

THE UNIVERSITY OF TEXAS SYSTEM
OFFICE OF THE VICE CHANCELLOR AND GENERAL COUNSEL

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Below are guidelines for U. T. System institution annual and comprehensive faculty review policies, which each institution is required to develop and include in its institutional *Handbook of Operating Procedures*, per Regents' Rule 31102, Sec. 4. These guidelines were developed by the Faculty Advisory Council, have been reviewed and approved by the Office of the General Counsel, and are provided in place of a model policy. Any questions about these guidelines, the Regents' Rule, or the related institutional policies should be directed to the Office of the General Counsel.

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Sent 4 May 2012*

UT MODEL ANNUAL REVIEW POLICY

Preamble: Under the revised Regents' Rule 31102 on periodic performance evaluations, each institution in the UT System is required to adopt policies "providing for a periodic performance evaluation process for all tenured faculty," including annual reviews and comprehensive periodic evaluations. The policies may be in separate documents or a single document, but the policies should recognize that the two processes have different immediate purposes and that the processes and records should be distinct. Such policies "shall be developed with appropriate faculty input, including consultation with and guidance from faculty governance organizations, and shall be included in each institutional *Handbook of Operating Procedures* after review and appropriate administrative approval and submission to the Board of Regents for review and final approval."

The following principles underlie any implementation of these policies:

- 1) it strongly affirms the quality of faculty (so that it is to be expected that the vast majority of faculty will be found to meet or exceed expectations as a result of annual and comprehensive reviews), the value of tenure, and the positive function of post tenure evaluation;
- 2) the review and evaluative process will be overseen by the responsible body or officer identified by the faculty body; however, it is understood that the President has ultimate responsibility for the process;
- 3) individual faculty have the right to provide input during the process, to receive institutional support for improvement, to invoke standard appeal procedures, to meet with the review committee, and to submit additional material;

4) safeguards to protect due process and academic freedom are strongly affirmed;

5) faculty committee evaluations should be given great weight and a chair or dean must clearly articulate in writing, with a copy to the faculty member, the basis for any disagreement with a faculty committee evaluation.

Since the several institutions have not been previously required to have a policy on annual reviews, this guidance concentrates on them. The purpose is to describe the elements that should be in the annual review policy. It is to provide a document that can be adopted as an institutional policy through consideration and adjustment by the institution administration and faculty governance organization. It is not intended to provide a document that can be adopted as a policy in the absence of such discussion.

Since each institution should already have an approved policy for comprehensive periodic performance evaluation, this will not provide similarly comprehensive guidance for them. It will, however, indicate the points that are likely to require changes in the present policies.

Section 5.1 of Regents' Rule 31102 pertains to the minimal elements that should be contained in an institution annual review policy. Section 5.2 of the rule pertains to the minimal elements that should be contained in the institutional policy for comprehensive periodic evaluation (post-tenure review). Section 5.3 reaffirms that any procedures for termination undertaken as a consequence of procedures under this policy are to be governed by Regents' Rule 31008. Section 6 reaffirms the principle that the overriding purpose of this policy is to support tenure and promote faculty development.

1. Purpose

The university conducts annual reviews of all faculty, tenured and non-tenured, in accordance with Regents' Rules 31102 and 30501. Annual reviews should focus primarily on individual merit relative to the performance of assigned duties. The primary purpose of annual review is to compare an individual's performance to university and unit expectations and to provide guidance to the faculty member accordingly.

If merit increases are to be recommended, the recommendations should be consistent with the annual evaluations.

2. Categories of Evaluation.

Evaluations will be made in the same areas of activity as used for promotion and tenure in teaching, research, service, patient care, and administration. Guidelines for what should be considered under each heading and the standards to be applied within each heading must be articulated by the faculty of each college/school unit, approved by the dean, provost, and president, and included in the appropriate bylaws. The guidelines should state the standards, the philosophy or purpose behind them, and the college/school officers responsible for preparing the evaluation. Such evaluations will make use of directly known and objective information, ignoring hearsay and anonymous inputs. Faculty members are encouraged to

call to the attention of the dean of their college/school accomplishments or activities that they believe might be overlooked in order to assure that the information about these contributions will be complete.

