

10.100 EVALUATION STANDARDS

Any evaluation of faculty members for purposes of promotion, tenure, salary determination, or recommendation for retention shall involve consideration of appropriate UNIVERSITY STANDARDS as well as UNIT STANDARDS of the respective academic units. Distribution of approved University Standards and Unit Standards to appropriate faculty prior to initiating the evaluation process will be done by the appropriate dean or the dean's designee.

The Provost has the responsibility to identify any Unit Standards not in compliance with the University-wide standards contained in Section 10.110. The University Standards Committee shall work with units to bring the Unit Standards into compliance pursuant to Section ~~10.250~~ 10.130 and following the guidelines in Section 10.120. Until those changes are made, the Unit Standards remain in force. Subsequent to the effective date of this contract, whenever University Standards as contained herein and Unit Standards conflict with each other, or are otherwise inconsistent with each other, in any aspect of this agreement, the University Standards shall control all interpretations and applications. University Standards shall be the minimum standards. Units may impose more stringent standards.

10.110 UNIVERSITY STANDARDS FOR FACULTY ADVANCEMENT

The following University requirements must be met regarding each of the respective types of advancement or salary determination as indicated. (For purposes of determining years in rank, pro rata credit shall be given all full-time service for any academic term except summer session.)

1. Promotion

- d. In all applications for promotion, performance in teaching, community and University service, and scholarship are all important and essential as set forth in section 6.200. For promotion to full professor, a faculty member must have the level necessary as defined in the CBA and unit standards in teaching **competence**, scholarship/creative activity, and service. However, no faculty member may be promoted to full professor on the basis of teaching and service alone. Scholarship shall be demonstrated by scholarly publication, [scholarship of teaching and learning](#), or appropriate public recognition for creative works (~~in the disciplines of Art, Media Arts, Theatre & Dance, and Music~~).

2. Award of Tenure

- a. Eligibility for application for tenure is defined in Article 9.310, Eligibility for Tenure Application.
- b. Professional growth, activity, and prospects shall be demonstrated by ~~scholarly publication~~ **scholarship** or appropriate recognition for creative works; [continuous improvement of pedagogical knowledge, skill, and impact](#); involvement in continuing education programs; participation in professional societies; receipt of grants, contracts, fellowships, and other awards; and/or direction of student research.

3. Salary Determination

- a. Merit Award [or Outstanding Performance Award](#): Above normal performance in at least two (2) of the three (3) areas: teaching, **research scholarship**/creative activity, or public service; or outstanding performance or special recognition in at least one (1) of these areas, and normal performance in the remaining area or areas of assigned duties.
- b. Normal Increment: The performance of a majority of faculty members will generally be evaluated as "normal." They will be expected to grow in value to the institution and will be rewarded with a "normal" increment to their salary.
- c. Less-Than-Normal Increment: ~~Either the absence of any performance or~~ Poor performance of assigned responsibilities within the scope of employment may constitute grounds for a less-than-normal evaluation. It is understood that the absence of performance in any one or two of the areas of teaching, **research scholarship**/creative activity, and public service does not justify a less-than-normal evaluation. ~~if the quantity of performance in the remaining area or areas is proportional to the FTE of the appointment, if the quality of performance in the remaining area or areas is at least normal, and if the individual has assigned duties solely in the remaining area or areas:~~ [Performance is to be evaluated consistent with workload assignment](#). Failure to submit an IPR for evaluation by a faculty member, when required (see CBA ~~10.210, 10.340~~ [10.210, 10.220](#)), is grounds for a less-than-normal increment.

Incorporation of University Standards into Unit Standards: All University standards shall be incorporated into unit standards according to procedures specified in Section ~~40:250~~ [10.130](#). The Provost may designate a list of unit standards to be reviewed during the term of this agreement.

