



# WRITING EFFECTIVE FACULTY EVALUATIONS: A LEGAL PERSPECTIVE

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# Evaluations – AAUP Purpose

“...an evaluation, whether interim or at the time of final determination of renewal or tenure, should be presented in such a manner as to ***assist...faculty members as they strive to improve their performance.***”

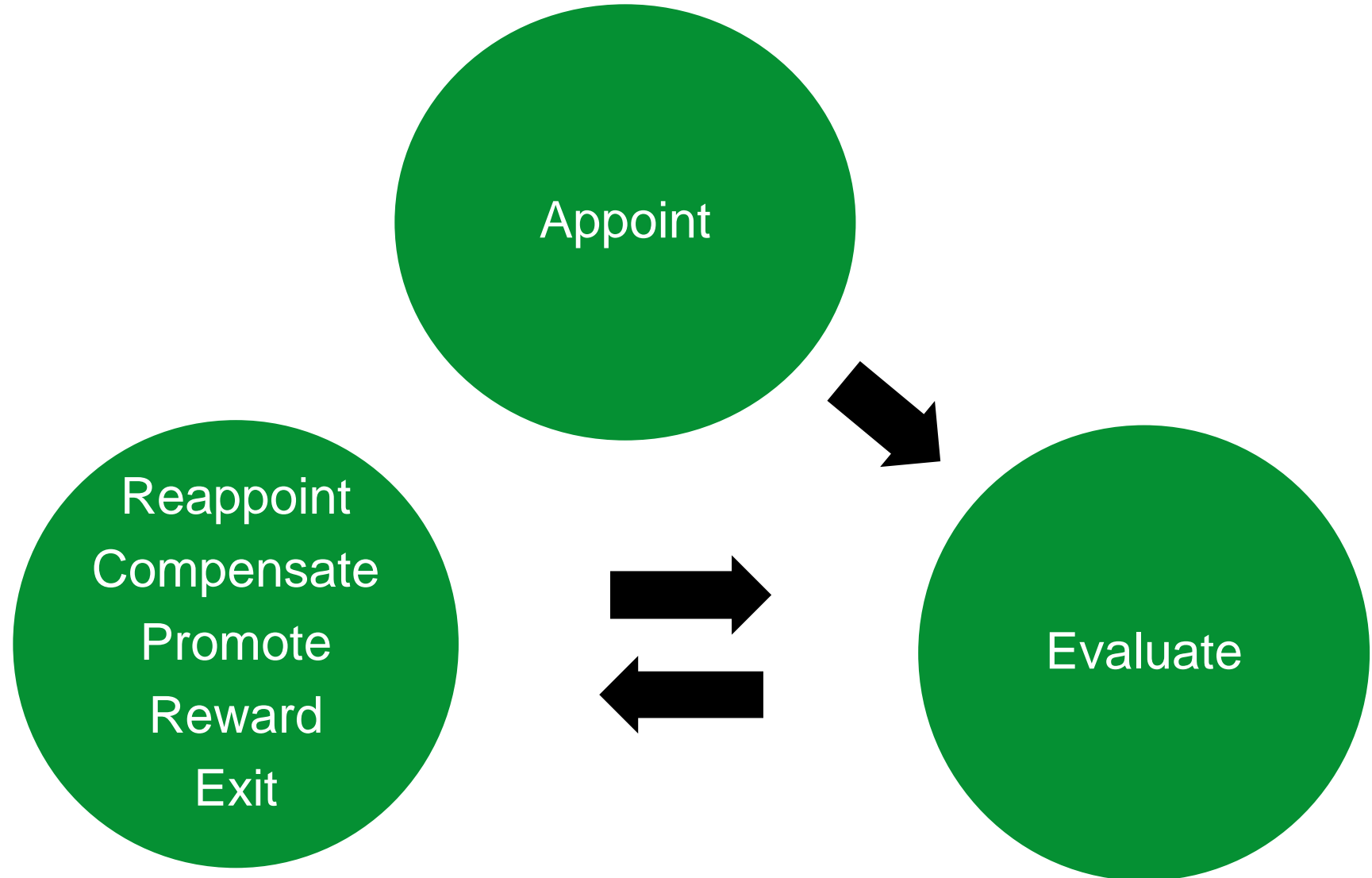
*AAUP Statement on Procedural Standards  
Renewal or Nonrenewal of Faculty Appointment*

