

**AGREEMENT**

**BETWEEN**

**ASSOCIATION OF PENNSYLVANIA STATE  
COLLEGE AND UNIVERSITY FACULTIES  
(APSCUF)**

**AND**

**THE PENNSYLVANIA  
STATE SYSTEM OF HIGHER EDUCATION  
(STATE SYSTEM)**

**July 1, 2007 to June 30, 2011**

## Article 12

### PERFORMANCE REVIEW AND EVALUATION OF FACULTY

A. The process of FACULTY evaluation is perceived broadly as a means for extending opportunities for continuous professional development. The processes are intended to be supportive of a FACULTY MEMBER'S desire for continuing professional growth and academic excellence. With this orientation, FACULTY evaluation will be a contributor to the ongoing improvements of the academic programs of the UNIVERSITIES.

B. Categories for Performance Review and Evaluation

The following categories shall serve as the uniform system-wide basis for the evaluation of FACULTY MEMBERS at each University. The categories listed below shall be applied in the performance review and evaluation of temporary faculty, regular part-time faculty, probationary non-tenured faculty, tenured faculty and all applicants for promotion. Under each category are listed some examples of data upon which judgments can be made of the FACULTY MEMBER'S performance relative to a given category. When evaluating the data, the appropriate evaluator(s) shall give greater weight to the quality of the performance reflected in the data, than to the quantity of the data.

1. Effective teaching and fulfillment of professional responsibilities.

a. This will be indicated, when applicable, by such items as:

student evaluations, peer evaluations, classroom visitations, quality of syllabi, quality of student advisement, willingness to accept departmental work assignments, timely execution of work assignments, and any other data deemed appropriate and agreed to by the FACULTY and Administration at local meet and discuss.

b. Evaluation of teaching effectiveness and fulfillment of professional responsibilities will not be based on a single datum. A combination of all appropriate data will be used to give sufficient evidence for an overall judgment of teaching effectiveness and fulfillment of professional responsibilities.

c. For all FACULTY MEMBERS whose basic responsibilities lie outside the classroom, the duties and responsibilities of the position shall be the category instead of effective teaching.

d. For FACULTY MEMBERS with mixed work assignments, effective teaching and the duties and responsibilities of the position shall be evaluated under the terms of this Article.

2. Continuing scholarly growth.

This will be indicated, when applicable, by such items as:

development of experimental programs (including distance education),

papers delivered at national and regional meetings of professional societies; regional and national awards; offices held in professional organizations; invitational lectures given; participation in panels at regional and national meetings of professional organizations; grant acquisitions; editorships of professional journals; participation in juried shows; program-related projects; quality of musical or theatrical performances; participation in one-person or invitational shows; consultantships; research projects and publication record; additional graduate work; contribution to the scholarly growth of one's peers; and any other data agreed to by the FACULTY and Administration at local meet and discuss.

3. Service: contribution to the University and/or community.

This will be indicated, when applicable, by such items as:

quality of participation in program, department, college, and University committees; APSCUF activity contributing to the governance of the University; development of new course(s) or program(s); training or assisting other FACULTY MEMBERS in the use of distance education technology; participation in University-wide colloquia; voluntary membership in professionally oriented, community based organizations reasonably related to the FACULTY MEMBER'S discipline; lectures and consultations; consulting with local and area agencies and organizations; and any other data agreed to by the FACULTY and Administration at local meet and discuss.

#### C. General Evaluation Procedures for Regular FACULTY MEMBERS

The following evaluation procedure shall apply to all regular FACULTY MEMBERS at each University.

1. a. Each department shall select a committee to assist in the evaluation function. The department evaluation committee shall consist of at least three (3) members, and shall exclude the department chairperson. The manner of selection shall be determined by the FACULTY MEMBERS in each department. If necessary, or desirable, as determined by the department or President, individuals from the same or within related disciplines, mutually acceptable to the FACULTY MEMBER, department and University, who are from outside the department or the UNIVERSITIES may be used in any or all parts of the evaluation process. Where a mutually acceptable individual cannot be agreed upon, the President shall provide the FACULTY MEMBER and the department with a list containing the names of at least three (3) individuals who have the qualifications for the position held by the FACULTY MEMBER being evaluated. The FACULTY MEMBER shall have three (3) working days in which to select one individual from this list. If the FACULTY MEMBER fails to make a selection within the three (3) day period, the President, in consultation with the department chairperson and the department, shall designate one individual from this list to serve on the department evaluation committee. No FACULTY MEMBER shall serve on

