

COMMENTS RECEIVED REGARDING PROPOSED UNIVERSITY PROCEDURES

Comment No.	Date Received	Topic	Comment	Determination Made
1	10/7/2022	Committee Composition	Excerpt from the report: "Each faculty evaluation committee shall normally consist of a minimum of five members, a majority of whom must hold tenure. This text allows faculty who are not tenured to also serve on college committees." The above text from the report should also include language that requires that promoted, non-tenured faculty serve on P&T committees. It's unfair to Teaching faculty to be evaluated by faculty who have never experienced being in the Teaching track. In summary, if promotion guidelines are standardized across all faculty categories, which I support, non-tenured faculty need to be compensated at the same rate as tenure-track faculty. In my opinion, the university currently has an unofficial system of second-class faculty (i.e. Teaching faculty), who do not have the same benefits as tenure-track and tenured faculty, including tenure, pay, scholarship support, and opportunities for additional compensation through contract and grant-funded work to be considered part of his/her assignment. To then require Teaching Faculty's performance to be measured using the same metrics/expectations as tenure-track faculty without reconciliation of some, if not all, of these disparities is unjust.	<p>Departments and Colleges must have clear unit guidelines to assess teaching, research and service mission areas.</p> <p>All full-time faculty members at the rank of associate or full professor can serve on the University Promotion and Tenure Advisory Panel, regardless of their type of position. All full-time faculty members at the rank of associate or full professor can serve on a college faculty evaluation committees, regardless of their type of position. Faculty members at the rank of instructor and above can serve on department faculty evaluation committees. All faculty who serve on department and college committees also vote on each case, but the majority of voters for tenure cases must be tenured faculty members.</p>
2	10/7/2022	External Reviews	The external reviewer requirement for Teaching Assistant to Teaching Associate is a major issue. I recognize that one of the justifications of this is to be parallel to tenure track promotion lines so that there may exist the possibility in the far future of switching the track of an existing faculty. Additionally, I recognize another justification is to retain WVU's position as a top-tier research facility, despite declining tenure track faculty numbers. It is also been said to me and others, 'well you don't have to go up for promotion. It's only an option.' All of these justifications are simply inane. First, the requirement of external reviewers for Teaching Assistant Professor promotion to Teaching Associate Professor places an undue burden that is excessive in comparison to most other universities. In finding external reviewers, you are searching for those that are at least one promotion higher than yourself on the same 'track'. This track system doesn't exist at most other universities, so it is difficult to find reviewers, unless you ask	<p>West Virginia University limits teaching-track to 15% by BOG Faculty Rule 4.2. Nontenure-track lines are created to meet institutional needs.</p> <p>Tenure-track lines must have two areas of significant contribution.</p> <p>BOG Faculty Rule 4.3 outlines the eligibility and sabbatical leaves for faculty members.</p> <p>Each faculty member is assigned a workload assignment that may include effort attributed to teaching, research, and/or service.</p>

tenure track colleagues. Asking a tenure track faculty to evaluate a teaching track faculty member is like creating a jury full of folks that are not actually your 'peers'. They have different expectations and experiences of whose viewpoint of promotion would be unfair to teaching track faculty. However, if only internal reviewers are required for this promotion, we have existing teaching track professors that could assist fairly. It would also make sense to save an external reviewer for the full teaching professor promotion as it should be more rigorous than the first promotion. At this point, a mix of teaching and tenure-track external reviewers of peers to review one's work is an appropriate level of challenge. The idea of paving the way for a possible change of track in the far future is a noble and excellent idea. I appreciate that WVU is thinking this way and support measures that would make this happen. However, that being said, this is a self-made issue by many universities in the United States, as a whole. In my experience, the reason most TAPs accept a non-tenure position at present is that tenure positions have become a rare offer in the past decades. As tenure track faculty retire, despite their funding being 'permanent' vs TAPs being 'temporary and dependent on enrollment', many universities are electing not to fill those tenure track lines. There are many reports on this nationally, however, I have also seen it firsthand at both WVU and the university I worked with before WVU. Instead of the tenure line being replaced by another tenure, it is transitioned to a TAP/similar position. The justification is usually "we don't have the budget to hire another tenure". This appears to be inaccurate to many of us in the field. It seems more like universities are actively trying to phase out the entire process of tenure, and replace the system with TAPS. Then, we TAPS, in order to climb the ranks, are made to do the same amount (or more) of work as tenure for less pay, less job stability, and no tenure track perks. To WVU's benefit, it does seem like we are trying to address pay equity, stability, and supplying tenure track perks (like sabbatical) to our teaching track lines. However, if the goal is also to retain our status as a top research institute without maintaining the proper number of tenure track lines by replacing tenure lines with TAPS that do research- I can't support that. We may do some research, but our primary responsibility is to our students and teaching them. Should this be part of WVU's goal in making these changes to P&T for TAPs, then the solution is clear. WVU and other institutions must stop replacing retiring tenure with non-tenure lines. If we use external

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External Reviews for Teaching-track faculty from assistant to associate rank makes a case for higher salaries, if performance warrants and the increase in salaries is financially feasible. Further, this is a basis for longer term contracts for librarian-track faculty.

Within the proposed P&T document, flexibility with external reviewers has been introduced for the promotion from assistant professor to associate professor in the non-tenure track. External evaluators are not required to be in the identical position.

			reviewers for assistant to associate, then allow us the option to switch tracks at the same exact time. If we say, yes, we want promotion and a track change then by all means require external reviewers in this process for us. If we only desire promotion and to stay focused on teaching not research, continue to allow this as well. Simply saying "well, you don't have to go through the promotion process" as defense for these changes is absurd. Who, in their right mind, would not try for a promotion with a pay upgrade for the work that they do? It may not be required of us by the university, but by life and making ends meet, it absolutely is.	
3	10/7/22	Promotion	I would love to see a salary increase for new faculty hired as instructors when they are awarded tenure. Faculty that are hired as assistant professors are awarded a 10% salary increase that accompanies the tenure award and promotion from assistant to associate at year 6. However, faculty that are hired as instructors only receive the 10% salary increase at year 9, three years after they are awarded tenure. I understand that the salary increase accompanies the change in the respective titles. However, why do those hired as an instructor have to wait 9 years to receive the promotion to associate when those hired as an assistant achieve it in 6 years? If it is not feasible to change the gap in what year instructors can be promoted to associate professors, would it be possible to split the salary increase so that a 5% salary increase accompanies tenure and another 5% accompanies promotion to associate? Thanks for your time and consideration	Every successful promotion requires a 10% minimum salary increase per BOG Faculty Rule 4.4.
4	10/8/2022	Committee Composition	First, I appreciate the efforts of all those involved in drafting and revising this document. Overall, I think it is a very nice document. However, I do have one strong concern. Given my experiences here at WVU, I am of the strong opinion that Promotion and Tenure Committees be limited to tenured full professors. Why? Because it is my experience here that at least one Dean tends to "stack" committees with those who are still beholden to him, that is, those who still need to move up in rank and/or be tenured. The Dean, or his subordinate(s), then	A primary driver behind the revision of the University Procedures was to be equitable. Exclusionary proposed procedures will not be approved.

			"dictate" to the committee how faculty should be evaluated. From my perspective, this violates the supposed "independent" review of the committee. I would hope that the appropriate committees take note of this, and more importantly, makes this change. I am choosing not to list my name because of potential retaliation given that "obedience" appears to trump "performance" in our School.	
5	10/9/2022	Modification of Duties	Typo on p. 1: "Incorporating text explaining how to evaluate of Modification of Duties and/or Extension of the Tenure Clock utilization"	Corrected on the Executive Summary.
6	10/9/2022	Typo	Add the word "written" before Performance Improvement Plan throughout doc where applicable, e.g., p. 4 II-A-1, line 8. I realize this is implied and is common sense, but specifying the plan be written removes any room for the plan being delivered verbally (like some Deans did with the compensation program).	"Written" was added for clarification.
7	10/9/2022	Credentials	I am still advocating for the inclusion of direct and clear language that instructors hired with a master's degree plus significant experience are eligible to apply for promotion to assistant. I don't believe the p&t committee service and voting statements are direct enough to not leave room for exclusionary interpretation in the future by different administrators. I'm sure there are many ways to word this and places in which such language could be inserted. One suggestion is to add on p. 4, II-A-2 a sentence that reads "All ranks below professor, including instructor, assistant professor, and associate professor in all tracks shall be eligible to apply for promotion." Also, to further strengthen the language that there are four faculty levels, here are two suggestions: p. 17, 4. Replace the slash with a comma between Teaching Instructor and Teaching Assistant Professor. p. 18, 4. Replace the slash with a comma between Service Instructor and Service Assistant Professor.	All unit guidelines are approved by the Provost Office. The Provost will not approve exclusionary procedures. Edited the following text to read: "The unit guidelines may be more specific to expectations of individual disciplines, and they may be more rigorous than the University guidelines, but not exclusionary."
8	10/10/2022	Diversity, Equity, and Inclusion	I note that at several points in this document, reference is made to "diversity, equity, inclusion, and social justice work," despite the fact that this document never defines those terms. I acknowledge that the Division of Diversity, Equity, and Inclusion" has a web page that defines these terms. However, at best, those definitions are far too general and open-ended to be useful in measuring faculty contributions in the areas of appointment, tenure, and annual evaluation. At worst, they are so malleable as to permit evaluators to define them however they wish in order to reward or punish faculty under consideration in ways that might	Diversity, Equity, and Inclusion expectations will be clearly outlined in offer letters, If applicable. DEI work will not be required of all faculty. "Mission" has been replaced with "work."

			advance unstated ideological goals while undermining due process. I also note that reference is made to the "diversity, equity, inclusion, and social justice mission" of the university, but such a mission is not identified within the university's mission statement as it appears on its website (https://www.wvu.edu/about-wvu/mission). This indicates a lack of transparency.	
9	10/10/2022	External Reviews	Necessitating 4 external reviews (2 of which must be external to the university) for promotion/tenure is too onerous. It is not only difficult to ask additional labor from already-taxed colleagues from other institutions, to do so without compensation seems ethically questionable especially when considering the extractive nature of academia at present. It seems quite a lot to ask colleagues to evaluate a candidate's entire portfolio at their present rank, orient to University promotion/tenure requirements, and write an evaluative document—all without compensation. It also seems a rather unforgiving procedure that should any of the invited reviewers unforeseeably fail to send in their letter in a timely fashion and resulting in the normal minimum for number of reviews not being met, that the candidate for promotion/tenure be punished for failings that have nothing directly to do with a candidate's academic record or contributions. While I appreciate the rationale for using external reviewers (i.e. to gauge significant impact beyond the boundaries of the University), I would highly encourage the committee to consider more practical means of doing so namely through the reduction in number to 1-2 external reviewers or implementing an acceptable threshold for received letters (e.g. receipt of at least 50% the rate of sent invitations to individuals nominated by the candidate/committee). I would also like to see some standardizing document to help support external peers in the evaluation process. To introduce some uniformity in the process and reduce the need for external evaluator's to be well-versed in institution-specific promotion/tenure procedural documentation, the committee should consider creating or mandating that departments create a kind of worksheet for all outside evaluators (rather than just a general letter outlining broad characteristics/purposes of peer evaluations). I do appreciate the flexibility shown in the directing the qualifications for serving as an external reviewer. I would like to reiterate how disheartening, as a new faculty member, it is to learn that additional hurdles for promotion/tenure are presently being discussed with little thought to how this might contribute to faculty over-taxation and burnout that	Your comments have been taken under consideration.

			plagues the field of higher education. It is my experience from my previous institution that even identifying and hiring a SINGLE external evaluator for program review or assessment was challenging DESPITE such work being compensated and a standard practice. I can only imagine the challenges of doing so without remuneration, at the rate of four minimum reviewers, and at the micro-scale of individual faculty promotion/tenure.	
10	10/12/2022	Narratives and Absolute Criteria	In general, I think these are welcome and needed changes. But I have two specific comments: 1. Is there any discussion about who will do the narrative and peer evaluations? If it is to be colleagues, is this time going to be evaluated or expected in terms of department service? 2. The document is vague about the “higher expectations” for full professor. This is to be set by individual units, but perhaps some examples could help provide guidance to the units. How much higher expectations, and in which areas? Is there freedom to reach higher expectations in areas outside of research (e.g. teaching, service to the community) and achieve full professor?	<p>A narrative is the responsibility of the faculty member. Peer evaluators may come from within or outside of the unit.</p> <p>More specific language for requirements may be detailed in the college and/or school level promotion and tenure guidelines.</p> <p>Three examples of absolute criteria for the mission areas are the following</p> <ol style="list-style-type: none"> 1. Research – Obtain two (2) significant external grants (greater than \$100,000 per grant) by the time of your critical year. In addition, funding to support two (2) PhD students. 2. Teaching – Lead the design of a new PhD program so that it is in effect and the first cohort is on campus. 3. Service – Lead the successful accreditation for the school including self-assessment report, site visits, etc.
11	10/12/2022	Narratives	I like the update and the emphasis on transparency and equity. I appreciate the flexibility that is written into the guidelines so we can set standards that better reflect the needs of the college and unit. Comment A11, to expand what is now required for documenting one's teaching, may need to be tweaked a little for extension faculty with teaching as areas of significant contribution. We don't have syllabi per se. We have lesson plans, but most of those were created by content experts and not by the county agents who are delivering the lessons. We don't encourage our faculty to solicit student feedback because we don't find it very helpful. It is almost always glowing because people love their county agents. To say that the documentation must include those things as a minimum would simply be file clutter for us. We are looking for our faculty to document student learning outcomes in their files, which is listed in the next paragraph.	Functionally equivalent documentation will be outlined in your revised unit guidelines.

12	10/13/2022	Absolute Criteria	<p>I love the changes in procedure that are specified for unsatisfactory ratings. Adding external reviews for teaching and service faculty does create equity in review, but it also adds burden to our peers nationally. What will a unit do if they have a faculty who does diversity work and documents this in their teaching file, but that unit does not have a clear policy or guideline in support of this work? I suppose this new version points towards the need for units to add these details to their guidelines. The community-engaged research language is a big win for our college (CAHS) - most of us do this work and its great to see that recognized in the mother document. All these comments that say XX was added to "align mission critical work with the rewards system".... what does this mean? This comment does not add clarity for me. What reward system, promotion and tenure? Grant incentives? ? Promotion to professor must be higher. by how much? Units determine this? Satisfactory ratings will never be the baseline until all department chairs and committees more regularly apply these labels. Paid admin faculty are most likely to adopt this policy, but it will be difficult to enforce at the school or departmental committee level. Also, make sure you want this in here because it is going to exponentially increase challenges and grievances. The "absolute criteria" is a big change. I feel that the Provost should provide examples of the types of things where absolute criteria must be set. For example, an absolute level of SEI scores, # of peer teaching observations, # pubs, \$\$ grant funding, # grant proposals submitted to XX agency, etc. WOW the tables at the end - fantastic supplements here to the process. We had these in CPASS for years and they really helped faculty. I wish more time would have been spent in the town hall sessions letting folks know about this or distributing them to everyone.</p>	<p>More specific language for requirements may be detailed in the college and/or school level promotion and tenure guidelines.</p> <p>Three examples of absolute criteria for the mission areas are the following</p> <ol style="list-style-type: none"> 4. Research – Obtain two (2) significant external grants (greater than \$100,000 per grant) by the time of your critical year. In addition, funding to support two (2) PhD students. 5. Teaching – Lead the design of a new PhD program so that it is in effect and the first cohort is on campus. 6. Service – Lead the successful accreditation for the school including self-assessment report, site visits, etc.
13	10/13/2022	Promotion Criteria	<p>As some teaching assistant professors have been working toward promotion based on prior criteria, they may not have focused on some of the new criteria outlined under teaching. How will this change reflect on their going up for promotion in fall of 2023?</p>	<p>This will not impact a faculty member seeking promotion in fall 2023.</p>
14	10/13/2022	Public and Community Engaged Research, Teaching and Service	<p>I am emailing my feedback and comments to the Provost, and copying Melissa Latimer, and Chris Staples. Many thanks for this opportunity!</p>	<p>Acknowledged.</p>

15	10/13/2022	Ratings and Continuation	<p>In section II.4, the proposed language on 'unsatisfactory' reviews and non-continuation is unclear as written and must be modified. It repeatedly references ratings 'at any level' and reviews 'at all levels', but the term 'levels' is not defined or explained anywhere in the document. The language earlier in section II.4 suggests that the relevant levels are faculty committees at the department, college, division, and university levels. But the language in the following part suggests that the department chair, dean's office, and provost's office may also be levels. This is absolutely crucial to clarify. If the levels here include the chair, dean, or provost, this section would give lone administrators acting against the recommendations of faculty committees the authority to unilaterally assign 'unsatisfactory' ratings to faculty and essentially fire them. That is a grave threat to academic freedom and shared governance. If, on the other hand, the relevant levels are limited to the committees at the department, college, division, and university levels, this could be interpreted as a more reasonable proposal (though I think the time-frames suggested here are too short for making personnel decisions of this type). Either way, we need to know what is being proposed here, which will involve clarifying what 'all levels' actually refers to. In section VII, the proposed changes state that not documenting your annual report properly will result in 'unacceptable' ratings. Given the changes in section II.4 that were just discussed, this would make a poorly documented annual report into a firing offense. That does not seem like a viable policy. The proposed changes here create new documentation and compliance burdens for faculty in several places, including the teaching documentation in section III.A, the 'performance improvement plans' in section II.4, and the workload plan in section VII. There are several other places where the burden might increase, but it's not entirely clear to me from reading the old guidelines. I think our documentation and compliance burdens are already too high, and I think any proposal to introduce new burdens in this regard should be accompanied by both a cost-benefit analysis and a plan to reduce such burdens in some other area by a compensatory amount. I don't see either of these in the current document. I may be stating the obvious here, but if these policies and other university policies are frequently updated (which they are), and only ever add compliance and documentation burdens, those burdens will grow in an uncontrollable manner. This is not sustainable, efficient, or wise.</p>	<p>Levels of review may include:</p> <ul style="list-style-type: none"> • Department/Division/School Committee - Chairperson/Division Director • College/School Committee – Dean • Provost <p>There is no unilateral firing authority. There is oversight at multiple levels.</p> <p>“A Productivity Report without supporting documentation should receive a rating of “Unsatisfactory” on an annual review.” For further clarification we have added, “Ratings of Unsatisfactory are reserved for cases in which the faculty member is not meeting the academic unit’s minimal standards for job performance. Ratings of Unsatisfactory follow (a) a period of performance decline for which the faculty member had received specific feedback in prior annual evaluations yet has not demonstrated improvement or (b) gross misconduct (e.g., job abandonment).”</p>
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16	10/14/2022	External Reviews	<p>Regarding the "all faculty are externally reviewed in one area for any level of promotion or for tenure as outlined in the offer letter," many faculty members, particularly Teaching Assistant Professors, were hired under a different assumption of the review process when seeking promotion from Teaching Assistant to Teaching Associate Professor. Many of these Teaching Assistant Professors have been working under this assumption for many years. One could argue that changing this promotion requirement at this time, means that many of these Teaching Assistant Professors were hired under false pretenses. While I agree that making the process consistent across the various Colleges is essential for the University, those hired under other processes should be granted the opportunity to pursue promotion under the guidelines in which they were hired. For our students, should a graduation requirement be changed during their education, they are not automatically forced to adopt those changes. They have contracts with their catalog year that binds them to the graduation requirements of the year they started at WVU. Why should our contracts be any different? Personally, I left a tenured position to come to WVU. I did so with the comfort of understanding the promotion process. This change to the process brings added stress and concern. During my interview process, the TAPs I spoke with ensured me that the process of promotion from Teaching Assistant to Teaching Associate Professor was a very simple process, but, to their knowledge, no TAPs had pursued promotion to Full Teaching Professor due to the external review. While I am a newer higher, I was also provided the opportunity to go up for promotion at year three instead of year six, due to my teaching experience. I was ok with this, as I was assured a simple process of going from Teaching Assistant to Teaching Associate. With this change in process, I worry if I should have pushed more for starting at Teaching Associate and worry about my chances of being promoted. I worry primarily because other institutions may have different guidelines and goals than West Virginia University. I believe I am doing enough for promotion but I worry that those outside our institution will not see it that way. Additionally, while I am only in year two, other Teaching Assistant Professors have been working under the current guidelines for many years and have developed their service around the assumption of an internal review. To change this now adds stress to an already stressful job, particularly with the majority of their service time taking place during a pandemic. Now more than ever, we need a strong</p>	<p>If the proposed University Procedures are adopted, timelines will be addressed and established to ensure that a faculty nearing promotion is not negatively impacted. Faculty hired after the University Procedures are adopted would be reviewed under the new procedures.</p> <p>Offer letters include the following language: “Your employment at West Virginia University is governed by the rules and procedures contained in these documents, as they are and as they may from time to time be changed.”</p> <p>External reviews currently take place for every promotion from Instructor to Professor for Service-track faculty members. The proposed guidelines would remove the external review requirement from instructor to assistant professor for service-track faculty.</p> <p>External Reviews for Teaching-track faculty from assistant to associate rank makes a case for higher salaries, if performance warrants and the increase in salaries is financially feasible. Further, this is a basis for longer term contracts for librarian-track faculty.</p> <p>Within the proposed P&T document, flexibility with external reviewers has been introduced for the promotion from assistant professor to associate professor in the non-tenure track. External evaluators are not required to be in the identical position.</p>
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17	10/14/22	Ratings	<p>. A Productivity Report without supporting documentation should receive a rating of "Unsatisfactory" on an annual review. I suggest considering alternative wording so that it includes without "Any" supporting documentation or the "minimal amount" of supporting documents as determined by units, etc- needs to be tweaked... Also "Should" receive a rating ... "May" receive. Something about the pairing of without documentation and should needs to be tweaked. In some units especially in Music we upload student success and achievement and that information is gathered via DM through the college for recruitment, donors etc. Often it is not possible to gather documentation from their successes but important to include those listings. Thanks!</p>	<p>Language was modified. "If there is limited evidence of the faculty member's results, a "Satisfactory" rating(s) may be appropriate. A Productivity Report without supporting documentation should receive a rating of "Unsatisfactory" on an annual review."</p>
18	10/14/2022	Credit and Typos	<p>1. Allowing up to 3 years of credit towards promotion for non-tenure track faculty with previous experience: What about a faculty member that switches from teaching to service, service to teaching can they get promotion to transfer? This may also come into play if people revise their roles (associate professor revises workload to reflect more teaching or service - pg 21 XI). 2. Page 3 (1st full sentence) and page 14 (2nd full paragraph)- regarding fully promoted faculty members requesting evaluation - maybe we include The faculty member must inform the department chair or equivalent, in writing, 90 days in advance of the faculty member's file closing. This will keep a paper trail. 3. Page 3 (2nd full paragraph) - what is the standard time interval?</p>	<p>Three (3) years of credit could be awarded, as determined by the dean, and must be outlined in the faculty member's offer letter. "in writing" was added in both statements.</p>
19	10/16/2022	Ratings and Continuation	<p>1. The current draft essentially eliminates Tenure as it is generally understood. It is better to be clear and declare the new policy: Tenure is eliminated. 2. This new policy puts too much power in the hands of the Chair. It could be used as a weapon to get rid of troublesome faculty, unless strong safeguards are in place. 3. There should be a well understood and clear rubric that defines what constitutes "unsatisfactory". Presently, a faculty member will not be able to self-evaluate in the absence of this rubric. For example, in the teaching evaluation it</p>	<p>BOG Faculty Rule 4.2, Section #5 defines WVU's definition of Tenure. Section 5: Tenure 5.1 Tenure is designed to ensure academic freedom and to provide professional stability for the experienced Faculty Member. It is a means of protection against the capricious dismissal of an individual who has served faithfully and well in the academic community. Continuous self-evaluation, as well as</p>