# Evaluations – UNT Purpose

Annual reviews provide a regular assessment of the quality of a faculty member's contributions in teaching, scholarship and service, and are used to:

1. Provide a basis for awarding merit;
2. Facilitate professional development;
3. Maximize skills;
4. Refocus professional efforts when appropriate
5. Make equitable salary adjustments
6. Provide input for tenure and promotion
7. Ensure the faculty member is meeting obligations to the university

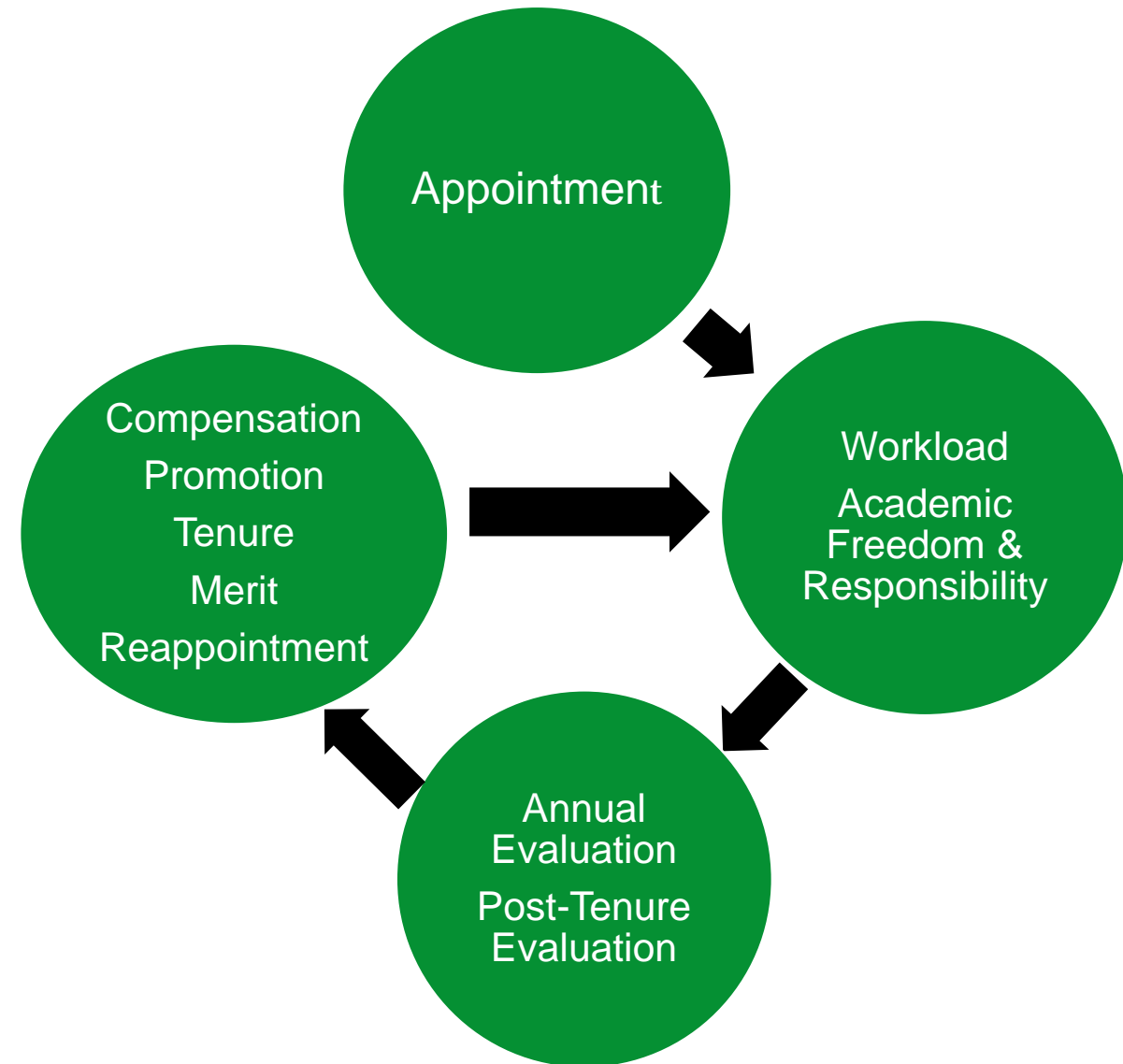
# Evaluations – The Scheme



# Evaluations – The Policies

The following policies comprise UNT's comprehensive faculty evaluation scheme:

