

**"CLEAN" VERSION REFLECTING CORRECTIONS MADE BY APPC FROM  
DRAFT 10.3 TO THE PRESENT DRAFT 11**

*Draft in Progress*

**Procedures for Continuing Review  
University of Arizona**

**DRAFT 11 9/24/96 (Senate APPC)**

\* \* \* \* \*

**I. POSITION STATEMENT**

A university is a community of scholars focused on learning. It generates new knowledge and new applications of existing knowledge, it increases appreciation of the arts, and it deepens our understanding of natural and social phenomena. This knowledge, appreciation, and understanding are then transmitted to students and to the larger society. The university operates on a time scale different from that of production or service enterprises and it needs the freedom to explore avenues different from those entities.

Tenure is one of the most valued assets the University can offer to attract the finest talent into the academy. It provides a stability which helps to offset the generally higher salaries found elsewhere in the marketplace. Through a rigorous assessment process over time, the awarding of tenure, as measured by many different criteria at the department/unit, college, and University levels, is both a strong recognition of the accomplishments of candidates in their disciplines and confidence in their ability for continued growth and excellence.

Constructive peer-based review systems in place before and after tenure have the purpose of providing accountability through emphasis on sustained high quality performance and opportunities for continued faculty growth. A system of faculty development is vital to maintaining a high level of faculty performance. In addition, structured programs for performance improvement are able specifically to ensure that those rare cases of unsatisfactory performance will be corrected in a timely manner without diminishing the value of tenure in the institution.

The rewarding of proven quality performance is a vital part of the whole system, and must include a performance-based compensation plan as approved by the Faculty Senate in the Spring of 1995 and regularized funding to operate it. The rigor of the recruitment and tenure processes at the University means that only persons with the strongest credentials, by national criteria, attain tenure or continuing status. Given the standards in effect at the University, every faculty member who is evaluated as performing satisfactorily or better in annual reviews is delivering a quality performance.

The University is committed to strengthening its system of accountability and rewards. Just as it is right for faculty to be held professionally accountable, so it is right for faculty to expect that quality

performance will be compensated properly. If the Board of Regents is to remain in keeping with the concern it has expressed about quality performance, however, we believe that the Board must make every effort with the Governor and the Legislature to insist on the provision of regularized funding to support a genuine performance-based compensation system. We ask that it do so.

## II. INTRODUCTION

The Arizona Board of Regents (*ABOR*) requires an annual performance review for all professional personnel, as stated in the *University Handbook for Appointed Personnel (UHAP)* 3.10.04 and 4.08.04. For tenured faculty and continuing academic professionals, the proposed continuing review procedures will incorporate and build upon the existing annual performance review process.

Procedures for required reviews of tenure eligible and continuing eligible personnel will also build upon the annual reviews, and will follow guidelines outlined in *UHAP*, chapters 3 and 4.

When the continuing review shows that a performance is below acceptable standards for a tenured faculty member or continuing academic professional, the intent of the review must be to begin a vigorous program of support on the part of the University, to reengage and refocus that person in whom so much has already been invested. Only after such a process has clearly failed, and then alone, should termination of service be considered, according to the *ABOR* procedures.

### A. Definitions

Annual Performance Review - a written performance review of all faculty members done every 12 months by an elected peer committee and the unit head pursuant to procedures set forth by the unit.

Tenure Review - periodic reviews which are part of the tenure process and done at the unit level pursuant to procedures set forth in the *University Handbook for Appointed Personnel*.

Continuing Review - a post-tenure process linked to the performance-based compensation plan, using the annual performance review to connect satisfactory or better performance to rewards, and to connect performance below satisfactory levels to performance improvement.

### B. Objectives of the Review

- to strengthen the system of appropriate professional accountability as a community of scholars;
- to assist faculty career growth and improvement through faculty development;

- to protect academic freedom and tenure.
- to utilize present processes of evaluation as much as possible; and,
- to provide an appeals system in order to ensure full protection for faculty.

### III. MECHANISMS OF THE CONTINUING REVIEW SYSTEM

A. The foundation for the proposed continuing review system shall be the annual performance review. The annual performance review of all faculty regardless of rank includes all personnel as defined by the **Constitution of the General Faculty of the University of Arizona (1986), Article II, Section 1 (a)**.

The number of satisfactory (or better) and unsatisfactory outcomes of the annual performance review, by unit, shall be reported by the provost to the Faculty Senate each year. The chief academic officer at the college level and an elected faculty committee at that level shall review a sufficient number of cases each year to ensure the fairness and integrity of the process.

