

Be it resolved to modify Annual Review policy (403.3) Section I.6.e-f, and Section I.9-11 as indicated below (underline indicates addition; strikethrough indicates deletion), and **Be it further resolved** that the implementation date for these changes to policy will begin in Spring 2023.

Section I. Annual Faculty Review

Pursuant to ACA 6-63-104, 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, 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 review

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.

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.

Commented [JS1]: This correction was adopted in FS 2019-10. We recommend that it be made.

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 may submit a written response to be forwarded to each subsequent level of review within ten business days of the meeting in 6.b.

d. If the faculty member receives an unsatisfactory rating in any category (teaching,

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.

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.

f. If the faculty member in a unit with a departmental structure believes that an evaluation or recommendation resulting from annual review—including a finding of unsatisfactory performance in teaching, scholarly and creative activity, and/or service, or a finding of overall unsatisfactory performance—is inconsistent with any UA System, UA-Little Rock, college, or unit rule, or otherwise violates their rights under established university policy, the faculty member may submit a written appeal to the dean. This written appeal may request consideration of the evaluation by the dean, based on specific, articulated concerns. The dean shall make the determination on the annual review, subject to the faculty member's right of appeal to the Faculty Appeals Council.

g. If the faculty member in a unit without a department structure believes that an evaluation or recommendation resulting from annual review—including a finding of unsatisfactory performance in teaching, scholarly and creative activity, and/or service, or a finding of overall unsatisfactory performance—is inconsistent with any UA System, UA-Little Rock, college, or unit rule, or otherwise violates rights established under university policy, the faculty member may submit a written appeal to an annual review committee composed of two other tenured faculty members from within the unit (chosen by the faculty member under review), two administrators from within the unit (chosen by the unit head who conducted the annual review), and a third tenured faculty member chosen by the other four members of the committee. This written appeal may request that the annual review committee consider specific, articulated concerns. The annual review committee shall make the determination of the annual review, subject to the faculty member's right of appeal to the Faculty Appeals Council.

~~g.—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.~~

~~h.—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.~~

~~i.—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

Commented [JS2]: We recommend that 6.f. read as follows, as also reflected in the text:

"If the faculty member in a unit with a departmental structure believes that an evaluation or recommendation resulting from annual review—including a finding of unsatisfactory performance in teaching, scholarly and creative activity, or service, or a finding of overall unsatisfactory performance—is inconsistent with any UA System, UA-Little Rock, college, or unit rule, or otherwise violates rights under established university policy, the faculty member may submit a written appeal to the dean. This written appeal may request consideration of the evaluation by the dean, based on specific, articulated concerns. The dean shall make the determination on the annual review, subject to the faculty member's right of appeal to the Faculty Appeals Council."

Commented [JS3]: We recommend that 6.g. read as follows, as also reflected in the text:

"If the faculty member in a unit without a department structure believes that an evaluation or recommendation resulting from annual review—including a finding of unsatisfactory performance in teaching, scholarly and creative activity, or service, or a finding of overall unsatisfactory performance—is inconsistent with any UA System, UA-Little Rock, college, or unit rule, or otherwise violates rights established under university policy, the faculty member may submit a written appeal to an annual review committee composed of two other tenured faculty members from within the unit (chosen by the faculty member under review), two administrators from within the unit (chosen by the unit head who conducted the annual review), and a third tenured faculty member chosen by the other four members of the committee. This written appeal may request that the annual review committee consider specific, articulated concerns. The annual review committee shall make the determination of the annual review, subject to the faculty member's right of appeal to the Faculty Appeals Council."

Additional Comment: Units without a departmental structure do not have chairs; the Dean conducts the annual review. Thus, section 6.f. doesn't work for such units. 6.g. comes up with a comparable structure. Note that lack of a departmental structure is not a "problem." In some units, such as law, departments literally make no sense. To have fair rules, units without a departmental structure need a comparable internal appeals process similar to the one created for other units in 6.f. 6.g. creates such a process.