- 06.002 Academic Appointments and Titles
- 06.004 Reappointment, Tenure and Promotion
- 06.005 Non-Tenure Reappointment and Promotion
- 06.006 Librarian Reappointment and Promotion
- 06.007 Annual Review
- 06.025 Faculty Misconduct and Discipline
- 06.027 Academic Workload
- 06.035 Academic Freedom and Responsibility
- 06.052 Review of Tenured Faculty



# Evaluations – The Policies Explained (1/4)

Policies that comprise UNT's comprehensive/holistic faculty evaluation scheme:

- **06.002 Academic Appointments and Titles (All Faculty)** – sets the expectation for the nature and length of employment, and informs faculty members what they can expect in terms of promotions if they meet expectations.
- **06.004 Reappointment, Tenure and Promotion (Tenure Track)** – sets out the standards/criteria and expectations for reappointment, tenure and promotion (“personnel actions”) for tenure track faculty; informs the faculty member of her/his responsibilities in the personnel action process; describes the review process; informs faculty member of legal right to receive notice of and respond to a negative/adverse personnel decision (i.e. due process).
- **06.005 Non-Tenure Reappointment and Promotion (Non-Tenure Track)** – sets out the standards/criteria and expectations for renewal and promotion (“personnel actions”) for non-tenure track faculty (except Librarians), and for the length of appointments; informs the faculty member of the eligibility requirements for promotion to various ranks, and of her/his responsibilities in the personnel action process; describes the review process; informs faculty member of legal right to receive notice of and respond to a negative/adverse personnel decision (i.e. due process).

# Evaluations – The Policies Explained (2/4)

Policies that comprise UNT's comprehensive/holistic faculty evaluation scheme (cont.):

- **06.006 Librarian Reappointment and Promotion (Librarians)** – sets out the standards/criteria and expectations for reappointment and promotion (“personnel actions”) for librarians; informs the faculty member of the length of appointments the eligibility requirements for promotion from Assistant to Associate and Associate to Librarian; and of her/his responsibilities in the personnel action process; describes the review process; informs faculty member of legal right to receive notice of and respond to a negative/adverse personnel decision (i.e. due process).
- **06.007 Annual Review (All Full-Time Faculty)** – creates the expectation that all full-time faculty will receive a performance review annually; explains purpose of the review and how it will effect personnel decision; sets out the faculty governance (i.e. committee) role and chair's and dean's responsibilities in the review process; sets out the expectation for excellence and effectiveness in the domains of teaching, scholarship and service, defines each domain, and provides a comprehensive but non-exhaustive list of examples of each; informs faculty member of the legal right to respond to a negative evaluation.

# Evaluations – The Policies Explained (3/4)

Policies that comprise UNT's comprehensive/holistic faculty evaluation scheme (cont.):

- **06.025 Faculty Misconduct and Discipline (All Faculty)** – describes how misconduct, gross neglect of duties and failure to perform duties impacts the faculty member's performance evaluation by notifying faculty that *“failure to follow...responsibilities as outlined in the Academic Freedom and Academic Responsibility [policy... diminishes a faculty member's capacity to effectively perform his or her teaching, research and creative activity, and service”* and that this “failure ultimately impacts” the university's ability “to carry out its mission.”
- **06.027 Academic Workload (All Faculty)** – sets the expectation that a “faculty member's total time and effort must always reflect 100% workload commensurate with full-time employment” and inform faculty that teaching, scholarship and service makes up 100 percent of a faculty member's professional obligation to UNT.



