Report of the
Post-Tenure Faculty Evaluation Task Force

Report submitted by task force members Clint Richards (College of Business), Chair; Felicia Campbell (College of Liberal Arts), Boyd Earl (College of Sciences), Bernard Fried (College of Hotel Administration), and Rebecca Nathanson (College of Education).

The Post-Tenure Faculty Evaluation Task Force agrees with the Association for the Study of Higher Education that all aspects of evaluation should be tied directly to its purposes. The purposes generally cited for evaluation of tenured faculty include providing feedback for faculty development and input for decisions on merit pay, promotion, and possible dismissal for cause.

Faculty Development and Feedback on Progress toward Promotion; Evaluation of Faculty for Promotion

The annual evaluation, the establishment and clear articulation of appropriate standards for promotion, and the faculty annual work report can all generate information to be used as a basis for both feedback and evaluation.

Annual Evaluation. We believe mandatory narratives addressing performance in each area and progress toward promotion are appropriate and could effectively address development and feedback needs without the current four-level rating scale. However, we also believe that each institution should be allowed to use the four-level scale currently in use if it so chooses. We do not believe that sufficient feedback is currently available to all faculty regarding progress toward promotion despite the statement on the annual evaluation form that “the remarks should address the individual’s progress toward promotion to the next rank where applicable”.

We therefore recommend the following additions (underlined) to NSHE Code Section 5.12.2:

5.12.2 Procedures. All performance evaluations of untenured faculty shall include a rating of (i) “excellent,” (ii) “commendable,” (iii) “satisfactory,” or (iv) “unsatisfactory.” All performance evaluations of tenured faculty shall include a rating of (i) “satisfactory,” or (ii) “unsatisfactory” unless institutional bylaws require a rating of (i) “excellent,” (ii) “commendable,” (iii) “satisfactory,” or (iv) “unsatisfactory.” The areas of evaluation and procedures for evaluation of academic faculty and administrative faculty shall be established in Board policies and institutional bylaws. All performance evaluations shall include a narrative addressing each area of performance, and at least every three years a narrative addressing progress toward tenure and/or promotion. Evaluations of instructional faculty shall include an assessment of teaching evaluations completed by their students. (B/R 1/04)

Standards for Promotion to Full Professor. We believe now is an appropriate time for a thorough examination of promotion to full professor at UNLV that includes comparisons of standards, policies, and patterns across colleges and with peer or higher institutions. We
recommend a broad-based ad hoc committee that includes but is not limited to members of the University Promotion and Tenure Committee be charged by the Faculty Senate and Provost with beginning this process.

Faculty Annual Work Report. We took the current UNLV Faculty Annual Work Report as a given and therefore make no recommendation about its contents. We do recommend that electronic files of these annual reports be provided by tenured faculty and kept by administrators for review when preparing feedback on progress toward promotion.

Merit System

Merit is obviously of critical importance to tenured as well as untenured faculty. Its importance dictates the need for periodic review. The variability in merit processes and distributions across units and organizational levels found by the Faculty Senate Campus Affairs Committee appears to further reinforce this need.

Merit processes and standards not only affect merit awards but also provide intentional or unintentional feedback on progress toward promotion. A key question involves the extent to which standards for merit and for promotion should be similar or different, and how. Although a strong relationship between merit awards and satisfactory progress toward promotion may generally appear appropriate, the current practice of grading on a curve for merit, with nearly half in some colleges not receiving any award, may not be appropriate for promotion even if it is for merit. Conversely, different standards for tenure and for promotion to full professor may be appropriate while different merit standards for nontenured and tenured faculty may not be.

Dismissal of a Tenured Faculty for Incompetence or Unsatisfactory Performance

We recognize the possible need, although rare, for such a termination but do not believe the current process is satisfactory. We believe the process to consider termination of a tenured faculty member for unsatisfactory performance should more closely resemble and be as deliberate as the tenure and promotion process, incorporating input from faculty committees at the department, college, and university levels. The process already includes the use of a college peer evaluation committee if the faculty member requests it in appealing an unsatisfactory rating.