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 academic unit shall establish minimum criteria for satisfactory performance in each category (teaching, scholarly and creative activity, and service). If an academic unit does not have approved criteria, the criteria defined in the generic department governance document shall be used.

10. The chairperson shall provide at a minimum a rating of satisfactory/unsatisfactory on teaching, scholarly and creative activity, and service. The chairperson shall consider the annual review committee's evaluation when assessing annual performance.

11. Overall Unsatisfactory Rating for a Tenured Faculty Member and Post-tenure Review

a. Overall unsatisfactory performance" occurs only when a faculty member's annual performance is evaluated as unsatisfactory in one annual review in: (1) teaching, (2) scholarship and creative works, and (3) service, according to the academic unit's criteria (section A.9). Before making a determination of overall unsatisfactory, the chairperson must take into consideration the faculty member's assigned workload and evidence of relevant, documented efforts and outcomes within the context of that workload.

ab. The faculty member receiving an overall unsatisfactory rating may submit a written appeal to the Faculty Appeals Council following the process defined in the Promotion and Tenure Policy (403.15).

bc. If the Faculty Appeals Council finds that the faculty member's performance ~~there is a~~ determination of overall unsatisfactory performance, or if no appeal is taken, then post-tenure review (section II) ~~may~~will be initiated.

cd. If the Faculty Appeals Council does not find that the faculty member's performance is ~~is not rated~~ overall unsatisfactory, then the faculty member is overall satisfactory, and that finding shall be final and binding.

e. The faculty member receiving an unsatisfactory rating in (1) teaching, (2) scholarship and creative activity, and/or (3) service, may submit a written appeal to the Faculty Appeals Council following the process defined in the Promotion and Tenure Policy (403.15). The result of the Faculty Appeals Council process is final and binding.

f. Neither an unsatisfactory rating in (1) teaching, (2) scholarly and creative activity, and/or (3) service, nor an overall unsatisfactory rating, is effective until all appeals identified in this policy and/or otherwise allowed by University, UA-Little Rock, or College rules, have been exhausted or waived by the faculty member.

Commented [JS4]: We recommend that 9 read as follows, as also reflected in the text:
Each academic unit shall establish minimum criteria for satisfactory performance in each category (teaching, scholarly and creative activity, and service). If an academic unit does not have approved criteria, the criteria defined in the generic department governance document shall be used.
Additional Comment: The word "and" was added simply for purposes of clarity.

Commented [JS5]: The lettering for the subparts of 11 was messed up here. We recommend that it be fixed.

Commented [JS6]:
We recommend that 11.a. read as follows, as also reflected in the text:
"Overall unsatisfactory performance" occurs only when a faculty member's annual performance is evaluated as unsatisfactory in one annual review in: (1) teaching, (2) scholarship and creative works, and (3) service, according to the academic unit's criteria (section A.9). Before making a determination of overall unsatisfactory, the chairperson must take into consideration the faculty member's assigned workload and evidence of relevant, documented efforts and outcomes within the context of that workload."

Commented [JS7]: We recommend that 11.c. read as follows, as also reflected in the text:
"If the Faculty Appeals Council finds that the faculty member's performance is overall unsatisfactory, or if no appeal is taken, then post-tenure review (section II) may be initiated."

Commented [JS8]: We recommend that 11.d. read as follows, as also reflected in the text:
"If the Faculty Appeals Council does not find that the faculty member's performance is overall unsatisfactory, then the faculty member is overall satisfactory, and that finding shall be final and binding."

Commented [JS9]: We recommend that 11.e. read as follows, as also reflected in the text:
"The faculty member receiving an unsatisfactory rating in (1) teaching, (2) scholarship and creative activity, and/or (3) service, may submit a written appeal to the Faculty Appeals Council following the process defined in the Promotion and Tenure Policy (403.15). The result of the Faculty Appeals Council process is final and binding."