B. Except as provided in point C, below, the criteria for satisfactory performance in reviews will be the stated performance expectations for faculty members in a unit or, in some instances, for a faculty team (e.g., librarians). The stated expectations have the purpose of differentiating satisfactory from unsatisfactory performance, not defining standards for tenure or for promotion. These expectations will be defined in writing by the faculty of the unit, including the unit head. The stated expectations must be in accordance with the mission and goals of the unit and college, within the norms of the discipline, and must be approved by the college dean.

Each annual review shall include the past 3-5 years of the individual faculty member's performance, with the time period to be determined by the unit. It shall also take into consideration findings resulting from the academic program review of the faculty member's unit or program during the next annual review. University policies concerning absence and leave for health, family, or other reasons shall continue to be applicable.

C. The mix of performance expectations, related to teaching, research and service, can vary for individual faculty members within limits established by the faculty of each unit and consistent with the college and university missions. The mix can change through time for an individual. Individual faculty

members may negotiate with their unit heads to alter their particular defined responsibilities, as long as the expected level of overall performance remains comparable to the common standards and as long as the altered work plan is consistent with the unit's capacity to meet its goals. Within these limits, heads are to make every effort to facilitate such a request by a faculty member, and the faculty member must make every effort to recognize the needs of the unit to the mutual benefit of all.

D. A faculty member's annual performance will be evaluated according to measures and procedures specified in writing by each unit. The procedure determined by each unit must involve a meaningful role in the evaluation by both the head and a peer committee of the unit. The peer committee is to be elected unless decided otherwise by the faculty of the unit.

E. The results of the review shall be clearly communicated by the unit head to the faculty member in writing no later than May 15, as specified in UHAP 3.10.04 . The unit head will meet with the faculty member to present and discuss the results of the annual performance review and the expectations for the next annual review.

#### IV. PROCESSES FOR ADDRESSING PERFORMANCE RESULTS

##### A. Overall Satisfactory or Better Performance

###### 1. Satisfactory or Better without a Teaching Deficiency

Those tenured faculty members who are found to be performing overall at acceptable levels in the annual performance review will be eligible for merit raises, for salary increases pursuant to the performance-based compensation plan, and for other rewards which may exist or be established at the unit, college, or university levels. Outstanding performance in teaching should be strongly rewarded in the same manner as for scholarly activity.

###### 2. Satisfactory with a Teaching Deficiency

Because teaching has such a central and immediate impact on the lives and careers of students, an unsatisfactory rating in teaching should initiate immediate corrective action at the unit level, even if the performance ratings in other areas are satisfactory, and the overall performance rating is satisfactory. A decision calling for corrective action may be appealed using current procedures.

Corrective action can involve a plan to improve teaching or an alteration of the faculty member's work plan (or redirection of teaching responsibilities to areas of particular strengths), under conditions described in Section III, C. Improvement to a satisfactory

teaching level and overall performance level within a year will make the faculty member eligible for any rewards that become available during that year under **Section IV. A.1**. If satisfactory improvement in the teaching area does not occur within one year, as reflected in the next annual performance review, an overall unsatisfactory rating will be assigned and the process described below, which addresses cases of overall unsatisfactory ratings, will apply.

#### **B. Overall Unsatisfactory Performance**

For those faculty members whose performances are found to be below acceptable levels on the annual performance review, a process, set forth below will be instituted for the purpose of bringing about the needed improvements.

It must be emphasized that the rigorous personnel processes referred to in the Position Statement at the beginning of this document ensure that the annual performance review will find overall performance is below acceptable standards for only a very small percentage of the faculty.

In addressing unsatisfactory performance, the overriding objective of the continuing review process will be to enable the faculty member to become reengaged and to resume his or her place as a contributing member of the faculty.

1. The head and unit peer committee will make every effort to advise a faculty member whose overall performance is slipping in a manner that, if uncorrected, could lead to an unsatisfactory rating and to acquaint faculty members with the resources available to help improve their performances. Efforts also will be undertaken to identify and to correct unsatisfactory performance in any individual area where it occurs.

2. If the annual performance review identifies cases of overall unsatisfactory performance according to stated expectations an enhanced evaluation of the faculty member's performance will occur unless the faculty member decides otherwise and to proceed directly with an improvement plan.

The faculty member may opt to have an enhanced evaluation occur through a committee of the unit appointed jointly by the head and by the chair of the unit peer review committee; by the elected peer committee at the next higher level; or by an elected peer committee at the university level.