		<p>says that a faculty member can put his/her syllabus. How many points will be awarded for this action? Notwithstanding all the fuzzy statements in the teaching evaluation, the only thing that matters is the score you receive on the "three" questions on SEI - even if the sample size is small. This is a great disservice because the students will realize the importance of what they were taught only years later. Let's stop treating students as "customers"! They are not by any stretch of imagination. Of course this comment will be summarily dismissed as long as we are thinking that the University is a "business". It is not!</p> <p>4. If a faculty member receives an "Unsatisfactory", the person, who gave that assessment should provide clear guidelines to receive a better rating in the following year. Furthermore the Evaluator should facilitate the faculty member's efforts to improve the rating.</p> <p>5. There should be a well-defined process of appeal and the evaluation should not come into effect until that appeal process is finished. Without a process of appeal, it is simply unjust.</p> <p>6. To make it fair, the Chairs and Deans must be evaluated by faculty and staff - every year - not once in 5 years. The "Two Strikes and Out" policy must apply to all the administrators - Why only to Faculty!</p> <p>7. How are "middle-managers" (Associate Provosts, Associate Deans and Associate Chairs) are evaluated? There should be a policy in-place for this cadre also.</p> <p>8. Finally, to take a holistic approach the policy that is being applied to faculty: "Two Strikes and Out" must apply to all. Otherwise it is patently discriminatory.</p>	<p>regular evaluation by peer and administrative personnel, is essential to the viability of the tenure system.</p> <p>5.1.1 Tenure should never be permitted to mask irresponsibility, mediocrity, or deliberate refusal to meet academic requirements or professional duties and responsibilities.</p> <p>Continued in Section 8: DISMISSAL FOR CAUSE.</p> <p>8.1 Causes for Dismissal: The dismissal of a Faculty Member for cause shall be effected for one or more of the following:</p> <p>8.1.1 Demonstrated incompetence or dishonesty in the performance of professional duties, including but not limited to academic misconduct;</p> <p>8.1.2 Conduct which directly and substantially impairs the individual's fulfillment of institutional responsibilities, including but not limited to violations of BOG Governance Rule 1.6;</p> <p>8.1.3 Insubordination by refusal to abide by legitimate reasonable directions of administrators;</p> <p>8.1.4 Disqualification per the Americans with Disabilities Act.;</p> <p>8.1.5 Substantial and manifest neglect of duty; and</p> <p>8.1.6 Failure to return at the end of a leave of absence.</p> <p>The language was added to codify and make the process transparent. The following sentence was added to, "As noted in section II.B., each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. Ratings of Unsatisfactory are reserved for cases in which the faculty member is not meeting the academic unit's minimal standards for job performance. Ratings of Unsatisfactory follow (a) a period of performance decline for which the faculty member had received specific feedback in prior annual evaluations yet has not demonstrated improvement or (b) gross misconduct (e.g., job abandonment)."</p> <p>Edited to ensure every faculty member receives a performance improvement plan when rated "Unsatisfactory." In addition,</p>
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				<p>replaced “must” recommend non-continuation with “may” recommend non-continuation. The following sentence was also removed: “In addition, if a faculty member receives ‘Unsatisfactory’ across two of the three mission areas in an annual review, at any level, that level of review must recommend non-continuation.” Below is the new text.</p> <p>“If any faculty member receives an ‘Unsatisfactory’ rating(s) in any area at any level, the unit leader must notify the dean and develop a written performance improvement plan with the faculty member. The performance improvement plan must be developed within 30 days of the notification. The unit leader must work with the faculty member on their performance improvement plan and monitor their progress, although the faculty member is ultimately responsible for meeting the requirements of the performance improvement plan. If any faculty member in the following annual review receives a second ‘Unsatisfactory’ rating(s) in the same area at any level, that level of review may recommend non-continuation. Non-continuation may also be recommended if the faculty member receives an ‘Unsatisfactory’ in two out of three consecutive annual reviews in the same area at any level. A review at all levels, including one by the Provost, must occur if the performance improvement plan is not adhered to and/or if there is a recommendation for non-continuation.”</p> <p>The practice for Review of Deans and Administrators can be found here and Department Chairs and Faculty in Other Leadership Positions: Protocols for Appointment, Assignment and Review can be found here.</p> <p>Safeguards are currently in place allowing a faculty member to file a response to annual reviews as well as rebuttals to recommendations of promotion, tenure, and non-continuation.</p>
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				Administrators can be dismissed at any time as they work “at the will and pleasure” of their supervisor.
20	10/17/2022	Ratings and Continuation	<p>This paragraph does away with the protection of tenure. It does not take into consideration that we are all humans and may have a difficult year. This would be enough to fire someone who has been a great faculty member but does not produce any research and gets bad student evaluations one year because, for example, they face a significant health issue or have a child in and out of the hospital. I find this paragraph highly problematic and it shows that the university does not care about our wellbeing. If any faculty member receives an “Unsatisfactory” in any area at any level, the unit leader must notify the dean and develop a performance improvement plan with the faculty member. The performance improvement plan must be developed within 30 days of the notification. The unit leader must work with the faculty member on their performance improvement plan and monitors their progress, although the faculty member is ultimately responsible for meeting the requirements of the performance improvement plan. If any faculty member in the following annual review receives a second “Unsatisfactory” in the same area at any level, that level of review must recommend non-continuation. Non-continuation must also be recommended if the faculty member receives an “Unsatisfactory” in two out of three consecutive annual reviews in the same area at any level. In addition, if a faculty member receives “Unsatisfactory” across two of the three mission areas in an annual review, at any level, that level of review must recommend non-continuation. A review at all levels, including one by the Provost, must occur if the performance.</p>	<p>In the case of a one “unsatisfactory” year a performance improvement plan is implemented, not termination of employment/appointment. If a significant personal circumstance occurs (birth of a child or health related issue) a Modification of Duties may be appropriate.</p> <p>The language was added to codify and make the process transparent. The following sentence was added, “As noted in section II.B., each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. Ratings of Unsatisfactory are reserved for cases in which the faculty member is not meeting the academic unit’s minimal standards for job performance. Ratings of Unsatisfactory follow (a) a period of performance decline for which the faculty member had received specific feedback in prior annual evaluations yet has not demonstrated improvement or (b) gross misconduct (e.g., job abandonment).”</p> <p>Edited to ensure every faculty member receives a performance improvement plan when rated “Unsatisfactory.” In addition, replaced “must” recommend non-continuation with “may” recommend non-continuation. The following sentence was also removed: “In addition, if a faculty member receives ‘Unsatisfactory’ across two of the three mission areas in an annual review, at any level, that level of review must recommend non-continuation.” Below is the new text.</p> <p>“If any faculty member receives an ‘Unsatisfactory’ rating(s) in any area at any level, the unit leader must notify the dean and develop a written performance improvement plan with the</p>

				<p>faculty member. The performance improvement plan must be developed within 30 days of the notification. The unit leader must work with the faculty member on their performance improvement plan and monitor their progress, although the faculty member is ultimately responsible for meeting the requirements of the performance improvement plan. If any faculty member in the following annual review receives a second ‘Unsatisfactory’ rating(s) in the same area at any level, that level of review may recommend non-continuation. Non-continuation may also be recommended if the faculty member receives an ‘Unsatisfactory’ in two out of three consecutive annual reviews in the same area at any level. A review at all levels, including one by the Provost, must occur if the performance improvement plan is not adhered to and/or if there is a recommendation for non-continuation.”</p>
21	10/17/2022	Ratings and Continuation	<p>I find this paragraph simply abusive. It should be heavily revised or discarded: If any faculty member receives an “Unsatisfactory” in any area at any level, the unit leader must notify the dean and develop a performance improvement plan with the faculty member. The performance improvement plan must be developed within 30 days of the notification. The unit leader must work with the faculty member on their performance improvement plan and monitors their progress, although the faculty member is ultimately responsible for meeting the requirements of the performance improvement plan. If any faculty member in the following annual review receives a second “Unsatisfactory” in the same area at any level, that level of review must recommend non-continuation. Non-continuation must also be recommended if the faculty member receives an “Unsatisfactory” in two out of three consecutive annual reviews in the same area at any level. In addition, if a faculty member receives “Unsatisfactory” across two of the three mission areas in an annual review, at any level, that level of review must recommend non-continuation. A review at all levels, including one by the Provost, must occur if the performance.</p>	<p>BOG Faculty Rule 4.2, Section #5 defines WVU’s definition of Tenure. Section 5: Tenure 5.1 Tenure is designed to ensure academic freedom and to provide professional stability for the experienced Faculty Member. It is a means of protection against the capricious dismissal of an individual who has served faithfully and well in the academic community. Continuous self-evaluation, as well as regular evaluation by peer and administrative personnel, is essential to the viability of the tenure system. 5.1.1 Tenure should never be permitted to mask irresponsibility, mediocrity, or deliberate refusal to meet academic requirements or professional duties and responsibilities. Continued in Section 8: DISMISSAL FOR CAUSE. 8.1 Causes for Dismissal: The dismissal of a Faculty Member for cause shall be effected for one or more of the following: 8.1.1 Demonstrated incompetence or dishonesty in the performance of professional duties, including but not limited to academic misconduct;</p>

				<p>8.1.2 Conduct which directly and substantially impairs the individual’s fulfillment of institutional responsibilities, including but not limited to violations of BOG Governance Rule 1.6;</p> <p>8.1.3 Insubordination by refusal to abide by legitimate reasonable directions of administrators;</p> <p>8.1.4 Disqualification per the Americans with Disabilities Act.;</p> <p>8.1.5 Substantial and manifest neglect of duty; and</p> <p>8.1.6 Failure to return at the end of a leave of absence.</p> <p>The language was added to codify and make the process transparent. The following sentence was added, “As noted in section II.B., each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. Ratings of Unsatisfactory are reserved for cases in which the faculty member is not meeting the academic unit’s minimal standards for job performance. Ratings of Unsatisfactory follow (a) a period of performance decline for which the faculty member had received specific feedback in prior annual evaluations yet has not demonstrated improvement or (b) gross misconduct (e.g., job abandonment).”</p> <p>Edited to ensure every faculty member receives a performance improvement plan when rated “Unsatisfactory.” In addition, replaced “must” recommend non-continuation with “may” recommend non-continuation. The following sentence was also removed: “In addition, if a faculty member receives ‘Unsatisfactory’ across two of the three mission areas in an annual review, at any level, that level of review must recommend non-continuation.” Below is the new text.</p> <p>“If any faculty member receives an ‘Unsatisfactory’ rating(s) in any area at any level, the unit leader must notify the dean and develop a written performance improvement plan with the faculty member. The performance improvement plan must be</p>
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				<p>developed within 30 days of the notification. The unit leader must work with the faculty member on their performance improvement plan and monitor their progress, although the faculty member is ultimately responsible for meeting the requirements of the performance improvement plan. If any faculty member in the following annual review receives a second 'Unsatisfactory' rating(s) in the same area at any level, that level of review may recommend non-continuation. Non-continuation may also be recommended if the faculty member receives an 'Unsatisfactory' in two out of three consecutive annual reviews in the same area at any level. A review at all levels, including one by the Provost, must occur if the performance improvement plan is not adhered to and/or if there is a recommendation for non-continuation."</p>
22	10/18/2022	Absolutes and Criteria	<p>I appreciate the work and consideration that went into these proposed changes. I approach this document as a pre-tenure faculty member in the College of Applied Human Sciences with a background in educational research, instruction, and assessment and, in particular, a specialization in learning. I also consider the document as a whole in combination with the highlighted changes. The following reflect areas of comment and potential concern from my perspective. A number of questions and concerns are based on Section III. A. Teaching: The evidence now required as part of the teaching portfolio appears to be a bit narrow and, perhaps, shallow. More concerningly, the addition of "at least one peer evaluation prior to the mid-tenure/promotion review" seems problematic, for varied reasons. First, this addition does not appear to align with the stated aims of expanding what counts and ensuring rigor. The evidence base supporting peer evaluation as an effective mechanism that leads to instructional improvement which in turn mediates improvement in student learning outcomes is quite lean. It is a practice often used and whose purpose is to improve learning for students, but whose function (and practice) is often quite muddled and inconsistently implemented. Perhaps most pressing, peer evaluation often fails to provide discriminable feedback about teaching performance (i.e., existing work has found that the majority of peer evaluations are positive, and it's often treated as a one-and-</p>	<p>More specific language for requirements may be detailed in the college and/or school level promotion and tenure guidelines.</p> <p>Proposed training and elucidation of best practices will occur in partnership with Teaching and Learning Commons and the Provost Office.</p> <p>Removed the 4.5 months language from the "Satisfactory" rating.</p> <p>Meeting and exceeding absolutes will replace "meeting and exceeding recently promoted peers."</p> <p>Responses to annual reviews will be changed to within 10 working days of notification, rather than December 31 of that year.</p> <p>Chairperson is defined as a footnote on Page 3.</p>

done/box-checking practice). Conversely, a requirement of one peer evaluation welcomes the same pitfalls noted in existing research in which a lot of evaluation is consolidated on one observation, session, or data point (e.g., Brent & Felder, 2004). Just as important, peer evaluation has also been found to be impacted by perceptions of bias, and is thus affected by factors similarly affecting SEIs (e.g., Ackerman et al., 2009). As such, I'm not sure that this addition addresses instructional quality (i.e., rigor) so much as it informs reflection-on-practice. It also invites pressing concerns regarding bias and unevenness of implementation. Next, expectations around the peer evaluation are not clearly stated. Peer evaluations vary widely – they may be direct or indirect, may involve observation, may involve examination of instructional materials, may be conducted by members inside or outside an academic unit, may be conducted once or in repeated, structured fashion, etc. It is not at all apparent what “kind” of peer evaluation is expected to be featured in a teaching portfolio. Overall, the addition of a peer evaluation does not read as being particularly grounded in and by the document, and the present expanded requirements seem unlikely to result in an improved (or expanded, or more rigorous) process for evaluating teaching. As another concern, the continued requirement of student feedback “of” (on?) instruction remains problematic given the many known factors biasing and unduly influencing students’ evaluations of instruction. (For transparency, I write these concerns as a faculty member who has thus far received mean instructor ratings exceeding 4.50 across undergraduate and graduate courses). SEIs and the like simply do not translate into an effective or fair means of evaluating instruction, and the addition of “Performance evaluations should be based on a holistic assessment of evidence provided in the file rather than over-reliance on student feedback of instruction” (p. 5) in my opinion does not do enough to address the many known issues with this method. More broadly, the language used throughout this subsection (e.g., disseminating knowledge; a dedication to improving methods of presenting material) does not appear to be particularly student centered in that it engenders notions of students as learners to receive rather than to actively (co)construct. Other language is a bit on the awkward side (e.g., prime requisites?). Finally, I also did not entirely understand the purpose or function of TEACHING APPENDICES #1. If this description is important enough to be valued, it seems like it should feature in the main document (likewise with Appendices 2 and 3). It contextualizes the

The text was corrected for the Items that a faculty member or the administrator are responsible for.

The faculty member is responsible for assuring completion of Items 3, 4 and 8. The Chairperson and in some cases the Dean has responsibility for Items 1, 2, 5, 6, and 7.