1. We recommend incorporating the University (Faculty Senate) Promotion and Tenure Committee into the process and using a department peer evaluation committee selected from tenured faculty in the department before a hearing is held by a special hearing officer and special hearing committee under Section 6.12 of the Nevada System of Higher Education Code.
2. We recommend that the final evaluation period be for a minimum of one year beginning with notification of rejection of any appeal of the unsatisfactory rating.
3. We also recommend that the evaluations for consideration of termination for incompetent or unsatisfactory performance occur after the third rather than second consecutive unsatisfactory. However, we believe the addition of department and
university faculty evaluation committees greatly improves the process whether it occurs after the second or third consecutive unsatisfactory.

Our recommendations would require changes to Section 5.13.2 of the NSHE Code. We suggest something like the following (additions underlined).

(a) If the annual performance evaluations provided for in Section 5.11 of the Nevada System of Higher Education Code result in a tenured faculty member receiving an overall unsatisfactory rating for two consecutive years, a hearing shall be held for the purpose of determining if the tenured faculty member should be retained in employment. The faculty member shall be apprised of the possibility of termination and the process for appeal of the unsatisfactory rating. If the unsatisfactory rating is upheld on appeal, the faculty member will be notified and given a period of no less than one year from the date of notification to improve performance. The evaluation at the end of that period replaces any intervening annual evaluation but is otherwise governed by the NSHE Code and institutional bylaws on annual evaluation by administrators.¹

(b) If the faculty member receives an overall unsatisfactory rating after the mandated period for improvement, the president shall seek recommendations concerning termination of the faculty member under procedures which shall be established in the member institution's bylaws. The procedures shall include peer review of annual evaluations and any rejoinders to those evaluations and/or peer evaluations of those annual evaluations by faculty committees established or designated in the member institution’s bylaws.

© After considering the recommendations made under procedures established in the member institution's bylaws, the President shall decide whether a hearing to consider termination shall be held by a special hearing officer and special hearing committee under Section 6.12 of the Nevada System of Higher Education Code. All other provisions of Chapter 6 of the Nevada System of Higher Education Code should be followed to the extent applicable. (B/R 1/04)

Notwithstanding the provisions of Subsections 6.12.4, 6.13.1 and 6.14.2 of the Nevada System of Higher Education Code, the only option for recommendations or decisions upon the completion of the hearing or appeal process is the continuation or termination of employment of the tenured faculty member. If, after the hearing or appeal process is completed, the decision is made to continue the tenured faculty member's employment, the annual performance evaluations which initiated the hearing shall be revised to eliminate the unsatisfactory ratings. The burden of demonstrating that termination of employment should occur lies with the administrative authorities of the System institution.

The above changes to Section 5.13.2 would require an addition to current Section 5.12.1:

“Evaluations. Faculty shall be evaluated in writing at least once annually by department chairs, supervisors or heads of administrative units except as otherwise specified in 5.13.2.

Changes to UNLV Bylaws

UNLV bylaws do not currently address termination of tenured faculty. We recommend something along the following lines be added:

8.6 Evaluation of Tenured Faculty. If the annual performance evaluations provided for in Section 5.11 of the Nevada System of Higher Education Code result in a tenured faculty member...
receiving an overall unsatisfactory rating for two consecutive years, the faculty member shall be
apprised of the possibility of termination and the process for appeal of the unsatisfactory rating.
If the unsatisfactory rating is upheld on appeal, the faculty member will be notified and given a
period of no less than one year from the date of notification to improve performance. The
evaluation at the end of that period replaces any intervening annual evaluation but is otherwise
governed by the NSHE Code and institutional bylaws on annual evaluation by administrators.²

8.6.1 If the faculty member receives an overall unsatisfactory rating after the mandated period
for improvement, the faculty member shall be notified of the decision and department faculty
and members of the University Promotion and Tenure Committee shall be notified of the need
for recommendations regarding the possible termination of a faculty member for incompetence.

