration, the Procedural Review Committee shall review the allegation and determine whether the decision was the result of adequate consideration in terms of the relevant standards of the College or the faculty member's department or school. The term "adequate consideration" refers to procedural rather than substantive issues. It requires that the decision be arrived at conscientiously; that evidence bearing on the relevant performance of the candidate be considered; that there be adequate deliberation by the department and administration over the import of the evidence in the light of the relevant standards; that irrelevant and improper standards be excluded from consideration; and that the decision be a bona fide exercise of professional academic

judgment. The standard of adequate consideration does not permit the Procedural Review Committee to substitute its judgment on the merits of the case for that of the recommending authorities.

Allegations of inadequate consideration, with supporting information, may be filed with the Procedural Review Committee only after receipt of the letter from the Provost or President informing the faculty member of the decision; the allegation must be filed no later than thirty calendar days after receipt of such letter.

The Procedural Review Committee shall provide a written report of its findings to the faculty member, the faculty and administrative bodies involved, and the President not later than forty-five calendar days after the date of the individual's request for reconsideration is filed with the Committee. If the Procedural Review Committee finds that a candidate's case was not given adequate consideration, it shall indicate in its report the respects in which it believes the consideration may have been inadequate and the point in the process at which reconsideration is to begin.

Comment: FAFAC: suggest 30 calendar days instead....

2. Specified Term and Part-time Faculty

Specified-term and part-time faculty do not have tenure, and their appointments depend on the teaching needs of the College, on research opportunities, and on available funds. However, specified-term and part-time faculty (including post-doctoral fellows) who are in continuing appointments or whose appointments are to be renewed shall undergo annual evaluations conducted by the program director, chair, or Dean, or by a faculty committee when specified in the units' procedures; or, when the appointment is created by an external granting agency, by the principal investigator holding the grant. If the evaluation is not prepared by a program director, chair, or Dean, (e.g., if it is prepared by a faculty member serving as principle investigator on a grant or by a faculty personnel committee), a summary of the annual review must be submitted to the program director, chair, or Dean; these summaries, in turn, shall be forwarded by chairs and program directors to their Dean and then by the Dean to the Provost. Throughout the College, the criteria for evaluation of specified-term and part-time faculty (including post-doctoral fellows) are as follows: individuals must possess the professional education, experience, and degrees appropriate or necessary for their duties; in addition, they must meet whichever of the following criteria are appropriate to their appointment, as specified in the individual's appointment contract: conscientious and effective teaching with proper command of the material of their fields, and helpfulness to their students; and/or contributions to their fields through research, scholarly, and/or creative activity, and/or through professional service.

Comment: This section is clearly a substantive addition, though as I read the Handbook, we are required to evaluate ALL faculty. Already approved by PPC/Assembly