Proposed Revisions to the 2018 Faculty Handbook

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Summary of revisions to Section 2.6 presented on March 4, 2020

Section 2.6.1 now includes
  • More information on the requirement that local academic units (LAU’s) formulate standards for overall unsatisfactory performance (currently part of Section 2.6.2);
  
  • The requirement that any tenure-stream faculty who receives an overall unsatisfactory evaluation establish a written Performance Development Plan (PDP) in order to achieve a satisfactory performance level is moved from Section 2.6.2 and is more focused on professional improvement.

Section 2.6.2 has been reorganized to clarify the conditions and procedures under which a faculty member is required to undergo Post Tenure Review. The sanctions that may be recommended after review are more comprehensive and the conditions for which termination is recommended are strengthened.

Further revisions for April 4, 2020 are shown as tracked changes:

The conditions for recusal from participating in the in the 2nd level P&T Committee acting as a Post Tenure Review Evaluation Committee should be specified. New language is presented.

Small changes to Section 3.3 now require that the LAU administrator include a justification for a salary recommendation as well as imposing a time limit for transmitting the recommendation to the faculty member.

3/25/2020
Proposed Revisions to Section 2.6

2.6 Evaluations of Faculty and Administrators

Universities have a long tradition of self-examination and improvement from within. That process includes the annual evaluation of faculty and administrators.

2.6.1 Annual Review of Faculty

All faculty are evaluated annually in their local academic units (LAU). The evaluation is based upon the contributions of the preceding academic year and, where applicable, the following summer. Normally, evaluations are completed by the LAU during the Fall semester.

The bylaws or standing rules of each local academic unit (LAU) will include:

- The method by which faculty will be evaluated (e.g., by a faculty committee recommendation to the local unit administrator, or directly by the local unit administrator);

- The requirements for the evaluation materials submitted by faculty; and

- A statement of standards for overall “satisfactory” and “unsatisfactory” annual performance. Satisfactory performance means performance that meets the standards of the unit. Unsatisfactory performance means performance that fails to meet the standards of the unit.

The criteria for the annual faculty review are the same as those listed in Section 2.3.3 (Term Faculty) and Section 2.4 (Tenured and Tenure-Track Faculty). Faculty are evaluated on the quality of their performance over the entire scope of their contributions during the year and in the context of their goals, assignments, and other responsibilities. Performance expectations should recognize differences in faculty assignments within the same LAU.

The results of and rationale for the evaluation must be given to the faculty member in writing, and the faculty member must be afforded the opportunity to discuss the results of the evaluation with the local unit administrator before it is sent to the dean. A faculty member may present in writing additional comments or records to the local committee or unit administrator, and to the dean or Provost, as appropriate. These addenda must be included in the faculty member's personnel file with the annual evaluation. The faculty member will be notified that the personnel file has been updated. [Note: Submitting additional material does not have to be as a result of “unsatisfactory” evaluation – it may be for any reason.]

The LAU administrator will meet within two weeks with any tenured or tenure-track faculty member who receives an overall unsatisfactory rating for the annual review. The purpose of the meeting is to establish a written Performance Development Plan (PDP) to restore the faculty member’s overall performance to a satisfactory level according to the standards of the local academic unit. The meeting discussion and resulting plan will:
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- Define specific measurable and objective outcomes necessary to achieve a satisfactory rating;
- Outline the activities to be undertaken to achieve the necessary outcomes;
- Set appropriate timelines for accomplishing the activities and achieving intermediate and ultimate outcomes;
- Identify institutional resources to support the PDP; and
- Include a clear statement of consequences should improvements not occur within the designated time.

If the faculty member’s duties are modified as a result of an unsatisfactory rating, the PDP should so indicate and take into account the new allocation of responsibilities.

The PDP should be finalized within 30 days of the faculty member receiving an unsatisfactory evaluation and no later than the end of the Fall semester. One copy of the PDP will be retained by the faculty member; one copy will be placed in the faculty member’s personnel file in the office of the LAU administrator; and one copy will be submitted to the dean. The Provost will be notified by the dean that the faculty member was given an unsatisfactory evaluation and that a PDP was developed. If the faculty member declines to participate in formulating a PDP, the LAU administrator will write one and give it to the faculty member and the dean.

If the faculty member has made inadequate progress on the PDP or has demonstrated additional unsatisfactory performance by the end of the summer following the unsatisfactory evaluation, this will be incorporated in the performance evaluation for the year. If progress has been achieved according to the provisions of the PDP, an unsatisfactory evaluation for the academic year cannot be given.