# Evaluations – The Policies Explained <sup>(4/4)</sup>

Policies that comprise UNT's comprehensive/holistic faculty evaluation scheme (cont.):

- **06.035 Academic Freedom and Responsibility (All Faculty)** – sets the expectation for collegiality by informing faculty that, among other things, they are professionally responsible for *“participating in...group deliberations which relate to the development of instructional programs; and working collaboratively with their colleagues in their respective units and with administrators to facilitate student learning and educational experiences;”* compromising and working to benefit their department, college and the university; *“respect[ing]...diverse personalities, perspectives, styles and demographic characteristics”* and *“maintain[ing] an atmosphere of civility.”*
- **06.052 Review of Tenured Faculty (Tenured Faculty)** – reorients the purpose of the annual review to focus on development and sustained effectiveness; sets the minimum expectation of “sustained effectiveness” in the domains of teaching, scholarship, service, and when applicable, administration; that all tenured faculty will receive a performance review annually; provides notice that the faculty member will be placed on a performance improvement plan upon receipt of a single, overall review of unsatisfactory upon being awarded tenure; provides general guidance concerning what constitutes unsatisfactory performance; outlines the course of action once a faculty member is placed on a performance improvement plan; and informs faculty that unsatisfactory performance will result in revocation of tenure and termination of employment.

# Evaluations – The Chair Must

The following actions are required by UNT policy and can eliminate surprises for faculty members at the time of their evaluations:

- Ensure department's performance criteria are aligned with university mission and values
- Align department's hiring practice with department performance criteria
- Ensure each faculty member is aware of performance criteria at time of appointment
- Provide evaluations that accurately and candidly assess performance with expectations

# Evaluation – The Chair Should

- **Manage Expectations.** Discuss UNT's evaluation philosophy upon appointment (Each personnel decision expected to result in a progressively stronger faculty member)
- **Reinforce Unit's/University Alignment.** Review the university's performance criteria with each new faculty
- **Discuss Collegiality.** Discuss what it means to be a member in a “community of scholars” and to work as a member in a group. (See Academic Freedom and Academic Responsibility policy)
- **Educate about the Evaluation Process.** Discuss unit's and university's dossier requirements

# Evaluations – What Does that Mean?

Seasoned faculty and the chair know what these words and terms mean. But does a first-time faculty member? Explain what the words and terms mean and describe what they look like in regard to reappointment, renewal, tenure, promotion, e.g. provide examples.

- Demonstrate **professional commitment** to sustained productivity
- Demonstrate **professional commitment** to UNT mission (L)
- Demonstrate **excellence** and **sustained excellence**
- Demonstrate **sustained effectiveness**
- Demonstrate **progressive** and **sustained development**
- Continuous **growth** and **professional development**
- Excellence or extraordinary achievement in one domain **will not compensate** for lack of excellence or effectiveness in another.

# Evaluate the Evaluation – Does it...?

When reviewing the draft evaluation, ask “does it...?” or “will it...?”

1. Provide a truthful assessment of the faculty member’s performance in relation to unit criteria for reappointment, renewal, tenure or promotion
2. Provide a candid assessment of performance in relation to unit criteria for reappointment, renewal, tenure or promotion
3. Provide guidance/direction concerning what is necessary to correct deficiencies or incongruencies between performance and unit criteria
4. Validate performances that are meeting unit criteria for reappointment, promotion or tenure.

# Performance Evaluator Types

Years of “evaluating” thousands of performance evaluations in the course of defending employers who were accused of terminating employees (including faculty) for poor performance, despite the employee consistently receiving “good” evaluations, led to the development of the eight types of performance evaluators. The descriptions are not based on any research that could withstand rigorous (or even non-rigorous) peer review. They are purely anecdotal and are tongue in cheek.

**Disclaimer.** Although inspired in part by true evaluations, the following descriptions are fictional and do not depict any actual person or evaluation. The names have been changed to protect the innocent.<sup>1</sup>

<sup>1</sup> Disclaimer from “Law and Order” and “Dragnet;” evaluation types not based on Jung, Briggs and Myers 16 Personality Types

# Achiever

**Achiever.** This evaluator comments on positive and negative aspects of a faculty member's performance during the evaluation period and provides sufficient data to support the assessment. The "Achiever" articulates negative comments in a tone that is developmental – as opposed to corrective or disciplinary – and provides comments that validate excellence, effectiveness and collegiality.