Additional issues discussed.

important range of activities and forms which teaching may take at WVU but, at the same time, devotes a lot of language toward describing relatively obvious contextual factors (e.g., “Because no two teaching activities will ever be exactly the same, the metrics cannot be universally applied in prescribed ways. Evaluations should consider the range of factors that contribute to the demands of the teaching task.”). I think the core of this language is worth emphasizing more strongly in the main subsection. I was particularly struck by the following: “Rather than providing a list of examples that could be associated with each teaching activity, this document provides guiding principles to help faculty and evaluation committee members consider different examples and the types of information they convey. We have also included an appendix that lists a range of possible examples. Again, this list is not meant to be prescriptive, but to generate ideas amongst faculty.”. This text appears at least somewhat contradictory to the effort substantiating the course teaching table. To the contrary, I would contend that a more robust path forward would be to explicitly (if not prescriptively) list the range of forms, types, functions, and – importantly – evidences that apply to teaching at WVU and to require a range of evidences that address these varied teaching dimensions. For example, setting clear guidelines (teaching activities/dimensions and associated evidence types) and giving faculty discretion to produce, compile, and report on evidences that address a range of dimensions and outcomes of teaching – such as student learning, student experiences, and course design – seems truer to the aim of “expanding the definition of what counts” than simply adding a (potentially problematic) requirement of peer evaluation. Section VII. Faculty Evaluation File: It’s not entirely clear why the unit leader (e.g., Chair/Director) and Dean would share responsibility for Items 3 and 4. In Item 8, the requirement of a narrative for areas of significant contribution seems to be mentioned in passing. Perhaps this should be a separate item? IX. Annual Evaluations A number of concerns seem warranted based on the following (p. 15): “For some new faculty members, the time period under review will include research, teaching, and/or service efforts for 4.5 months (or less) of work instead of a full year. In such cases, the efforts and outcomes should be recalibrated for that shorter time period. If there is limited evidence of the faculty member’s results in their first review, a “Satisfactory” rating(s) may be appropriate. For the first review, material in the file such as reports by colleagues

on one's teaching and information on one's activities in research and service are useful to assess progress." In short and roughly speaking, it hardly seems fair to assign a rating of "Satisfactory" for factors that are – relatively speaking – out of the new faculty member's control. Such a rating can carry real negative weight. In some cases, limited evidence (e.g., in the realm of teaching, a lack of SEIs, a lack of complete pre-post data; in the realm of research, a preponderance of work in progress or revision) is difficult to avoid. The time-frame of first review also varies from unit to unit and faculty to faculty. Some leniency here via expressed flexibility around this initial review would go a long way to supporting new faculty. It's also unclear what is meant by "results" in this paragraph. It is likewise unclear how "reports by colleagues on one's teaching" reflects a reliable or meaningful mechanism for evaluating faculty. X. Criteria for Promotion or Tenure: "The term "significant contributions" are normally those that meet or exceed" is not grammatically correct. The following is unclear: "Candidates for tenure who are expected to make significant contributions in teaching, research, or service are expected to demonstrate at least reasonable contributions in the area(s) defined in their offer letter or subsequent memorandum of understanding." In addition, the comment [A37] indicates that this description outlines when and how the absolute criteria are routinely reviewed and updated. I didn't note the "how" in this description and would be interested in this guidance. More broadly, the macrostructure of this section seems unbalanced. For example, it seems strange for "Successful teaching is an expectation..." to come before "In order to be recommended for promotion, a faculty member must demonstrate significant contributions in the area(s) identified in the letter of appointment or modified in a subsequent memorandum of understanding." The latter text is also repeated in this section of the document. After expansion (i.e., comment [A38]), the emphasis seems disproportionately placed on service, particularly considering that service often reflects an area of reasonable contribution. If the impetus for this expansion is born out of concerns around inequities around how service is evaluated, this paragraph does not address those concerns. If the impetus is on bolstering programming, this is not evident either. Within this service paragraph, the emphasis on programs also feels disproportionate, as does the explication of a need for "extraordinary and extended service to the University, the profession, or on a national or international level". I also don't see much description (if any) of

			<p>significant contributions in Research, other than for faculty with a prefix of “Research” (significant contribution in research is described in the next section: External Evaluations). Overall, this section is quite hard to follow, with repeated text, varied sequencing, imbalanced emphasis, and a lack of clarity impeding meaning. XI. Changing Areas of Significant Contribution: It’s not clear why alternative pathways was changed to multiple pathways (as commented) when there are only two pathways delineated. While this is quite outside my expertise and any relevance to my current context, five years (p. 21) seems like a long time-frame. Perhaps this could be made more explicit, or a rationale provided? XIII. Evaluation Process: Regarding A. 6. (“Responses to annual reviews must be submitted by December 31 of the year...”), it might be better to implement a relative deadline (e.g., 4 months after receipt of review, or some other time-frame). Some units operate on a June-July schedule (submitting annual review materials in September with review letters usually coming in around November/early December), while others submit annual review materials in December/January). A hard-and-fast December 31 deadline seems to give one contingent much more time for response than another. There also appears to be a typo here in the first sentence. Minor feedback: It would probably be good to include Footnote 1 earlier in the document, as the use of “Chair/Chairperson” and “Department” occurs prior to that footnote reference. It might be best overall to use broader, more inclusive language at the outset given the use of different unit structures across WVU.</p>	
23	10/18/2022	Typos	<p>Page 2, Section II. A. 1. The language at the end of the paragraph, "Negative annual evaluations might lead to..." and "A faculty member's failure to fulfill a performance improvement plan could lead to..." doesn't match with the language in the last paragraph in Section II.A.4. on page 3, which makes the performance improvement plan mandatory.</p> <p>Page 2, Section II.A.4. I think this heading is in the wrong place. The paragraph immediately under the heading applies to points 1 through 4 on this page -- the annual evaluation, the evaluation for promotion in rank, the evaluation of tenure-track faculty for tenure, and the evaluation of post-promotion...faculty.</p> <p>Page 3, Section II.A.4. last paragraph, 3rd sentence - typo "The unit leader must work with the faculty member on their performance improvement plan and monitor (no S) their progress..." Also, I suggest adding this text to the final</p>	<p>The first references are prior to an “Unsatisfactory” rating, whereas the last paragraph is after the “Unsatisfactory” rating occurs.</p> <p>Corrected “monitors.”</p> <p>Corrected “are.”</p> <p>Corrected “heavy.”</p> <p>The text was corrected for the Items that a faculty member or the administrator are responsible for.</p>

			<p>sentence: "In addition, if a faculty member receives "unsatisfactory" across two of the three mission areas in an annual review, at any level, that level of review must recommend non-continuation [and no performance improvement plan is developed.]"</p> <p>Page 4, Section III. 2nd paragraph I suggest adding this language: "Academic leaders annually approve the research, teaching, and/or service assignments of their faculty [as documented in the workload document or memorandum of understanding] and only work approved by the academic leader IS (singular) considered in the evaluation.</p> <p>Page 7, Section III.B. 3rd full paragraph, 3rd sentence "Public scholarship work may rely HEAVILY [not heavy] on review and evaluation..."</p> <p>Page 13, Section VII. 8 last paragraph "The faculty member is responsible for assuring completion of Items [shouldn't this be 2, 3,4, 8?] The Chairperson and in some cases the Dean shares responsibility for Items [shouldn't this be 2 and 4?] and has responsibility for Items [shouldn't this be 1, 5, 6, and 7?] Teaching Appendices #1, paragraph 7, sentence 4 "While the information conveyed...examples generated by students ARE essential."</p> <p>Teaching Appendices #1, Evaluative Tools paragraph What is "FEC?" Graduate Advising/Mentoring Table The note refers to "None of this is required beyond the minimum 4 unless required by the unit." What are the minimum 4? Typology of Research Activities & Evidence Community-engaged Scholarship, first bullet *Any Activity listed above and/or considerations. What are "considerations?" Service Appendices #3 Evidence of Service section -- Evidence is repeated in both the heading and the following sentence. First paragraph on next page, 2nd sentence: "It is also helpful to note whether the artifact was [no 'a'] formative or summative..."</p>	<p><u>The faculty member is responsible for assuring completion of Items 3, 4 and 8.</u> The Chairperson and in some cases the Dean has responsibility for Items 1, 2, 5, 6, and 7.</p> <p>Faculty Evaluation Committee (FEC).</p>
24	10/19/2022	External Reviews and Continuation	<p>Thank you for all the work you have done to make changes to the existing P&T documents. I imagine it must have taken a huge amount of time and energy to accomplish. The document's recognition of public-facing work, interdisciplinary work, and social justice work is very welcome, but there are some changes that seem onerous, more in keeping with what seems to me an over-reliance on bureaucracy at the expense of infrastructure. First, the demand that we have external reviews for non-t-t people going up for promotion is not viable. It's not in line with what our aspirational peer institutions do, and it is not, from a labor</p>	<p>BOG Faculty Rule 4.2, Section #5 defines WVU's definition of Tenure.</p> <p>Section 5: Tenure</p> <p>5.1 Tenure is designed to ensure academic freedom and to provide professional stability for the experienced Faculty Member. It is a means of protection against the capricious dismissal of an individual who has served faithfully and well in the academic community. Continuous self-evaluation, as well as</p>

		<p>perspective, likely to work. I get multiple requests every year to do external tenure and promotion reviews, so many that I would have to refuse any that came to me for a non tenure-track candidate. If the idea is that other non tenure-track faculty could produce those external reviews, that's an even worse option. Giving people who have the most demands on their time and the least institutional status extra work is actually pretty cruel; in the name of respecting their professional accomplishments it just ends up degrading their time and energy even more. Second, the language that two unsatisfactory reviews in annual reports "must" lead to non-continuation is excessively draconian. I understand that it can be hard to terminate people who consistently are not doing their jobs to the standards of their departmental peers, but this new mandate creates a culture of fear and anxiety around our performance. This isn't Yale. This is WVU. We should have policies in line with our aspirational peers (not our actual peers). Creating more roadblocks and more anxiety does not make us appear more rigorous. It just makes us appear as though we do not fully understand professional norms and standards at R1 universities better than our own. Finally, while I appreciate that you have included a section broadening the documentation of teaching materials for tenure and promotion (it's nice to get away from the obsession with customer satisfaction as a benchmark of good teaching), I think you should consider that in doing this you are adding to an already overloaded bureaucratic review structure. You are, that is, requiring more work from candidates, chairs, and reviewers when what you need is an infrastructure that alleviates the petty details that flourish here around every thought, deed, and desire. I'm not arguing that we shouldn't have a teaching portfolio, but I am pointing out that you -- compared to your aspirational (and actual) R1 peers -- do not offer anything like the compensation for your ever increasing demands. I'm not just talking about money. No department has an adequate support staff in the humanities. No humanities department has a chair who gets the standard course release for admin work. You are pushing people to the breaking point, you are gutting your future leaders of any desire to take admin roles, and you are damaging your fantasy of being a real R1.</p>	<p>regular evaluation by peer and administrative personnel, is essential to the viability of the tenure system.</p> <p>5.1.1 Tenure should never be permitted to mask irresponsibility, mediocrity, or deliberate refusal to meet academic requirements or professional duties and responsibilities.</p> <p>Continued in Section 8: DISMISSAL FOR CAUSE.</p> <p>8.1 Causes for Dismissal: The dismissal of a Faculty Member for cause shall be effected for one or more of the following:</p> <p>8.1.1 Demonstrated incompetence or dishonesty in the performance of professional duties, including but not limited to academic misconduct;</p> <p>8.1.2 Conduct which directly and substantially impairs the individual's fulfillment of institutional responsibilities, including but not limited to violations of BOG Governance Rule 1.6;</p> <p>8.1.3 Insubordination by refusal to abide by legitimate reasonable directions of administrators;</p> <p>8.1.4 Disqualification per the Americans with Disabilities Act.;</p> <p>8.1.5 Substantial and manifest neglect of duty; and</p> <p>8.1.6 Failure to return at the end of a leave of absence.</p> <p>The language was added to codify and make the process transparent. The following sentence was added, "As noted in section II.B., each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. Ratings of Unsatisfactory are reserved for cases in which the faculty member is not meeting the academic unit's minimal standards for job performance. Ratings of Unsatisfactory follow (a) a period of performance decline for which the faculty member had received specific feedback in prior annual evaluations yet has not demonstrated improvement or (b) gross misconduct (e.g., job abandonment)."</p> <p>Edited to ensure every faculty member receives a performance improvement plan when rated "Unsatisfactory." In addition,</p>
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				<p>replaced “must” recommend non-continuation with “may” recommend non-continuation. The following sentence was also removed: “In addition, if a faculty member receives ‘Unsatisfactory’ across two of the three mission areas in an annual review, at any level, that level of review must recommend non-continuation.” Below is the new text.</p> <p>“If any faculty member receives an ‘Unsatisfactory’ rating(s) in any area at any level, the unit leader must notify the dean and develop a written performance improvement plan with the faculty member. The performance improvement plan must be developed within 30 days of the notification. The unit leader must work with the faculty member on their performance improvement plan and monitor their progress, although the faculty member is ultimately responsible for meeting the requirements of the performance improvement plan. If any faculty member in the following annual review receives a second ‘Unsatisfactory’ rating(s) in the same area at any level, that level of review may recommend non-continuation. Non-continuation may also be recommended if the faculty member receives an ‘Unsatisfactory’ in two out of three consecutive annual reviews in the same area at any level. A review at all levels, including one by the Provost, must occur if the performance improvement plan is not adhered to and/or if there is a recommendation for non-continuation.”</p> <p>External reviews currently take place for every promotion from Instructor to Professor for Service-track faculty members. The proposed guidelines would remove the external review requirement from instructor to assistant professor for service-track faculty.</p> <p>External Reviews for Teaching-track faculty from assistant to associate rank makes a case for higher salaries, if performance</p>
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				<p>warrants and the increase in salaries is financially feasible. Further, this is a basis for longer term contracts for librarian-track faculty.</p> <p>Within the proposed P&T document, flexibility with external reviewers has been introduced for the promotion from assistant professor to associate professor in the non-tenure track.</p>
25	10/20/2022		Typo p. 3, paragraph 4, line 4: "monitors" should be "monitor"	Corrected "monitors."
26	10/20/2022	Continuation	Relative to the scenario of a final decision being made to discontinue a tenured faculty member due to two unsatisfactory ratings (p. 3), it isn't clear to me the timeframe and method of notification to the faculty member and whether there will be a terminal year granted. Page 10, section V. discusses notification but doesn't not directly address non-continuation of a tenured faculty member. I would suggest putting direct language to this point at the end of the referenced paragraph on p. 3 and/or p. 10.	Text was added to XIII. Evaluation Process, Section D, Number 2.
27	10/21/2022	Criteria	In review of the University's procedures draft available for comments, constituents from the WVU School of Medicine wish to comment on items that are specific to clinical track faculty. The concerns raised are relevant to Objective #1: "To expand the definition of what counts in teaching, research, and service... [to] lead to a more inclusive approach by recognizing a wider range of contributions made by faculty." Specifically, within this draft document, we ask that "Quantitative expectations" have a statement that states that expectations will be waived during usage of family or medical leave. (Page 17) 6. Clinical -Track Faculty and the Health Sciences Center Clinicians are non-tenure track and must be committed to clinical service as well as teaching. Faculty members in the clinical track are not subject to the seven-year probationary period of the tenure track; promotion to senior ranks is not a requirement for institutional commitment and career stability. Annual evaluation of clinical-track faculty	<p>If the proposed University Procedures are adopted, the School of Medicine will be required to update and align their guidelines. The completion goal would be July 1, 2023. The SOM will determine the process and rating criteria for their guidelines. The SOM guidelines must be approved by the Provost Office.</p> <p>Additional comments discussed.</p>

members will be based on assignments as described in the letter of appointment and in subsequent annual documents that identify departmental responsibilities in teaching, service and scholarship. The annual evaluation will focus on specific recommendations for improvement and professional development. The annual evaluation of a promotable faculty member will generally emphasize quantitative and qualitative expectations and progress toward the next appropriate rank.” Additionally, it is unclear when the next revisions to the Guidelines for Promotion and Tenure will be updated within the WVU School of Medicine. It is also unclear if there exists a policies and procedures committee within the WVU School of Medicine, wherein faculty can discuss concerns regarding the guidelines. If this exists, increased transparency of this meeting is advised. Moving forward, we request consideration of removal of the quantitative wRVU metric for promotion during the next revision of the WVU School of Medicine Guidelines for Faculty Appointment, Promotion and Tenure. Per review, West Virginia University School of Medicine Guidelines for Faculty Appointment, Promotion and Tenure was last updated in 2019, notably prior to the SARS-Cov2 pandemic. While the pandemic has certainly created disruptions for many faculty, the significant effects on patient care are doubly relevant to clinical track faculty physicians given clinic closures and elective surgery closures and the financial instability of patients able to seek medical services. Per guidelines, service for clinical track faculty is defined as below: Clinical service includes all professional activities directly and indirectly related to patient or client care. Significant contributions in clinical service should include evaluation of productivity such as WRVU (work relative value unit) targets for most specialties or other appropriate measures, and quality as defined by specific quality parameters for a given specialty. This is further delineated for clinical track faculty, for promotion both to associate professor and professor: Meeting or exceeding wrvu targets based on % effort allocation Meeting or exceeding clinical service quality indicators RVUs are the basic component of the Resource-Based Relative Value Scale (RBRVS), which is a methodology used by the Centers for Medicare & Medicaid Services (CMS) and private payers to determine physician payment. They were developed to standardize charges for services throughout different service areas, medical specialties, hospital systems, and payors. Essentially, when a physician sees a patient, performs a procedure, etc the physician will have a wRVU assigned to that activity. A physician cannot generate

wRVUs if they are not seeing patients, e.g. family or medical leave or protected lactation time. Many physician services do not generate RVUs. For example, if a physician spends time performing a service that does not have an associated CPT procedure code, the physician will not be compensated for that separate service. There are many examples of work that are not awarded wRVUs, including triaging patient concerns via an electronic message or other types of patient outreach. Most notably, teaching of learners, including resident physicians and medical students, do not generate wRVUs. Surveys of providers in practices using wRVUs report a perceived decrease in the quality of care, as well as time spent per patient for evaluation and management.² Academic providers have also reported that the wRVU model fails to account for the time and effort required to care for patients with complex co-morbidities, which is very prevalent with the Appalachian patient population.² There are several published concerns that wRVUs undervalue cognitive-based physician work, notably those performed in the clinic setting.² Factors beyond a provider's control may have a significant adverse effect on a provider's generated wRVUs. For example, in emergency departments with large numbers of holding patients or with few patient visits during overnight hours, low patient volumes may have an adverse impact on providers' ability to generate RVUs. Similarly, a surgeon whose surgical schedule is half-full will be unable to optimize RVU generation, most pertinent given the time of operating room closures/cancelling elective procedures in the pandemic. Specifically, several faculty members have concerns for the usage of the work relative value unit (wRVU) metric as quantitative criteria for promotion within the clinical track.¹ Several logistical concerns have been raised. During the pandemic, delays in billing (how wRVUs will be generated) were common (months delayed during certain periods), affecting the wRVUs assigned to a healthcare provider. The actual amount of wRVUs awarded is currently determined by the hospital system but uses 2019 RVU compensation guidelines as published by Center for Medicare and Medicaid Services (CMS). The current compensation guidelines have been adjusted to attempt to value cognitive-based physician work, rather than procedural work. For example, a 99214 code (a common code for office-based visits) was awarded 1.5 wRVUs in 2019, versus 1.92 for 2021 guidelines. We would again emphasize these metrics were never designed for consideration of promotion and were created to attempt standardization of physician fees.

Currently, there is no clear (or least easily found) policy that discusses if the wRVU target is adjusted for a faculty member that undergoes family or medical leave. Several constituents in the WVU School of Medicine assume the wRVU target is not/will not be adjusted during any periods of leave. This dramatically affects faculty members who are required to take parental leave, both for childbearing and non-childbearing faculty, as well as any medical leave absence, most relevant given the risk of serious illness while working through the pandemic. Protected lactation time which requires “blocking” clinic slots for an ambulatory faculty member (e.g. a faculty physician who works mostly in the clinic setting) will also result in lower generated wRVUs. Gender disparities in promotion and tenure in academic medicine have been well documented and studied extensively; elimination of the quantitative wRVU metric for promotion would be in line with proposed solutions to address this inequity.³ Regarding continuation letters and moving the critical year: The statements in the bylaws which read “For promotion to associate professor in the non-tenure track there must be a minimum of three reviews on file with the promotion review being the fourth review” and “The School of Medicine is willing to recognize extraordinary contributions with credit toward tenure.” There are two applicable situations: credit up to 3 years of service at rank at another institution or requesting during the 4th year to have the critical year moved to the 5th year” contradict each other. There should be clearer language regarding if a faculty member can apply for promotion in their 4th year (to advance in their 5th year) or if they must wait until their 5th year to apply (to advance in their 6th year) based on the number of annual reviews received. For example, general policies entails: For promotion to associate professor in the non-tenure track there must be a minimum of three reviews on file with the promotion review being the fourth review. However, as promotion committees review faculty usually from Sept-October, whereas traditional clinical track faculty appointments start July, some faculty are unable to receive an annual review during the first year of appointment that can count toward promotion. This can create inequality in promotion in which some faculty are able to apply after three years at their current appointment, whereas others must wait for the fourth year to apply based on leadership interpretation of the guideline. In addition, there currently is not a quantitative or qualitative standard for what qualifies as “extraordinary”; this statement is subjective and is interpreted by leadership

without clear guidelines. Further, regarding annual review letters, if there is no consistent university policy on waiving the quantitative wRVU requirement, a clinical track faculty member is more likely to receive an “unsatisfactory” rating for the mere fact they were unable to see patients while undergoing medical leave. Essentially, the yearly wRVU target assigned to faculty is assuming the work a faculty should complete (based on national percentiles for private practice physicians) in one year’s time frame. It is difficult to meet this target should a faculty member take 8-12 weeks away from clinical duties. To meet the yearly wRVU target, a faculty member may attempt to compress one year’s clinical work in 8-10 month time frame, for fear they will receive an unsatisfactory review for clinical service, thereby potentially delaying subsequent promotion. Per the General Statement guidelines for the School of Medicine Appointment, Promotion and Tenure: Departmental committees and chairs are responsible for reviewing the University’s written guidelines for ‘unsatisfactory,’ ‘satisfactory,’ ‘good’ and ‘excellent’ contributions. They should consider how to apply these equitably when reviewing faculty performance. Further guidance from the University specifically on waiving the wRVU target metric during years where medical leave is will aid in ensuring equity across all departmental committees and departmental chairs, especially those in leadership who have not felt the challenges of undergoing medical leave during their respective careers. References: 1. <https://medicine.wvu.edu/media/367112/final-school-of-medicine-guidelines-8-30-2019.pdf> 2. Peter Luong, MS, Alexandria M Bojansky, RN BSN CCTC, Ankur Kalra, MD FACP FACC FSCAI, Academic Physician Compensation in the United States: Should providers’ work at academic medical Centres be judged by just one metric, the relative value unit (RVU)?, European Heart Journal, Volume 39, Issue 40, 21 October 2018, Pages 3633–3634, <https://doi.org/10.1093/eurheartj/ehy640> 3. Murphy M, Callander JK, Dohan D, Grandis JR. Women's Experiences of Promotion and Tenure in Academic Medicine and Potential Implications for Gender Disparities in Career Advancement: A Qualitative Analysis. JAMA Netw Open. 2021 Sep 1;4(9):e2125843. doi: 10.1001/jamanetworkopen.2021.25843. PMID: 34542616; PMCID: PMC8453318.

