

UNIVERSITY OF ARKANSAS AT LITTLE ROCK

TRANSMITTAL OF FACULTY SENATE LEGISLATION

Faculty Senate legislation is to be submitted to the chancellor to approve or disapprove within ten calendar days after the Assembly review period. The chancellor may approve or disapprove any Faculty Senate legislation within a period from the eleventh through the twenty-fifth calendar day after the Faculty Senate action has been presented to the Assembly, unless the Assembly has been petitioned to amend or rescind the Faculty Senate legislation. In the latter case, the chancellor's approval or disapproval shall be made no later than fifteen calendar days after the Assembly has voted on and failed to approve a motion to amend or rescind a legislative action of the Faculty Senate. The chancellor shall provide written reasons for disapproval to the Faculty Senate.

To the Chancellor of the University of Arkansas at Little Rock:

The following legislation passed the UALR Faculty Senate on April 30, 2021.

FS_2021_12 Overall Unsatisfactory and Post-tenure Review (Policy 403.3)

Be it resolved to amend the Policy on Annual Review (403.3; 3/2019, 10/2018, 4/2017, and 4/1993) as it pertains to Section I.11 Unsatisfactory and Overall Unsatisfactory and Section II Post-tenure Review as indicated in the attached document (underline indicates addition; strikethrough indicates deletion); and

Be it further resolved that if approved, implementation of the changes will go into effect immediately.

Disseminated to University Assembly May 3, 2021

Faculty Senate President's Signature *Amanda Nolen* Date May 3, 2021
Amanda Nolen

Received in chancellor's office on MAY 20 2021 (date)

Chancellor's Action:
APPROVED Chancellor's Signature *Christina Drale* Date 6/14/2021
Christina Drale

**WITH
RESERVATIONS
SEE ATTACHED**

DISAPPROVED Chancellor's Signature _____ Date _____
(reasons to be attached) Christina Drale

Policy 403.3 Annual Faculty Review:

Section I. Annual Faculty Review

An annual review of the performance of all full time faculty members shall be made on the basis of assigned duties and according to criteria and procedures required herein. It is the responsibility of the department chair to review the performance of adjunct faculty, visiting faculty, and lecturers according to requirements and guidelines established by the voting faculty as provided in the department's approved governance document.

The annual review of each faculty member shall provide the primary basis for the chairperson's recommendations relating to salary, promotion, granting of tenure, successive appointment, non-reappointment, post-tenure review, and dismissal. Furthermore, this review is to provide guidance and assistance to all faculty in their professional development and academic responsibilities in the areas of teaching, scholarly and creative activity, and service.

A. Procedures for Annual Faculty Evaluation

Detailed criteria and procedures for annual evaluation of faculty shall be recommended by the faculty and chairperson of each academic unit; these criteria and related procedures must be submitted to the dean or director, the Vice Chancellor and Provost, and the Chancellor for approval. All procedures for annual reviews adopted by each unit shall include provision for, and details for implementation of, the following:

1. No later than 30 days after the beginning of the first appointment of each faculty member, the chairperson shall advise him or her in writing of the criteria, procedures, and instruments currently used to assess performance;
2. No later than September 1 of each year, each faculty member shall be informed in writing by the chairperson of the review schedule, criteria, procedures, and instruments to be used that year;
3. No later than the second week of classes in the spring semester of each year, each faculty member shall submit to the chairperson any materials desired to be considered in the annual review;
4. Each academic unit shall establish procedures to provide its faculty the opportunity to participate in the annual review of their peers. Except as set forth in this policy, no particular system¹ of peer review is prescribed. Academic units are encouraged to develop a peer

¹ Solely by way of illustration, a unit might choose to create a separate peer review committee. Alternatively, a unit might allocate the peer review process to the unit's promotion and tenure committee. A unit might also decide to have all full-time faculty participate in the peer review process for members of that unit.

review system that is consistent with the unit's faculty resources, the particular expertise of the unit's faculty members, and practices within the discipline.

- a. Feedback from the peer review process will be provided to the chairperson regarding the performance of those reviewed².
 - b. If an academic unit forms a peer review committee, the following principles govern:
 - i. Membership eligibility for peer review committees shall be defined by each academic unit. As much as possible, the composition of these committees should represent the diversity of faculty within the unit.
 - ii. The unit's governance document shall include procedures for developing a pool of eligible faculty if a committee from within the unit cannot be formed.
5. Each academic unit shall establish procedures for S-student evaluation of teaching. The purpose of student evaluation of teaching is to provide students with a voice in curriculum development and implementation.
- a. Student evaluations of teaching may not be the sole basis for evaluation of teaching.
 - b. The items included in the instrument administered to students to evaluate teaching must be approved by the department, college, or university faculty.
 - c. The data resulting from a faculty member's student evaluation of teaching must be made available to that faculty member in a timely manner and are confidential. These data may only be made available to those involved in performance evaluation (faculty member, chairperson, peer evaluation committee, promotion and tenure committee.).
6. Prior to the chairperson's making a recommendation in any year, the following shall occur:
- a. A meeting between the chairperson and faculty member to discuss all issues relating to the review,
 - b. The providing to that faculty member a copy of the chairperson's tentative recommendation(s), and
 - c. Reasonable opportunity for the faculty member to submit a written response to be forwarded to each subsequent level of review.
 - d. If the faculty member receives an unsatisfactory rating in any category (teaching, scholarly and creative activity, or service), the chairperson shall provide a written recommendation for improvement and, when appropriate, a commitment of resources to be part of the subsequent year's annual evaluation.
 - e. The faculty member and chairperson shall acknowledge that this meeting has transpired by signature.