10.120 UNIT STANDARDS FOR FACULTY EVALUATION

1. Units for Which Evaluation Standards are Required: The current academic units under the respective headings of The University of Montana for which unit standards for faculty evaluation are required are as follows:

[Accounting and Finance](#)

[Anthropology](#)

[Biomedical Sciences](#)

[Biomedical and Pharmaceutical Sciences](#)

[Chemistry and Biochemistry](#)

[Communication Studies](#)

[Computer Sciences](#)

[Counseling](#)

[Economics](#)

[Ecosystem and Conservation Sciences](#)

[Educational Leadership](#)

[English](#)

[Environmental Studies](#)

[Forest Management](#)

[Geography](#)

[Geosciences](#)

[Health and Human Performance](#)

[History](#)

[Journalism](#)

[Management and Marketing](#)

[Management and Information Sciences](#)

[Mansfield Library](#)

[Mathematical Sciences](#)

[Music](#)

[Native American Studies](#)

[Pharmacy Practice](#)

[Philosophy](#)

[Physical Therapy and Rehabilitation Science](#)

[Physics and Astronomy](#)

[Political Science](#)

[Psychology](#)

[Public Administration and Policy](#)

[Public and Community Health](#)

[Social Work](#)

[Society and Conservation](#)

[Speech, Language, and Hearing Sciences](#)

[Teaching and Learning](#)

[Visual and Media Arts](#)

[World Languages and Cultures](#)

The above academic units are subject to addition, deletion, or change by the employer in accordance with provisions of Articles 7.100 and 8.000 of this agreement.

2. General Activities for Unit Standards: The following general activities ~~including those with an interdisciplinary and/or international focus~~; shall be given consideration in any evaluation for purposes of promotion, award of tenure, determination of salary increment, or recommendation for retention:

- a. ~~classroom performance~~ [teaching and learning](#);
- b. student advising and/or mentoring as described in section 6.200;
- c. ~~scholarly publication~~ [scholarship](#) or creative works;
- d. participation in professional organizations or societies, receipt of awards in recognition of professional accomplishments, or speaking engagements related to one's professional field;
- e. professional service demonstrated by consulting [and/or](#) other outside work [related to the profession/discipline](#) for agencies, communities, schools, etc.; serving on advisory boards; and service on campus committees;
- f. research efforts related to grants, contracts, direction of student research, or professional research efforts incident to publication;
- g. student recruitment and retention activities;
- h. [leadership and participation in interdisciplinary activities](#);
- i. [activities that advance and support internationalization and global engagement](#).

3. Preparation and Approval of Unit Standards: Unit standards will be prepared and proposed by the tenured and tenurable (i.e. tenure track) faculty of each respective unit. The unit standards for each respective unit must:

- a. be consistent with University standards;
- b. address the general activities;
- c. address participation in general education activities;
- d. address all academic appointments to the unit;
- e. specify the documentation or other evidence required to support evaluation of teaching, **research scholarship**/creative activity, and/or public service;
- f. specify, where appropriate, special standards and special procedures for the evaluation of individuals on grants, contracts, or other work assignments outside the normal academic activities of the unit, including but not limited to adjunct research faculty;
- g. guarantee peer review;
- h. ensure consultation between faculty members and chairpersons or deans before each individual recommendation is made final;
- i. specify the criteria that will be used to determine less than normal, normal, above normal, and outstanding performance in each major area of faculty work.
- j. and be approved by the **University Unit** Standards Committee, the appropriate dean, and the Provost prior to application for evaluation purposes.

10-250 10.130 UNIT STANDARDS COMMITTEE

The Faculty Senate shall appoint a **University Unit** Standards Committee consisting of bargaining unit members that are proportionately representative of the professional schools in the unit and the college. The chairperson of the committee shall be elected from among the membership.

The **Unit** Standards Committee shall have the responsibility of reviewing the unit standards on a five-year cycle, taking a fifth of the unit standards each year. Recommendations for change of the unit standards may be submitted to the **Unit** Standards Committee by the unit faculty, the chairperson, the appropriate dean, or the Provost. The unit faculty, department chairperson, the **University Unit** Standards Committee, the appropriate dean, and Provost must approve any proposed change. Any changes in unit standards resulting from this process shall not take effect until twelve (12) months after the decision, unless agreed otherwise by the unit faculty, the dean, and the Provost.

10.200 PROCEDURES FOR FACULTY EVALUATION

At each step in the evaluation process, all parties shall refer to Article 10.000 for compliance in the evaluation procedures being used. The evaluator's signature assures consistency with the CBA.

