

TO: Chancellor's Office Staff; Provost's Office Staff; Faculty Senators; OED Director and Associate Director, UTK HR Director, Deans & Department Heads

FROM: Faculty Ombudspersons
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RE: Ombuds Office Report—General Issues and Recommendations, 2005/2006

DATE: OCTOBER 1, 2006

The Faculty Ombuds Office is establishing a common practice of regularly presenting a report regarding general issues and recommendations based on our combined reflections regarding common concerns we have encountered. Our intent is to share our combined insights based on our unique opportunity to observe issues between faculty and administrators from an objective perspective. These comments are general in nature, and we make every effort to preserve confidentiality of faculty members who have sought out our services. We are available to discuss this report upon request.

Issues and Recommendations, Fall, 2005- Summer, 2006

Number of Cases: approximately 18

1. Issues with Bylaws. In numerous cases, problems were exacerbated due to inadequate bylaws that did not cover necessary departmental policy. In several cases, faculty members reported that their departments had no bylaws at this time. In additional cases, bylaws existed but were out of compliance with the current *Faculty Handbook* and *Manual for Faculty Evaluation*. Problems with bylaws led to misunderstandings or inequitable treatment of faculty members. In several cases this led to misunderstandings about policies regarding workload, minimum number of students for a class to make, and especially faculty evaluation and P & T procedures (see below). When appropriate bylaws are in place, the Ombudspersons find it much easier to assist faculty in determining whether an issue is based on fact or assumption. Without bylaws, or bylaws in compliance with appropriate documents, issues are much more difficult if not impossible to resolve at an informal level.

Recommendations. The Ombudspersons recommend that all departments be required to update bylaws and that department heads provide assurances that these bylaws are in compliance with the *Faculty Handbook* and the *Faculty Evaluation Manual*. It may be helpful if the Faculty Senate Affairs Committee and/or the Provost's Office monitors this effort.

2. Lack of explicit procedures for the sharing of P & T reports with candidates and subsequent responses and/or correction of inaccuracies in these reports. This problem was reported enough to suggest the need to ensure faculty have adequate time and a clear understanding that they should read the department head's report ASAP upon receipt and report any inaccuracies before a stated deadline for when the reports will be given to the dean. Also, it appears that many faculty members are unclear about their right to add a statement in reply to a written review and that this should be attached to the dossier as it goes forward. Ombudspersons handled four cases and are aware of others in which

faculty members reported delays in receiving information as their dossier was reviewed by various committees and administrators. In some situations this resulted in the faculty members' lack of opportunity to attach a written response to the report prior to review at the next level. In most cases, the faculty member only received an oral report from his/her department head. In some cases, inaccuracies were not caught or corrected before review at the next level. In other cases, these reported problems led to misunderstandings by faculty members about actions available to them. Based on our cases, this problem appears to be occurring at several levels and is not merely a problem that needs addressing by department heads. We are aware of cases in which faculty members waited weeks or months after decisions were made before being notified. While the *Faculty Evaluation Manual* states that faculty members should be informed of decisions at every level, and that they may attach a written response to the review document, the manual does not provide explicit procedures concerning how faculty members should be informed.

Recommendations. The Ombudspersons recommend that explicit procedures be developed and stated in the *Faculty Evaluation Manual*. We further recommend that every written report (by the department head, dean, and faculty review committees at the department and college level) be shared with the faculty member within 24 hours of its completion, including the faculty review committee vote. This procedure should include a time limit by which the faculty member can respond in writing, in order for this document to be added to the dossier before it goes to the next level. Further, explicit procedures should be developed for the correction of inaccurate facts in these reports prior to their review at the next level.

3. Reports of lack of support of tenure-track faculty members resulting in their resigning their appointments and accepting positions at other universities, frequently of equal or better stature. In some cases of which we are aware, the lack of support was felt primarily from the department head. In others, the lack of support seemed to be the result of poor or no mentoring and/or lack of support from senior faculty members. Some faculty members report their perception of a need to refrain from sharing their perspectives in department meetings until they are tenured. We also noted that many junior faculty members will only share this kind of concern off the record and appear reluctant to raise this issue within their department.

Recommendations. The Ombudspersons recommend that exit interviews be conducted with junior faculty members who leave prior to tenure and/or promotion. The Faculty Affairs Committee of the Faculty Senate should consider establishing a system for conducting such interviews, at least on a random basis. Department heads and deans should conduct exit interviews on a regular basis. Professional development should be provided annually for mentors and department heads. Any department with a consistent record of losing junior faculty members should receive extra assistance in determining if a problem exists and how to address such a problem. Further, the Faculty Senate should monitor the annual and 5-year in-depth evaluation of department heads, based on guidelines in the *Faculty Handbook*.

4. Inconsistent use of policy with instructors that is stated as applicable only to tenure-track and tenured faculty. In the cases of which we are aware, the tenure-track and tenured faculty policy was applied to full-time instructors. We have been informed that the policy is followed by some but not all colleges, resulting in inconsistent use of the policy.