Commented [JS10]: We recommend that 11.f. read as follows, as also reflected in the text:
"Neither an unsatisfactory rating in (1) teaching, (2) scholarly and creative activity, and/or (3) service, nor an overall unsatisfactory rating, is effective until all appeals identified in this policy and/or otherwise allowed by University, UA-Little Rock, or College rules, have been exhausted or waived by the faculty member."

- 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 Tthe 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, e~~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.

Commented [JS11]: We recommend that the second paragraph of section B read as follows, as also reflected in the text:

"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."

Additional Comment: The language we propose removing must be deleted because it is inconsistent with the definition of overall satisfactory performance above. Indeed, we believe it may have been deleted by past legislation.

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 criteria for 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 appeals processes are completed, the faculty member is determined to be overall unsatisfactory (see section I of this policy-A. 11), then the faculty member, the departmental 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 overall 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 the faculty member receives two additional overall unsatisfactory reviews during the professional development plan period and fails to demonstrate "meaningful progress" in remediating the overall performance deficiencies, the department chairperson with majority vote of the departmental group charged with peer review, and the dean, may initiate the process for terminating with cause the tenured faculty member as specified in the UA Little Rock Faculty Handbook. This decision may be appealed to the Faculty Appeals Council, as set forth in the UA Little Rock constitution, which will stay the termination process. If the Faculty Appeals Council determines that termination for cause is unwarranted, then the termination process will be closed.~~

Commented [JS12]: We recommend that the first paragraph of section II read as follows, as also reflected in the text:

"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."

Additional Comment: All changes in this paragraph were approved by the Senate in 2021-12 and not objected to by the President. Thus, we should put these changes back in. These are important changes that better protect faculty rights.

Commented [JS13]: We recommend that the third paragraph of section II read as follows, as reflected in the text:

"If, after the annual review and faculty appeals processes are completed, a faculty member is determined to be overall unsatisfactory (see section I of this policy), then the faculty member, the departmental 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 overall unsatisfactory and must contain measurable objective benchmarks identifying what is necessary to attain meaningful progress and, separately, satisfactory performance. During the professional development plan, progress toward successful completion of the plan will become part of the annual review process for the faculty member."

Additional Comment: The next two comments explain in more detail the basis for two of our recommendations with respect to this paragraph.

Commented [JS14]: Deletion of this sentence was approved by the Senate in 2021-12 and not objected to by the President. It is redundant language that should be deleted to avoid confusion. We recommend that this change be made.

Commented [JS15]: The changes to this sentence were approved by the Senate in 2021-12 and not objected to by the President. These are important substantive changes that should be included. We recommend that this change be made.

Commented [JS16]: The language deleted here no longer works because the previously prior sentence has been deleted. We recommend that this change be made.

Commented [JS17]: We recommend that the final paragraph of section II read as follows, as also reflected in the text.

"If the faculty member receives two additional overall unsatisfactory reviews during the professional development plan period and fails to demonstrate "meaningful progress" in remediating the overall performance deficiencies, the department chairperson with majority vote of the departmental group charged with peer review, and the dean, may initiate the process for terminating with cause the tenured faculty member as specified in the UA Little Rock Faculty Handbook. This decision may be appealed to the Faculty Appeals Council, as set forth in the UA Little Rock constitution, which will stay the termination process. If the Faculty Appeals Council determines that termination for cause is unwarranted, then the termination process will be closed."

Additional Comments: The changes inserted capture the substance of items approved by the Senate in 2021-12, and were not objected to by the President. They have been slightly altered to comport with the language that the Executive Committee would like to use.

Commentary:

System Counsel, on behalf of the System President, recommended rejection of FS_2021_12 on several grounds related to the determination of overall unsatisfactory performance. In particular, section 11 was deemed to over-ride the chair's evaluation by the faculty of the department.