If Unit Standards are changed during an evaluation period for any faculty member, such faculty member will have the choice of using either the Unit Standards effective at the time of hire, or those currently effective, when applying for tenure and/or promotion to Associate Professor. However, after faculty members are tenured, only the Unit Standards in effect at the time of evaluation will be used.

If faculty members who have left their academic unit and the UFA bargaining unit to assume an administrative appointment subsequently return to their academic unit and the UFA bargaining unit, their IPRs may include teaching and scholarship/creative works that are typically eligible for inclusion in the evaluation during the period of such administrative appointment. ~~shall be evaluated as follows: any research, scholarly or creative activities that are typically eligible for inclusion in the evaluation during the performance period of such administrative appointment shall be considered ineligible for faculty evaluation.~~

10-340 10.210 FACULTY EVALUATION SCHEDULE FOR TENURED AND TENURE-TRACK FACULTY

10-210 10.220 INDIVIDUAL'S PERFORMANCE RECORD - OCTOBER 15

The documentation or evidence of performance required by the unit standards and applicable sections of this agreement, shall be prepared by every member of the bargaining unit in sequentially numbered pages which incorporate exhibits by reference and are signed on the last page by the person to be evaluated. Exceptions to this requirement are limited to those members of the bargaining unit who are in their first year of service at The University of Montana or who are on a terminal year contract. These individuals are not required to prepare nor submit an IPR. The individual shall submit the documentation to the chairperson of the Faculty Evaluation Committee (FEC) and the department chairperson ~~or in those instances where there is no chairperson, to the dean~~ by October 15. The

performance period shall consist of one or more academic year(s) of record each running from the first day of the academic year and including Fall Semester, Spring Semester and applicable winter and summer term(s). The IPR for that period should document performance for the respective types of advancement as follows:

1. **Promotion to Associate Professor:** All service in the current rank including prior service, if applicable, or the most recent seven (7) sequential years, whichever is less. ~~since the documentation was prepared for the last promotion, or the most recent seven (7) sequential years:~~
2. **Promotion to Full Professor:** All service since documentation was prepared for the last promotion, or the most recent seven (7) years, whichever is less.
3. **Tenure:** The entire probationary period including credited prior service.
4. **Merit:** The time since the documentation was prepared for the last granted merit or promotion, or the most recent seven (7) sequential years, whichever is less.
5. **Outstanding Performance Award:** The time since the documentation was prepared for the last granted award, or the most recent seven (7) sequential years, whichever is less.
6. **Normal and Less-Than-Normal:** The record of the previous year(s) as appropriate (see Section 10.340 for the evaluation schedule of tenured and tenure-track faculty).

Copies of the SEC, FEC, chair, dean and Provost's recommendations from all evaluations during the performance period must be included in the Individual Performance Record (IPR) before transmittal to the dean. The individual may not add to, alter, modify, delete or remove documents from his or her IPR once it has been submitted to the FEC except by:

1. Updating the status of material in support of tenure unknown at the time the IPR was submitted;
2. Responding to a reviewer request for additional materials;
3. And/or the regular appeals process identified in articles ~~10-230~~ 10.240, ~~10-240~~ 10.250 and 10.270

An individual on split assignment shall submit the documentation and evidence to the unit in which the greatest portion of the FTE is assigned; or if the FTE is equally split, to the unit in which first hired; or if not first hired in one unit, to the unit in which best qualified for full-time service. The chairperson of the Faculty Evaluation Committee, department chairperson and dean of the unit evaluating the split appointment shall obtain evaluations from their respective counterparts in the other units to which the individual was partially assigned.

The Faculty Evaluation Committee, the department chairperson, or the dean may request and consider any evidence from any source, including the faculty member to be evaluated, provided that any evidence relied upon for evaluation purposes shall be incorporated into the record and the faculty member shall be afforded an opportunity to respond to it. No individual to be evaluated may be sanctioned, suspended, disciplined, or discharged for failure to comply with a request to provide additional information.

~~Upon approval of the UFA-Administration committee;~~ Electronic records as document files (e.g. Microsoft Word or .PDF) may be used to transmit documents during the evaluation process. Faculty members should retain a complete version of original documents for reference and future use.