28	10/21/2022	Continuation and External Reviews	<p>As many have observed already, the most troubling aspect of the revised Procedures document is its provisions for non-continuation of tenured faculty. Although I understand that these represent more a codification of existing policies than an implementation of new ones, they are sadly reflective of a nationwide trend toward the erosion of tenure itself. The power to impose consequences this drastic should not be vested in any one authority (i.e., termination following a unilateral "unsatisfactory" rating from the dean or provost, possibly over the objections of the department and college) where personal or political considerations may prevail. Also, no appeals process at this level seems to be specified.</p> <p>Another issue, though much smaller, is the addition of peer evaluation as a requirement for the teaching portfolio. Requiring yet more time, yet more labor, and yet more paperwork to do properly, this seems to be the latest in a series of mandates that originate from the upper administration and devolve on the already overburdened rank-and-file faculty. At the very least, an observation letter should be a "may include" rather than "must include" item, which individual members may solicit if they feel their SEIs, course materials, and teaching narrative do not tell the full story. Thank you for your hard work on the document and for considering these comments.</p>	<p>Edited to ensure every faculty member receives a performance improvement plan when rated "Unsatisfactory." In addition, replaced "must" recommend non-continuation with "may" recommend non-continuation. The following sentence was also removed: "In addition, if a faculty member receives 'Unsatisfactory' across two of the three mission areas in an annual review, at any level, that level of review must recommend non-continuation." Below is the new text.</p> <p>"If any faculty member receives an 'Unsatisfactory' rating(s) in any area at any level, the unit leader must notify the dean and develop a written performance improvement plan with the faculty member. The performance improvement plan must be developed within 30 days of the notification. The unit leader must work with the faculty member on their performance improvement plan and monitor their progress, although the faculty member is ultimately responsible for meeting the requirements of the performance improvement plan. If any faculty member in the following annual review receives a second 'Unsatisfactory' rating(s) in the same area at any level, that level of review may recommend non-continuation. Non-continuation may also be recommended if the faculty member receives an 'Unsatisfactory' in two out of three consecutive annual reviews in the same area at any level. A review at all levels, including one by the Provost, must occur if the performance improvement plan is not adhered to and/or if there is a recommendation for non-continuation."</p> <p>The requirement of one (1) peer evaluation of one (1) class prior to a tenure or promotion decision is appropriate if teaching is an area of significant contribution.</p>
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29	10/24/2022	Ratings and Continuation External Reviews	<p>I appreciate the expansions to consider the importance of community-engaged work; as someone who does community-based research and utilizes service learning pedagogy, I am happy to see the university specifically noting the labor that goes into those sorts of projects, because many institutions do not and folks who engage those sorts of projects fail to receive the types of support they need. I am concerned about the lack of clarity about steps/checks between the initiation of an improvement plan after receiving an "Unsatisfactory" and then being recommended for non-continuation if a second rating is received (or two Unsatisfactories in one assignment). While I do think there should be language surrounding this, and a process in place, as it is laid out in this document, that process, I feel, focuses entirely on the department chair. That could be an issue if there are personnel issues between an employee and the chair. I would like to see a clearer process described, with opportunities for faculty to receive the sort of support they clearly need if they are receiving those ratings, or some sort of third party that can be brought in to help create the plan. I also am concerned about the external review for TAPs and SAPs--it is more labor for them when they are not paid at an equal level to research faculty. If the goal is to standarize the process so that their wages can go up, then I would feel differently--but that is not the outcome being communicated, and so I believe that this is an equity issue. Asking people to do more work, to do the same type of work as their peers who make more money than them, is not just.</p>	<p>Edited to ensure every faculty member receives a performance improvement plan when rated "Unsatisfactory." In addition, replaced "must" recommend non-continuation with "may" recommend non-continuation. The following sentence was also removed: "In addition, if a faculty member receives 'Unsatisfactory' across two of the three mission areas in an annual review, at any level, that level of review must recommend non-continuation." Below is the new text.</p> <p>"If any faculty member receives an 'Unsatisfactory' rating(s) in any area at any level, the unit leader must notify the dean and develop a written performance improvement plan with the faculty member. The performance improvement plan must be developed within 30 days of the notification. The unit leader must work with the faculty member on their performance improvement plan and monitor their progress, although the faculty member is ultimately responsible for meeting the requirements of the performance improvement plan. If any faculty member in the following annual review receives a second 'Unsatisfactory' rating(s) in the same area at any level, that level of review may recommend non-continuation. Non-continuation may also be recommended if the faculty member receives an 'Unsatisfactory' in two out of three consecutive annual reviews in the same area at any level. A review at all levels, including one by the Provost, must occur if the performance improvement plan is not adhered to and/or if there is a recommendation for non-continuation."</p> <p>External reviews currently take place for every promotion from Instructor to Professor for Service-track faculty members. The proposed guidelines would remove the external review requirement from instructor to assistant professor for service-track faculty.</p>
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30	10/24/2022	Ratings and Continuation Code of Conduct	<p>1. Eliminate the language regarding the protocols for the “Unsatisfactory” designation on page 3, including the two-year window for improvement, and the recommendation of non-continuation. In my experience, faculty are fired for cause: such as when a faculty member is guilty of Title IX violations, or not teaching their classes. This section sets criteria for firing faculty (such as not documenting their work) that are at odds with academic conventions nationwide. This is a not-so-veiled attempt to undermine tenure, and it is abhorrent. A. This protocol will prevent faculty from taking risks in their research, teaching, and service—for faculty will avoid running the risk of an “Unsatisfactory,” and then the risk of meeting expectations in a one-year probationary period before losing one’s job. This will diminish the quality of faculty work in all areas—and contravenes one of WVU’s stated Mountaineer values: curiosity. B. This protocol will undermine University efforts to hire quality faculty, for faculty will not want to join a University that has protocols in place to fire tenured faculty with criteria that defy academic conventions and expectations. C. There is no recourse for the faculty member if they disagree with the designation(s) of “Unsatisfactory” at any time in this protocol—the protocol is simply punitive. D. This protocol provides no contingencies for unusual events. For instance: my husband had an aneurysm in March 2014, right in the middle of spring semester. If I had taken off the rest of spring semester to care for him (which I did not, but if I had done so), I would have received an “Unsatisfactory” in teaching that year, since I would not have fulfilled my teaching obligations to the University. There was no one qualified to teach my courses, and no time to arrange for family leave. Suppose the following</p>	<p>Edited to ensure every faculty member receives a performance improvement plan when rated “Unsatisfactory.” In addition, replaced “must” recommend non-continuation with “may” recommend non-continuation. The following sentence was also removed: “In addition, if a faculty member receives ‘Unsatisfactory’ across two of the three mission areas in an annual review, at any level, that level of review must recommend non-continuation.” Below is the new text.</p> <p>“If any faculty member receives an ‘Unsatisfactory’ rating(s) in any area at any level, the unit leader must notify the dean and develop a written performance improvement plan with the faculty member. The performance improvement plan must be developed within 30 days of the notification. The unit leader must work with the faculty member on their performance improvement plan and monitor their progress, although the faculty member is ultimately responsible for meeting the requirements of the performance improvement plan. If any faculty member in the following annual review receives a second ‘Unsatisfactory’ rating(s) in the same area at any level, that level of review may recommend non-continuation. Non-continuation may also be recommended if the faculty member receives an ‘Unsatisfactory’ in two out of three consecutive annual reviews</p>

year I had had another family crisis—that my father, mother, or child had taken ill and I needed to take family leave. I would not have been able to remedy the “Unsatisfactory” in teaching, and therefore, I would have been fired. Or suppose that I had applied for a research fellowship in 2014—not knowing my husband would have an aneurysm—and I received a year-long NEH or ACLS grant in 2015. I would have been fired for taking a research grant since I would not be able to fix the “Unsatisfactory” in teaching—or I would have to give up a research grant in order to address the “Unsatisfactory” in teaching in order to keep my job. One can envision many scenarios in which the protocols for the “Unsatisfactory” performance review will not work. E. Eliminate the language of this section. If there are so many WVU faculty who are “Unsatisfactory,” perhaps the University should rethink its hiring practices. If there are only a few faculty receiving the designation of “Unsatisfactory,” then perhaps those situations can be handled on a per case basis.

2. Add language regarding the mentoring of faculty. If the University is interested in maintaining its R1 status, and if the University is truly invested in faculty success as they claim to be, this document needs substantive language regarding mentoring of faculty towards tenure and promotion, and beyond. The comments on mentoring in this P and T document largely refer to faculty mentoring students; there are a few comments about mentoring junior faculty, but nothing substantive. The annual meetings on filling out Digital Measures and applying for promotion and tenure do not constitute mentorship. Faculty need individualized mentoring, preferably by department chairs. (Note: chairs do not necessarily use the annual review to mentor faculty. The “monitoring” of faculty—as in the projected administration of “Unsatisfactory” evaluations on page 3—is not mentoring faculty either). If the department chair is overworked—or if the faculty member is not comfortable with their chair—there should be someone else who mentors the faculty member. It took me sixteen years to be promoted to full professor largely due the absence of mentoring by a series of department chairs. Other colleagues in my department have been in the same situation—and some still are. For a University that claims to be invested in faculty success—and its status as an R1 institution—this should not be occurring.

3. Add language regarding administrative accountability. While faculty are subject to annual review pre- and post-tenure, chairs, deans, and other administrators are

in the same area at any level. A review at all levels, including one by the Provost, must occur if the performance improvement plan is not adhered to and/or if there is a recommendation for non-continuation.”

Processes currently exist with the University Procedures that outline the steps if a faculty member disagrees with a rating. These steps remain in the proposed University Procedures. In addition, language was added to address unusual events that include a significant personal circumstance (Modification of Duties) or a leave of absence.

The proposed University Procedures include language about what the committees, chairpersons, and deans must do in providing feedback in annual reviews. The feedback may include mentorship steps. The college and/or department may add additional criteria regarding mentorship.

The practice for Review of Deans and Administrators can be found [here](#).

All employees, which includes faculty, are covered by the Code of Conduct.

			<p>not: faculty are asked to assess our chairs and deans every three years (and some administrators every four or five years). This P and T document states what chairs, deans, etc. are supposed to do, but it does not state the consequences to administrators if they do not fulfill their duties in a timely fashion, fairly, or well. In the spirit of accountability (another Mountaineer value), there should be some language in this P and T document regarding the accountability of chairs, deans, the provost and the president for their actions in the annual review, tenure, promotion, and personnel processes.</p> <p>4. Change the language regarding the Code of Conduct. Rephrase “Faculty members must engage in behaviors consistent with the University Code of Conduct and University Values.” (p. 8) to “Faculty members, in their reasonable opinion, should engage in behaviors consistent with the University Code of Conduct and University Values.” It is not clear that the University Code of Conduct and University Values have any input from the faculty or the Faculty Senate. (There is nothing on the website that states concurrence from the Faculty Senate). This Code should be approved by the Faculty Senate, and any subsequent changes should be approved by the Faculty Senate as well. There are items within the University Code of Values that allow for considerable interpretation. One person’s “conduct that reflects adversely on the image of the University” is not another’s; one person’s “change for the greater good” is not another’s; one person’s definition of “the decisions that have been made in the best interest of the University” is not another’s. To insist that faculty must follow a Code of Conduct that can be interpreted so variably is unfair, and leaves faculty and the administration open to mutual misunderstanding, if not litigation.</p>	
31	10/24/2022	Ratings and Continuation	<p>My comments fall below the quotes from the document. "If any faculty member in the following annual review receives a second “Unsatisfactory” in the same area at any level, that level of review must recommend non-continuation. Non-continuation must also be recommended if the faculty member receives an “Unsatisfactory” in two out of three consecutive annual reviews in the same area at any level. In addition, if a faculty member receives “Unsatisfactory” across two of the three mission areas in an annual review, at any level, that level of review must recommend non-continuation." These guidelines are too severe. Dismissing a faculty member for a single low productivity year, with unsatisfactory at a single level.... What about a terminal year? If a faculty member’s contract is not</p>	<p>Edited to ensure every faculty member receives a performance improvement plan when rated “Unsatisfactory.” In addition, replaced “must” recommend non-continuation with “may” recommend non-continuation. The following sentence was also removed: “In addition, if a faculty member receives ‘Unsatisfactory’ across two of the three mission areas in an annual review, at any level, that level of review must recommend non-continuation.” Below is the new text.</p> <p>“If any faculty member receives an ‘Unsatisfactory’ rating(s) in</p>

		<p>renewed, this person’s career will have been ended by WVU. Give the person a chance, if wanted, to find another job. I am concerned this could be turned into a witch hunt that eliminates a valuable colleague, of course not on the current administration’s watch. But, what about the next one? Or the one after that? There should be (more?) remedial work done with the employee. Tenure protects free speech. But, if one or more don’t agree with the speech/writing of a colleague, we could rate their work to be unsatisfactory in quality. This policy translates into the abolishment of tenure. What are we doing to ourselves?</p> <p>"Professors of all ranks face a heavy load of bureaucratic busywork while coping with heightened demands for productivity and publication. At most institutions, shared governance is a farce. Faculty members have little say about their own working conditions or the content of the education they provide." (Schrecker, 2022) Schrecker (2022, October). The 50-Year War on Higher Education. To understand the political battles, you need to understand how they began. The Chronicle of Higher Education. https://www.chronicle.com/article/the-50-year-war-on-higher-education e.g., "Faculty engaged in teaching that helps to enact the diversity, equity, inclusion, and/or social justice mission of the University, and/or who wish to receive credit for their work, must document their contributions in their Digital Measures file. There is a buzz about this." Some feel that this work is will be required of faculty. But, I do not read it that way (i.e., "...who wish to receive credit...". Regardless, I worry that the WV legislature, BOG, etc. would not approve. It seems that social justice has become political. "Public and community-engaged service and practice are the use of University expertise to address specific issues identified by individuals, organizations, or communities." I don’t understand what this sentence is communicating.</p>	<p>any area at any level, the unit leader must notify the dean and develop a written performance improvement plan with the faculty member. The performance improvement plan must be developed within 30 days of the notification. The unit leader must work with the faculty member on their performance improvement plan and monitor their progress, although the faculty member is ultimately responsible for meeting the requirements of the performance improvement plan. If any faculty member in the following annual review receives a second ‘Unsatisfactory’ rating(s) in the same area at any level, that level of review may recommend non-continuation. Non-continuation may also be recommended if the faculty member receives an ‘Unsatisfactory’ in two out of three consecutive annual reviews in the same area at any level. A review at all levels, including one by the Provost, must occur if the performance improvement plan is not adhered to and/or if there is a recommendation for non-continuation.”</p> <p>Introduced language to recognize and reward faculty for their community and public engaged work, diversity, equity, inclusion, and social justice work, as well as multi/trans/inter-disciplinary work. This work is not required, unless stated in their offer letter, MOU, etc.</p>
	10/25/2022		ADDITIONAL COMMENTS AND RESPONSES SINCE THE UPDATED UNIVERSITY PROCEDURES WERE UPLOADED on 10/25/2022
32	10/26/2022	<p>The proposed changes to WVU’s Promotion and Tenure procedures are a thinly veiled attempt to extract more labor from an already exhausted workforce and an unprecedented attack upon academic freedom in our state. If enshrined, these policies will have a dramatic and detrimental effect upon WVU faculty because they will undermine everything we do, from recruiting new colleagues to taking</p>	<p>Safeguards are currently in place and continue to be in place, allowing a faculty member to file a response to annual reviews as well as rebuttals to recommendations of promotion, tenure, and non-continuation. The proposed University Procedures will reinforce these safeguards by requiring departments to outline</p>

			<p>calculated risks in our research. In short, they will make every aspect of our jobs more onerous, not more rigorous. Promising to “strengthen tenure” by effectively abolishing tenure protections is a stark example of managerial doublespeak, and the plan to raise an already high bar for both tenure and promotion to full professor will, if enacted, disproportionately disadvantage women and BIPOC faculty at this university. The increased service requirements that these changes will also compel threaten to further disadvantage these same scholars, for it is to these communities that the bulk of the required additional service will inevitably fall. For these reasons, I do not support this proposal.</p>	<p>criteria for ratings and requiring formative and summative feedback every year.</p> <p>There is no unilateral firing authority. A recommendation of non-continuation requires all levels of review. Depending on the college/school structure these levels of review include:</p> <ul style="list-style-type: none"> • Department/Division/School Committee and the Chairperson/Division Director • College/School Committee and the Dean • University Promotion and Tenure Advisory Panel – Last year there were sixteen (16) faculty members from across the University that were accepted by the Faculty Senate • Provost <p>Your additional comments have been taken under consideration.</p>
33	10/27/2022	External Reviews	<p>The proposal to add external evaluations for all levels on non-tenure track faculty is an onerous burden, and it is one imposed without any concomitant pay-off-- there's no raise, or even a promise of a raise, to bring non-TT salaries to the same level as our TT colleague, and there's no tenure, or even a promise of tenure, to make the change a fair trade. In addition to the huge burden this change would add to the individual faculty member going up for promotion, this proposal would also dramatically increase the work for departmental FECs and chairs, again for what pay-off? Finally, these new burdens will likely discourage some non-TT faculty from going up, especially if their chairs are not supportive or helpful in finding the required external evaluators. External evaluators are very hard to find already for non-TT faculty; adding a level that requires them will make it even more difficult, and will increase the burden on willing external reviewers. I think the added words about DEIJ work is valuable, as is the community-engaged scholarship aspect. However, the inexplicable addition of the Code of Conduct is unacceptable. There are other ways to ensure that people behave respectfully toward their colleagues and do their jobs without adding this insulting code that seems mainly designed to chill speech.</p>	<p>External reviews currently take place for every promotion from Instructor to Professor for Service-track faculty members. The proposed guidelines would remove the external review requirement from instructor to assistant professor for service-track faculty.</p> <p>External Reviews for Teaching-track faculty from assistant to associate rank makes a case for higher salaries, if performance warrants and the increase in salaries is financially feasible. Further, this is a basis for longer term contracts for librarian-track faculty.</p> <p>Within the proposed P&T document, flexibility with external reviewers has been introduced for the promotion from assistant professor to associate professor in the non-tenure track. This means that two of the four external reviewers may be from the University, but outside of your department/college. An external review package will include materials that are in their Digital Measures evaluation file.</p>

				<p>Chairpersons/Deans are responsible for securing a minimum of four (4) external evaluators.</p> <p>The WVU Values and Code of Conduct clause has been removed from the proposed University Procedures.</p>
34	10/27/2022	Continuation	Does "A second year of limited evidence of the faculty member's results normally would receive an "Unsatisfactory" rating(s)." mean a second consecutive year or just another year in addition to the first?	This would be a consecutive year.
35	10/27/2022	Criteria	"Units must set criteria for promotion to full professor that are more rigorous than the criteria set for promotion to associate professor." is confusing. Setting a promotion "bar" on a relative basis is inappropriate. First of all, the "rigor" of promotion to Associate Professor varies from appointment letter to appointment letter due to differences in start-up resources or shifts in university priorities over time. Also the standard is "meritorious" performance operates a binary- there is not a distinction between more meritorious and less meritorious performance in terms of promotion. Finally, by default the Associate Professor position includes increased expectation of service responsibility, so there is inherently more work to do and the same amount of time to do it at a meritorious level, and without an infusion of start-up support, consistent mentoring, pre-tenure course releases, or other resources made available to Asst. Profs.	Absolute criteria for promotion to professor will be established by the unit and approved by the dean and provost. The unit should make sure the department guidelines account for the issues identified.
36	10/27/2022	Summative Feedback	I know in the annual report faculty are assessed as excellent, good, ... per each category. I suggest having an App or software program that can accumulate credits a tenure-track faculty makes every year. After the annual evaluation meeting, the committee and the Chair of the department agree to add several credits to the tenure basket, thus making it easy for the tenure-track faculty to check on his/her progress. It can be a bar chart per year where each bar is colored Green, orange, and red to indicate the performance per year. Overall performance and progress can be one bar with one color and the bar is graduated. There is a critical mark say on the top end of the Bar where credits must exceed to be an indicator for winning a tenure. This is a suggestion and thank you for your kind consideration	<p>Your comments have been taken under consideration.</p> <p>The proposed University Procedures require departments to outline criteria for ratings and requiring formative and summative feedback every year.</p>