If the faculty member so requests, an external review of that faculty member's performance conducted under the auspices of a professional body in the faculty member's own discipline will take place and will be taken into consideration as part of the enhanced

evaluation, with the expenses for the external review borne by the University.

The enhanced evaluation of the faculty member's performance is to take no longer than 120 days. The enhanced evaluation may find that the faculty member's performance meets stated expectations and is satisfactory, or that it fails to meet stated expectations, precisely how it fails, and that the faculty member's performance is unsatisfactory. For a decision to be reached that performance is unsatisfactory, the burden of proof is on the institution to show that such a finding is warranted.

3. Should the enhanced evaluation determine that performance is unsatisfactory, the faculty member, along with the unit head and unit peer committee, will be expected to develop a plan for improvement, and to gain approval from the dean, within 45 days following the decision.

Should no agreement on an improvement plan occur, the faculty member has a maximum of 15 days to request the peer committee at the next higher academic level to make a determination on the improvement plan. The committee has 45 days to render its determination as to an appropriate improvement plan.

4. The improvement plans will be designed with the intent to provide structures and resources for the faculty member to make changes in order to attain appropriate performance levels. The plan may involve an altered mix of job responsibilities as described in III, C, above. The plan must state reasonable expectations, and the university will make reasonable efforts to provide appropriate resources to facilitate the plan's implementation and success. The spirit of the improvement plan is to support, encourage, and measure the quality of faculty performance, to the end that faculty performance meets stated expectations.

The improvement plan will include the following:

- a description of specific deficiencies
- a list of reasonable outcomes needed to correct deficiencies
- the process to be followed to achieve outcomes
- the timeline for accomplishing the process
- the criteria to be used in evaluating progress in the plan
- the resources needed to facilitate the plan

5. The faculty member's performance within the context of the improvement plan must be evaluated as early as possible and no later than one year after the plan is put into effect. This special evaluation will be carried out by the unit head and the elected peer review committee, and approved by the dean. The improvement

plan will stay in effect until performance returns to a satisfactory level according to stated expectations. In no case shall an improvement plan take more than three years to lead to such performance.

6. It is the objective of the continuing review that improvement plans have successful outcomes, and that no further action need take place. Only when a successful outcome fails to occur can any further action ensue. That is, consideration of termination of service for "demonstrated incompetence," the language of the ABOR policy, may occur only in cases where one of the following circumstances exists:

- a) the faculty member is unwilling to enter into an improvement plan following an unsatisfactory judgment;
- b) the faculty member fails to make progress considered acceptable within the evaluation periods under the implementation of the improvement plan;
- c) the faculty member is unable to achieve a satisfactory performance according to stated expectations within three years under the improvement plan.

Given that current recruiting and tenure practices are focused on attracting and retaining the best qualified individuals for any position, cases of persistent unsatisfactory performance should be rare. In such cases, however, the procedures specified in **The Arizona Board of Regents Policy Manual, Chapter VI, sections I.1 and K** can be initiated. Section I.1.a states as follows:

"Tenured faculty members shall not be dismissed or suspended without pay except for just cause. Such termination of service or suspension may take effect only following an opportunity for the faculty member to utilize the conciliation/ mediation and hearing procedures as prescribed in sections K.3 and K.4 below."

### C. Hearings

Section K of the Policy Manual specifies in detail hearing procedures for faculty and academic professionals on continuing or continuing-eligible appointments, including provision for an appeal to the Committee on Academic Freedom and Tenure (CAFT). Section K.1 is a statement of principles:

"Investigations and hearings require the judicious consideration of facts, but they should neither partake of the form of courts of law nor be constrained by the limitations imposed upon such courts. They are academic hearings the purpose of which is to safeguard and protect not only the individual rights of the members affected but also the integrity of the university."

CAFT hearings of continuing review issues shall include procedural issues regarding deprivation of due process at any point during the continuing review as well as substantive issues concerning the judgment that the faculty member has not performed effectively under the improvement plan. The burden of proof is on the institution to demonstrate that the faculty member has not performed effectively according to the guidelines and criteria established by the improvement plan. CAFT will hear and resolve claims of deprivation of due process at an earlier point in the continuing review process if it deems from the written claim and response that there is probable cause to believe that deprivation of due process has occurred.

#### **D. Summary of Timelines**

1) The enhanced evaluation of a faculty member's performance shall be completed in 120 days.