~~10-220~~ 10.230 **STUDENT EVALUATION COMMITTEE - OCTOBER 15**

Each Student Evaluation Committee (SEC) shall consist of at least three (3) but not more than seven (7) students who are majors and/or graduate students in the respective unit and shall include one (1) faculty observer who shall enjoy all rights of full participation and access to information except voting. The faculty observer shall be chosen from among the tenured or tenurable (i.e. tenure-track) members of the bargaining unit in the department or unit. The members shall be appointed by the department chairperson, ~~or if there is no chairperson, by the dean,~~ by September 15. The committee shall elect a chair from among its voting members.

~~10-320~~ 10.235 **ABSENCE OF STUDENT EVALUATION COMMITTEE PARTICIPATION**

~~10-230~~ 10.240 **FACULTY EVALUATION COMMITTEE - NOVEMBER 15**

By election each unit shall annually establish an evaluation committee of at least three (3) members of the unit excluding the department chairperson, three of whom must be tenured or tenurable (i.e. tenure-track). If a unit does not have enough members to constitute an evaluation committee, the committee can be formed with members

[from related fields in units listed in section 10.120. Potential committee members will be identified by the unit subject to approval by the dean.](#) Only tenured or tenure-track faculty are able to vote on tenure and promotion decisions. The committee members shall elect their own chairperson from among the committee membership. One student observer with all rights, save voting, shall be appointed by the committee chairperson from among the majors and/or graduate students in the unit.

The Committee shall apply the unit standards to review the performance of each faculty member in the unit and make a written recommendation with justification signed by the committee chairperson which shall, where appropriate, specifically address: (1) retention, (2) salary increment, (3) promotion, and (4) tenure, and which shall be forwarded to the department chairperson and the dean by November 15. To ensure and encourage candid professional assessment of the individual faculty member performance, materials solicited by the FEC from non-tenure-track, probationary faculty, and students will be guaranteed anonymity. With the exception of solicited material from non-tenure-track, probationary faculty, and students, other persons submitting material to the FEC have no expectation of anonymity and all materials submitted to the FEC will be signed. Student materials submitted to the SEC will be guaranteed anonymity. Any material solicited at this, or subsequent steps, must be made available to the individual being evaluated within five (5) [working](#) days of its inclusion. The individual is given ten (10) [working](#) days to prepare a written response, which becomes part of the evaluation record. All subsequent deadlines will be postponed concomitantly. Notwithstanding the above, individual units may opt to ~~allow the FEC to solicit and use anonymous~~ external peer review [for the FEC to use](#) to assist the FEC in decisions for promotion and tenure. [It is left up to the individual units to specify in their unit standards how these letters will be used with respect to anonymity or confidentiality and who in the unit will solicit these letters.](#)

Within ten (10) [working](#) days of receipt of the recommendation from the Faculty Evaluation Committee, the faculty member may submit a written appeal to the Faculty Evaluation Committee regarding any aspect of the Faculty Evaluation Committee's recommendation or process. The appeal must state any matters which the Faculty Evaluation Committee is requested to consider as well as the remedial action desired. The appeal may present for consideration appropriate documentation that the faculty member omitted from his/her Individual Performance Record. Within ten (10) [working](#) days of receipt of the appeal, the Faculty Evaluation Committee shall either grant or deny the requested remedial action and shall so notify the faculty member and make the decision a part of the record.

