Faculty Evaluations and Merit

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I. Bylaws and NSHE Code on Faculty Annual Evaluations
   a. UNLV Bylaws on Faculty Annual Evaluations

8.1 Guidelines and Procedures. Each department or unit shall establish written guidelines, procedures and criteria for annual evaluation of faculty in scholarship, service and teaching or position effectiveness as appropriate. Guidelines shall include description of minimal duties, the failure to perform any of which shall be seen as nonfeasance of duty which will result in an unsatisfactory rating overall. These may include, but are not limited to, meeting classes regularly, preparation of current class materials, holding office hours, availability for university and community service, and progress in scholarly research or creative activity as required for the rank and academic field of the evaluatee. Performance of minimal duties will not preclude unsatisfactory ratings concerning quality of performance. (See Chapter III, Section 8.2.)

8.2 Evaluation Rating Terms. Annual evaluations for faculty members who are candidates for tenure shall include overall ratings across a four-point scale as set forth in the University and Community College System of Nevada Code Section 3.4.2.1(b). In annual evaluations, and with reference to the UNLV Bylaws, Chapter III, Section 8.1, the evaluatee must be given an "unsatisfactory" rating if performance falls below minimum standards.

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 rejoinder to the evaluation or (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 provost and both evaluations shall be placed in the faculty member’s master personnel file. The appropriate vice president or provost shall make the final decision on the evaluation to be issued to the faculty member for the year. (B/R 3/03)

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)

b. NSHE Code on Annual Evaluations

Section 4. Evaluations

1. The UCCSN Code, Chapter 5, Section 5.11.1 and 5.11.2, establishes that written performance evaluations of academic faculty and administrative faculty shall be conducted at least once annually by department chairs, supervisors or heads of administrative units. One of the purposes of annual performance evaluations is to provide constructive, developmental feedback to the faculty member.

2. All performance evaluations shall include a rating of (i) “excellent,” (ii) “commendable,” (iii) “satisfactory,” or (iv) “unsatisfactory.” No other rating terminology shall be used. The areas of evaluation and procedures for evaluation of academic faculty and administrative faculty are established in institutional bylaws. Evaluations of instructional faculty shall include an assessment of teaching evaluations completed by their students. The performance evaluations of executive and supervisory faculty shall include consultation with the professional and classified staff of the appropriate administrative unit. The evaluation of the presidents and the chancellor shall follow guidelines approved by the Board of Regents.

3. The annual performance evaluation of tenured faculty is addressed in UCCSN Code, Chapter 5,

4. Academic and administrative faculty shall, upon request, have access to materials used by the supervisor in writing the evaluation, including the results of, but not the originals of, student evaluations and comments, and in the case of administrative faculty whose evaluations include surveys, the results of, but not the originals or copies of, such surveys. In
responding to such a request, the supervisor must ensure the anonymity of the students and the survey respondents. With the exception of the results of such student evaluations and comments and such surveys, anonymous materials shall not be considered by the supervisor.

5. Academic and administrative faculty who disagree with the supervisor’s evaluation may submit a written rejoinder and/or request a peer evaluation as provided in the institution’s bylaws. The supervisor’s official evaluation and the faculty member’s rejoinder and/or peer evaluation will be retained in the faculty member’s personnel file.

6. Academic or administrative faculty members receiving an overall rating of “unsatisfactory” on their evaluation shall be provided with constructive feedback in the written evaluation for improving their performance. This constructive feedback must include a written plan for improvement, which must be specific and must be provided at the time of the first “unsatisfactory” rating.

7. Academic faculty in tenure-track positions shall, in addition to the annual written evaluation, be entitled to a written mid-tenure review of their progress toward tenure. The procedures for the review shall be described in each institution’s bylaws. Notwithstanding a positive mid-tenure review, the award of tenure remains a discretionary act as provided in the University and Community College System of Nevada Code. (B/R 1/04)

Section 5.12 Evaluation

5.12.1 Evaluations. Faculty shall be evaluated in writing at least once annually by department chairs, supervisors or heads of administrative units. The performance evaluations of executive and supervisory faculty shall include consultation with the professional and classified staff of the administrative unit.