2) An improvement plan must be developed and approved within 45 days following a decision that the overall performance is unsatisfactory.

3) Should no agreement on an improvement plan occur, the faculty member has a maximum of 15 days to request the peer committee at the next higher academic level to make a determination on the improvement plan. The committee has 45 days to render its determination as to an appropriate improvement plan.

## **Proposed Amendment to “Procedures for Continuing Review”**

**Submitted by Eugene H. Levy, Faculty Senator**

Page 1

### **I. (2nd paragraph)**

Tenure is one of the most valued assets the University can offer to attract the finest talent into the academy. It provides a stability which helps to offset the generally higher salaries found elsewhere in the marketplace. Through a rigorous assessment process over time, the awarding of tenure, as measured by many different criteria at the department/unit, college, and University levels, is a strong recognition of the accomplishments of candidates in their disciplines, an expression of confidence in their ability for, and commitment to, continued growth and excellence, and recognition of the qualitative and quantitative contributions to the University’s mission.

## **Proposed Amendment to “Procedures for Continuing Review”**

**Submitted by Eugene H. Levy, Faculty Senator**

Page 1

### **I. (4th paragraph)**

The rewarding of proven quality performance is a vital part of the whole system, and must include a performance-based compensation plan. In a system of tenure the application of a merit salary system is especially important. Accordingly, the Faculty Senate urges that all future salary adjustments to faculty be based entirely on considerations of merit and market. The expected rigor of the recruitment and tenure process at the University should ensure that only persons with the strongest credentials, contributions and accomplishments, based on stringent national and local criteria, should attain tenure or continuing status. The standards of assessment in the University should ensure that every faculty member who is rated as performing satisfactorily or better in annual reviews is delivering to the University a quality performance, and contributing in an appropriately balanced fashion to the mission of the University.

**Proposed Amendment to  
“Procedures for Continuing Review”**

**Submitted by Chandra Desai, Faculty Senator**

Page 1

I. (5th paragraph)

The University is committed to strengthening its system of accountability and rewards. Just as it is right for faculty to be held professionally accountable, so it is right for faculty to expect that quality performance will be compensated properly. If the Board of Regents is to remain in keeping with the concern it has expressed about quality performance, however, we believe that the Board has the obligation, working with the Governor and the Legislature, to insist on the provision of regularized funding to support a genuine performance-based compensation system. We ask that it do so.

**Proposed Amendment to  
“Procedures for Continuing Review”**

**Submitted by Lauren Sliger and Patrick Williams, Faculty Senators**

Page 2

II.

A. Definitions

**Annual Performance Review** - a written performance review of all faculty members done every 12 months by an elected peer committee and the unit head pursuant to procedures set forth by the unit. This review shall include a systematic assessment of student written teacher evaluations. The student input shall be given equal consideration as the peer review opinion.

## **Proposed Amendment to “Procedures for Continuing Review”**

**Submitted by Larry C. Schooley, Faculty Senator**

Page 2

II.

### **B. Objectives of the Review**

- to provide an equitable system for connecting performance to rewards;
- to strengthen the system of appropriate professional accountability as a community of scholars;
- to assist faculty career growth and improvement through faculty development;
- to protect academic freedom and tenure;
- to utilize present processes of evaluation as much as possible; and,
- to provide an appeals system in order to ensure full protection for faculty.

## **Proposed Amendment to “Procedures for Continuing Review”**

**Submitted by Paul S. Sypherd, Faculty Senator**

Page 3

III.

B. Except as provided in point C, below, the criteria for satisfactory performance in reviews will be the stated performance expectations for faculty members in a unit or, in some instances, for a faculty team (e.g., librarians). The stated expectations have the purpose of differentiating satisfactory from unsatisfactory performance, not defining standards for tenure or for promotion. These expectations will be defined in writing by the faculty of the unit, including the unit head, with approval of the dean and Provost. The stated expectations must be in accordance with the mission and goals of the unit and college, within the norms of the discipline, and must be approved by the college dean.

[Regarding this same passage, Senator Chandra Desai had the following comment: “The idea that each unit decides on its expectations of performance and for defining unsatisfactory performance can have serious implications. For example, consider two departments in a college with different criteria for unsatisfactory performance. If a faculty member in department 1 with unsatisfactory performance criteria higher than those in department 2 is terminated, he/she will have sufficient grounds for appeals and (legal) action, based on unequal treatment.” Does Senator Sypherd’s suggested change address Senator Desai’s concern?]