~~10.240~~ **10.250 DEPARTMENT CHAIRPERSON'S RECOMMENDATION- DECEMBER 15**

Based on the approved unit standards, on the CBA, and on consideration of the evidence submitted by the faculty member, the Student Evaluation Committee recommendation, the Faculty Evaluation Committee recommendation, and any additional evidence solicited or received and placed in the evaluation report, the department chairperson shall prepare and sign a written evaluation for each faculty member in the unit which, where appropriate, shall specifically address: (1) retention, (2) salary increment, (3) promotion, and (4) tenure. The chairperson may append a written statement of his/her professional opinion and recommendation regarding any matters which he/she may deem to be relevant to the performance or advancement of the individual evaluated. The faculty member shall be given the opportunity to respond in writing to this professional opinion. The chairperson shall prepare and append a summary list of those the chairperson has recommended for promotion, merit [and outstanding performance](#) increase, or tenure, respectively. The names on the list of recommendations for merit increase [and outstanding performance](#) will be ranked in order of priority by the chairperson, taking into account the chairperson's ratings ([less than normal](#), normal, above normal, outstanding) across the three areas of evaluation. The department chairperson shall make the record of each evaluation available to the respective faculty members to whom they pertain for his/her review and signature. The record shall include, if available: the Individual Performance Record submitted by the faculty member; the Student Evaluation Committee recommendation; the Faculty Evaluation Committee recommendation; the department chairperson's recommendation, and if submitted, the [department chairperson's](#) professional opinion with faculty member's response, and any other exhibits or evidence relied upon or incorporated by reference except course evaluation forms. Each recommendation shall be signed by the faculty member to attest that the faculty member has read it. The chairperson shall then forward a copy of the complete record to the dean by December 15.

Within ten (10) [working](#) days of receipt of the department chairperson's recommendation, the faculty member may submit a written appeal to the department chairperson regarding any aspect of the chairperson's recommendation or process. The appeal must state any matters which the chairperson is requested to consider as well as the remedial action desired. The appeal may present for consideration appropriate documentation that the

faculty member omitted from his/her Individual Performance Record. Within ten (10) [working](#) days from receipt of the appeal, the chairperson shall either grant or deny the requested remedial action and shall so notify the faculty member and the Faculty Evaluation Committee and make the decision a part of the record.

10.260 DEAN'S EVALUATION AND RECOMMENDATION – FEBRUARY 15

The dean shall also prepare and forward a summary list of those he/she has recommended for promotion, merit [and outstanding performance](#), or tenure, respectively. The names of those recommended for merit [and outstanding performance](#) increase shall be listed in order of priority by the dean. On or before February 15, deans shall inform the faculty that merit [and outstanding performance](#) rankings are available and shall provide individual rankings to specific faculty members at the request of the faculty member. Faculty who do not ultimately receive merit [or outstanding performance](#) awards may appeal the dean's ranking if it can be demonstrated to have been in error based upon the criteria listed in 10.280.

10.270 APPEALS TO THE DEAN - ~~FEBRUARY 25~~ AND MARCH 12

Within ten (10) [working](#) days of ~~receipt of the evaluation record from the dean~~ [February 15](#), any faculty member may submit a written appeal to the dean regarding any aspect of the evaluation record or process including the dean's professional opinion. The appeal must state any matters which the dean is requested to consider as well as the remedial action desired. [The Dean shall notify the Provost that an appeal has been submitted and the Provost shall wait to review the evaluation record until a decision on the appeal has been reached.](#)

By March 12 the dean shall either grant or deny the requested remedial action and shall so notify the faculty member, the department chairperson, and the Provost in writing.

10.280 APPEALS TO THE APPEALS COMMITTEE - APRIL 4

There shall be an Appeals Committee comprised of seven (7) members of the bargaining unit. Three (3) members shall be appointed by the Faculty Senate, three (3) shall be appointed by the President of the University, and one (1) shall be appointed by the President of the UFA. The seven appointed members shall then elect a chairperson of the Appeals Committee.

The Appeals Committee may hear only those appeals which are based on one or more of the following grounds for complaint:

1. that a prejudicial procedural error, defect, or omission has been committed or has occurred;
2. that a recommendation is not supported by factual evidence or is lacking a rational basis;
3. that a recommendation was the result of personal prejudice or bias which adversely affected the substantive academic judgment of the decision maker;
4. that a recommendation was made for reasons which are clearly impermissible.