his/her own evaluation committee or as a member of the department evaluation committee for a member of his/her immediate family (spouse, child, step-child, parent, step-parent, parent-in-law, brother, sister, brother-in-law, or sister-in-law) or a person residing in the same household as the FACULTY MEMBER. Each department shall determine the rules and procedures under which the department evaluation committee will operate. Such rules and procedures shall be announced by the department prior to the commencement of the performance review and evaluation process.

b. The department evaluation committee shall utilize the following materials in preparation of its written evaluation and recommendation:

(1) Student evaluations in all classes during the fall of the year of evaluation for tenured FACULTY, and twice each academic year in all classes for probationary non-tenured FACULTY. An instrument for student evaluation of FACULTY shall be developed by local APSCUF, the University management, and the appropriate student government body as designated by the President, and approved by local APSCUF and the University management at local meet and discuss. If, in any year, no approved procedure and/or instrument exists, the department chairperson shall administer a student evaluation. Reproduction and tabulation of the University-wide student evaluation instrument will be the responsibility of the University management.

(2) Peer evaluations by the department evaluation committee and the department chairperson, including evaluations of classroom visitation. There shall be at least two (2) such classroom visitations each semester by the department evaluation committee, and one (1) such classroom visitation each year by the department chairperson for all non-tenured FACULTY. For all tenured FACULTY in the year of evaluation, there shall be one (1) such classroom visitation each semester by the department evaluation committee and one (1) such classroom visitation during the year by the department chairperson. Prior to putting a classroom visitation evaluation in writing, there shall be a discussion of the observations with the FACULTY MEMBER. These evaluations shall not displace nor diminish the importance of other evidence of the degree to which the FACULTY MEMBER'S responsibilities have been met during the evaluation period. The department evaluation committee shall designate the manner in which peer evaluations will take place.

(3) An updated copy of the FACULTY MEMBER'S vita.

(4) Any other pertinent data the FACULTY MEMBER wishes to submit (copies of articles published, letters from references, copies of grant applications, etc.).

(5) The evaluation process for FACULTY MEMBERS with work assignments outside of their department shall be conducted by the FACULTY in the unit where the work is performed and forwarded to the

FACULTY MEMBER'S department for inclusion in his/her total evaluation.

(6) Other data which the department evaluation committee may deem pertinent.

c. (1) The department evaluation committee shall provide the FACULTY MEMBER with a reasonable opportunity to discuss its evaluation after which the committee shall submit its detailed written evaluation and recommendation along with the above mentioned supportive materials to the appropriate Academic Dean with a copy to the FACULTY MEMBER and the department chairperson. The FACULTY MEMBER may, if he/she disagrees with the committee's evaluation, send to the Dean a written response to the department evaluation committee's evaluation.

(2) The department chairperson shall provide the FACULTY MEMBER with a reasonable opportunity to discuss his/her evaluation after which the chairperson shall independently send a written evaluation with recommendations to the appropriate Academic Dean. The chairperson's evaluation shall be based on his/her knowledge and personal observation of the FACULTY MEMBER'S performance, the results of the department evaluation committee's evaluation and recommendations and the materials submitted by the FACULTY MEMBER. The chairperson shall provide copies of his/her evaluation and recommendations to the FACULTY MEMBER and the department evaluation committee. No department chairperson shall provide a chairperson evaluation of himself/herself, or an evaluation of a member of his/her immediate family or a person residing in his/her household. Immediate family shall be defined as spouse, child, step-child, parent, step-parent, parent-in-law, brother, sister, brother-in-law, or sister-in-law. The department shall select another FACULTY MEMBER in the department acceptable to the department and management to substitute for the department chairperson.