Recommendation. The Ombudspersons recommend that policy included in official documents be applied as stated and not used for instructors unless the policy explicitly includes them. Policy regarding instructors should be clarified.

5. Action taken regarding faculty member's alleged performance problems prior to opportunity for faculty member to share perspective regarding the problems. In one case, this appeared to slow down the process of communication regarding the problem.

Recommendation. The Ombudspersons recommend that faculty members be given an opportunity to share their perspectives concerning problems in job performance prior to enactment of changes in duties. While evidence at times is compelling, there fair practice involves opportunity to hear both sides of an issue prior to action.

6. Reports of faculty members negotiating an agreement with one department head/dean and a new administrator not honoring the agreement. This was reported in several cases, some of which appeared to include written documentation (for example, an agreement for course reduction during a subsequent but unspecified semester). Comments were allegedly made by new administrators that they were under no obligation to honor commitments made by someone formerly in their position.

Recommendation. The Ombudspersons recommend that the Faculty Senate and the Provost's Office work together to establish policy concerning the situations in which negotiated agreements between a faculty member and an administrator should be seen as an agreement between the faculty member and the administrator acting in that position, which would result in agreements that should be honored at a later time by another person in that position.

7. Issues regarding Annual Evaluation of Faculty Members.

7.1. Reports of inconsistent or changed standards from year to year, with no advance notice of new/different expectations or additional criteria. While it is likely that department heads made an effort to communicate changes, in most of our cases ombudspersons did not meet with department heads and cannot verify this. However, communication is always an issue in a large university, even within a medium to small department.

Recommendations. The Ombudspersons recommend that administrators communicate in several modalities and over time--especially when changes in evaluation occur. Conducting regularly scheduled departmental meetings and building a culture of faculty responsibility to attend such meetings can further communication, especially when faculty members are actively engaged in discussing such changes. Some faculty members have reported that in one college, department heads were recently given a new criterion for evaluating their faculty:

They are expected to rank an equal number of faculty members as "needs improvement" as they do "exceeds expectations." It appears to us that this kind of change needs to be carefully communicated and the impact on faculty performance and morale carefully monitored to ensure the results are leading that unit in the direction the university wants. If UT is a research 1 university, it makes sense that a majority of our faculty members should perform above average--and the use of the normal curve may result in an unproductive atmosphere.

7.2. Lack of credit or penalties given in annual faculty evaluations for service and scholarship beyond those very closely connected to departmental needs and/or fields of study. Some faculty members report that their department heads only reward service and scholarship directly related to the department. This is particularly the case for faculty engaged in interdisciplinary activities beyond the scope of the departmental fields (and programs) and/or service at the university level. For example, this has been reported by many Faculty Senate Presidents who received a lower annual ratings because they requested a change in workload in order to give more time to service. When college and university level encouragement is given for these activities while department heads devalue them, mixed messages are received.

Recommendation. The Ombudspersons recommend that faculty members be rewarded in annual reviews for appropriate engagement in activities that benefit the university directly and the department indirectly. For senior faculty in particular, there is a natural evolution of development and responsibility felt and acted upon that should be honored.

7.3. Departmental bylaws regarding faculty evaluation being out of compliance with the *Faculty Handbook* and the Faculty Evaluation Manual. In more than one case, faculty members reported being reviewed for annual evaluations by faculty review committees containing at least one member with lower rank.

Recommendation. The Ombudspersons recommend that departmental faculty members and heads think carefully about the use of review committees in annual faculty evaluations. Efforts should be made to ensure faculty members are evaluated by faculty of the same rank or higher.

7.4. Favorable annual evaluations out of sync with subsequent P & T reviews. This issue focuses on reported cases of favorable annual reviews and yet lack of support for P & T during or just before the faculty member became a candidate for P & T. It is certainly possible that some faculty members (a) didn't correctly interpret earlier annual evaluations or (b) performed adequately during the first several years and then dropped in performance in subsequent years. However, in several cases, faculty members documented an equal or higher level of performance in subsequent years.

Recommendations. Ombudspersons recommend that every effort be made to ensure faculty members understand the level of support (or lack of it) they receive in annual evaluations. Clear communication should not be assumed and can only be determined through direct interaction with the faculty member to assess his/her perceptions regarding the evaluation report.

7.5. Quantifying performance and basing rankings on mean performance across departmental faculty members: For example, assistant professors in at least one department have reported their lack of ability to compete with other departmental faculty for high rankings and merit raises, simply because they complied with the department head's request to engage in less service than senior faculty and then were ranked lower because they did less. This resulted in lowered morale and frustration on the part of these faculty members--as well as lack of merit pay.

Recommendations. The Ombudspersons recommend that faculty members be ranked according to their performance on annual goals and workload percentages negotiated with their department heads. They should not be encouraged to reduce activities in one of the areas of teaching, scholarship, or service unless they continue to have an equal opportunity to be ranked high and perhaps receive merit pay.