### 2.6.2 Post Tenure Review

The primary objective of post tenure review is to provide appropriate sanctions for faculty whose performance remains unsatisfactory.

Tenured faculty members who receive two overall unsatisfactory annual evaluations in any four-year period will be required to undergo a peer evaluation proceeding. The peer evaluation will be conducted by an evaluation committee (“Evaluation Committee”) composed of the faculty members currently serving on the college or school Promotion and Tenure Committee (i.e., the body authorized to conduct second-level review under the provisions of Section 2.7.3) The Chair of the Evaluation Committee shall be the same committee member who serves as chair of the college or school Promotion and Tenure Committee. Committee members from the same academic program unit as the faculty member cannot serve on the Evaluation Committee in any capacity. A committee member may not participate in the evaluation of a faculty member with whom he or she has, or has had, a close family, personal, or professional relationship or other
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Conflict of interest of a kind that might reasonably be thought to impair independent and dispassionate judgment (see Section 2.3.1.1).

For faculty not assigned to a LAU, the Evaluation Committee will be composed of the faculty members currently serving on the second-level Promotion and Tenure Committee of the college or school most closely aligned with the faculty member’s area of expertise, as determined by the faculty member. If the faculty member does not choose such college or school within a two (2) week period of being notified to do so, the Provost will decide.

The post-tenure review will be conducted according to the following procedures:

1. The Provost will initiate the post-tenure review process with a written communication to the faculty member (the “Notice”). The Notice shall inform the faculty member that the process is initiated, and will include a copy of this Section 2.6.2 of the Faculty Handbook.

2. Within thirty (30) days of receipt of the Notice, the faculty member must submit a portfolio (“Portfolio”) to the Chair of the Evaluation Committee. The Portfolio must include:

   a. a copy of the annual evaluation for the year before the first unsatisfactory evaluation and each subsequent year thereafter;

   b. a summary of the faculty member’s activities and accomplishments in teaching, research, and service, as appropriate, during the same period;

   c. the PDP and timetable that were established as a result of the first unsatisfactory evaluation (see Section 2.6.1); and

   d. any intermediate evaluations or progress reports.

There is no limit on the amount or type of documentation the faculty member may submit. If the faculty member fails to submit a portfolio to the Chair within 30 days of the date the Notice was transmitted, the Portfolio shall consist only of documentation provided by the LAU administrator.

3. The Evaluation Committee may seek additional information from those who made or contributed to the unsatisfactory annual evaluations and PDP. The Evaluation Committee may also review any records and interview any persons the Evaluation Committee deems to have relevant information for its evaluation. Any response to such a request must be made in writing to the Evaluation Committee and shared with the faculty member.

4. The Evaluation Committee shall interview or receive written records from any person designated by the faculty member. Such requests by the faculty member must be made in writing to the Chair of the Evaluation Committee.

5. If the Evaluation Committee interviews any person, a recording of that meeting will be made, and a written copy will be provided to the faculty member. The Evaluation Committee shall provide the faculty member with copies of any records provided to the Evaluation Committee.
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6. After the Evaluation Committee has received any additional information, the Evaluation Committee will offer in writing to the faculty member the opportunity to meet with the Evaluation Committee. If the faculty member elects to meet with the Evaluation Committee, a recording of the entire meeting will be made, and a written copy will be provided to the faculty member.

7. In the interest of avoiding unnecessary expense and to promote a prompt resolution, the Evaluation Committee may set reasonable time limits on speakers, and may limit testimony based on relevance.

8. The Evaluation Committee shall review the case to determine whether the faculty member has met the standards established by the LAU for satisfactory performance, or whether there is evidence of sustained overall unsatisfactory performance (including but not limited to incompetence and lack of appropriate expertise). The Evaluation Committee will not use the standards associated with the awarding of tenure and promotion to conduct this evaluation.

9. Based on the relevant information received by the Evaluation Committee, the Evaluation Committee shall write a report, including recommendations, to the Provost. The report shall include the rationale for its recommendation(s), and shall include the numerical vote of the Evaluation Committee members. A copy of the report shall be sent by the Chair of the Evaluation Committee to the faculty member at the same time.

Confidentiality is a basic expectation of each person participating in the process, including all members of the Evaluation Committee and those whom it interviews. Failure to maintain that confidentiality may subject such person to disciplinary action. However, the Evaluation Committee may release information to others with the consent of the faculty member, or to other University officials who have a legitimate business need to know (for example, the Office of Compliance, Diversity, and Ethics.)