5.12.2 Procedures. All performance evaluations shall include 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. Evaluations of instructional faculty shall include an assessment of teaching evaluations completed by their students. (B/R 1/04)

Section 5.13 Annual Performance Evaluation of Tenured Faculty

5.13.1 Declaration of Policy. It is the policy of this System to expect the continued commitment of its faculty to excellence after the granting of appointments with tenure. Under this policy, tenured faculty will be encouraged to realize the academic community’s expectations to such excellence in their future services and performances. This policy shall be taken into consideration in the annual performance evaluation of tenured faculty, as provided in Section 5.11 of the University and Community College System of Nevada Code. (B/R 1/04)

5.13.2 Evaluation Procedure.

(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.

(b) An overall “unsatisfactory” rating in two consecutive annual performance evaluations as provided in this section shall be cause for termination of employment. Hearings to consider terminations initiated by this section 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.

II. Bylaws on Faculty Salary Increases and Merit

a. Section 6. Personnel Recommendations for Academic Faculty

6.1 Academic, Department Personnel Procedures Authorized. The faculty of each academic department shall establish its own procedures and criteria for all personnel recommendations in accordance with college and departmental bylaws. Only tenured, tenure-track and clinical faculty (excluding chairs, associate deans and deans) may serve on departmental personnel committees, attend personnel committee meetings at which recommendations for promotion, tenure, merit or annual evaluations will be made, or vote in such meetings. By a two-thirds majority of the tenured, tenure-track, and clinical faculty this provision may be waived for a specific academic year. If the department chair does not attend, it shall be the responsibility of those in attendance to write a detailed report specifying majority and minority opinions. The administrative procedures of each department and college shall ensure that the input of administrators is a formalized part of the process. (B/R 10/01)

6.2 Personnel Recommendations Transmitted Through Channels. All personnel recommendations shall be transmitted through regular administrative channels as defined in the UNLV Bylaws, Chapter I, Section 5.

6.3 Notification of Personnel Action Denials. In all personnel matters, the individual involved will be notified if, for any reason, the recommendation concerning the individual is turned down as it is being transmitted through the administrative channel. The department concerned will also be notified. (B/R 2/92)

6.4 Reasons for Personnel Action Denials. In accordance with the University and Community College System of Nevada Code, Chapter 5, Section 5.2.3, a faculty member
may request the reasons for denial of appointment with tenure, salary increases, promotion or reappointment. (Salary increases include merit awards.) Also see UNLV Bylaws, Chapter III, Section 16.8.

6.5 Reconsideration of Personnel Action Denials. In accordance with the University and Community College System of Nevada Code, Section 5.2.4, a faculty member may request reconsideration of any personnel action denying appointment with tenure, salary increases, promotion or reappointment. (Salary increases include merit awards.) Also see UNLV Bylaws, Chapter III, Section 16.9.

6.6 Grievances. Any academic faculty member has the right to file a grievance personnel decisions which may result in adverse impact on the employment conditions relating to promotion, salary increases (including merit), and appointment with tenure. This does not apply to nonreappointment of a probationary faculty member. The Faculty Senate Grievance Committee process may be initiated only after the faculty member has requested reconsideration and the request has proceeded through regular administrative channels to the Executive Vice President and Provost. (See Chapter I, Sections 4.6.6 and 4.6.11 and Chapter III, Section 20. Also see University and Community College System of Nevada Code, Chapter 5, Section 5.7.) (B/R 3/03)

6.7 Faculty Members to be Advised of Recommendations. The Executive Vice President and Provost shall advise the faculty member of the recommendations of the department and dean. The Executive Vice President and Provost shall also advise the faculty member that instructions for grievance are available from the Faculty Senate. (B/R 3/03)

6.8 Recommendation to the President. After the Faculty Senate Grievance Committee has made its recommendation, the recommendation shall be forwarded through the Executive Vice President and Provost to the president, who shall make the final recommendation. (B/R 3/03)

b. Section 7. Personnel Matters for Nonacademic Faculty

7.1 Components of Personnel Matters. Personnel matters for nonacademic faculty members shall include, but shall not be limited to, the following:

A. Title
B. Salary
C. Step/grade
D. Contract period
E. Assignment of duties
F. Promotion
G. Merit salary increases
H. Equity salary increases

7.1.1 Procedures and Criteria. The nonacademic faculty members of each nonacademic faculty unit shall establish their own procedures and criteria for all personnel matters in accordance with university and unit bylaws or procedure manuals.
7.1.2 Personnel Matters Transmitted Through Channels. All personnel matters shall be transmitted through regular and appropriate administrative channels as defined in the UNLV Bylaws, Chapter I, Section 5.

7.1.3 Nonacademic Faculty to be Advised of Actions. As the personnel matters concerning them are reviewed and processed through the appropriate administrative channels, nonacademic faculty members shall be notified of each administrative action or change taken.