37	10/27/2022	Ratings and Continuation	<p>I have concerns about the new policy regarding dismissal after two unsatisfactory ratings. I know that the document has been updated to state that an unsatisfactory rating is only to be given after a period of decline and after receiving a satisfactory the previous year along with a warning. So the unsatisfactory would reflect that the faculty member did not heed the advice to change. However, this does not make sense to me. Based on this description, if a faculty member has a normal year one year and the next year the faculty member is completely derelict of duty, this suggests that the FEC still has to give the faculty member a satisfactory even if the work is clearly not satisfactory. Also, what if the faculty member provides no evidence for their file? Does this mean we still have to give them a satisfactory? This seems to contradict other places in the document that say this should be "unsatisfactory." Instead, why not just leave unsatisfactory to mean unsatisfactory and have the turn around time be longer than only two unsatisfactory ratings in a row? It seems as though the Provost's office has heard the concerns, and I appreciate that, but I think it causes more problems. We should let the first or second unsatisfactory be the warnings, rather than the warning coming in the form of a "work is satisfactory, but ..." I just do not understand writing a sentence like "We rate ___'s teaching as satisfactory" in an evaluation if the teaching was absolutely not satisfactory, just for the sake of giving the person a warning first.</p>	<p>The language was previously modified. "If there is limited evidence of the faculty member's results, a "Satisfactory" rating(s) may be appropriate. A Productivity Report without supporting documentation should receive a rating of "Unsatisfactory" on an annual review."</p> <p>Your additional comments have been taken under consideration.</p>
38	10/28/2022	Ratings and Continuation	<p>I appreciate the provost's office 10/25/22 updates regarding the changes made to the faculty procedures document. The posted responses were very helpful in clarifying a number of questions I had about the document. I still have two concerns I'm hoping the office will consider.</p> <p>1. The faculty procedures document is dramatically altering the meaning of an "unsatisfactory" rating. Because of this, I think the university also needs to have more explicit guidelines for how academic units define the criteria for ratings of "unsatisfactory." My understanding is that this is the purpose of the following new language: "As noted in section II.B., each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. Ratings of Unsatisfactory are reserved for cases in which the faculty member is not meeting the academic unit's minimal standards for job performance. Ratings of Unsatisfactory follow (a) a period of performance decline for which the faculty member had received specific feedback in prior annual</p>	<p>The University Procedures are aligned with BOG Faculty Rule 4.2. If the proposed University Procedures are adopted the departments and colleges will be required to align their guidelines with the University Procedures.</p> <p>The process and levels of review are the same for promotion, tenure, and non-continuation. There is no unilateral firing authority. Depending on the college/school structure these levels of review include:</p> <ul style="list-style-type: none"> • Department/Division/School Committee and the Chairperson/Division Director • College/School Committee and the Dean • University Promotion and Tenure Advisory Panel – Last year there were sixteen (16) faculty members from across

		<p>evaluations yet has not demonstrated improvement or (b) gross misconduct (e.g., job abandonment).” But if the purpose of these changes is to codify existing BOG policy, this should be more explicitly reflected in this guideline. The BOG policy on Dismissal for Cause that is most relevant to faculty performance is section 8.1.1 “Demonstrated incompetence or dishonesty in the performance of professional duties, including but not limited to academic misconduct” and section 8.1.5 “Substantial and manifest neglect of duty.” In other words, BOG policy says nothing about “performance decline.” So the university guidelines for rating of “unsatisfactory” should be “demonstrated incompetence,” “academic dishonesty,” or “substantial and manifest neglect of duty.” (I’m not completely sure academic dishonesty is something that would be addressed in a standard annual evaluation, so this may or may not be appropriate.)</p> <p>2. I agree with the response that a tenured faculty member cannot be unilaterally fired given the various levels of oversight involved following a recommendation for non-continuation. However, the new proposed process would allow one person (chair, dean, etc.) to unilaterally trigger an enormously consequential chain of events that would be extraordinarily burdensome and could substantially derail the career of a faculty member (even if the recommendation for non-continuation was denied). Because of this I believe there should be some level of consensus across multiple levels that would trigger the proposed process. Ideally, the process would be triggered when a unit’s committee level review includes an “unsatisfactory” given this would require several colleagues, rather than a single person, to agree that a faculty member has demonstrated substantial and manifest neglect of duty. It seems to me that relying on a single “unsatisfactory” rating at one level of review while all other levels rate the area higher would be an unwarranted and dubious policy. The process of granting a faculty member tenure and promotion requires that unit committees, heads, college leaders, and the provost are largely in agreement. I think it makes sense that the process to strip a faculty member of their tenure status would follow a similarly rigorous process that meaningfully involves peers of the faculty member. Thanks. I hope these suggestions are useful.</p>	<p>the University that were accepted by the Faculty Senate</p> <ul style="list-style-type: none"> • Provost <p>Furthermore, safeguards are currently in place and continue to be in place, allowing a faculty member to file a response to annual reviews as well as rebuttals to recommendations of promotion, tenure, and non-continuation. The proposed University Procedures will reinforce these safeguards by requiring departments to outline criteria for ratings and requiring formative and summative feedback every year.</p> <p>Your additional comments have been taken under consideration.</p>
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39	10/28/2022	Website	Where are the appendices to the proposed document? They are referenced within but not included in the October 25th version of the document. Is there something in there that is being hidden from the faculty?	Thank you. The Appendices were reattached and uploaded on 10-31-2022.
40	10/28/2022	Language	I believe "talent" is a bad word to describe a positive quality in a faculty member. We value ability and achievement, not the ease with which one might achieve these ends.	"Talents" was replaced with "individual strengths."
41	10/31/2022	Criteria	<p>Departmental and external faculty evaluators must be given specific criteria, aligned with contracts/offer letters and departmental rubrics, for assessing productivity to ensure consistency and transparency. It is unequitable to ask, "Would the faculty member be awarded tenure at your university?" given that evaluators come from different institutions with distinct rubrics and supportive resources for promotion and tenure.</p> <p>The document makes references to recognizing diversity, equity, inclusion, and social justice work in teaching, research, and service throughout, but there is no acknowledgement or mechanism to relieve faculty of color of this cultural taxation. This addresses the symptom rather than the cause of issues that impact the retention and promotion of faculty of color.</p> <p>How do the changes to the document impact faculty who are not (fully) promoted? Can faculty be "grandfathered" in? Change in teaching that requires peer evaluations before the mid-tenure review is increasing the workload and can be punitive to those preparing for review. Peer evaluations should be an alternative, not a requirement.</p> <p>Are the changes in accordance with AAUP guidelines, especially re: accreditation and tenure? How does this changes address consistency in evaluating faculty within the same units? This is the major problem in the process and is not clearly tackled by the document. I am afraid the clause tackling "unsatisfactory" evaluations should be accompanied by clear rubrics (tailored by each unit) and should have mechanisms to protect faculty members from dissenting P&T committees and chairs/deans. The way it is written, it totally corrodes the meaning of tenure as it opens the gates for retaliation. Please, postpone voting/implementation to the spring in order to allow for more discussion and address the feedback and concerns received from faculty. The current draft is a</p>	<p>The "Would the faculty member be awarded tenure at your university?" language is no longer part of the proposed University Procedures. Instead, an external evaluator will be asked if a faculty met the absolute standards set by the unit in addition to commenting on the quality and impact of the work.</p> <p>Although separate from the University Procedures, DEIJ work will be addressed by the Workload Guidelines.</p> <p>If the proposed University Procedures are adopted, we will further address what guidelines apply to which faculty. As stated in Town Halls, faculty members that are near promotion/tenure, will not be negatively impacted with the new University Procedures.</p> <p>The current University Procedures outline a process that includes faculty recommendations at the department, college and provost level. BOG Faculty Rule 4.2, Section 8 further outlines due process as does the WVU Grievance Procedure that is another layer in the due process. Each of these processes align with AAUP, Good Practice in Tenure Evaluation. Tenure is not weakened with the proposed University Procedures, rather the process is transparent.</p> <p>Language was added to codify and make the process transparent. The following sentence was added, "As noted in</p>

			great start but it deserves more time to discuss and faculty is busy trying to deal with the ongoing semester.	<p>section II.B., each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. Ratings of Unsatisfactory are reserved for cases in which the faculty member is not meeting the academic unit’s minimal standards for job performance. Ratings of Unsatisfactory follow (a) a period of performance decline for which the faculty member had received specific feedback in prior annual evaluations yet has not demonstrated improvement or (b) gross misconduct (e.g., job abandonment).”</p> <p>The process and levels of review are the same for promotion, tenure, and non-continuation. There is no unilateral firing authority. Depending on the college/school structure these levels of review include:</p> <ul style="list-style-type: none"> • Department/Division/School Committee and the Chairperson/Division Director • College/School Committee and the Dean • University Promotion and Tenure Advisory Panel – Last year there were sixteen (16) faculty members from across the University that were accepted by the Faculty Senate • Provost <p>Furthermore, safeguards are currently in place and continue to be in place, allowing a faculty member to file a response to annual reviews as well as rebuttals to recommendations of promotion, tenure, and non-continuation. The proposed University Procedures will reinforce these safeguards by requiring departments to outline criteria for ratings and requiring formative and summative feedback every year.</p>
42	10/31/2022	Ratings and Continuation	Having read through both the revised draft document from 10/25 and the comments and their responses, I feel it still needs stating that the proposed revisions that include provisions for the non-continuation of tenured faculty reads and feels like a deliberate erosion of tenure protections. Repeatedly linking to the	The goal of including the steps for non-continuation was to be transparent with faculty about the process. It is not a deliberate erosion of tenure protections. A faculty member must meet the minimum criteria and job expectations set by their unit. In

board of governor’s definition of tenure does not change this fact. The document opens with the statement “The faculty evaluation process at WVU is designed to attract promising faculty members, foster their productivity and professional development, help them reach their potential, and reward their accomplishments.” These changes will actively harm the potential for the recruitment of promising faculty member because of the explicit perception that tenure no longer exists or is substantially weakened at West Virginia University. The guides set out in the draft a supposedly to help “reward faculty accomplishments”, however these changes seem to be solely punitive with no apparent recourse for appeal: “If any faculty member receives an “Unsatisfactory” rating(s) in any area at any level, the unit leader must notify the dean and develop a written performance improvement plan with the faculty member. The performance improvement plan must be developed within 30 days of the notification. The unit leader must work with the faculty member on their performance improvement plan and monitors their progress, although the faculty member is ultimately responsible for meeting the requirements of the performance improvement plan. If any faculty member in the following annual review receives a second “Unsatisfactory” rating(s) in the same area at any level, that level of review may recommend non-continuation. Non-continuation may also be recommended if the faculty member receives an “Unsatisfactory” in two out of three consecutive annual reviews in the same area at any level. A review at all levels, including one by the Provost, must occur if the performance improvement plan is not adhered to and/or if there is a recommendation for non-continuation.” Assuming that the university is refusing to strike this proposed change completely, there needs to be a timeframe in place for the proposed improvement plan. Given that faculty that tenured faculty who are denied promotion have to wait two years before applying again in recognition of the fact that it takes time to build up and restructure your research or teaching program, it seems logical that faculty undergoing performance review be given the same grace during which a subsequent ranking of unsatisfactory would not contribute toward a recommendation for discontinuation. It is also worth noting that a few of the rules (such as the “no evidence” rule) introduced are contradictory. For tenured faculty it states “If there is limited evidence of the faculty member’s results in a review, a “Satisfactory” rating(s) may be appropriate. A second year of

addition, the processes and procedures include multiple levels of review as well as due process if non-continuation is recommended.

The language was added to codify and make the process transparent. The following sentence was added, “As noted in section II.B., each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. Ratings of Unsatisfactory are reserved for cases in which the faculty member is not meeting the academic unit’s minimal standards for job performance. Ratings of Unsatisfactory follow (a) a period of performance decline for which the faculty member had received specific feedback in prior annual evaluations yet has not demonstrated improvement or (b) gross misconduct (e.g., job abandonment).”

Edited to ensure every faculty member receives a performance improvement plan when rated “Unsatisfactory.” In addition, replaced “must” recommend non-continuation with “may” recommend non-continuation. The following sentence was also removed: “In addition, if a faculty member receives ‘Unsatisfactory’ across two of the three mission areas in an annual review, at any level, that level of review must recommend non-continuation.” Below is the new text.

“If any faculty member receives an ‘Unsatisfactory’ rating(s) in any area at any level, the unit leader must notify the dean and develop a written performance improvement plan with the faculty member. The performance improvement plan must be developed within 30 days of the notification. The unit leader must work with the faculty member on their performance improvement plan and monitor their progress, although the faculty member is ultimately responsible for meeting the requirements of the performance improvement plan. If any



limited evidence of the faculty member’s results normally would receive an “Unsatisfactory” rating(s).”, which seems to directly contradict earlier statements that providing no evidence will automatically result in an unsatisfactory rating. As it stands, even after the changes made to the draft, the proposed changes will disincentivize long-form and high-risk/high-reward research. One of the explicit goals of tenure is to give faculty the freedom to conduct research which could have outstanding benefits but no sure chance of success; the proposed changes essentially limits the freedom of faculty to do this, as such research could very easily conceivably produce no results for two years in a row, which would then mark the faculty member for non-continuation. (As it stands, the University seems to not be fully recognizing research contributions, with statements such as “The advising of doctoral students has elements of both teaching and research.” This downplays the contribution of MS/MA students to research; Master’s students regularly conduct original research and advising these students also incorporates research activities on the part of the faculty.) Expanding pathways to tenured faculty dismissal also runs the risk of harming the University’s commitment to DEI, as the proposed incorporation and recognition of DEI initiatives is untested and it is unclear how well they will get integrated into the current system. In general this policy has the potential to hinder DEI efforts as attempts to foster diversity and equity can be difficult and fractious, and this policy provides a venue for retaliation from departments or department chairs against faculty who are pushing for foundational change within programs. Even if this does not happen now, we have a moral and ethical duty to consider how the apparatus we construct may be utilized or abused in the future. Ultimately, the proposed addition of non-continuation due to unsatisfactory ratings is unnecessary as anyone rated as unsatisfactory in teaching or research would very clearly be in breach of section 8.1.5 of the Board of Governor’s rules (Substantial and manifest neglect of duty) and could be dismissed for cause. Given that there are already regulations and appeals pathways in place for this, there seems to be little reason to introduce the new proposed rules within the promotion and tenure document.

faculty member in the following annual review receives a second ‘Unsatisfactory’ rating(s) in the same area at any level, that level of review may recommend non-continuation. Non-continuation may also be recommended if the faculty member receives an ‘Unsatisfactory’ in two out of three consecutive annual reviews in the same area at any level. A review at all levels, including one by the Provost, must occur if the performance improvement plan is not adhered to and/or if there is a recommendation for non-continuation.”

The Performance Improvement Plan would include reasonable goals for a faculty member to achieve to meet the minimum standards for “Satisfactory” performance as set by the unit criteria by the next review.

DEIJ initiatives have been tested in units that already recognize, credit and award faculty conducting this work. The proposed University Procedures will recognize, credit, and award faculty who conduct this work across the University.

The process and levels of review are the same for promotion, tenure, and non-continuation. There is no unilateral firing authority. Depending on the college/school structure these levels of review include:

- Department/Division/School Committee and the Chairperson/Division Director
- College/School Committee and the Dean
- University Promotion and Tenure Advisory Panel – Last year there were sixteen (16) faculty members from across the University that were accepted by the Faculty Senate
- Provost

Furthermore, safeguards are currently in place and continue to be in place, allowing a faculty member to file a response to

				<p>annual reviews as well as rebuttals to recommendations of promotion, tenure, and non-continuation. The proposed University Procedures will reinforce these safeguards by requiring departments to outline criteria for ratings and requiring formative and summative feedback every year.</p> <p>The unit criteria would determine where the advising of graduate students would be recognized.</p> <p>The University Procedures are aligned with BOG Faculty Rule 4.2. If the proposed University Procedures are adopted the departments and colleges will be required to align their guidelines with the University Procedures. Including the non-continuation language was to make the process more transparent.</p>
43	11/1/2022	Ratings and Continuation	<p>Thank you to the committee for the opportunity to comment. I appreciate and am glad to see many of the changes in the document about community-based research, teaching, and service, as well as social justice work. Faculty are already doing much of this work, but it has not been recognized consistently as valuable labor. These new guidelines are in line with WVU's mission statement as a land-grant institution that serves the state and is dedicated to "creating a diverse and inclusive culture that advances education" and leading "transformation in West Virginia and the world through local, state and global engagement."</p> <p>I oppose the recommendation to fire faculty members if they receive two "Unsatisfactory" ratings. The guidelines for termination lack clear due process, and, if adopted, open the door to abuse at an institution that continues to have serious equity and inclusion issues. I note also that the proposed revisions to the T&P process, in particular related to dismissal of faculty, is not in accordance with widely accepted guidelines by the AAUP, set forth in the 1958 Statement on Procedural Standards. Those guidelines state best practices for dismissal of faculty: *a written statement of specific charges, framed with reasonable particularity, *a pretermination hearing of record before an elected faculty body, *the burden of proof in demonstrating adequate cause for dismissal resting with</p>	<p>Safeguards are currently in place and continue to be in place, allowing a faculty member to file a response to annual reviews as well as rebuttals to recommendations of promotion, tenure, and non-continuation. The proposed University Procedures will reinforce these safeguards by requiring departments to outline criteria for ratings and requiring formative and summative feedback every year.</p> <p>There is no unilateral firing authority. A recommendation of non-continuation requires all levels of review. Depending on the college/school structure these levels of review include:</p> <ul style="list-style-type: none"> • Department/Division/School Committee and the Chairperson/Division Director • College/School Committee and the Dean • University Promotion and Tenure Advisory Panel – Last year there were sixteen (16) faculty members from across the University that were accepted by the Faculty Senate • Provost

			<p>the administration, *the faculty member’s right to present evidence and cross-examine witnesses, *a decision based on the evidence in the record of the hearing, and the faculty member’s right to appeal to the governing board. A "two-strikes" clause undermines and weakens tenure. I am baffled that our university would head in this direction when recruitment and retention is the issue that is most frequently before us. If we head in this direction, we would be among a handful of universities (Georgia, Florida, Kansas) who are now known among potential faculty as places that have weakened tenure, i.e. that are less ideal places to work for faculty invested in academic freedom and shared governance. I am especially troubled that such a change would accompany those I began with, which I wholeheartedly support, on community-based research, teaching, and service. Rigorous, evidence-based, community-based scholarship demands strong tenure protections for reasons that I hope are obvious in our current political environment. With all due respect, I hope that the committee will reconsider the draft policy changes that speed up the dismissal process and undermine tenure procedures.</p>	<p>The current University Procedures outline a process that includes faculty recommendations at the department, college and provost level. BOG Faculty Rule 4.2, Section 8 further outlines due process as does the WVU Grievance Procedure that is another layer in the due process. Each of these processes align with AAUP, Good Practice in Tenure Evaluation. Tenure is not weakened with the proposed University Procedures, rather the process is transparent.</p>
44	11/1/2022	Intercollegiate Program	<p>Consider addition of language to address contribution of Intercollegiate Program Director/Coordinator in the annual evaluation, promotion, and tenure review of all participating Intercollegiate Program faculty. This came up is Committee on Collaboration today 11/1/22. See Lou!</p>	<p>The current and proposed University procedures address this, “For faculty with multiple reporting lines, each supervisor will provide an evaluation of the individual's performance to the home department. In such cases the home department’s evaluation should reflect the relative proportion of each dimension of the total assignment.”</p>
45	11/1/2022	Denied Discretionary Promotion	<p>On page 12, it says "A faculty member whose application for promotion is unsuccessful must wait at least two full years after the decision is rendered before submitting another application, unless a critical-year decision is required." In my unit, we had language that we had to wait a full year, which was always interpreted to mean, you submit your promotional file on Dec. 31, 2022, you get denied in mid-2022, then you cannot submit a promotional file again in Dec. 2023, you must wait a full year from the denial, so you could submit a promotional file again in Dec. 31, 2024. I'm not sure if the two years stated here means waiting a whole extra year beyond this (e.g., you apply for promotion in Dec. 2022, get denied, and can't reapply until Dec. 2025), which seems excessive. Please clarify by either explaining it better or by putting an example timeline in the actual text so units will all be applying this the same way.</p>	<p>The current University Procedures in this example would allow the faculty member to submit their evaluation file in December 2023 (one-year wait). In the proposed University Procedures, the faculty member could submit their evaluation file in December 2024 (two-year wait).</p>