The Evaluation Committee may recommend one or more of the following:

- that no action be taken at this time;
- that appropriate professional development be continued;
- a change in the faculty member’s duties and responsibilities in the LAU that are better aligned with the faculty member’s strengths;
- a change of the faculty member’s primary affiliation;
- implementation of other appropriate sanctions, such as a reduction or freeze in salary for a stated period; a reduction in rank; or a reduction or withdrawal of university support for such services as graduate student support or space assignment;
- that the facts discovered in the evaluation may rise to the level of adequate cause for dismissal, and the faculty member should be considered for termination of appointment.
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The Provost shall decide what administrative action to take. The Provost will transmit that decision in writing to the faculty member, the LAU administrator, and the dean. Termination may be considered by the Provost only if a majority of the Evaluation Committee votes to recommend termination. If termination is recommended and the Provost endorses this recommendation, the faculty member undergoing review must be given at least six months written notice before termination can take effect.

In the event of any outcome other than termination or that no action be taken at this time, the faculty member will meet with the LAU administrator to establish a PDP to accomplish the committee’s recommendation(s).

The faculty member may appeal the Provost’s decision to the President within 30 days of the date the written decision was transmitted to the faculty member, based on one or more of the following reasons:

a. material procedural irregularity;

b. violation of federal or state law or university policy;

c. the conclusion is not sufficiently supported by the evidence;

d. violation of academic freedom.

In case of appeal, the President shall make the final decision.

In the event the faculty member’s employment is terminated in accordance with the procedures of this section, such termination shall be final and Section 2.9.3 shall not apply.

[Note: Section 2.9.3 is 2.9.3 Termination of Appointment of Tenured, Tenure-Track, and Term Faculty Members for Cause. Although unlikely to occur, this statement prevents another “bite of the apple”. The faculty member might think they would not be terminated after undergoing the procedures for Termination for Cause and not terminated under those provisions.]

2.6.3 Faculty Role in the Evaluation of Academic Administrators

[No proposed revisions.]
2.6 Annual Evaluations of Faculty and Administrators

Universities have a long tradition of self-examination and improvement from within. That process includes the annual evaluation of faculty and administrators.

2.6.1 Annual Review of Faculty

All faculty are evaluated annually by the local unit administrator and/or a local academic unit faculty committee who report to the Dean or the Provost. The criteria for the annual faculty review are the same as those listed in Section 2.3.3.2 (Term Faculty) and Section 2.4 (Tenured and Tenure-Track Faculty) except that the evaluation is based upon the contributions of the preceding academic year and, where applicable, the summer. Faculty are evaluated on the quality of their overall performance and in the context of their goals and assignments. The results of and rationale for the evaluation must be given to the faculty member in writing; and faculty members must be afforded the opportunity to discuss the results of the evaluation.

Annual evaluations are the primary basis for determining salary increases (see Section 3.2). Local unit administrators may take into account performance evaluations over multiple years in making raise recommendations.

2.6.2 Post Tenure Review Policies and Procedures

Policy

1. George Mason University will use the annual review of all faculty (see Section 2.6.1) as its primary procedure for implementing Post Tenure Review within the personnel policies of the Commonwealth of Virginia. The policies and procedures set forth in this document will apply to all tenured instructional faculty, regardless of the nature of the appointment.

   a. Annual reviews will serve as the vehicle for recognizing the positive contributions of faculty in fulfilling their professional obligations.
   b. When overall performance is recognized by the annual review as “unsatisfactory,” the procedures below will be followed for each case.
   c. In accordance with the principles of peer judgment, the faculty of each local academic unit (LAU) will establish its criteria for “satisfactory” and “unsatisfactory” performance.

2. Faculty in honorific positions not evaluated annually by a specific LAU will be evaluated by the Office of the Provost. For faculty holding such appointments the standard of excellence includes contributions to institutional development, which will be addressed for all such appointees as part of their service. Annual evaluation reports for faculty in these categories will be submitted to the Provost. While faculty in these categories are not exempt from other sanctions, sanctions may include the loss of the honorific appointment.

3. Faculty members who receive an overall unsatisfactory rating by their LAU (as reported in the annual review to the Deans or the Provost by the LAU administrator) must develop a plan of
action with the LAU administrator to remedy any stated deficiency. The plan will include a timetable.

4. Tenured faculty members who receive two overall “unsatisfactory” ratings in a four-year period will undergo a peer evaluation process to determine if continued employment with the university is appropriate (as described in the following section).