7.1.4 Reasons for Personnel Action Denials. In accordance with the University and Community College System of Nevada Code, Chapter 5, Section 5.2.3, a nonacademic faculty member may request the reasons for denial of salary increases, promotion, or reappointment. (Salary increases include merit awards.)

7.1.5 Reconsideration of Personnel Actions. In accordance with the University and Community College System of Nevada Code, Chapter 5, Section 5.2.4, a nonacademic faculty member may request reconsideration of any personnel action denying salary increases, promotion, or reappointment. (Salary increases include merit awards.)

7.1.6 Grievances. See Chapter III, Section 13 and Section 20. (B/R 3/03)

c. Section 10. Guidelines for Academic Faculty Salary Increases

10.1 Guidelines for Salary Increases. General areas, which might be used to evaluate the performance of an individual faculty member in making recommendations for salary increases, are as follows:

A. Advising and counseling students
B. Committee work
C. Comparisons with other faculty members in similar positions and circumstances within the University and Community College System of Nevada
D. Creative activity or research productivity
E. Evidence of continued professional growth
F. Inequities due to current hiring practices
G. Leadership activities in professional organizations
H. Professional curatorial duties
I. Service to the university as a department chair
J. Teaching effectiveness
K. Total length of service in academic life
L. Total years in present rank
M. Voluntary community activity and public service for which no remuneration is received
N. Institutional special assignments

10.2 Annual Merit Recommendations. An award of merit is expected to recognize the person who has (1) performed at least "satisfactorily" in the areas for which the person is evaluated and (2) is considered meritorious in at least one of those areas. Merit awards are specifically not to be confused with inequity adjustments. Among the many legitimate reasons to award merit are the following:
A. To encourage exceptional academic faculty with excellent mobility to remain at UNLV;

B. To reward exceptional performance in any of the several areas for which academic faculty are evaluated;

C. To reward outstanding performance over a long period of time performance that may not have resulted in merit for any particular year;

D. To allow for other specific or general exceptions, which to the evaluators represent some outstanding, reason for awarding merit.

10.2.1 The award of merit shall require a specific application and an evaluation process separate from annual or other evaluations made of faculty. Documentation submitted for annual evaluations may be used for merit evaluation. Unit administrators, including chairs, directors, and assistant and associate deans and chairs, must file applications through the faculty process to receive merit awards for teaching, research and non-administrative service.

10.2.2 The determination of the minimum standards for satisfactory and meritorious performance in teaching, research and service shall be made by an elected committee of the faculty of each department and/or college as specified in the unit bylaws, with the advice and consent of the dean. Where possible, the same standards shall be applied to all faculty within the college. Such standards shall take into account the variations in assigned workload present in the college.

10.2.3 Each unit may determine the process used to rank its faculty, except that a final ranked list shall be submitted to the dean from an elected faculty committee at the college level. Ranking of applicants for merit shall be based on the standards created under section 10.2.2 and all policies and procedures mandated by the Executive Vice President and Provost or President. The final ranking shall exclude those faculty who do not meet the minimum standards for an award of merit, which are satisfactory performance in all relevant evaluation areas and meritorious performance in at least one. No faculty member may be present during the presentation or ranking of their application for an award of merit.

10.2.4 The dean shall recommend the dollar amount of each award of merit for teaching, research and non-administrative service, in accordance with all policies and procedures mandated by the Executive Vice President and Provost or President. Where the award made by the dean differs from the final rankings presented by the committee, explicit reasons must be provided by the dean to the Executive Vice President and Provost. Reasons can include those outlined in Section 10.2A-D, input obtained from other sources deemed important by the dean, (e.g., chairs, departmental faculty committees, performance assessments by external constituencies, such as college awards, etc.) and/or specific knowledge of performance areas for a faculty member not reflected in the rankings. The President makes the final determination of the amount awarded to each faculty member, upon recommendation by the Executive Vice President and Provost.

10.3 Statement of Reasons. A faculty member who has been denied a salary increase may, within 15 calendar days after notification of such denial, provide a written request to the department chair, supervisor, or dean who rendered the negative decision asking for a
statement in writing of the reasons for the denial. The response must be received by the faculty member within 15 calendar days after the appropriate administrator receives the written request for reasons. Faculty members also may request reconsideration of the denial (University and Community College System of Nevada Code, Chapter 5, Section 5.2.4 and UNLV Bylaws, Chapter III, Sections 6.5 and 16.9).