# Apologist

**Apologist.** Expresses remorse over the faculty member's inability to meet unit criteria or expectations and often suggests reasons (gives excuses) for why the individual failed to meet them. Any negative assessments of the faculty member's performance has to be inferred from the comments and the comments implicitly excuse the lack of achievement or effectiveness. For example: "I regret the admissions office allowed such a critical mass of students of this caliber into the university, which resulted in lower evaluations than the department expects. But, you did a good job overall."



# Avoider/Dodger

**Avoider/Dodger.** Reluctant to address obvious unsatisfactory performance and conduct. The evaluation either does not mention problematic performance, casts the faculty member in as positive a light as possible while minimizing the lack of performance or negatively alludes to an area in a way that detracts from positive comments. Sometimes the “Avoider-Dodger” suggests ways to “improve” in areas that he or she evaluated as positive in order to avoid making a negative (but accurate) comment.

Example: “the course evaluations indicate some improvement, but, the class size was small so I recommend you take advantage of training opportunities to improve your teaching.”

# Confuser

**Confuser.** The evaluation mentions negative performance or behavior in one sentence (like the Achiever) but downplays its negative impact by providing an excuse or justification for the performance or behavior in another (like the Apologist). The “Confuser” differs from the “Apologist” in that he/she clearly attributes lack of performance to the faculty member whereas the “Apologist” attributes the poor performance or behavior to an external factor.

# Encourager

**Encourager.** Also known as the “Cheerleader.” Goes out of the way to point out the positive aspects of the faculty member’s performance (casting even the routine in an overly positive light) while marginalizing or downplaying lack of progress or effectiveness, or conduct that negatively influences the department and impedes the individual’s development. Leans heavily toward a “positive psychology” concept (i.e. what an individual does well is as real as what he/she does poorly and performing well is not simply the absence of performing poorly).

# Reprimander

**Reprimander.** Uses the performance evaluation as an opportunity to counsel or discipline the faculty member for performance or behavior that occurred during the evaluation period for which corrective disciplinary action could or should have been initiated. Often, the evaluation is the first time the individual is informed that the conduct or performance did not meet expectations. The evaluation also may be overly influenced by a single incident (because the evaluator has been seething since the incident occurred) and may not accurately reflect the individual's overall performance.

# Narcissist

**Narcissist.** Evaluates the faculty member against her or his personal standards and not necessarily those of the unit. The evaluation is littered with the personal pronoun “I”, and while it may assist the individual – especially a junior faculty - relate better to and meet the expectations of the evaluator, even a good evaluation does not mean the individual met unit criteria.

# Closing Advice

Effective evaluations do not begin when you start writing; it is a process that requires intentionality, knowledge, notice, education, and sometimes, courage. The following guidelines will assist in being a good evaluator and writing effective evaluations:

1. Read all of the policies that make up the UNT faculty performance evaluation scheme.
2. Take responsibility for ensuring unit criteria align with the college's and UNT's mission and values.
3. Be intentional about informing new faculty (first time to academia and to UNT) about unit, college and university criteria, policies that comprise UNT's performance evaluation scheme, and the evaluation process. **No Surprises** at evaluation time.
4. Show probationary faculty examples of dossiers of faculty who successfully met unit criteria at different stages of their careers (e.g. 2<sup>nd</sup> year, third year, etc.).
5. Manage new faculty performance evaluation expectations. ("Batter is an undeveloped cake.").
6. Do your best to link each comment in the evaluation to a unit criteria.
7. Inform faculty when they are not meeting expectations for respect, civility, collegueship (i.e. collegiality) as set out in the Academic Freedom and Responsibility policy, and note concerns in the performance evaluation when individual has not responded to coaching/mentoring.
8. Use the annual review to develop; not to discipline.
9. Evaluate your evaluation before giving it to the faculty member; ask "does it...?" or will it...?"
10. Demonstrate courage and candor - **Be the Lioness/Lion.**