5. The Provost will review the recommendation from the peer evaluation process and take appropriate action.

**Procedure**
1. Tenured faculty who receive an overall unsatisfactory rating during any annual review but do not meet the criterion stated in paragraph 3 below will meet with the appropriate LAU administrator to establish a written plan of action. The plan will include a timetable.

2. At the meeting with the LAU administrator, the discussion will include at a minimum:
   
   a. a discussion of the basis for the evaluation(s) that culminated in an unsatisfactory rating, with particular attention to stated deficiencies or areas of weakness;
   b. an opportunity for the faculty member to respond to negative judgments;
   c. an exploration of the concerns of the university for remediation; and
   d. the development of a plan of action in response to the judgment of “unsatisfactory” performance.

One copy of the plan of action will be retained by the faculty member and one copy will be placed in the faculty member’s personnel file in the office of the LAU administrator. In addition, the Provost will be notified that the faculty member was given an unsatisfactory evaluation. The LAU administrator and the Office of the Provost will address relevant issues in subsequent annual evaluations during the rolling four-year period. Faculty members pursuing a plan of action for correcting unsatisfactory performance will be encouraged to avail themselves of university resources designed to assist all faculty in professional development.

3. Tenured faculty members who receive two overall “unsatisfactory” ratings in a four-year period will be required to undergo a peer evaluation procedure conducted by the college/school Promotion and Tenure Committee (i.e., the body authorized to conduct second-level review under the provisions of Section 2.7.3), serving as an Evaluation Committee. For faculty not assigned to a LAU, the Evaluation Committee will be the Promotion and Tenure Committee of the college/school most closely aligned with the faculty member’s areas of expertise, as judged by the faculty member.

4. The evaluation will be conducted according to the following procedures:
   
   a. The Evaluation Committee will maintain the confidentiality of information reviewed in the proceedings, but will release such information to others with the consent of the faculty member, and to other University officials who have a legitimate business need to
know such information (for example, to the Office of Compliance, Diversity, and Ethics for equity review.)

b. The Provost will initiate the evaluation process with a written communication to the faculty member (the “Notice”). The Notice shall include:
   1. A statement explaining the current employment status of the faculty member and how that could change as a result of post-tenure review.
   2. The procedural rights, in detail, of the faculty member (as outlined below).
   3. A statement that to maintain employment the faculty member must submit a portfolio summarizing activities and accomplishments in teaching, research, and service, as appropriate, during the period spanning the two unsatisfactory evaluations. The statement should explicitly note that there is no limit on the amount or type of documentation the faculty member may submit, but that the submitted documentation must include copies of annual evaluation results during the period spanning the two unsatisfactory evaluations.
   4. A statement that if the faculty member fails to submit a portfolio within one calendar month of the date the Notice was transmitted, the Provost will make a recommendation for termination to the Board of Visitors without benefit of a committee report.

c. Submitted materials will be reviewed by the Evaluation Committee to determine if the faculty member under review has discharged the duties associated with his or her position conscientiously and with basic professional competence. The Evaluation Committee will not use the standards associated with the awarding of tenure and promotion to conduct this evaluation. Instead, the Evaluation Committee will focus on whether there is evidence of sustained overall unsatisfactory performance (including but not limited to incompetence and lack of appropriate expertise).

d. The Evaluation Committee may seek additional clarification from those who made or contributed to the unsatisfactory evaluations that led to the convening of the committee. Any response to such a request must be made in writing to the committee and shared with the faculty member under review.

e. After the committee has received any additional clarifying information, the faculty member under review must be given an opportunity to formally meet with the committee as part of the evaluation process if so requested. Such requests must be made in writing by the faculty member to the Chair of the Evaluation Committee. If the faculty member under review does elect to meet with the Evaluation Committee, a verbatim record of the entire meeting will be made. If the faculty member so requests, a copy will be provided without cost.

f. The faculty member under review must also be given an opportunity to have other individuals speak on his or her behalf to the committee if so requested. Such requests must be made in writing by the faculty member to the Chair of the Evaluation Committee. If a meeting is held in which others speak on behalf of the faculty member, a
verbatim record of that meeting will be made. If the faculty member so requests, a copy will be provided without cost.

g. In the interest of avoiding unnecessary expense and to promote a prompt resolution, the Evaluation Committee may set reasonable time limits on speakers.

h. The recommendation of the Evaluation Committee must be based only on the complete record as presented to the committee following the above steps, and must be conveyed to the Provost in writing along with a recorded vote.