ACA-6-63-104 specifies the requirement and conditions where faculty must undergo Annual Review, as well as the purpose of this review:

(a) The president and chancellor of each state-supported institution of higher education in Arkansas shall work with the campus faculties to develop a framework to review faculty performance, including post-tenure review. The framework should be used to develop processes and procedures at each institution to ensure a consistently high level of performance of the faculty at Arkansas' publicly supported institutions of higher education. The effects of the review process of faculty performance should include rewarding productive faculty, redirecting faculty efforts to improve or to increase productivity, and correcting instances of substandard performance. The framework developed by each institution shall be reported to the House Committee on Education and the Senate Committee on Education, the Joint Interim Oversight Committee on Education Reform, and the Department of Higher Education no later than December 1, 1998, and shall be implemented on the respective campuses no later than January 1, 2001.

(b) Pursuant to subsection (a) of this section, each state-supported institution of higher education in Arkansas shall conduct a rigorous, consistently applied, annual review of the performance of all full-time faculty members. This review shall include assessments by peers, students, and administrators and shall be utilized to ensure a consistently high level of performance and serve in conjunction with other appropriate information as a basis for decisions on promotion, salary increases, and job tenure. The evaluation by students and administrative staff, shall be applicable to all teaching faculty, full-time, part-time, and graduate teaching assistants and shall include an assessment of the fluency in English of the faculty member or graduate teaching assistant. This review shall not be used to demote a tenured faculty member to a nontenured status.

(c)(1) Each college and university shall continually make efforts to identify any English fluency deficiencies of the teaching faculty and shall take reasonable measures to assist deficient faculty members in becoming proficient in English; however, the responsibility of acquiring the level of English proficiency required for the faculty member's teaching, research, or service assignments rests with the faculty member.

(2) Each college and university shall have a process for addressing concerns raised by students concerning language proficiency problems of faculty members.

(d) The department shall be responsible for monitoring the evaluation process and shall report its findings to the Arkansas Higher Education Coordinating Board and to the Legislative Council by August 1 of each year.

(e) Each state-supported institution of higher education shall require full-time faculty

members of the college of education and related disciplines to work collaboratively with the accredited public schools in this state, and such faculty involvement shall be included as part of the annual review of the faculty as required by subsection (b) of this section.

In particular, the goal of the review "... should include rewarding productive faculty, redirecting faculty efforts to improve or to increase productivity, and correcting instances of substandard performance." The law further states that "This review shall not be used to demote a tenured faculty member to a nontenured status." In UA Little Rock policy prior to the revisions to Board Policy 405.1, the process of annual review could initiate an improvement plan in post-tenure review, the results of which could transition a faculty member from tenured status to untenured status (dismissed from the university).

The revisions proposed in this motion amend existing policy (including policy that counsel and chancellor have expressed uncertainty regarding the state of approval), to bring policy in line with State Law, Board Policy, and the UA Little Rock constitution.

The UA Little Rock faculty senate proposes wording adapted from the UA Fayetteville approved policy to respond to System counsel's stated concerns:

III. B. Annual Review for All Faculty at the Rank of Assistant Professor and Above

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13, Except for non-reappointment, dismissal, tenure, or promotion decisions, a faculty member claiming that an evaluation or recommendation resulting from the annual review process violates their rights under established University personnel regulations, policies, or practices, has recourse through written appeal to the dean. This written appeal may request reconsideration of the evaluation by the dean, based on specific, articulated concerns. The dean shall make the final determination on the annual review. For non-reappointment, dismissal, tenure, or promotion decisions, other University policies and procedures are applicable.

The overall unsatisfactory rating resulting from post-tenure review that leads to dismissal may be appealed to the Faculty Appeals Council, per the UA Little Rock constitution:

"All appeals and grievances involving faculty are made to the Faculty Appeals Council. This includes but is not limited to appeals and grievances about **dismissal**, tenure, promotion, salary, fringe benefits, working conditions, and discrimination based upon race, sex, or physical handicap."