(3) The Dean shall provide a written performance review in accordance with this Article. The FACULTY MEMBER shall be provided with an opportunity by the Dean to discuss the performance review and such discussion shall be specific and detailed and clearly set forth those areas of performance, if any, which require improvement. A copy of the draft performance review by the Dean shall be provided to the FACULTY MEMBER prior to discussion with the Dean. This review shall be based on the data supplied by the department evaluation committee, department chairperson and any other relevant and substantiated data gathered by the Dean. The Dean shall provide a copy of his/her performance review to the FACULTY MEMBER, the department chairperson, and the department evaluation committee. For FACULTY MEMBERS whose basic responsibilities lie outside the classroom, the appropriate management supervisor shall fulfill all responsibilities of the Dean listed in this Article. No Dean/management supervisor shall evaluate a member of his/her immediate family (spouse, child, step-child,

parent, step-parent, parent-in-law, brother, sister, brother-in-law, or sister-in-law), or a person residing in his/her household. The President or his/her designee shall select another Dean/management supervisor as a substitute to provide the performance review.

2. The failure of a department, the department chairperson, or the department evaluation committee to carry out their duties and responsibilities shall not bar the President, the appropriate Academic Dean or other University management personnel from conducting, in good faith, the performance evaluation reviews nor from taking action to renew or non-renew a probationary non-tenured FACULTY MEMBER.

3. All evaluation reviews conducted by the President, appropriate Academic Dean, or other University management personnel shall be subject to the provisions of Article 5, GRIEVANCE PROCEDURE AND ARBITRATION, but only to the extent that the evaluation review was conducted in an arbitrary or capricious fashion. Action or inaction by the department, department chairperson or department evaluation committee with regard to the provisions of this Article shall not be subject to the provisions of Article 5, GRIEVANCE PROCEDURE AND ARBITRATION.

D. Evaluation of FACULTY MEMBERS Whose Basic Areas of Responsibility Lie Outside the Classroom

1. The evaluation procedures for such FACULTY MEMBERS will be the same as that outlined in Section C. of this Article. The written performance review will be provided to such FACULTY MEMBERS by the appropriate management supervisor.

2. Categories for the evaluation of such FACULTY MEMBERS shall be the same as for teaching FACULTY as set forth in Section B. of this Article, except that performance of duties as described in the official position description will be used in lieu of effective teaching. If such FACULTY MEMBERS also teach courses, the category for effective teaching shall also be evaluated.

E. Evaluation of FACULTY MEMBERS with Mixed Workloads

The evaluation of such FACULTY MEMBERS shall include evaluations of both teaching duties and those responsibilities, which lie outside of the classroom, pursuant to the categories and procedures identified in this Article.

F. Evaluation of Probationary Non-Tenured FACULTY MEMBERS

1. A newly appointed tenure track FACULTY MEMBER will have probationary status for a period of five (5) years. Probationary FACULTY shall be made aware, by management in writing, at the time of their employment of the rules, regulations, procedures and objectives they are required to meet as FACULTY MEMBERS of the University. A copy of each letter of appointment shall be sent to the local APSCUF President.

2. Performance review evaluations for probationers in the first, second, third, and fourth year of employment shall contain a recommendation concerning renewal or non-

renewal and shall specify any improvements which may be necessary.

3. Fall Hires:

a. The department evaluation committee shall forward its report and written recommendations as described in Section C.1.c.(1) of this Article by the following dates:

(1) first year probationary non-tenured FACULTY by January 30.

(2) second, third, fourth, and fifth year probationary non-tenured FACULTY by November 1.

b. The department chairperson shall forward his/her report and written recommendations as described in Section C.1.c.(2) of this Article by the following dates:

(1) first year probationary non-tenured FACULTY by February 7.

(2) second, third, fourth, and fifth year probationary non-tenured FACULTY by November 8.

c. The Dean or appropriate manager will provide the FACULTY MEMBER with his/her report and written recommendations by the following dates:

(1) first year probationary non-tenured FACULTY by February 28.

(2) second, third, fourth, and fifth year probationary non-tenured FACULTY by December 15.

4. Spring Hires:

a. The department evaluation committee shall forward its report and written recommendations as described in Section C.1.c.(1) of this Article by the following dates:

(1) first year probationary non-tenured FACULTY by September 23.

(2) second, third, and fourth year probationary non-tenured FACULTY by November 1.

(3) fifth year probationary non-tenured FACULTY by April 1.

b. The department chairperson shall forward his/her report and written recommendations as described in Section C.1.c.(2) of this Article by the following dates:

(1) first year probationary non-tenured FACULTY by September 30.