² This feedback may take the form of a rating of satisfactory/unsatisfactory on teaching, scholarship and creative activity, and service, or it may take some other form, such as feedback regarding specific performance tasks. Examples of the latter include a review of a published article or a review of a peer's teaching based upon a classroom visit.

- f. If a faculty member objects within 30 days of receiving the chairperson's final evaluation of unsatisfactory in a single category, then the chairperson's evaluation shall be sent to departmental tenure committee. The departmental tenure committee shall make an evaluation independent of the chairperson for that category.
 - g. If the chairperson evaluates the individual as unsatisfactory in 2 out of 3 categories, then the matter is referred to the departmental tenure committee who will review the previous three years' materials to assess overall performance as specified in 11.
 - h. The evaluations of both the chairperson and the tenure committee shall be sent to the next level if the chair finds the faculty member unsatisfactory in one or more categories.
7. As long as a faculty member is employed by the University and for at least three years thereafter, the following documents shall be maintained: annual review forms, summaries of annual discussion between the chairperson and faculty member, recommendations, and all other writings used in or resulting from the annual reviews of that faculty member;
 8. The following documents shall be available to each faculty member: all writings used in or resulting from the annual reviews of that faculty member including any writings relating to the peer evaluation.
 9. Each unit shall establish minimum criteria for satisfactory performance in each category (teaching, scholarly and creative activity, and service).
 10. The chairperson shall provide at a minimum a rating of satisfactory/unsatisfactory on teaching, scholarly and creative activity, and service.
 11. Overall Unsatisfactory Rating for Tenured Faculty in a Category
 - a. ~~If the chairperson evaluates the individual as unsatisfactory in 2 out of 3 categories, then the matter is referred to the departmental tenure committee who will review the previous three years' materials to assess overall performance.~~
 - b. If the departmental tenure committee determines the individual is overall unsatisfactory, then post-tenure review (section II) will be initiated. If the department tenure committee does not determine that the faculty member's overall performance is unsatisfactory, then the faculty member's overall performance shall be deemed satisfactory.
 - c. To determine that an individual is overall unsatisfactory, the departmental tenure committee must, at minimum, determine that the individual was unsatisfactory in 2 out of 3 categories in two consecutive years or in 3 out of the 3 categories in one year.
 - d. If a faculty member objects within 30 days of receiving the chairperson's final evaluation of unsatisfactory in a single category, then the chairperson's evaluation shall be sent to may be appealed to the departmental tenure committee. If tThe departmental tenure committee shall make an evaluation independent of the chairperson for that category. The evaluations of both the chairperson and the tenure

~~committee shall be sent to the next level. For a category evaluation to serve as a basis for a finding of overall unsatisfactory performance, the chairperson and the tenure committee must agree with respect to that category. does not determine that the faculty member's performance in the category is unsatisfactory, then the faculty member's performance in that category shall be deemed satisfactory.~~

- e. For a departmental tenure committee to determine that an individual's performance in any category is unsatisfactory, a minimum of sixty percent of the committee must vote in favor of a finding of unsatisfactory performance in that category.
- f. The unit's operating procedures shall specify the scope of materials for review, the voting procedures, and the method of voting.

B. Criteria for Faculty Evaluation

Each faculty member shall render service to the University by the standards of the UALR Faculty Handbook and shall behave in a professional and ethical manner. Each faculty member shall be evaluated based on his or her achievements with respect to assigned duties and the areas of teaching (or professional performance for faculty members with non-teaching appointments), scholarly or creative activity, and academically-related service.

Competency in teaching (or professional performance) is a minimum criterion for satisfactory annual review. However, each unit (department) may allow flexibility in identifying the relative importance of each area. In addition, off-campus duty assignments, and research, and administrative assignments shall be taken into account when establishing individual criteria for a specific review period.

The programmatic learning outcomes data collected from an individual faculty member shall not be used in annual reviews for that person.

Evidence, qualifying activities, and artifacts to be used in evaluating teaching, scholarly or creative activity, and service are defined in the Promotion and Tenure policy (403.15).