46	11/1/2022	External Reviews	The document refers to both external reviews and external evaluations. I think it would be wise to pick one term and stick with it, unless these are actually two separate things. It makes it hard to search the document to figure out what will be required (especially for those of us for whom external reviews would be a new and unwelcome burden).	Your comment has been taken into consideration.
47	11/2/2022	Reviews, Criteria, and Continuation	<p>Page 3, I am a bit confused and quite concerned with the statement "Changes such as these will be based on the needs of the unit, the appropriate balance of assignments within the unit, consultation with the unit, and with the approval of the Chairperson, Dean, and Provost." Who would initiate this? Would the faculty approve such a change too? Or is the intent to leave the decision of changing requirements of tenured faculty solely in the hands of upper administration? In other words, there needs to be a clearer subject of these sentences so we know who is doing said actions.</p> <p>Page 3, the addition of a plan to move faculty to "Non-continuation" if they are "unsatisfactory" more than one year in a row could have detrimental affects on faculty being willing to engage in books and other long form writing, and likewise with other potentially new and adventurous research that can take time to develop; both of which are reasons why tenure exists. This also does not take into account extenuating circumstances like covid or perhaps family tragedy. Nor does it recognize that upper administration, whether chair, dean or provost, are not necessarily unbiased and may acted disingenuously to remove faculty.</p> <p>Page 7, I struggle to understand how "outreach" is research. I have done both and don't see a strong connection. Community engagement or outreach can be research, but the act or process of outreach can be very different from the products of research. I have been told countless time that research only counts when there is a final product. Research credit is not about the process in my department, but based on the product.</p> <p>Page 15, the new line "Units must set criteria for promotion to full professor that are more rigorous than the criteria set for promotion to associate professor" seem untenable, unreasonable, and inconsistent with material on page 3. Further, this would have a disproportionately negative impact of female faculty members who are already much less likely to be fully promoted than their male counterparts due to gender biases and roles that are ubiquitous across this university. Has Provost Latimer reviewed this?</p>	<p>The faculty member or chairperson would initiate the conversation. A change of 10% effort may be made by the chairperson. A change in effort of more than 10% must be agreed to by the chairperson and the faculty member through a signed MOU and approved by the dean and provost.</p> <p>The unit guidelines will set the criteria that faculty members are rated upon. Unit guidelines may include a rolling average. The Department of English or the Department of History have guidelines outlining the creation and publishing of books.</p> <p>The criteria for the promotion from assistant professor to associate professor and associate professor to professor will be defined by the unit and approved by the college and Provost Office.</p> <p>Yes, Associate Provost Latimer has been part of the process.</p> <p>Administrators are reviewed annually. The practice for Review of Deans and Administrators can be found here and Department Chairs and Faculty in Other Leadership Positions: Protocols for Appointment, Assignment and Review can be found here.</p>

			<p>Page 20, I am pleased that it is proposed that the department sets "aspirational peers." It is important to reflect on this document which tries to streamline and universalizes processes but does not note salary or other compensation. All things are seemingly equal, except how much we are paid. It has been common practice for businesses and academia to conduct 360 degree reviews. Meaning the "subordinate" reviews their superiors annually. While I have filled out a couple online forms for dean's reviews, this is conspicuously absent for chair and provosts. This review has been time consuming (and stressful). I only skimmed the changes, and only had the time to thoroughly read and comment on the few ones that struck me as most serious.</p>	
48	11/2/2022	External Reviews, Continuation, and Criteria	<p>I submitted comments earlier, and they were NOT adequately addressed. These were listed as comment #10. My remaining concerns are:</p> <p>(1) There is no mechanism to value the added time that will be necessary to conduct peer review. How will this new service activity be put into the faculty workload, which is already stretched thin? How will the administration ensure quality and objectivity in these reviews?</p> <p>(2) The higher expectations for promotion to full professor are still vague and problematic. Some maturation of career development seems appropriate, but "higher" is a subjective word. Higher than our peers? Higher than for reaching tenure? Higher in one or more categories of teaching/research/service? Are existing faculty grandfathered into this? Many associate professors will leave the university if there are unrealistic expectations of higher research/teaching when associate professors are already being asked to have higher workloads in service. Is this typical elevated contribution in service what is intended by "higher"? I also have a new concern that surfaced after I fully appreciated the many comments and justified media attention (Inside Higher Ed) to this document.</p> <p>(3) The proposed process for firing a tenured faculty member is honestly an affront to the idea of tenure. I am supportive of having a fair, judicial system that can be followed to fire a tenured faculty member who is chronically underperforming. But, this process must: (a) be external to the chair and FEC committee review process. Subjective evaluations and departmental politics have always been an issue in the academy, and negative evaluations from close colleagues cannot be used as the sole justification for removing tenure. Remember that tenure is only granted after external review! So it should not be</p>	<p>A narrative is the responsibility of the faculty member. Peer evaluators may come from within or outside of the unit.</p> <p>More specific language for requirements may be detailed in the college and/or school level promotion and tenure guidelines.</p> <p>Three examples of absolute criteria for the mission areas are the following</p> <ol style="list-style-type: none"> 1. Research – Obtain two (2) significant external grants (greater than \$100,000 per grant) by the time of your critical year. In addition, funding to support two (2) PhD students. 2. Teaching – Lead the design of a new PhD program so that it is in effect and the first cohort is on campus. 3. Service – Lead the successful accreditation for the school including self-assessment report, site visits, etc. <p>Additional issues discussed.</p>

			removed without such review! (b) The external process must consider at least 3 years of faculty performance. Tenure is designed to encourage scholarly risk taking. A book project needs time, and has little to show for several years. Personal issues of mental health or family care affect productivity for years. The pandemic illustrates that we must take the long view, particularly with the most valuable asset to the university, our tenured professors.	
49	11/2/2022	Continuation	<p>On page 6 of the drafted Procedures for Faculty Appointment, Annual Evaluation, Promotion, and Tenure dated 10/25/22 in paragraph highlighted with Comment [A18] that begins with "Faculty engaged in teaching that helps to enact the diversity, equity, inclusion, and/or social justice mission work of the University..." The last sentence of this paragraph currently seems to focus on in-classroom activities but fails to mention specifically the extracurricular activities in the last sentence. Although other activities are listed elsewhere, this sentence is particularly limited. To codify the support of activities outside of structured classroom settings, could the last sentence be revised to: "Contributions to diversity and equal opportunity can take a variety of forms including contributions to recruiting, advising, retaining, and graduating students from historically under-represented groups and program or curriculum development related to supporting a diverse student body. Such activities include but are not limited to learning activities that support inclusivity and diversity in the classroom and extracurricular activities outside of the classroom related to a field or program of study."</p> <p>Page 6 of the same document under heading B. Research, sentence highlighted with Comment [A21], how do we define predatory journals?</p> <p>Page 11 of the same document under heading VI. Discretionary Personnel Actions, in the 6th bullet point, "non-continuation of the appointment of a tenured faculty member" - is this not contradictory to the definition of a tenured appointment? Tenure is by definition a continuous appointment (excepting under extraordinary circumstances), so the idea of making it non-continuous would inherently alter the definition of tenure at West Virginia University. The American Association of University Professors defines tenure as "an indefinite appointment that can be terminated only for cause or under extraordinary circumstances such as financial exigency and program discontinuation." If WVU seeks to redefine tenure appointments, it needs to use a different word other than tenure because that</p>	<p>The edit on Page 6 was made.</p> <p>Predatory journals are defined as journals that are not peer reviewed and are published in a short time frame for a fee. Librarians can identify the predatory journals for your discipline.</p> <p>BOG Faculty Rule 4.2, Section #5 defines WVU's definition of Tenure.</p> <p>Section 5: Tenure</p> <p>5.1 Tenure is designed to ensure academic freedom and to provide professional stability for the experienced Faculty Member. It is a means of protection against the capricious dismissal of an individual who has served faithfully and well in the academic community. Continuous self-evaluation, as well as regular evaluation by peer and administrative personnel, is essential to the viability of the tenure system.</p> <p>5.1.1 Tenure should never be permitted to mask irresponsibility, mediocrity, or deliberate refusal to meet academic requirements or professional duties and responsibilities.</p> <p>Non-continuation is not contradictory to tenure. Tenure is defined in BOG Faculty Rule 4.2. A tenured faculty member who is dismissed for cause (BOG Faculty Rule 4.2) or through a reduction in force (BOG Faculty Rule 4.7) would not transition to a non-tenure track assignment, nor would the faculty member be granted a new tenure-track assignment.</p>

			<p>word no longer holds the proper definition in context.</p> <p>Page 13 of the same document item #4: if faculty will be required to have a peer evaluation of teaching by the mid-tenure/promotion review (per page 5 under heading A. Teaching, second paragraph, last sentence), shouldn't this also be included in their file? General comment on the same document: "tenure" is not defined anywhere in this document. A definition would help further clarify who is eligible for tenure and establish the purpose of achieving tenure at this institution. A definition of tenure is also important for the sake of the proposal for "non-continuation" of tenured appointments because tenure by definition is a continuous appointment, is it not? If someone loses a tenured appointment, should they be given a non-tenured appointment instead? Should they be given the chance to re-earn tenure? If so, is 1 year sufficient to make this extraordinary effort, or should they be put back on a 6-year tenure-track schedule?</p>	
50	11/2/2022	Typo	<p>On page 20, paragraph 3, of the proposed draft, it states "In order to be recommended for tenure, a faculty member must demonstrate significant contributions in the areas defined in their offer letter or subsequent memorandum of understanding." It should say "area(s)" rather than "areas". This language is already used in another paragraph on the same page (concerning promotion rather than tenure). This affects faculty on branch campuses, which are explicitly mentioned later in this paragraph. The previous draft of the P&T document discusses this in page 13, paragraph 3. There are other places in the proposed draft where "areas" should be "area(s)", but I believe that changing that paragraph would make the meaning of the document clear enough. Thank you for your time.</p>	The edit was made on Page 20.
	11/3/2022			ADDITIONAL COMMENTS AND RESPONSES SINCE THE UPDATED UNIVERSITY PROCEDURES WERE UPLOADED on 11/3/2022
51	11/3/2022	External Reviews	<p>Thank you for giving us the chance to comment on this document. From a librarian standpoint, the use of the language of "equity" around these changes is frustrating and inaccurate: equity is about recognizing and responding to differences in need, as opposed to applying equal demands to every group. Research is a very small part of most librarians' job here, and requiring external</p>	<p>Within the proposed P&T document, flexibility with external reviewers has been introduced for the promotion from assistant university librarian to university librarian in the non-tenure track. This means that two of the four external reviewers may be from the University, but outside of your department/college. An</p>

		<p>review for our Service and Librarianship categories places a significant onus of labor on us and our peers in the profession. We already spend inordinate amounts of time each year explaining to each other what we do (a subject liaison’s job is hugely different from a cataloger’s, for example, and both of those very different from an archivist’s), and now we are being asked to explain it to four people at probably four different institutions—which may not even have an exact equivalent of our department or position, to say nothing of differences in context. If a liaison librarian here were to submit their annual file for review by someone external to WVU, just a few of the things a librarian would have to explain in detail simply to make the file comprehensible include: 1) our liaison model, which varies greatly from one institution to another 2) our Collections model, which varies greatly from one institution to another 3) our credit-bearing courses, which only exist at a handful of institutions 4) individual or collective outreach and programming initiatives at WVU 5) our Research Commons and workshop model 6) our Undergraduate Writing Program model and the Libraries’ involvement with it 7) our many instances of internal committee work, some of which count as service and some of which count as librarianship, e.g. OER Committee, Collections Advisory Committee, search committees, Research Services Committee, Web Services Committee, Art in the Libraries Committee, Professional Development Committee, Residency Advisory Committee, Peer Review Committee, Instruction Steering Committee, DEIA Committee, specially-formed task forces, and many more. Any one librarian may serve on four or more of these each year in addition to university, regional, and national or international committees. etc. etc. The amount of extra work with which external review would burden us comes with minimal payoff, and might even deter some people from seeking promotion—in practice, multiyear contracts provide little more job security than we already have, and for many of us their introduction alone as an intended reassurance has effectively increased our sense of precarity. Finally, we have asked for any indication of why this change is needed, particularly since we will still not be granted tenure. Is there evidence that our already arduous internal review process is not working adequately?</p>	<p>external review package will include materials that are in their Digital Measures evaluation file. External reviews are a basis for longer term contracts for librarian-track faculty.</p>
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52	11/3/2022	Review Timeline	<p>I am glad the fully promoted faculty can continue to be reviewed by only the Chair. That helps with FEC workload. Adding a time frame of when to make the request for the committee to review is reasonable. But, I do not believe 90 days notice is reasonable. It will only lead to faculty missing the deadline who wanted to be reviewed by the FEC. p. 3 "choose to be evaluated by their department committee. The faculty member must inform the department chair or equivalent, in writing, 90 days in advance of the faculty member's file closing." Why is 90 days necessary for a Chair to have notice of a faculty member being reviewed? 30 days or less seems more reasonable. 90 days means the decision needs to be made by October 1st? December 1st seems more reasonable and when faculty begin thinking about their file more seriously. Furthermore, according to some review calendars, the review of files does not begin until mid-Dec (only for new faculty). Fully promoted faculty are not reviewed until late Feb/March. Again, it does not make sense that a Chair would need to know in October that a faculty member wants to be reviewed by a committee, who will not get to it, until March.</p>	<p>The 90 days was based on a recommendation from the Recognition and Rewards Committee.</p> <p>Your comments have been taken into consideration.</p>
53	11/3/2022	Ratings and Criteria	<p>The updated document still puts too much power in the hands of the chair. As it happened in our unit last year, our unit chair gave unsatisfactory ratings to some faculty he didn't like completely ignoring our unit FEC document. At least one faculty should have received a "good rating" according to our current policy. There is no annual evaluation appeal system for faculty to appeal their ratings. It would be more fair if the unsatisfactory rating is received by both the unit FEC and the department chair. This would provide strong safeguards for the faculty. Also at WVU (at least in Eberly) the chairs are never evaluated by faculty annually. At the end of the term, the dean asks the faculty for feedback if he wants to renew the chair's term.</p>	<p>Safeguards are currently in place and continue to be in place, allowing a faculty member to file a response to annual reviews as well as rebuttals to recommendations of promotion, tenure, and non-continuation. The proposed University Procedures will reinforce these safeguards by requiring departments to outline criteria for ratings and requiring formative and summative feedback every year.</p> <p>There is no unilateral firing authority. A recommendation of non-continuation requires all levels of review. Depending on the college/school structure these levels of review include:</p> <ul style="list-style-type: none"> • Department/Division/School Committee and the Chairperson/Division Director • College/School Committee and the Dean • University Promotion and Tenure Advisory Panel – Last year there were sixteen (16) faculty members from across the University that were accepted by the Faculty Senate • Provost

54	11/3/2022	Modification of Duties/ Extension of the Tenure Clock	Are there provisions for family events, personal illness or maternity, paternity leave to make sure that additional time is allotted to the "Tenure clock" if someone requires extra time as a result of these? How much time would be reasonable?	An Extension of the Tenure Clock (BOG Faculty Rule 4.5) may occur for significant personal circumstances or for a professional circumstance. Up to three (3) extensions of the tenure clock may be approved.
55	11/4/2022	Ratings	<p>Thank you for the large amount of effort and work put into this document. I have a few specific revision suggestions to improve clarity and respond to equity concerns present in the document as currently worded.</p> <p>1. p. 15, new faculty - (1) If the new faculty member is working for a shorter period of time, it is unclear how this shorter time frame leads to a Satisfactory rating. It appears to assume that all new faculty should/would receive such a rating. Further, the comment associated with this text (A41) is problematic. If the university's intent is to "normalize" satisfactory while retaining the current definition of Satisfactory, this suggests the university is looking for more ratings that keep faculty both unpromotable and ineligible for merit pay. Normalizing satisfactory makes sense if the definition of satisfactory is also changed; however, if it remains static, but the expectations for ratings change, this suggests the normalization of a non-tenurable, non-promotable faculty body.</p> <p>2. p. 15, tenured faculty, not fully promoted. The current draft text states, "If there is limited evidence of the faculty member's results in a review, a "Satisfactory" rating(s) may be appropriate. A second year of limited evidence of the faculty member's results normally would receive an "Unsatisfactory" rating(s)." What are the "results" for which the faculty member is being awarded a Satisfactory rating? I think the term "results" is unclear in this context. Additionally, is this text suggesting these ratings are based on annual performance or on the criteria established for achieving full promotion? This seems an important distinction as not all tenured faculty are interested in full promotion. It is unclear how a faculty member's rating moves from Satisfactory to Unsatisfactory between years 1 and 2. As currently written, it seems as though a faculty member would be unable to attain Satisfactory ratings two years in a row. That is, the descriptor "limited evidence" is used for both Satisfactory and Unsatisfactory ratings. The only difference between the two is the year of review. Finally, how does one determine "normally" in this case?</p> <p>3. These same questions (as in #2) are applied to the next category on p. 15, tenured faculty, fully promoted.</p>	<p>Each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. Criteria for a new assistant professor may be different than for a fully promoted professor. A "Satisfactory" rating as defined by your unit criteria, meets the minimum expectations of your position.</p> <p>A faculty member is responsible for documenting and uploading evidence of fulfilling their duties and responsibilities as well as the quality and impact of their results. If a faculty member does not document in Digital Measures their results, then there is no evidence of results to be reviewed, therefore a non-meritorious rating would be appropriate.</p> <p>Safeguards are currently in place and continue to be in place, allowing a faculty member to file a response to annual reviews as well as rebuttals to recommendations of promotion, tenure, and non-continuation. The proposed University Procedures will reinforce these safeguards by requiring departments to outline criteria for ratings and requiring formative and summative feedback every year.</p> <p>The current University Procedures include a cumulative review option. In the proposed University Procedures the requirement of formative and summative reviews will obviate the need for cumulative reviews in the future.</p> <p>The WVU Values and Code of Conduct clause has been removed from the proposed University Procedures.</p>