(2) second, third, and fourth year probationary non-tenured FACULTY by November 8.

(3) fifth year probationary non-tenured FACULTY by April 8.

c. The Dean or appropriate manager will provide the FACULTY MEMBER with his/her report and written recommendations by the following dates:

(1) first year probationary non-tenured FACULTY by October 30.

(2) second, third, and fourth year probationary non-tenured FACULTY by November 30.

(3) fifth year probationary non-tenured FACULTY by April 15.

5. No evaluations will be required after a probationer is sent a notice of non-renewal by the President.

6. Procedures relating to retention of a probationary non-tenured FACULTY MEMBER will be in accordance with the provisions of Article 14, RENEWALS AND NON-RENEWALS.

#### G. Evaluation of Tenured FACULTY MEMBERS

1. Each tenured FACULTY MEMBER shall receive a performance review evaluation from his/her Dean or appropriate manager as provided in Section C. of this Article no later than May 15 of his/her fifth year of appointment as a tenured FACULTY MEMBER and again no later than May 15 of every fifth year thereafter. Department evaluation committee reports shall be forwarded as described in Section C.1.c.(1) of this Article by April 1. Department chairperson's reports shall be forwarded as described in Section C.1.c.(2) of this Article by April 8.

2. In the event that a tenured FACULTY MEMBER is on leave during any part of his/her evaluation year, he/she will be evaluated the first year following the leave.

3. Interim evaluations may be conducted, if judged necessary by the department or if required by the appropriate Academic Dean. These performance reviews must be provided in writing to the tenured FACULTY MEMBER.

#### H. Evaluation Procedures for Temporary FACULTY MEMBERS

1. Evaluations for temporary FACULTY MEMBERS appointed for a full academic year and temporary FACULTY MEMBERS appointed for spring semester only shall be conducted using the procedures for regular FACULTY MEMBERS described in Section C. of this Article and the schedule for evaluation of tenured FACULTY MEMBERS described in Section G.1. of this Article.

2. The evaluations for temporary FACULTY MEMBERS appointed for fall semester only shall be conducted in the fall using the procedures for regular FACULTY

MEMBERS described in Section C. of this Article and according to the following schedule:

- a. department evaluation committee reports by November 1.
  - b. department chairperson reports by November 8.
  - c. performance review by Dean or appropriate manager by November 30.
3. Only one (1) classroom observation from either the department chairperson or a member of the department evaluation committee shall be required for all part-time temporary faculty and full-time temporary faculty appointed for one (1) academic semester.

### Article 13

#### PERSONNEL FILES

- A.
1. Each University shall maintain one (1) confidential complete official personnel file for each FACULTY MEMBER. No anonymous material shall be placed in the official personnel file. A FACULTY MEMBER upon his/her request shall have the right to receive a copy of material placed in the personnel file by management personnel.
  2. In addition, there may be one (1) official pre-employment file which shall be confidential and shall contain letters of reference and recommendations and/or material related thereto secured from sources outside the University. At the time of the granting of tenure all letters of reference and recommendation shall be destroyed and academic credentials shall be transferred to the official personnel file, unless there is an Equal Employment Opportunity Commission action pending against the University. If there is an Equal Employment Opportunity Commission action pending, the pre-employment file should be forwarded to the Office of the Chief Counsel for the STATE SYSTEM for inclusion in that Office's litigation files or for destruction by that Office.
  3. A FACULTY MEMBER shall have the right to make such additions or responses to the material contained in his/her official personnel file as he/she shall deem necessary. Only material which is directly related to the FACULTY MEMBER'S work performance shall be included in the confidential personnel file.
- B.
1. A FACULTY MEMBER shall have access to his/her official personnel file during regular office hours, provided that there shall be no undue interference with the normal routine of the office. Under no circumstances shall the official personnel file be removed from the office by the FACULTY MEMBER, and his/her access to the file shall be only in the presence of someone in authority in the office.
  2. In addition to the FACULTY MEMBER, only the Chancellor, President and their designees shall have access to the official personnel file without the express written approval of the FACULTY MEMBER. The President and his/her designee shall be responsible for the placement of material in, and the removal of material from, the official personnel file.