**Proposed Amendment to  
“Procedures for Continuing Review”**

**Submitted by Peter E. Medine, Faculty Senator**

Page 3

III.

B. (2nd paragraph)

Each annual review shall include the past 3-5 years of the individual faculty member’s performance, with the time period to be determined by the unit. When appropriate, the review should evaluate the faculty member’s role in his or her unit in light of that unit’s most recent academic program review. University policies concerning absence and leave for health, family, or other reasons shall continue to be applicable.

(I have changed only the second sentence here. I believe that the change allows the claim of an outside-reviewer component and minimizes the chances for mischief.)

**Proposed Amendment to  
“Procedures for Continuing Review”**

**Submitted by a Faculty Member through John E. Schwarz, Chair**

Page 4

III.

D. A faculty member’s annual performance will be evaluated according to measures and procedures specified in writing by the faculty and head of each unit. The procedure determined by each unit must involve a meaningful role in the evaluation by both the head and a peer committee of the unit. The peer committee is to be elected unless decided otherwise by the faculty of the unit.

**Proposed Amendment to  
“Procedures for Continuing Review”**

**Submitted by Eugene H. Levy, Faculty Senator**

Page 5

IV.

B. (2nd paragraph)

(This paragraph—while I completely agree with its content—strikes me as overly defensive and self-justifying. I propose that it be deleted.)

(However, if the Senate feels that such a statement is necessary, then I propose that the paragraph be replaced with the following:)

The rigorous hiring and promotion processes referred to in the Position Statement are intended to ensure that the annual performance reviews will find overall performance of a faculty member to fall below acceptable standards in only a small percentage of cases.

**Proposed Amendment to  
“Procedures for Continuing Review”**

**Submitted by Eugene H. Levy, Faculty Senator**

Page 5

IV.

B.

1. The head and unit peer committee will make reasonable efforts to advise a faculty member whose overall performance is slipping in a manner that, if uncorrected, could lead to an unsatisfactory rating and to acquaint faculty members with the resources available to help improve their performances. Efforts also will be undertaken to identify and to correct unsatisfactory performance in any individual area where it occurs. However, in view of the stringent criteria under which University faculty are recruited and tenured (or elevated to continuing status), it is recognized that University faculty are expected to perform as independently-driven professionals of the highest order. Accordingly, the final responsibility for recognizing and correcting deficiencies of performance—if such should arise—lies with the faculty member himself or herself.

**Proposed Amendment to  
“Procedures for Continuing Review”**

**Submitted by a Faculty Member through John E. Schwarz, Chair**

Page 5

IV.

B.

2. (2nd paragraph)

The faculty member may opt to have an enhanced evaluation occur through a committee of the unit appointed by the head or by the chair of the unit peer review committee; by the elected peer committee at the next higher level; or by an elected peer committee at the university level.

**Proposed Amendment to  
“Procedures for Continuing Review”**

**Submitted by Chandra Desai, Faculty Senator**

Page 6

IV.

B.

4. The improvement plans will be designed with the intent to provide structures and resources for the faculty member to make changes in order to attain appropriate performance levels. The plan may involve an altered mix of job responsibilities as described in III, C, above. The plan must state reasonable expectations, and the University will make all efforts to provide required resources, approved by the peer committee and head, to facilitate the plan’s implementation and success. The spirit of the improvement plan is to support, encourage, and measure the quality of faculty performance, to the end that faculty performance meets stated expectations.

**Proposed Amendment to  
“Procedures for Continuing Review”**

**Submitted by John E. Schwarz, Chair**

Page 8

IV.

C. (3rd paragraph)

CAFT hearings of continuing review issues shall include procedural issues regarding deprivation of due process or academic freedom at any point during the continuing review as well as substantive issues concerning the judgment that the faculty member has not performed effectively under the improvement plan. The burden of proof is on the institution to demonstrate that the faculty member has not performed effectively according to the guidelines and criteria established by the improvement plan. CAFT will hear and resolve claims of deprivation of due process or academic freedom at an earlier point in the continuing review process if it deems from the written claim and response that there is probable cause to believe that deprivation of due process or academic freedom has occurred.

# Procedures for Continuing Review University of Arizona

Approved by the Faculty Senate on October 14, 1996

\* \* \* \* \*

## I. POSITION STATEMENT

A university is a community of scholars focused on learning. It generates new knowledge and new applications of existing knowledge, it increases appreciation of the arts, and it deepens our understanding of natural and social phenomena. This knowledge, appreciation, and understanding are then transmitted to students and to the larger society. The university operates on a time scale different from that of production or service enterprises and it needs the freedom to explore avenues different from those entities.