II. Post-Tenure Review

Post-tenure review is a mechanism to ensure that the university can maintain a faculty capable of fulfilling the university's mission effectively. It should encourage productivity, reward exceptional performance, and offer correction of unsatisfactory performance without changing the due process or substantive rights of faculty as enumerated in the current UA Little Rock Faculty Handbook.

~~Annual review is conducted for all faculty. Criteria, standards and procedures are specified in policies set forth by the trustees, UALR administration, faculty senate, and academic units. The reviews, as provided for in section I of this policy, are used for determining salary increases, promotion, tenure, and assisting faculty in professional development. Faculty also have appeal~~

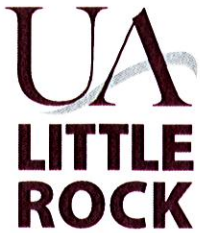
~~processes as outlined in departmental governance documents and the UA Little Rock Faculty Handbook.~~

~~Annual reviews for tenured faculty will be used for post-tenure review. Academic units will define overall unsatisfactory performance for tenured faculty. If a tenured faculty member receives two unsatisfactory reviews in sequence or three such reviews in five years, If, after the annual review and faculty appeal processes are completed, a faculty member receives a final overall evaluation of unsatisfactory, as provided for in section I of this policy, then the faculty member departmental tenure committee group charged with peer review, the chair and the dean shall prepare a professional development plan supported by appropriate resources. The plan must be developed within 30 days of the final overall evaluation of unsatisfactory and must contain measurable objective benchmarks identifying what is necessary to attain meaningful progress and, separately, satisfactory performance. The plan shall cover up to three years with the possibility of a one-year extension. During the time period of the professional development plan, progress toward successful completion of the plan will become part of the annual review process for the faculty member.~~

~~If, in the next annual review following an overall unsatisfactory performance rating, the faculty member receives a satisfactory rating in at least 2 of 3 categories, the professional development plan will be considered successfully completed.~~

~~If, in the second annual review following an overall unsatisfactory performance rating, the faculty member fails either to attain on “overall satisfactory performance” rating or to demonstrate “meaningful progress” in remediating the overall performance deficiencies, as both are defined in the professional development plan, the faculty member may be issued a notice of dismissal as specified in the UA Board of Trustees Policy 405.1 Appointment, Promotion, Tenure, Non-Reappointment and Dismissal of Faculty.~~

~~If the faculty member receives two additional unsatisfactory reviews during the professional development plan period, the department chairperson with majority vote of the departmental group charged with peer review, and the dean, initiates the process for terminating with cause the tenured faculty member as specified in the UA Little Rock Faculty Handbook.~~



OFFICE OF THE CHANCELLOR
UNIVERSITY OF ARKANSAS AT LITTLE ROCK

2801 S. University Ave., Little Rock, AR 72204-1099 | (O) 501.569.3200 | ualr.edu

I am approving FS_2021_12 Overall Unsatisfactory and Post-tenure Review (Policy 403.3) with reservations.

I appreciate that the Senate is trying to build in multiple layers of careful review for evaluations that have very significant consequences. However, I believe the policy is overly complicated and difficult to follow. I had to sketch out a flow chart just to understand what may occur under five different scenarios. I am concerned that this will be confusing to many and create significant opportunity for error.

More specifically, I remain concerned that faculty members receiving contradicting reviews between the chair and the tenure committee will be uncertain as to what course of action to take regarding professional performance concerns because it isn't clear that the policy recognizes a final authority on the matter. If, in the annual review, a chair says that a faculty member is unsatisfactory in one category and the tenure committee comes back with an "independent evaluation" afterwards and says that the performance is satisfactory, should the faculty member be concerned about that category? Which evaluation will affect merit raises, for instance? Board policy is clear that the chief academic officer requires the chair to submit the annual evaluation and that this evaluation is the primary basis for the chairperson's recommendations regarding salary, promotion, tenure, etc. Also, the policy says that all of the evaluations will be sent to the next level, but current governance does not provide for an additional level of evaluation for annual review unless it is appealed to the Faculty Appeals Committee.

The overall satisfactory/unsatisfactory determination process is likewise concerning. At least here there is a defined path to determining whether post-tenure review will be initiated. But if a chair evaluates a faculty member as unsatisfactory in 2 out of 3 categories and the tenure committee ultimately determines overall satisfactory performance, should the faculty member be concerned about correcting performance in future years? The implication is that if the same thing happens the next year, the tenure committee is going to take into consideration several years of data, but does this include the chair's assessment from previous years? And again, if there are merit raises, does this policy recognize that the chair may use his or her annual evaluation as the basis of the recommendation?

A technical matter that needs attention and possibly additional Senate action is the wording in the first sentence of the last paragraph. It currently reads, "If, in the second annual review following an overall unsatisfactory performance rating..." I believe this was meant to read, "If, in the *next* annual review..." to match the language used in the previous paragraph. "Second" in the context of the previous paragraph implies that there is another year of review after a faculty member gets evaluated as overall unsatisfactory two years in a row.