		<p>4. p. 19. Descriptors for Annual Review Here, the definition for Satisfactory and an explicit note that this should be a baseline rating are provided. As noted in my concern #1, the use of this definition of satisfactory while making it the normative rating, suggests the normalization of an untenurable, unpromotable faculty body ineligible for merit pay. These definitions of Satisfactory and Unsatisfactory also complicate the text in concerns 2 and 3 where one year of satisfactory leads to an unsatisfactory rating in year 2 without explanation for how "limited evidence" and "results" are defined and differentiated between these two years of consecutive evaluation.</p> <p>5. p. 3. Cumulative reviews. "In post-promotion and/or post-tenure cases that do not follow the standard time intervals between promotions, a faculty member, unit leader, or dean may request a cumulative review. The cumulative review will assess the faculty member's achievements since their last promotion or salary enhancement (normally five years since last action) to determine the appropriate workload moving forward." Has the university considered, here, the potential for leaders to initiate cumulative reviews for reasons other than adjusting workload, including retaliatory for critique of administration or because of fundamental differences in worldviews or implicit or explicit biases? My concern here is about equity, faculty demographics, scholarship, and teaching. Given the plethora of negative tenure cases involving faculty of color or LGBTQ faculty, I wonder whether the institution is opening itself to the greater possibility of lawsuits by faculty who feel unjustly targeted for cumulative review. Has the institution considered safeguard mechanisms?</p> <p>6. Code of Conduct: I am happy to see the explicit reference to the Code of Conduct removed from p. 8 and would like to see it removed from any other place in the document in which it might exist. The Code of Conduct is not part of a faculty member's productivity and should not be used as a measure of such productivity. In practice, the inclusion of such language could have a chilling effect on faculty, particularly those from law, health, and other professions when current scholarship is divergent from political direction or leaders' beliefs. Further, these codes of conduct can disproportionately negatively affect diverse faculty, including racially, sexually, and gender minoritized faculty.</p>	
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56	11/4/2022	Continuation	<p>1) Rather than asking faculty to review an ever-changing, continually revised document, could the Provost's office please put forth a single, stable draft of this document for final review? It is clear to many of us who are invested in this process that the changes introduced each week aren't substantive, they are defensive or mere copy-editing, but each week we are expected to "review" yet again this very long and complicated document to see what has changed. This process has been unduly time-consuming, which many people suspect is a feature and not a bug here; it appears that the university isn't actually seeking consensus, the university is seeking the appearance of consensus. This was the problem with the PowerPoint presentations across campus to "discuss" these issues; without a stable draft of the proposed changes to circulate and to review, faculty waited until such a draft was available to weigh in with their thoughts. This draft has now changed multiple times since those meetings. I have spent many hours over the past few weeks reading drafts of this document and formulating my response to it, even though I already know that my thoughts on this evolving document will be dismissed and will have zero impact on the ultimate policy decisions of the university -- and I know this because of how critical comments relating to these changes have been treated so far. It is hard to invest in a process if you feel that your contributions are worthless.</p> <p>2) There is no anonymous option for faculty who fear institutional retribution to respond to these changes, and the decision to publish these comments in a public forum is also an attempt to quell criticism. These changes are coming from the top down; the people most affected by these changes risk a great deal in being part of this discussion. I have taught here for 21+ years and I have served on every level of P&T review at this university and on Faculty Senate for more than a decade, and I should not be this nervous about submitting my opinions about proposed changes to our policies. I am writing this not so much for our administration, because these policy changes are so clearly a done deal and not actually open to discussion; I am writing this on behalf of those who lack even my own meager institutional power as tenured faculty, because if we don't speak out, who will? Faculty morale is very low this year, and this process has lowered morale even more. I like my job and want to keep it, but I suspect that I am damaging my career in posting any critique of these proposed policies.</p> <p>3) Existing P&T guidelines already ensure faculty rigor at every stage of the</p>	<p>A peer review of teaching is currently conducted in many departments across campus. The proposed University procedures require one (1) peer review of teaching prior to a promotion and/or tenure decision.</p> <p>The Qualtrics form was set up to be anonymous if the faculty member chose to remain anonymous.</p> <p>Changes to the University Procedures have occurred throughout the Recognition and Rewards Committee work, feedback from the Town Halls and from the comments received through the Qualtrics form.</p> <p>External reviews already occur for all service-track promotions and for teaching associate professors seeking promotion to teaching professor.</p> <p>Safeguards are currently in place and continue to be in place, allowing a faculty member to file a response to annual reviews as well as rebuttals to recommendations of promotion, tenure, and non-continuation. The proposed University Procedures will reinforce these safeguards by requiring departments to outline criteria for ratings and requiring formative and summative feedback every year.</p> <p>The current University Procedures and the proposed University Procedures have the same level of faculty governance regarding the non-continuation of a faculty appointment/employment. For most colleges/schools the process includes a departmental faculty evaluation committee, a college evaluation committee and a University Promotion and Tenure Advisory panel, composed fully of faculty members (co-created and approved by the Faculty Senate leadership and Office of the Provost) weighing in on a faculty non-continuation decision.</p>
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process. There is no need to change our existing guidelines. We need less paperwork and repetition of effort, not more. Expansion of what is considered “effort” by faculty engaging in DEI initiatives is an excellent idea, but many faculty see these “generous” aspects of the proposed changes as the Trojan horse masking the university’s desire to erode the protections of tenure.

4) Requiring external reviews of non-research faculty is a massive, unnecessary burden in many disciplines and not even standard practice at peer institutions in many disciplines. Parallel structures are good in theory but not always in practice, and these changes are an unnecessary burden for faculty in these areas who are seeking promotion. I know this has been said again and again and again in committee meetings about these changes, but I'll add my voice to that choir.

5) The proposed changes to the P&T guidelines add significant additional responsibilities to faculty and to faculty evaluation committees, such as mandatory peer-review of teaching and additional documentation of teaching effectiveness in excess of our already rigorous guidelines. The university should be looking to lighten the burden on faculty, not increase it. Our current review process is already excessively thorough; there is no need to add additional tasks to this process.

6) The proposed changes to the P&T process concerning removal of underperforming faculty puts too much power in the hands of individual department chairs, and no version of this evolving policy document outlines the procedure for further review of the targeted faculty member’s case. Comments suggest that such review would be standard and take place at all levels, but faculty are understandably skeptical that things left out of this document will be fair, given the vague language attached to “improvement plans” in the current draft and the absence of such procedures. Underperforming faculty are a rarity at WVU, so these changes to the evaluation process are a solution in search of a problem. They only serve to weaken tenure.

7) Weakening tenure at WVU will increase the exodus of our highest-performing research faculty from the university.

8) WVU does not have a problem with faculty doing too little work. WVU has a problem with wage theft. 9-month faculty have been expected to work year-round regardless of the terms of their contracts, particularly when working with graduate students and throughout the pandemic. Regular 12-month employees

The WVU Values and Code of Conduct clause has been removed from the proposed University Procedures.

Your comments have been taking into consideration.

			are given many tangible benefits that 9-month employees do not receive, including paid vacation time and sick leave, and yet 9-month faculty are expected to work year-round without any of these benefits. These changes to the guidelines do nothing to clarify the workload expectations for 9-month faculty. 9) Attempts to incorporate WVU's highly subjective "Code of Conduct" into the P&T process would be an egregious violation of free speech. Punishing "conduct that reflects adversely on the image of the university" is a gag order.	
57	11/5/2022	Ratings and Continuation	In response to some of my colleagues' comments, you have invoked BOG Faculty Rule 4.2, Section #5, which states (among other things) that "Tenure is designed to ensure academic freedom and to provide professional stability for the experienced Faculty Member. It is a means of protection against the capricious dismissal of an individual who has served faithfully and well in the academic community." This Rule states that tenure exists to "ensure" academic freedom, but does not explain the mechanisms by which tenure actually ensures academic freedom in practice. I concur with many of my colleagues who have already commented that the proposal to initiate a "performance improvement plan" after a faculty member receives a single "Unsatisfactory" rating, and to initiate non-continuation procedures after a faculty member receives two "Unsatisfactory" ratings, quite obviously threatens to undermine this function of tenure. If this policy is to be enacted anyway, then I propose that further concrete steps be taken to make sure that tenure does in fact ensure academic freedom. In particular, I propose forming a faculty-led Committee for the Protection of Academic Freedom, which reviews every case of a faculty member receiving an "Unsatisfactory" rating in research or teaching, and makes a judgement about whether that rating constitutes a violation of their academic freedom. If the committee judges that it does, then the rating should be changed to "Satisfactory" or better, and no disciplinary procedures should be allowed to take place. Faculty governance should apply unequivocally to the protection of academic freedom.	Each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. Criteria for a new assistant professor may be different than for a fully promoted professor. A "Satisfactory" rating as defined by your unit criteria, meets the minimum expectations of your position. Throughout the review process, the department committee and college committee conduct de novo reviews and provide ratings and recommendations.
58	11/7/2022	Ratings and Continuation	In page 3 of the document, the 1st sentence in the paragraph before "B Criteria:" If any faculty member receives an "Unsatisfactory" rating(s) in any area at any level", this gives University administrators at any level the "super power" to initiate the procedure of firing a faculty. I suggest this should be revised to include input/re-evaluation from other levels, which will be fair to both faculty and University. There should be revised to "If any faculty member receives an	Safeguards are currently in place and continue to be in place, allowing a faculty member to file a response to annual reviews as well as rebuttals to recommendations of promotion, tenure, and non-continuation. The proposed University Procedures will reinforce these safeguards by requiring departments to outline criteria for ratings and requiring formative and summative

			<p>“Unsatisfactory” rating(s) in any area at any two of the four levels", which will be fair to faculty, and university. In this paragraph, the university must also provides the facility and tools for faculty to improve her/his performance. For example, our laboratory has been shut down by university and University sold all our equipment without discussing with any faculty, how can university expect we deliver the research results as we did in the past. I understand this is not a common practice but university has had a few actions that "hurt" our program although this may benefit university.</p>	<p>feedback every year.</p> <p>The current University Procedures and the proposed University Procedures have the same level of faculty governance regarding the non-continuation of a faculty appointment/employment. For most colleges/schools the process includes a departmental faculty evaluation committee, a college evaluation committee and a University Promotion and Tenure Advisory panel, composed fully of faculty members (co-created and approved by the Faculty Senate leadership and Office of the Provost) weighing in on a faculty non-continuation decision.</p> <p>The goal of the performance improvement plan is to help the faculty member achieve the minimum expectations within a mission area as set by the unit criteria.</p>
59	11/7/2022	Continuation	<p>First, I would thank the great effort the committee has put in. Page 2: "Negative annual evaluations might lead to the development of a written performance improvement plan, as determined by the relevant chairperson and dean. A faculty member's failure to fulfill a performance improvement plan could lead to a recommendation for non-continuation. Such a recommendation can be made at any time and must include a review at all levels with the decision made by the Provost." - The idea seems to be good but likely it will have a long-term negative impact on attracting or retaining the greatest faculty. Personally, I am not sure if our university is at the position to make this big change. On the other hand, I believe strategies like the salary enhancement plan should work much, much better.</p>	<p>The goal of the performance improvement plan is to help the faculty member achieve the minimum expectations within a mission area as set by the unit criteria.</p>
60	11/7/2022	Continuation	<p>Nice to see the great effort and thanks for the positive thoughts. As mentioned by others, I personally think it will be very problematic that the positions of tenured professors will be potentially terminated on such a great degree by their chairs and/or deans. This is related to Page 2 "Negative annual evaluations might lead to the development of a written performance improvement plan, as determined by the relevant chairperson and dean. A faculty member's failure to fulfill a performance improvement plan could lead to a recommendation for non-continuation. Such a recommendation can be made at any time and must include</p>	<p>Safeguards are currently in place and continue to be in place, allowing a faculty member to file a response to annual reviews as well as rebuttals to recommendations of promotion, tenure, and non-continuation. The proposed University Procedures will reinforce these safeguards by requiring departments to outline criteria for ratings and requiring formative and summative feedback every year.</p>

			a review at all levels with the decision made by the Provost."	The goal of the performance improvement plan is to help the faculty member achieve the minimum expectations within a mission area as set by the unit criteria.
61	11/7/2022	Ratings and Continuation	<p>I really appreciate the new version of the document. I really see the effort in incorporating meaningful feedback from the community. I do see improvement. However, we need to extend the feedback deadline to the spring so that the community has more time to study and submit their feedback. This all seems too rushed as the document has been dropped mid-semester, and there are too many pressing issues (e.g., the restructuring of the Davis College, changes in the J1 visa requests, changes in OSP procedures - how can we keep up with all these while still attending 100% to our regular teaching, research and service?)</p> <p>Specifically, my comments on the current version of the document are: - this document, while intending to line out the due process to reevaluate the tenure of those with unsatisfactory performance, is clearly weakening the institution of tenure at WVU by shifting the burden of proof to the faculty (tenure guarantees the burden of proof of lack of performance is the institution, not the faculty member) and tacking away shared governance by given the decision of terminate tenure to administrators and not peers. This must change. These changes, as proposed, will lead to weaker tenure, less shared governance, less academic freedom and may have implications to the quality of faculty we hire and ultimately, our status as R1 institution. Cases of unsatisfactory performance of tenured faculty are very rare and should be treated as exceptions, not the rule. Such cases should be reviewed by a committee of peers in their college (not chairs, not deans!). Also, as it is stated, administrators are able to sanction faculty members they dislike or oppose by giving them an Unsatisfactory evaluation, which will already put them into a path of "development plan" and danger of losing their tenure. This plan also puts the onus of proof to the faculty, not the institution. One compromise could be that the Unsatisfactory given by peers at two levels (unit and college), not chairs or deans, in the same category for two years in a row would lead to a development plan. Also, clear rubrics must be in place for these evaluations. The document does not tackle the most important problem in P&T evaluations: the lack of consistency in the evaluations. I've seen again and again that faculty with similar activities are evaluated differently (or same faculty with similar activity year after year being</p>	<p>Each level of review, including the department and college committees, in the current University Procedures provides a recommendation for promotion, tenure, and continuation. The Provost makes the final decision regarding promotion, tenure, or continuation. This has not changed with the proposed university Procedures.</p> <p>The current University Procedures and the proposed University Procedures have the same level of faculty governance regarding the non-continuation of a faculty appointment/employment. For most colleges/schools the process includes a departmental faculty evaluation committee, a college evaluation committee and a University Promotion and Tenure Advisory panel, composed fully of faculty members (co-created and approved by the Faculty Senate leadership and Office of the Provost) weighing in on a faculty non-continuation decision.</p> <p>Each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. Criteria for a new assistant professor may be different than for a fully promoted professor. A "Satisfactory" rating as defined by your unit criteria, meets the minimum expectations of your position.</p> <p>Your additional comments have been taken into consideration.</p>

			evaluated differently by different committees). We need more training (every P&T committee member, from unit to college) should receive training on diversity, bias as well as consistency of evaluation, and each committee should have very clear rubrics established for evaluating their peers. We should also resolve how to evaluate incoming faculty members, who are evaluated for their 5 months on the job and often receive just Satisfactory, which can be demotivating and often do not make justice to the work they have have put in. All in all, the administration intent is good, but we need to improve the document to avoid the problems that may emerge with it.	
62	11/7/2022	Ratings and Continuation	First, I want to express my deep gratitude for the responsiveness to the team to the many concerns shared over the course of this process, both with and without civility. It is very reassuring as a faculty member (and especially for younger/early career faculty) to see the transparency and responsiveness. I apologize for not remembering the exact language used, but in Faculty Senate when discussing non-continuation following multiple Unsatisfactory ratings, specifically in response to a concern about a higher unit giving a rating contrary to the department (e.g., a faculty receiving a favorable review, but then receiving something akin to Unsatisfactory "up the chain"). It was explained that this process actually presents more protection or at least more opportunities for improvement, etc. I'm sorry to not have the exact language, but I found the rationale/retort to the idea that this opens up faculty to more chances for non-continuation and instead does perhaps the opposite. I would ask that such language/rationale be added to make that more explicit in terms of the motivation, and would potentially respond to the concerns about how that would interact with administrative turnover over time. Again, thanks so much for the hard work and responsiveness.	Your comments have been taken into consideration.
63	11/8/2022	Ratings and Continuation	This suggested edit pertains to Proposed Draft 11-3-33 at p. 3, and in particular the following sentence: "Ratings of Unsatisfactory are reserved for cases in which the faculty member is not meeting the academic unit's minimal standards for job performance. Ratings of Unsatisfactory follow (a) a period of performance decline for which the faculty member had received specific feedback in prior annual evaluations yet has not demonstrated improvement or (b) gross misconduct (e.g., job abandonment)." The list of reasons given here is apparently incomplete as later at p. 15 another reason for an Unsatisfactory rating is given: "A Productivity	A faculty member is responsible for documenting and uploading evidence of fulfilling their duties and responsibilities as well as the quality and impact of their results. If a faculty member does not document in Digital Measures their results, then there is no evidence of results to be reviewed, therefore a non-meritorious rating would be appropriate.

			Report without supporting documentation should receive a rating of “Unsatisfactory” on an annual review.” To rectify this inconsistency, the reasons at p. 3 should also include something like “, or (c) a Productivity Report without supporting documentation.” Also, the preceding sentence “... reserved for cases in which ... “ should be broadened to capture the possibility of a high-achieving faculty member (or even just one that meets the academic unit’s minimal standards) who refuses to provide supporting documentation. Alternatively, lack of documentation should be stricken as a reason for an unsatisfactory rating, as it is entirely possible that someone is a high performer yet, for whatever reason, refuses to document their annual report. However, in that case, it is not clear how to properly incentivize the submission of complete documentation.	
64	11/8/2022	Continuation	<p>Non-Continuation or Termination Non-Continuation or Termination of tenured faculty may occur only if the Chair or Director, as well as, the Faculty Evaluation Committee of a unit or department assign an Unsatisfactory rating to the performance of a tenured faculty member in one of the two areas of significant contributions expected of a faculty member. This, in two successive annual evaluations. Non-Continuation or Termination of faculty may occur only if the Dean and the College promotion and tenure Chair or Director, as well as, the Faculty Evaluation Committee of a unit or department assign an Unsatisfactory rating to the performance of a faculty member in one of the two areas of significant contributions expected of a faculty member in two successive annual evaluations.</p> <p>Service [Remark:A faculty member may have no control on the nature or number of tasks assigned to him. This, either by the chair or by the department or by circumstances]. If service is not an area of significant contributions of a faculty member, an Unsatisfactory rating in service by a chair (director) and or by the faculty evaluation committee must not be a cause for termination or non-continuation of a faculty member.</p> <p>Teaching [Remark: Teaching at WVU has special dimensions and implications. The 2007 Auburn University report implies the special challenges that faculty face in fulfilling their mission of teaching at WVU especially in the mathematical sciences. These challenges are also manifest in WVU institutional research documents 2007-2017. Until today some chairs at WVU blatantly request that even students that do not meet minimal standards be given reasonable passing grades] Any</p>	<p>A rebuttal to a promotion, tenure, or continuation must be filed within five (5) days of notification. A grievance must be filed within fifteen (15) days. Ten (10) days based upon previous feedback in the Town Halls was an appropriate timeline.</p> <p>A de novo review is conducted at each level, when appropriate. Due process is outlined in the current University Procedures, BOG Faculty Rule 4.2 and the Grievance Procedure.</p>

faculty member subject to termination or non-continuation because of unsatisfactory ratings in two successive annual evaluation of teaching, has the right to ask that WVU solicit (with the faculty member participation and consent), external to WVU reviews of his teaching performance. This, could include among other evidence review of several lessons' recordings. All faculty members and especially, tenure track probationary faculty are encouraged to record several or more lessons of their class performance in a classroom technically made fit for such purpose by WVU.

----- 10 days for writing a response to an annual evaluation or to another adverse action is too short a time for a faculty member to draft a proper 'response' to a serious challenge. [For example, an adverse action like a reprimand in one's file could show up in the physical mailbox of a faculty member in the summer months, or when the faculty member is out of town. A 'response' requires a significant effort by a faculty member and the Dean. Any deadlines for response by the Dean? The statute of time limitation for a 'response' should be an entire academic year or 9 months from the time that notice of adverse action is given whichever is longer.