3. Standards of Evaluation in Each Category of Evaluation and Overall

Each faculty member being reviewed shall be placed in one of the following categories: a. exceeds expectations; b. meets expectations; c. does not meet expectations; d. unsatisfactory. Expectations shall be set by each college/school according to the faculty member's rank and discipline, in accordance with the following general principles.

A. Judgments in each category of evaluation

Institution policy may specify general criteria for the different categories for the institution as a whole and general provisions to assure institution-wide fairness. If further specification of criteria for each category is left to units within the institution, the institutional policy should clearly specify what those units are and how these further standards are to be developed and approved to assure appropriate faculty involvement.

- 1). "Exceeds expectations" should reflect a clear and significant level of accomplishment beyond what is normal for the institution, discipline, unit, faculty rank, and type of contractual expectations as described in the institutional policy.
- 2). "Meets expectations." As for "exceeds expectations, institutional policy may specify general standards for the institution as a whole, and if further specification is left to units within the institution it should clearly specify what those units are.
- 3). "Fails to meet expectations" should indicate a failure beyond what can be considered the normal range of year-to-year variation in performance, but of a character that appears to be subject to correction.
- 4). "Unsatisfactory" means failing to meet expectations for the faculty member's institution, unit, rank, and contractual obligations, and doing so in a way that reflects disregard of previous advice or other efforts to provide correction or assistance, or involves prima facie professional misconduct, dereliction of duty, or incompetence. The same units that specify the standards for exceeding, meeting, and failing to meet expectations should also specify the criteria for performance that is unsatisfactory.

B. Overall Evaluation

- 1). Institution policies should specify, with respect to institutional expectations, what combination of evaluations in each of the three categories of evaluation will lead to an overall evaluation of exceeds expectations, meets expectations, fails to meet expectations, or unsatisfactory.
- 2). The institutional policy should provide guidance reflecting unit, discipline, rank, and assigned duties.

4. Evaluation Process

A. Preparation of file by faculty member

Each year at a time specified in the local policy, each faculty member will prepare an annual report with information specified in Regents' Rule 31102, Section 5.1 (d). The institutional policy may allow formats to vary by unit, but each institution should seek as much comparability across units as possible in order to promote overall equity in judgment. The institution format should be an appendix to the institutional policy. Unit variations, if any, should be appendices to unit policies. Further details for preparing the report should be posted on the website of the Academic Vice President and Provost.

Faculty members shall be able to provide additional information on activities they consider important but that are not represented adequately in the standard format.

B. Institutional policy shall specify whether initial evaluation of the faculty member's performance will be carried out by the department, department chair (or equivalent), dean, or peer review committee, but in any event the evaluation must be reported to the chair (or equivalent) and dean for review. Evaluation shall include student evaluations and any peer evaluations of teaching for the review period as well as all materials submitted by the faculty member

C. Provision for corrections and objections. College/school guidelines must include at least one opportunity for the faculty member being evaluated to see the draft evaluation by the initial evaluator and offer responses and corrections. The college/school dean's evaluation will also be given to the faculty member evaluated, in writing. The faculty member will countersign to show that he or she has read the evaluation. If the faculty member objects to the evaluation, he or she may describe that objection in writing within a period of one week (five working days). The dean's evaluation will then be forwarded to the provost with the faculty member's objection, if any, along with any explanation by the dean, a copy of which shall also be provided to the faculty member. College/school guidelines may also include provision for review of the recommendations by a faculty committee, such as a school executive committee or a peer review committee.

D. Communication of Results. Results of the evaluation will be communicated in writing to the faculty member, the department chair/dean, the chief academic officer, and the president for review and appropriate action.

E. The University grievance policy is applicable to these evaluations as appropriate.

5. Uses of the evaluations.

A. Evaluations should be used to determine merit for merit raises.

B. One or more evaluations of "exceeds expectations" may also provide a basis for recommending special honors or for initiating consideration for more rapid or extraordinary promotion following the processes provided for in the university policy on promotion and tenure. However, the annual review process cannot take the place of the much more complete

and comprehensive peer review process that such honors or promotions normally require. Institutional policy should indicate the relation between annual reviews and such considerations for extraordinary advancement, but this need not be in the annual review policy.