Tenure is one of the most valued assets the University can offer to attract the finest talent into the academy. It provides a stability which helps to offset the generally higher salaries found elsewhere in the marketplace. Through a rigorous assessment process over time, the awarding of tenure, as measured by many different criteria at the department/unit, college, and University levels, is a strong recognition of the accomplishments of candidates in their disciplines, an expression of confidence in their ability for, and commitment to, continued growth and excellence, and recognition of the qualitative and quantitative contributions to the University's mission.

Constructive peer-based review systems in place before and after tenure have the purpose of providing accountability through emphasis on sustained high quality performance and opportunities for continued faculty growth. A system of faculty development is vital to maintaining a high level of faculty performance. In addition, structured programs for performance improvement are able specifically to ensure that those rare cases of unsatisfactory performance will be corrected in a timely manner without diminishing the value of tenure in the institution.

The rewarding of proven quality performance is a vital part of the whole system, and must include a performance-based compensation plan as approved by the Faculty Senate in the Spring of 1995 and regularized funding to operate it. In a system of tenure the application of a merit salary system is especially important. The expected rigor of the recruitment and tenure process at the University should ensure that only persons with the strongest credentials, contributions, and accomplishments, based on stringent national and local criteria, should attain tenure or continuing status. The standards of assessment in the University should ensure that every faculty member who is rated as performing satisfactorily or better in annual reviews is delivering to the University a quality performance, and contributing in an appropriately balanced fashion to the mission of the University.

The University is committed to strengthening its system of accountability and rewards. Just as it is right for faculty to be held professionally accountable, so it is right for faculty to expect that quality performance will be compensated properly. If the

Board of Regents is to remain in keeping with the concern it has expressed about quality performance, however, we believe that the Board has the obligation, working with the Governor and the Legislature, to insist on the provision of regularized funding to support a genuine performance-based compensation system. We ask that it do so.

## II. INTRODUCTION

The Arizona Board of Regents (ABOR) requires an annual performance review for all professional personnel, as stated in the **University Handbook for Appointed Personnel (UHAP) 3.10.04 and 4.08.04**. For tenured faculty and continuing academic professionals, the continuing review procedures will incorporate and build upon the existing annual performance review process. This includes administrators who hold tenured or continuing appointments.

Procedures for required reviews of tenure eligible and continuing eligible personnel will also build upon the annual reviews, and will follow guidelines outlined in UHAP, chapters 3 and 4.

When the continuing review shows that a performance is below acceptable standards for a tenured faculty member or continuing academic professional, the intent of the review must be to begin a vigorous program of support on the part of the University, to reengage and refocus that person in whom so much has already been invested. Only after such a process has clearly failed, and then alone, should termination of service be considered, according to the ABOR procedures.

### A. Definitions

**Annual Performance Review** - a written performance review of all faculty members done every 12 months by an elected peer committee and the unit head pursuant to procedures set forth by the unit. Where applicable, this review shall include a systematic assessment of student teacher evaluations.

**Tenure Review** - periodic reviews which are part of the tenure process and done at the unit level pursuant to procedures set forth in the University Handbook for Appointed Personnel.

**Continuing Review** - a post-tenure process linked to the performance-based compensation plan, using the annual performance review to connect satisfactory or better performance to rewards, and to connect performance below satisfactory levels to performance improvement.

### B. Objectives of the Continuing Review

- to provide an equitable system for connecting performance to rewards;
- to strengthen the system of appropriate professional accountability as a community of scholars;
- to assist faculty career growth and improvement through faculty development;
- to protect academic freedom and tenure;

- to utilize present processes of evaluation as much as possible; and,
- to provide an appeals system in order to ensure full protection for faculty.

### **III. MECHANISMS OF THE CONTINUING REVIEW SYSTEM**

**A.** The foundation for the continuing review system shall be the annual performance review. The annual performance review of all faculty regardless of rank includes all personnel as defined by the **Constitution of the General Faculty of the University of Arizona (1986), Article II, Section 1 (a)**.

The number of satisfactory (or better) and unsatisfactory outcomes of the annual performance review, by unit, shall be reported by the provost to the Faculty Senate each year. The chief academic officer at the college or next higher level and an elected faculty committee at that level shall review a sufficient number of cases each year to ensure the fairness and integrity of the process.