8.6.2 The notified department shall select a three-member evaluation committee of tenured
full-time faculty acceptable to the chair and the faculty member to be evaluated. In the event of
disagreement over the membership of the evaluation committee, the individual being evaluated
and the department chair shall each select one member of the evaluation committee, and those
selected shall choose a third faculty member to complete the committee. Department chairs may
not be members of the evaluation committee. The evaluation committee shall elect its own chair.

8.6.3 The department evaluation committee shall review all relevant materials and submit their
recommendations to the Provost and to the University Tenure and Promotion Committee.

8.6.4 The University Tenure and Promotion Committee shall review all relevant materials,
including the recommendations of the department evaluation committee, and submit their
recommendations to the Provost.

8.6.5 The Provost shall review all materials and submit a recommendation to the President
along with all review materials.

8.6.6 The President shall decide whether a hearing to consider termination shall be held by a
special hearing officer and special hearing committee under Section 6.12 of the Nevada System
of Higher Education Code.

**Standards for the Determination of Incompetent Performance.** We believe standards
for the determination of incompetent performance need to be articulated as clearly as possible.
While determining such standards is difficult, we note that UNLV bylaws regarding merit
expect faculty “with the advice and consent of the dean” to determine “minimum standards for
satisfactory” as well as meritorious performance. The importance of this effort to the merit
system is thus recognized. We believe efforts to determine standards of incompetent
performance are also important. Our review of other institutions’ stated standards suggests at
least helpful guidelines for reviewers can be developed. (As one example, see APM 075
“Termination for Incompetent Performance” in the University Of California Academic

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² See UNLV Bylaws Section 8.3 described on the final page of this document.
The recommendations in this report would not require any changes to Sections 8.3 – 8.5, which are provided below for reference.

8.3 Evaluation by Administrator. The department chair or supervisor shall write an annual evaluation and present it to the faculty member for review. If the faculty member disagrees with the evaluation, then he or she (a) within thirty calendar days after notification, may submit a written response to the evaluation to be incorporated therewith, and (b) within fifteen calendar days after notification, may request in writing to the college dean or appropriate vice president the formation of a committee of peers to conduct a separate annual evaluation. Each college or unit shall establish in its Bylaws procedures for forming an elected peer review committee, and any operational guidelines deemed necessary. In the case of academic faculty, the elected peer review committee shall consist of tenured faculty members regardless of rank. The peer review committee shall be constituted within fifteen calendar days after receipt of a request for peer review. The committee's purpose shall be to file a report, which either recommends upholding the administrator's original evaluation or reversing that evaluation and recommending an alternative one. The committee shall complete its work no later than the end of B-contract period. Both the original evaluation and the recommendation of the peer review committee shall be forwarded to the appropriate dean and vice president or Executive Vice President and Provost and both evaluations shall be placed in the faculty member's master personnel file. The appropriate vice president or Executive Vice President and Provost shall make the final decision on the evaluation to be issued to the faculty member for the year. (B/R 6/06)

8.4 Peer Evaluation File. Each evaluee, within thirty calendar days after notification, may establish a Peer Evaluation File to include materials the evaluee judges to be pertinent to the matter being evaluated. Departments shall establish categories of evidence to be included. The department and higher levels of review shall use this file in addition to other sources. (B/R 10/96)

8.5 Specifications for Improvement. If an annual evaluation identifies unsatisfactory performance or finds significant need for improvement, a proposed remedial course of action and a reasonable time limit must be added to the evaluation for mutual collegial benefit, and be undertaken during the period before the next evaluation. Both the evaluee and the department will thus have on record the force and content of the shortcoming. In principle this allows a wide range of evaluations and of warnings. (B/R 4/99)