10.4 Grievances. A faculty member who has been denied a salary or merit increase has the right to file a grievance concerning the decision to the Faculty Senate Grievance Committee once the reconsideration process has been completed through the administrative channels. (See UNLV Bylaws, Chapter I, Section 4.6.6 and Chapter III, Section 20.) (B/R 3/03)

d. Section 11. Guidelines for Nonacademic Faculty Salary Increases

11.1 Annual Merit Salary Recommendations. An award of merit is expected to recognize the person who has (1) performed at least "satisfactorily" in the areas for which the person is evaluated and (2) is considered meritorious in at least one of those areas. Merit awards are specifically not to be confused with inequity adjustments. Among the many legitimate reasons to award merit are the following:

A. To encourage exceptional performance in any of the several areas for which a nonacademic faculty member is evaluated;

B. To reward exceptional performance in any of the several areas for which a nonacademic faculty member is evaluated;

C. To reward outstanding performance over a long period of time -- performance that may not have resulted in merit for any particular year;

D. To allow for other specific or general exceptions, which to the evaluators represent some outstanding, reason for awarding merit.

11.2 Equity Salary Increases. Nonacademic faculty members are entitled to equity salary adjustments based on salary and similar performances of other nonacademic faculty in similar positions and circumstances within the University and Community College System of Nevada.

11.3 Reconsideration and Grievances of Denial of Salary or Merit Increases. See UNLV Bylaws, Chapter III, Section 13 and Section 20. (B/R 3/03)

e. Section 13. Appeals for Nonacademic Faculty on Personnel Matters

13.1 Right to Request Reconsideration. Nonacademic faculty members have the right to request reconsideration of personnel actions denying salary increases, promotion or reappointment in accordance with the University and Community College System of Nevada Code (see Chapter 5, Section 5.2.4). (Salary increases include merit awards.)
13.2  Notice of, Request for Reasons, and Reconsideration of Personnel Action Denying Salary Increase or Promotion. Each nonacademic faculty member denied a salary increase, reappointment, or promotion must be notified of such decision in writing within 15 calendar days of the decision. (B/R 3/03)

13.2.1  Written Request for Reasons of Denial. A nonacademic faculty member who has been denied a salary increase, reappointment, or promotion may, within 15 calendar days after notification of such denial, provide a written request to the department chair, supervisor or dean who rendered the negative decision asking for a statement in writing of the reasons for the denial. The response must be received by the non-academic faculty member within 15 calendar days after the appropriate administrator receives the written request for reasons. (See University and Community College System of Nevada Code, Chapter 5, Section 5.2.3.)

13.2.2  Reconsideration of Denial. Within 15 calendar days after the receipt of the written reasons for the denial of salary increase, reappointment, or promotion, a non-academic faculty member may request reconsideration of such denial. The request shall be submitted to the faculty member's supervisor together with the reasons, arguments and documentation supporting the request for reconsideration. The request for reconsideration shall be promptly directed through regular channels with recommendations from each administrative level for or against reconsideration of the decision. Final action shall be taken within a reasonable time by the president after receipt of the recommendations. If the president decides to recommend promotion to Rank III or Rank IV, the final decision must be made by the Board of Regents. Except for denial of reappointment, if the denial is not reversed after reconsideration, the faculty member may petition the Faculty Senate Grievance Committee (UNLV Bylaws, Chapter I, Section 4.6.6 and Chapter III, Section 20.) (B/R 3/03)

f. Section 16.9  Reconsideration of Personnel Action Denying Appointment With Tenure, Salary Increase, Promotion, or Reappointment. Within 15 calendar days after the receipt of the written reasons for denial of appointment with tenure, a salary increase, promotion, or reappointment, a faculty member may request reconsideration of such denial. The request shall be submitted to the faculty member's department chair or supervisor together with the reasons, arguments, and documentation supporting the request for reconsideration. The request for reconsideration shall be promptly directed through regular channels with recommendations from each administrative level for or against reconsideration of the decision. Final action shall be taken within a reasonable time by the president after receipt of the recommendations. If the president decides to recommend tenure or promotion to associate professor (Rank III) or professor (Rank IV), the final decision must be made by the Board of Regents. If the denial is not reversed after reconsideration, the faculty member may petition the Faculty Senate Grievance Committee, except in cases of denial of reappointment, which are not subject to grievance. (See also UNLV Bylaws, Chapter I, Section 4.6.6 and Chapter III, Section 20.) (B/R 3/03) (B/R 2/92)