**B.** Except as provided in point C, below, the criteria for satisfactory performance in reviews will be the stated performance expectations for faculty members in a unit or, in some instances, for a faculty team (e.g., librarians). The stated expectations have the purpose of differentiating satisfactory from unsatisfactory performance, not defining standards for tenure or for promotion. These expectations will be defined in writing by the faculty of the unit, including the unit head. The stated expectations must be in accordance with the mission and goals of the unit and college, within the norms of the discipline, and must be approved by the college dean.

Each annual review shall include the past 3-5 years of the individual faculty member's performance, with the time period to be determined by the unit. When appropriate, the review should evaluate the faculty member's performance in his or her unit in light of that unit's most recent academic program review. University policies concerning absence and leave for health, family, or other reasons shall continue to be applicable.

**C.** The mix of performance expectations, related to teaching, research and service, can vary for individual faculty members within limits established by the faculty of each unit and consistent with the college and university missions. The mix can change through time for an individual. Individual faculty members may negotiate with their unit heads to alter their particular defined responsibilities, as long as the expected level of overall performance remains comparable to the common standards and as long as the altered work plan is consistent with the unit's capacity to meet its goals. Within these limits, heads are to make every effort to facilitate such a request by a faculty member, and the faculty member must make every effort to recognize the needs of the unit to the mutual benefit of all.

D. A faculty member's annual performance will be evaluated according to measures and procedures specified in writing by the faculty and head of each unit. The procedure determined by each unit must involve a meaningful role in the evaluation by both the head and a peer committee of the unit. The peer committee is to be elected unless decided otherwise by the faculty of the unit.

E. The results of the review shall be clearly communicated by the unit head to the faculty member in writing no later than May 15, as specified in UHAP 3.10.04 . The unit head will meet with the faculty member to present and discuss the results of the annual performance review and the expectations for the next annual review.

#### IV. PROCESSES FOR ADDRESSING PERFORMANCE RESULTS

##### A. Overall Satisfactory or Better Performance

###### 1. *Satisfactory or Better without a Teaching Deficiency*

Those tenured faculty members who are found to be performing overall at acceptable levels in the annual performance review will be eligible for merit raises, for salary increases pursuant to the performance-based compensation plan, and for other rewards which may exist or be established at the unit, college, or university levels. Outstanding performance in teaching should be strongly rewarded in the same manner as for scholarly activity.

###### 2. *Satisfactory with a Teaching Deficiency*

Because teaching has such a central and immediate impact on the lives and careers of students, an unsatisfactory rating in teaching should initiate immediate corrective action at the unit level, even if the performance ratings in other areas are satisfactory, and the overall performance rating is satisfactory. A decision calling for corrective action may be appealed using current procedures.

Corrective action can involve a plan to improve teaching or an alteration of the faculty member's work plan (or redirection of teaching responsibilities to areas of particular strengths), under conditions described in Section III, C. Improvement to a satisfactory teaching level and overall performance level within a year will make the faculty member eligible for any rewards that become available during that year under Section IV. A.1. If satisfactory improvement in the teaching area does not occur within one year, as reflected in the next annual performance review, an overall unsatisfactory rating will be assigned and the process described below, which addresses cases of overall unsatisfactory ratings, will apply.

##### B. Overall Unsatisfactory Performance

For those faculty members whose performances are found to be below acceptable levels on the annual performance review, a process, set forth below, will be instituted for the purpose of bringing about the needed improvements.

In addressing unsatisfactory performance, the overriding objective of the continuing review process will be to enable the faculty member to become reengaged and to resume his or her place as a contributing member of the faculty.

1. The head and unit peer committee will make reasonable efforts to advise a faculty member whose overall performance is slipping in a manner that, if uncorrected, could lead to an unsatisfactory rating and to acquaint faculty members with the resources available to help improve their performances. Efforts also will be undertaken to identify and to correct unsatisfactory performance in any individual area where it occurs.

2. If the annual performance review identifies cases of overall unsatisfactory performance according to stated expectations, an enhanced evaluation of the faculty member's performance will occur unless the faculty member decides otherwise and proceeds directly with an improvement plan.

The faculty member may opt to have an enhanced evaluation occur through a committee of the unit appointed by the head or by the chair of the unit peer review committee; by the elected peer committee at the next higher level; or by an elected peer committee at the university level.

If the faculty member so requests, an external review of that faculty member's performance conducted under the auspices of a professional body in the faculty member's own discipline will take place and will be taken into consideration as part of the enhanced evaluation, with the expenses for the external review borne by the University.