C. An evaluation of “fails to meet expectations” may indicate that the faculty member could benefit from additional support, such as teaching effectiveness assistance, counseling, or mentoring in research issues or service expectations. Responses to an evaluation of “fails to meet expectations” may include adjustments of assigned duties. Such arrangements should be arrived at by agreement with the faculty member; however, if agreement cannot be reached, the chair or dean has authority to make such adjustments. Institution policies should indicate who shall be authorized to make such agreements and how they will be recorded. The faculty member’s progress in response to the additional support or adjustments in assigned duties shall be monitored through the annual evaluations process.

D. An evaluation of “unsatisfactory” may be used to develop recommendations for providing support for faculty improvement, as described in 5.C. An evaluation of unsatisfactory may also lead to additional administrative action or monitoring beyond the annual evaluation process. Institution policies should indicate what actions may be taken by the responsible body or officer when a faculty member receives an annual evaluation of unsatisfactory. Institution policies should also specify a procedure by which the faculty member can appeal the decision.

E. A tenured faculty member whose evaluation is “unsatisfactory” for two consecutive years may be subject to a comprehensive periodic performance evaluation (post-tenure review), as provided for in the policy on periodic performance evaluations or action under Sec. 5.1(g)(3) or 5.3 of Regents’ Rule 31102. The decision to undertake a comprehensive periodic performance evaluation outside of the normal time-frame of six years shall be made by the university chief academic officer in consultation with the dean of the college/school and such others as may be specified in the institutional policy.

6. Clarifications and complaints.

The institutional policy may provide guidance to faculty wishing to seek additional information on the annual review process or the specific recommendations in their case, or seeking to present complaints.

The university grievance policy is applicable to the annual review process.

UT MODEL COMPREHENSIVE REVIEW POLICY

Preamble: There are three main differences between the present (amended) Rule 31102 and the previous rule. These pertain to peer review, the specific categories of evaluation, and the inclusion of the possibility of using the results of this review for commendation as well as retention or consideration of non-retention.

1. Peer review was optional for the institutions in the previous version of this rule. In the amended Regents' Rule, Section 5.2(g) requires it. Some institution policies incorporate it and some do not. The rule leaves it to the institution to determine how this peer review will be organized. It does not envision a formal ad hoc committee comparable to that required for promotion or tenure reviews, although it does not preclude it. It does, however, seek to avoid imposing an additional burden on faculty time and institutional resources. Alternatives in the present policies include the use of peer review committees in units, departments, schools, or colleges to formulate the initial review and for the use of peer review committees to review initial evaluations by administrative offices. Whatever method is chosen should specify the composition of the peer review body, the method of appointment, and the material it should base its judgment on. If the institutional policy chooses to leave details of the peer review aspect of the process to units within the institution, these should be clearly specified.
2. The material submitted for the comprehensive periodic performance evaluation is the same as for the annual reviews, although it would cover the longer period between evaluations. The rule specifies that faculty members being evaluated shall submit a curriculum vita, including a summary statement of professional accomplishments, and shall submit or arrange for the submission of annual reports and teaching evaluations. The faculty member may provide copies of a statement of professional goals, a proposed professional development plan, and any other additional materials the faculty member deems appropriate. Institutional policy should seek as much detail as is needed to apply the standards of judgment, but not so much as to impose additional burdens.
3. Categories of evaluation are the same as for the annual reviews of "exceeds expectations," "meets expectations," "fails to meet expectations," and "unsatisfactory." The policy should indicate this. The policy should also clearly indicate how the evaluations of teaching, scholarship, service, and patient care are to be combined in arriving at overall judgments of "exceed expectations," "meets expectations," "fails to meet expectations," and "unsatisfactory." If the policy leaves part of the specification of the criteria for these levels of performance to institution units, those units should be clearly specified. In normal circumstances, they should be the same units as specify the criteria for the judgments in the annual review policies.

4. Commendation. Since a judgment that a faculty member's performance "exceeds expectations" is now possible and may be expected to lead to consideration for commendation or other forms of recognition, institution policies should be amended to include what such commendation or recognition might be. One possibility is that it be reflected in merit raises. However, as with the annual review procedure, nothing in this rule or policy should be construed as circumventing or weakening the usual peer review procedures for promotion or advancement in rank beyond tenure as they are established at any given institution.

Submitted:

/s/ Murray J Leaf
Chair, UT System Faculty Advisory Council
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