No error or omission may be appealed unless the error or omission was brought by the appellant to the attention of the person(s) responsible within ten (10) working days after the appellant knew or should have known of the error or omission. [The Appeals Committee shall notify the Provost that an appeal has been submitted and the Provost shall wait to review the evaluation record until a decision on the appeal has been reached.](#)

A written appeal must be served on the chairperson of the Appeals Committee within ten (10) [working](#) days of receipt of the dean's evaluation or his/her decision on an appeal, whichever is later. The appeal must set forth concisely the recommendation being appealed, the reason(s) why the appellant disagrees with the recommendation and shall specifically cite any procedural errors or omissions that were alleged to have occurred in the decision making process; identify witnesses and the point to be evidenced by the testimony of each; identify and indicate the purpose for each document or other evidence to be presented; state appellant's preference for an open or closed hearing; and state the name and address of any person who will represent the appellant at the hearing and whether they appear as legal counsel. No appeal shall be reviewed unless all of the information required by this section has been provided. If the faculty member is notified that he/she has not submitted all the information required by this section, and the faculty member has thereafter failed to submit all the information required by this section within a ~~reasonable time~~ [ten \(10\) working days of being notified](#), the appeal shall be considered withdrawn.

The Committee shall set a hearing within ~~two (2) weeks~~ [ten \(10\) working days](#) of receipt of the appeal and notify the appellant and dean of the time and place and forward a copy of all materials filed by the appellant to the dean. The dean and the person(s) against whom the appeal has been brought shall be entitled to be present at the

hearing. The University will be represented by legal counsel only if the appellant has elected to be represented by legal counsel.

The strict rules of evidence shall not apply, and the chairperson of the Committee shall make the final decision on the admissibility or order of presentation of evidence as well as procedural matters. Either party may present evidence and examine and cross-examine witnesses. Any member of the Committee may request additional witnesses or evidence of either party.

A written statement of findings based on the evidence and recommendations for appropriate action shall be prepared and a copy forwarded by the Committee, within ten (10) working days of the hearing, to the appellant, department chairperson, dean, and the Provost. The written statement shall respond specifically to each of the alleged complaint(s) that have been raised by the appellant. The Committee's function is not to act as a substantive decision maker regarding the academic merits of the decision appealed. The Committee therefore shall not substitute its academic judgment for that of others in the evaluation process.

If the Committee finds that the appellant has not established by a preponderance of evidence the grounds for complaint, it shall recommend that the appeal be dismissed. If the Committee finds that appellant has established by a preponderance of evidence that at least one of the grounds for a complaint permitted by this section exists, the committee will recommend remedial action in accordance with section 10.285.

Rest of this section removed and incorporated into the next.

~~10.330~~ 10.285 APPROPRIATE REMEDIAL ACTION

The following recommendations for remedial action may be made by the Committee:

1. The normal remedy for any prejudicial errors, omissions, or defects in the process of evaluation of faculty for promotion and tenure shall be to remand and properly re-do the process to cure the defect. A remand by the Appeals Committee shall constitute return of the evaluation to the appropriate step in the process where the defect occurred with a specific, binding remedy that is consistent with the CBA. Following proper application of the Appeals Committee remedy and reevaluation at that step, the evaluation process shall continue forward as directed in section 10.000 with the remedy in place. The faculty member retains the option to return to the Appeals Committee if the remedy from the original complaint was not properly applied or with a separate complaint if there is a new violation.
2. In appropriate cases, including those involving personal prejudice or bias, where previous remand has not resolved the matter, or where all levels of the process prior to the appeal are found to have been tainted by one or more of the grounds for complaint to the prejudice of the appellant, it shall recommend a direct cure by the Provost. In the event of such a recommendation, the Committee shall specify the reason for its decision not to recommend a remand. In no event may it recommend, as a direct cure, the granting of tenure, promotion, appointment, reappointment, or a specific salary determination. The Committee may recommend to the Provost as a direct cure that he/she appoint an ad hoc committee to review the faculty member's performance and make a recommendation in accordance with the standards set forth in Section 10.000. In the event that an ad hoc committee is to be appointed, it shall be composed of faculty members in units listed section 10.120 in the discipline or from disciplines or programs which have a close relationship to the discipline of the appellant. The Executive Committee of the Faculty Senate shall recommend five (5) names to the Provost from which he/she shall choose three (3) to serve on the Committee. The ad hoc committee shall review the faculty member's performance and make its recommendation to the Provost within thirty (30) working days from the date the Provost receives the recommendation of the Appeals Committee. The recommendation of the ad hoc committee shall be forwarded to the faculty member at the same time. The time period may be extended by mutual agreement. The faculty member retains the option to return to the Appeals Committee if the remedy from the original complaint was not properly applied or with a separate complaint.
3. If the recommendation of the ad hoc committee is appealed, the appeals committee can either dismiss the appeal, in accordance with section 10.280, or recommend a direct cure in the form of a de novo review by the Provost. The review shall consider the entire evaluation record including the decision(s) of the Appeals Committee.