5. Recommendations to the Provost from the Evaluation Committee may include: (a) postponement of sanctions, with another peer review to be conducted within one calendar year; (b) a determination that no sanctions are necessary, with appropriate professional development recommendations; (c) a change in the faculty member’s assignment that is better aligned with his or her strengths; (d) imposition of appropriate sanctions other than termination; or (e) termination of employment. Outcome (c) may be recommended in conjunction with outcome (a), (b), or (d). In the event of any outcome other than (e), the faculty member will meet with the appropriate LAU administrator to establish a written plan of action following the guidelines specified in paragraphs 1 and 2 of these procedures. Termination can only be considered by the Provost if a majority of those making a recommendation to the provost vote to recommend termination. If termination is recommended and the provost endorses this recommendation, the faculty member undergoing review must be given at least six months written notice before termination can take effect.

6. The faculty member may appeal the decision to the President within 30 days of receipt of the written decision based on one or more of the following reasons:
   a. material procedural irregularity;
   b. violation of federal or state law or university policy;
   c. inadequate or faulty consideration of evidence.

In case of appeal, the President makes the final decision.

7. In the event the faculty member’s employment is terminated in accordance with the procedures of this section, such termination shall be final and Section 2.9.3 shall not apply. However, nothing in this section shall act to prevent or prohibit termination of employment of a faculty member for cause in accordance with the procedure set forth in Section 2.9.3.

2.6.3 Faculty Role in the Evaluation of Academic Administrators

Senior academic administrators serve at the pleasure of the President. In reviewing their performance, the President should refer, when available, to the annual faculty evaluation of administrators, conducted under the joint auspices of the Faculty Senate and the University's Office of Institutional Planning and Research. The purposes of this annual evaluation are (i) to provide information regularly to the President and the Board of Visitors about the strengths and weaknesses of administrators as perceived by the faculty; (ii) to provide, over an extended period
Original text of Sec. 2.6

of time, a record of faculty opinion regarding the performance of administrators; and (iii) to provide individual administrators with an assessment of their performance.

Faculty are expected to participate in the evaluation of academic administrators.
CHAPTER III. FACULTY COMPENSATION AND BENEFITS

3.1 Faculty Salaries

State colleges and universities in the Commonwealth of Virginia do not have a common salary schedule. The General Assembly determines appropriations for state colleges and universities, which includes funding for faculty salaries.

The University attempts to be as competitive as possible in its recruitment and retention of faculty. The differences that are found among disciplines and departments with regard to salary ranges within a given academic rank partially reflect supply and demand in the marketplace.

Faculty salaries for the current academic year appear on the Faculty Senate website.

3.2 Salary Increases

Subject to the availability of funding, salary increases are given annually and are based chiefly on performance. The annual salary increase is confirmed to the faculty member by a letter from the Provost. Annual salary increases are based chiefly on performance. All faculty with an overall satisfactory annual evaluation performance rating (see Section 2.6.1) will receive at least a minimum salary increment. Salary increases may also reflect efforts to achieve equity. In the case that funding from the state is designated as a cost-of-living adjustment, it is the responsibility of the University to ensure such funds are disbursed accordingly.
Proposed revisions to Sec. 3.2

responsibility of the University to ensure such funds are disbursed accordingly.

[Rationale: the University is now too large for letters to be sent to each faculty member. However, the Faculty Senate posting mentioned in the last sentence in Sec. 3.1, above, occurs many months after increases are awarded. See the newly inserted paragraph, below.]

[Note: these paragraphs were moved from Section 2.6 and re-written.]

Because annual evaluations are the primary basis for determining merit-based salary increases, local unit administrators will include the faculty member's performance evaluations over multiple years in making a recommendation if salary adjustments were not made in the preceding year(s).

The salary recommendation, including a justification and the amount of the increase, will be given to the faculty member in writing at the time it is transmitted to the next level.

Annual evaluations are the primary basis for determining salary increases (see Section 3.2). Local unit administrators may take into account performance evaluations over multiple years in making raise recommendations. Faculty members who are dissatisfied with a salary increase normally seek recourse within their local academic unit. If dissatisfaction persists, grievance procedures outlined in Section 2.11.2 may be followed.

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The salary recommendation, including a justification and the amount of the increase, will be given to the faculty member in writing at the time it is transmitted to the next level.

Faculty members who are dissatisfied with a salary increase normally seek recourse within their local academic unit. If dissatisfaction persists, grievance procedures outlined in Section 2.11.2 may be followed.