The enhanced evaluation of the faculty member's performance is to take no longer than 120 days. The enhanced evaluation may find that the faculty member's performance meets stated expectations and is satisfactory, or that it fails to meet stated expectations, precisely how it fails, and that the faculty member's performance is unsatisfactory. For a decision to be reached that performance is unsatisfactory, the burden of proof is on the institution to show that such a finding is warranted.

3. Should the enhanced evaluation determine that performance is unsatisfactory, the faculty member, along with the unit head and unit peer committee, will be expected to develop a plan for improvement, and to gain approval from the dean, within 45 days following the decision.

Should no agreement on an improvement plan occur, the faculty member has a maximum of 15 days to request the peer committee at the next higher academic level to make a determination on the improvement plan. The committee has 45 days to render its determination as to an appropriate improvement plan.

4. The improvement plans will be designed with the intent to provide structures and resources for the faculty member to make changes in order to attain appropriate performance levels. The plan may involve an altered mix of job responsibilities as described in III, C, above. The plan must state reasonable

expectations, and the University will provide required resources, approved by the peer committee and head, to facilitate the plan's implementation and success. The spirit of the improvement plan is to support, encourage, and measure the quality of faculty performance, to the end that faculty performance meets stated expectations.

The improvement plan will include the following:

- a description of specific deficiencies
- a list of reasonable outcomes needed to correct deficiencies
- the process to be followed to achieve outcomes
- the timeline for accomplishing the process
- the criteria to be used in evaluating progress in the plan
- the resources needed to facilitate the plan

5. The faculty member's performance within the context of the improvement plan must be evaluated as early as possible and no later than one year after the plan is put into effect. This special evaluation will be carried out by the unit head and the elected peer review committee, and approved by the dean. The improvement plan will stay in effect until performance returns to a satisfactory level according to stated expectations. In no case shall an improvement plan take more than three years to lead to such performance.

6. It is the objective of the continuing review that improvement plans have successful outcomes, and that no further action need take place. Only when a successful outcome fails to occur can any further action ensue. That is, consideration of termination of service for "demonstrated incompetence," the language of the ABOR policy, may occur only in cases where one of the following circumstances exists:

- a) the faculty member is unwilling to enter into an improvement plan following an unsatisfactory judgment;
- b) the faculty member fails to make progress considered acceptable within the evaluation periods under the implementation of the improvement plan;
- c) the faculty member is unable to achieve a satisfactory performance according to stated expectations within three years under the improvement plan.

Given that current recruiting and tenure practices are focused on attracting and retaining the best qualified individuals for any position, cases of persistent unsatisfactory performance should be rare. In such cases, however, the procedures specified in **The Arizona Board of Regents Policy Manual, Chapter VI, sections I.1 and K** can be initiated. Section I.1.a states as follows:

"Tenured faculty members shall not be dismissed or suspended without pay except for just cause. Such termination of service or suspension may take effect only following an opportunity for the

faculty member to utilize the conciliation/mediation and hearing procedures as prescribed in sections K.3 and K.4 below."

### C. Hearings

Section K of the Policy Manual specifies in detail hearing procedures for faculty and academic professionals on continuing or continuing-eligible appointments, including provision for an appeal to the Committee on Academic Freedom and Tenure (CAFT). Section K.1 is a statement of principles:

"Investigations and hearings require the judicious consideration of facts, but they should neither partake of the form of courts of law nor be constrained by the limitations imposed upon such courts. They are academic hearings the purpose of which is to safeguard and protect not only the individual rights of the members affected but also the integrity of the university."

CAFT hearings of continuing review issues shall include procedural issues regarding deprivation of due process or academic freedom at any point during the continuing review as well as substantive issues concerning the judgment that the faculty member has not performed effectively under the improvement plan. The burden of proof is on the institution to demonstrate that the faculty member has not performed effectively according to the guidelines and criteria established by the improvement plan. CAFT will hear and resolve claims of deprivation of due process or academic freedom at an earlier point in the continuing review process if it deems from the written claim and response that there is probable cause to believe that deprivation of due process or academic freedom has occurred.

### D. Summary of Timelines

- 1) The enhanced evaluation of a faculty member's performance shall be completed in 120 days.
- 2) An improvement plan must be developed and approved within 45 days following a decision that the overall performance is unsatisfactory.
- 3) Should no agreement on an improvement plan occur, the faculty member has a maximum of 15 days to request the peer committee at the next higher academic level to make a determination on the improvement plan. The committee has 45 days to render its determination as to an appropriate improvement plan.