Any member(s) of the Appeals Committee may forward a minority finding and recommendation. All findings

and recommendations of the Appeals Committee should be forwarded to the Provost by April 4.

Any delay incident to a remand or direct cure by the Provost shall be corrected by making any change in employment terms retroactive to the date the change would have become effective if the remand or cure had not been required.

Within ten (10) working days of the Provost's recommendation on an evaluation that has gone through the Appeals Committee, ~~disposition of an appeal~~, the Provost shall provide the members of the Appeals Committee with a copy of the ~~decision~~ recommendation.

10.290 PROVOST'S RECOMMENDATION – APRIL 25

10.310 CONFLICTS OF INTEREST

No person shall participate in his/her own evaluation; or that of any other person to whom he/she has a relationship by blood or marriage, or cohabitation, or with whom he/she is engaged in adversarial litigation or proceedings. No person shall participate in the evaluation of any person with whom he/she has joined in a business relationship or nature which would reasonably be presumed to preclude objective application of professional judgment. Allegations of conflict of interest will be filed with the UFA-Administration Committee within ~~25 ten (10)~~ working days of discovering such a conflict. That committee will make a recommendation as to whether a conflict exists and a remedy to the Administration. The Administration will determine if a conflict of interest exists. The failure to timely file an allegation of conflict of interest shall prevent the later allegation of a conflict of interest during the academic year.

~~10.330 APPROPRIATE REMEDIAL ACTION~~ 10.320 GRIEVING THE EVALUATION PROCESS

~~The normal remedy for any prejudicial errors, omissions, or defects in the process of evaluation of faculty for promotion and tenure shall be to remand and properly re-do the process to cure the defect. A remand by the Appeals Committee shall constitute return of the evaluation to the appropriate step in the process where the defect occurred with a specific, binding remedy that is consistent with the CBA. Following proper application of the Appeals Committee remedy and reevaluation at that step, the evaluation process shall continue forward as directed in section 10.000 with the remedy in place. The faculty member retains the option to return to the Appeals Committee if the remedy from the original complaint was not properly applied or with a separate complaint. In appropriate cases, including those involving personal prejudice or bias or where previous remand has not resolved the matter, the Appeals Committee may recommend, in accordance with Section 10.280, that the Provost cure the defect directly. In the event of such a recommendation, the Committee shall specify the reason for its decision not to recommend a remand. Any delay incident to a remand or direct cure by the Provost shall be corrected by making any change in employment terms retroactive to the date the change would have become effective if the remand or cure had not been required.~~

Faculty evaluations are non-grievable and non-arbitrable except in the following cases:

1. When all prior recommendations have been timely, failure of a dean or the Provost to meet the times specified for their actions shall constitute grounds for a grievance unless there are unusual circumstances justifying the delay which are made known to the faculty member. Any faculty member who prevails in a grievance for such delay shall be entitled to an award of one hundred dollars (\$100) for every five (5) working days delay endured.
2. When all prior tenure or promotion recommendations have been in agreement, a contrary decision by the Provost may constitute grounds for a grievance where it is alleged that the contrary decision is not supported by evidence or is lacking a rational basis, is the result of personal prejudice or bias which adversely affected academic judgment, or is made for reasons which are clearly impermissible.
3. A decision of the Provost not to follow the recommendation of the Appeals Committee or an ad hoc committee where one has been appointed may constitute grounds for a grievance where it is alleged that the Provost's decision is not supported by evidence or is lacking a rational basis, is the result of personal prejudice or bias which adversely affected judgment, or is made for reasons which are clearly impermissible.
4. In merit recommendations by the Provost where it is alleged that the recommendation is not supported by evidence, is lacking a rational basis, is the result of personal prejudice, or is made for reasons which are clearly impermissible.