----- Current WVU guidelines allow insertion, by a chair, by a dean , by a provost, of a reprimand or any other material in a faculty's personnel file. This, without a rigorous investigation of the implied allegations. The manner of insertion is a violation of the constitutional rights and due process. This has repeatedly occurred at WVU and it is encouraged by the language of the P & T document. The WV grievance board and numerous nation wide litigations made it very clear that such violations are not tolerated. Below is a verbatim decision of WV grievance board that speaks volumes about this practice. Therefore, I suggest inclusion of the following passage: Great deference must be given by faculty and administrators alike to WVU promotion and tenure guidelines; to College and School guidelines and to Departmental or academic unit guidelines. The United States constitutional rights take precedent over any WVU guidelines. Due process must be followed at all levels of evaluation. Allegations must be rigorously investigated before they become part of a faculty members' file. Below is a copy of a decision implicating all levels at WVU. SAM NADLER, JR., Grievant, v. WEST VIRGINIA UNIVERSITY, Respondent. Docket No. 05-HE-455 DECISION Dr. Sam Nadler, Jr. ("Grievant"), employed by West Virginia University ("WVU") as a Professor of Mathematics, filed



a level one grievance on August 15, 2005, after a disciplinary memorandum was placed in his file by the Department Chair. Grievant seeks removal of the memorandum, and that due process be followed before disciplinary action is taken, and attorney fees. (See footnote 1) Sherman Riemenschneider, Chair of the Department of Mathematics, denied the grievance at level one, as did Interim Dean Rudolph Almsy at level two, and President David C. Hardesty, Jr., at level three. A level four appeal was filed on December 21, 2006, and a hearing was conducted in the Grievance Board's Westover office on April 13, 2006. Grievant was represented by Allan N. Karlin, Esq., and WVU was represented by Samuel R. Spatafore, Assistant Attorney General. The grievance became mature for decision upon receipt of proposed findings of fact and conclusions of law filed by the parties on or before June 13, 2006. The following facts have been derived from a preponderance of the evidence made part of the record at level four. Findings of Fact 1. Grievant has been employed by WVU as a tenured Professor of Mathematics at all times pertinent to this grievance. 2. In January 2001, WVU announced the creation of the Institute for Math Learning (“IML”) with the goal of significantly enhancing student performance in mathematics by studying learning styles and developing appropriate curriculum options and instructional techniques. Some members of the Department of Mathematics faculty, including Grievant, have expressed criticism of the program. 3. Following an external review of the IML in 2003, Dean M. Duane Nellis and Provost Gerald Lang jointly issued a memorandum on September 17, 2003, to the Mathematics faculty. They noted file:///C:/Users/jchellew/decisions/Dec2006/Nadler.htm[2/14/2013 9:14:08 PM] Converted W. Va. Grievance Board Decision that while much progress had been made, “it is clear that the reviewers recognize that not all the mathematics faculty have been on-board in moving the IML forward in a constructive manner” which was perceived to be undermining the IML's objective. They concluded that “the external reviewers have provided a wake-up call to all math faculty that now is the time to either get engaged in a constructive way in the IML or stay out of the way.” 4. In June 2005, two unidentified students from the Math 124 class taught by Grievant's advisee, PhD student Likin Simon-Romero, spoke with Dr. Riemenschneider regarding the class. They stated that Mr. Simon-Romero had advised they could take their concerns regarding the class directly to the Chair, and suggested that if they would slide copies of their papers under Grievant's office

door it would in some way help their grades. 5. Dr. Riemenschneider and Dean Almasy met with Mr. Simon-Romero, who confirmed that he had suggested providing Grievant with class papers, but did not reveal the impetus for the suggestion. 6. Dr. Riemenschneider hand delivered Grievant a memorandum dated August 12, 2005, in which he advised that Mr. Simon-Romeo had been spoken to very strongly for having not properly directed the students to follow the chain of command and first speak with the instructor, then the coordinator, followed by the IML Director, and finally the Chair. Dr. Riemenschneider further surmised that the direction to slide papers under Grievant's door gave the students the impression that Grievant had some authority in the matter, which he did not. This action was characterized as "under cutting the authority of the coordinator, the IML Director, and the Chair," in addition to confusing and misleading the students. Dr. Riemenschneider concluded by stating that Grievant's actions were contrary to the directions given by the Provost and the Dean in the September 17, 2003, letter, and directed him to refrain from such actions in the future. 6. Dr. Riemenschneider did not discuss the matter with Grievant prior to issuing the memorandum, which was also placed in Grievant's personnel file. Upon advice of counsel, Grievant waived the opportunity to submit an explanation and/or rebuttal to the memorandum. Discussion In disciplinary matters, the employer bears the burden of establishing the charges by a preponderance of the evidence. W. Va. Code §18-29-6; Hoover v. Lewis County Bd. of Educ., Docket No. 93-21-427 (Feb. 24, 1994); Landy v. Raleigh County Bd. of Educ., Docket No. 89-41-232 file:///C:/Users/jchellow/decisions/Dec2006/Nadler.htm[2/14/2013 9:14:08 PM] Converted W. Va. Grievance Board Decision (Dec. 14, 1989). "A preponderance of the evidence is evidence of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. It may not be determined by the number of the witnesses, but by the greater weight of the evidence, which does not necessarily mean the greater number of witnesses, but the opportunity for knowledge, information possessed, and manner of testifying[; this] determines the weight of the testimony." Petry v. Kanawha County Bd. of Educ., Docket No. 96-20-380 (Mar. 18, 1997). See Black's Law Dictionary, 5th ed. at 1064. In other words, "[t]he preponderance standard generally requires proof that a reasonable person would accept as sufficient that a contested fact is more likely true than

not." *Leichliter v. W. Va. Dep't of Health and Human Res., Docket No. 92-HHR-486* (May 17, 1993). (See footnote 2) WVU asserts there was no misapplication or violation of any policies, guidelines or procedures, that it is unnecessary to discuss a matter prior to placement of such a memorandum in a faculty member's personnel file, and that Grievant may still file a response to the memorandum, if he so chooses. WVU relies on "WVU Policies and Procedures for Annual Faculty Evaluation, Promotion and Tenure 05-06" Section VII, Paragraph 6, which states that a Faculty Personnel File should contain "[o]ther information and records that the chairperson or dean may wish to include. Faculty members may include written responses to such material." Grievant argues that the investigation conducted by Dr. Riemenschneider was wholly inadequate, and that he did not violate the directions given by the Provost and the Dean in the September 17, 2003, letter or any WVU policy. Dr. Riemenschneider testified that Grievant has engaged in ongoing behavior undermining the IML program, and that he believed this incident was an attempt by Grievant to collect data which would be used in a non-supportive fashion. The memorandum was necessary, he explained, to document Grievant's actions. The Chair also stated that he had not discerned Mr. Simon Romero's motive in speaking either with Grievant, or in his suggestion to the students. Grievant testified that he had simply inquired how his advisee's teaching was proceeding during a routine conversation, when Mr. Simon-Romero stated concerns about some of the tests used in the course. Grievant offered to review the tests to determine whether the concerns should be addressed with the program coordinator. He suggested the students could slide copies under his door to ensure anonymity. Neither Mr. Simon-Romero nor the students testified at level three or four. Whether Grievant acted appropriately is debatable; certainly questions remain unanswered.

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Converted W. Va. Grievance Board Decision However, this grievance is limited to the issue of whether an employer may place a reprimand in an employee's personnel file without any prior due process. The answer to this question must be "no". The position expressed by Dr. Riemenschneider, and supported by WVU, is contrary to the basic due process requirement that an employee be given notice and an opportunity to respond prior to the imposition of discipline. Allowing the employee to file a response after the placement is inadequate because no matter

how persuasive the response may be, an implication remains that the employee may have engaged in wrongdoing. In the present case Grievant did not violate any rule, regulation, policy, or even the advisory letter issued several years earlier. Dr. Riemenschneider's own testimony establishes that the memorandum was issued based on his belief that Grievant might be collecting data to support his criticism of the program. It is fundamentally unfair to place a disciplinary document in an employee's personnel file based on speculation. Consistent with the W. Va. Code § 29-6A-5(b) provision which allows an Administrative Law Judge to "provide relief as is determined fair and equitable", WVU is ordered to remove the August 12, 2005, memorandum from Grievant's personnel file. In addition to the foregoing findings of fact and discussion, it is appropriate to make the following formal conclusions of law. Conclusions of Law 1. In disciplinary matters, the employer bears the burden of establishing the charges by a preponderance of the evidence. W. Va. Code §18-29-6; Hoover v. Lewis County Bd. of Educ., Docket No. 93-21-427 (Feb. 24, 1994); Landy v. Raleigh County Bd. of Educ., Docket No. 89-41-232 (Dec. 14, 1989). 2. WVU failed to prove that Grievant acted in violation of any policy or regulation which would warrant a letter of reprimand. 3. W. Va. Code § 29-6A-5(b) allows an Administrative Law Judge to "provide relief as is determined fair and equitable". Accordingly, the grievance is GRANTED, and WVU is Ordered to remove the August 12, 2005, memorandum from Grievant's personnel file. Any party, or the West Virginia Division of Personnel, may appeal this decision to the Circuit Court of Kanawha County, or to the "circuit court of the county in which the grievance occurred." Any such appeal must be filed within thirty (30) days of receipt of this decision. W. Va. Code § 29-6A-7

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 Converted W. Va. Grievance Board Decision (1998). Neither the West Virginia Education and State Employees Grievance Board nor any of its Administrative Law Judges is a party to such appeal and should not be so named. However, the appealing party is required by W. Va. Code § 29A-5-4(b) to serve a copy of the appeal petition upon the Grievance Board. The appealing party must also provide the Board with the civil action number so that the record can be prepared and properly transmitted to the appropriate circuit court. DATE: JUNE 22, 2006

_____ SUE KELLER SENIOR ADMINISTRATIVE LAW JUDGE

Footnote: 1 The Grievance Board lacks authority to grant attorney fees.

			<p>Footnote: 2 WVU argues that the memorandum is not disciplinary in nature; however, it is essentially a letter of reprimand, and will be considered disciplinary for purposes of this decision. ----- A specified dictionary of terms is not uncommon in important documents. A designated area in the P & T document for such a dictionary may be considered and could shorten the P & T document. e.g. This Dictionary of Key words, Phrases and Terms are deemed an integral part of this document. All Levels of evaluation mean the totality of: Chair or (Director) of a department or school; Faculty Evaluation Committee of a Department School (or an academic unit); Dean; College Faculty Evaluation Committee-Promotion and Tenure; Provost; President; WVU committee....</p> <p>----- Some comments on Academic Transformation. Academic transformation should change the focus from SEI's to teaching were students work to their full potential. Coercion to beat down the instruction to the lowest level does not benefit students. WVU slogan should be: Send us your off-springs and we will get them as far as they can get. Or, Study with us and we will get you as far as you can go. This may require new practices that are not yet written in any book, aka experimentation.</p>	
65	11/9/2022	Code of Conduct	<p>Comments on 1) "faculty members must engage in behaviors consistent with the university Code of Conduct and university values." "Be an ambassador of WVU and avoid conduct that reflects adversely on the image of the university," What message could and would such statements convey e.g. to journalists of a free democratic country? What consequences would such criteria have on humans in Russia, in Myanmar North Korea and peoples Republic in China? What could happen to academic freedom at WVU? 2) Members of faculty evaluation committees, college promotion and tenure committees should be restricted to faculty that are tenured.</p>	The WVU Values and Code of Conduct clause has been removed from the proposed University Procedures.
66	11/9/2022	External Reviews	<p>I have concerns regarding external evaluation of Teaching. Finding external evaluators for research is easy and common. Anyone in my research community of roughly 100 people could tell you about work that I have published and how I advertise that by presenting at conferences. Those who don't know me can look at the articles on my CV. So I believe most people in my field would have an accurate picture regarding my productivity and impact. On my desk right now, I have two articles to review. This is work I do because I am part of that research</p>	<p>External reviews currently take place for every promotion from Instructor to Professor for Service-track faculty members. The proposed guidelines would remove the external review requirement from instructor to assistant professor for service-track faculty.</p> <p>External Reviews for Teaching-track faculty from assistant to</p>

			<p>community. They have trained me, and other researchers have reviewed my articles. If I approve these articles, then that work is published, furthering the body of known Matroid Theory. If I reject the articles, then I have furthered the interests of my field by keeping erroneous work from being published. But I turn down more review requests than I accept due to time constraints. I'm not sure I would make the time to accept any review requests absent the obligation I feel toward my research community. I foresee having difficulty with both of these issues: 1. finding external evaluators and 2. providing those evaluators with sufficient evidence for them to have a clear picture of my effectiveness as a teacher. If another professor from another university asked me to participate in his/her review process by reviewing his/her teaching, then I would likely not accept. I have more than 40 hours a week just taking care of my university obligations. Were I to accept, I have no incentive to grade someone else's teaching as "unacceptable." Someone else teaching math at another university has no impact on my teaching math at this school. Further, that faculty member would likely be in the community that would review my teaching. So I am incentivized to develop a culture that all teaching is acceptable. Therefore, I see adding external evaluation to the review/promotion process for teaching focused faculty to be a difficult step that is not necessarily value adding for the faculty member or the evaluation process.</p>	<p>associate rank makes a case for higher salaries, if performance warrants and the increase in salaries is financially feasible. Further, this is a basis for longer term contracts for librarian-track faculty.</p> <p>Within the proposed P&T document, flexibility with external reviewers has been introduced for the promotion from assistant professor to associate professor in the non-tenure track. This means that two of the four external reviewers may be from the University, but outside of your department/college. An external review package will include materials that are in their Digital Measures evaluation file.</p> <p>Chairpersons/Deans are responsible for securing a minimum of four (4) external evaluators.</p>
67	11/9/2022	External Reviews	<p>Comments Comments Remove the new requirements on external review for the promotion from assistant to associate for Teaching-track and Librarian-track with implement a grandfather policy (specify it in the P&T) for those Assistant TAPs and Librarian already in the system (not only for those going up in 2023). I want to explain the importance of doing these from the perspective of a business, PR of WVU, as well as student recruitment & retention. Otherwise, we will see decrease on faculty retention, resulting in a decrease in students' recruitment and retention in upcoming years, and leading to more budget cuts because of reduced tuition receipts, thus more decrease on faculty recruitment and retention, and eventually a continuous negative feedback loop. Gen Z students are more "value driven and socially conscious" who are more likely to question an institution's value and leave when they feel others are not treated fairly based on their standards. Look at the timeline, the groups of Teaching Assistant Professors and Assistant Librarians who are currently in the system but can't go up for the</p>	<p>If the University Procedures are adopted, faculty members who are close to promotion/tenure will not be negatively impacted.</p> <p>Your comments have been taken under consideration.</p>

Associate rank in 2023 are the ones hired around pre- during and post-pandemic (2019 and later) who have been on the very frontline taking the heavy teaching loads and fighting for the students' retention for WVU but barely got any qualified professional development and national exposure opportunities due to the resulting effects of pandemic. They are among those who made most contributions to student retentions for WVU during the pandemic but also the ones negatively hurt the most since they haven't got chances to enjoy opportunities from WVU after joining us but the first group facing the new P&T guideline on the new external review requirement. Now when we finally returned to normal, Teaching and Librarians didn't get any support to compensate their tough beginning in WVU such as allocated professional development and national exposure to help built up their portfolio but got betrayed by giving more work for their promotions and acting as the guinea pigs for this new proposal. Therefore, their whole time with WVU is from one pitfall after another. What is worse, the response to previous comments said Assistant TAPs will not deserve a pay raise unless they agree to do the external review first. Staring at response to comment 2, in several locations, WVU says loudly that if the Assistant TAPs/librarians stay the way they are now (no external review), their pay gap increase request will never be addressed. This is a very humiliating statement from WVU to those Assistant TAPs/librarians. If this type of story goes public, it will be horrible for the PR of WVU and any future recruitment and retention for both employees and students because WVU will end up with a national reputation as "bait and switch", "dump you after using you", and "dangling the carrot" type of university. How will potential candidates think about a university with such a reputation? How to retain the disappointed/heart-broken ones in WVU? In addition, since these groups are also largely involved in the entry-level/large class courses facing most students in WVU, how their social conscious students will think about WVU after witnessing their teacher's tragic work experience and spreading the words back to their high schools? And if WVU experiences losing significant TAPs for those courses, who will take up the heavy teaching load and retention duties of so many students? With more plunge on students' recruitment and retention, more budget cuts will come, resulting in more challenges on the recruitment and retention of both students and employees. For WVU's benefit, remove the external review requirements for the promotion from Assistant to Associate for

			TAPs and librarians and emplace a grandfather rule for those Assistant TAPs in the system (not only for those going up in 2023).	
68	11/10/2022	External Reviews and Criteria	<p>Process of introducing and passing the changes to the document: I appreciate the effort towards transparency, starting with sharing the document rather than having faculty rely on town hall slides and hearsay. In practice, it was difficult to keep on top of the weekly updates. Though a small number of folks have been working on this document for a while, the document was entirely new to many faculty and many folks, including me, don't have the capacity to think through the impact of this document when we are facing high workloads which will increase with the implementation of the proposed changes (we have to figure how out to implement these change at the unit level, add external reviews to our existing process, ensure that all instructors engage in peer evaluation of teaching at the right time, figure out what to do with folks whose promotional plan has been disrupted). I have colleagues across the university who feel unfamiliar with the bureaucracy of higher education, so figuring out how to navigate the entire process has been an additional burden to new faculty and international faculty who may not be well connected or have historical insight into our organizational culture. Overall, I don't appreciate how quick the timeline is given the relatively large impact of the outcome of the document and wish we had more time. The creation of the document: It's clear that the document was adapted to fit non-tenure track faculty into expectations and requirements for tenure-track faculty with no meaningful incentive for non-tenure track faculty. I know that non-tenure track faculty will have the opportunity to receive multi-year contracts and/or this can be used as justification for raises in the future, but I wonder if that incentive is worth it if you polled all non-tenure track faculty. I have not spoken to one tenure-track faculty who is convinced that the proposed changes justify the potential incentives but perhaps I'm not well connected. I worry that we will see more employee turnover when we are still grappling with pandemic-related turnover. To the original point, the requirement for all faculty to engage in external reviews when the original value of external reviews is to review research/scholarship is the clearest example of how we've tried to apply tenure-track expectations to non-tenure track faculty. Incorporating language to</p>	<p>External Reviews for Teaching-track faculty from assistant to associate rank makes a case for higher salaries, if performance warrants and the increase in salaries is financially feasible. Further, this is a basis for longer term contracts for librarian-track faculty.</p> <p>A minimum of four (4) external reviews will be expected. Within the proposed P&T document, flexibility with external reviewers has been introduced for the promotion from assistant professor to associate professor in the non-tenure track. This means that two of the four external reviewers may be from the University, but outside of your department/college. An external review package will include materials that are in their Digital Measures evaluation file.</p> <p>Librarianship is the area of significant contribution for a librarian.</p> <p>If a faculty member engages in DEIJ or community and public engaged work, they should be recognized and rewarded for that work as define by unit guidelines.</p>

			<p>recognize and credit public and community-engaged work; multi/trans/inter-disciplinary work; and diversity, equity, inclusion, and social justice work: Is there room to include open scholarship and the development of open educational resources? Engagement with OA scholarship and OER are in alignment with the goal of recognizing DEI, as well as public and community-engaged work as the open access and open education movements work to remove financial and legal barriers to scholarship and educational resources, directly impacts how the community can access research, and impacts student access to teaching resources. Their evaluation can be determined at the unit level. Recognizing diversity, equity, inclusion, and social justice work: I appreciate the effort to recognize this type of work, but the recognition of DEI work does not preclude minoritized faculty from cultural taxation and the real expectation to engage in additional service to "diversify" the institution that is not required of faculty who belong to majority groups. This will continue to disproportionately impact minoritized faculty while rewarding faculty who may engage in social justice work at a very surface level. Teaching portfolio: For librarians, we don't generally have an area of significant contribution. We have librarians who teach but count teaching as service if it's not in their position description. Do these faculty members need to engage in peer evaluation of teaching? External Reviews: Since it seems like external reviews are non-negotiable, can the number be determined at the unit level? Many of my colleagues have expressed concerns that they won't be able to find that many librarians or archivists who have the time/capacity to provide an external review.</p>	
69	11/10/2022	Peer Evaluation and Criteria	<p>In the new document it states that at least on peer review of teaching will need to be included each year, is the a format/rubric recommended? I would recommend adding the word "written" before performance improvement plan. I think that this needs to be clear to both the faculty member and the Chairs/Dean that this needs to be in written form and uploaded into digital measures. How will the chair be held responsible for monitoring the improvement plan? Will they need to meet with the faculty member x number of times throughout the year/semester? Under the section Contexts of Appointment for faculty, it states that appointment with tenure is sometimes possible for tenure-track faculty and appointment at Associate or Full is sometimes possible for non-tenure track. Is the ability to be appointed with tenure or at a higher rank limited by the job posting? I think that</p>	<p>One peer evaluation of teaching must occur prior to promotion/tenure.</p> <p>The teaching rubric will be defined by the unit guidelines. "Written" was added to the University Procedures with the 10/25/2022 version.</p> <p>Responsibilities for the faculty evaluation file are detailed on pages 12-13.</p>

			perhaps the parameters of when this can be applied need to be explained a bit. Under the section Faculty Evaluation File, it states that the appointment letter, workload document, etc have to be uploaded. There are certain items that the faculty member has to upload and then there are items that the administrative staff upload, I think it should be stated for each document who is responsible for uploading (this is especially needed for new faculty members).	
70	11/10/2022	Typo	Page 1, Section I, Paragraph 5: "bases" should be "basis".	The language was reviewed and confirmed.
71	11/10/2022	Performance Improvement Plan	Page 2 Section II.A.1: "Negative annual evaluations **might** lead to the development of a written performance improvement plan, as determined by the relevant chairperson and dean" is inconsistent with Section II.A.4 Paragraph 5, which states "'Unsatisfactory' rating(s) in any area at any level, the unit leader **must** notify the dean and develop a written performance improvement plan with the faculty member." To my knowledge the only negative annual evaluation rating is Unsatisfactory. Section II.A.1 does not specify any specific rating except "negative" and the Section II.A.4 reference specifically uses unsatisfactory. Is there more than one way to get a negative annual evaluation besides being rated as unsatisfactory? This must be corrected to bring more consistency.	Your comments have been taken under consideration.
72	11/10/2022	External Reviews	Page 4 Section III in combination with Footnote 4: "Clinical-track Assistant Professors with contracts with University Health Associates (UHA) or the Dental Corporation do not require external reviews for promotion to Associate Professor. However, all clinical-track faculty require external reviews for promotion to Full Professor." Why are Clinical Assistant Professors exempt from the external review process for their promotion to Clinical Associate Professor? If there is an exemption for one group, how can it be justified to do the same for other groups (specifically teaching track) if this document is being updated to bring equity to all?	In these cases, generally, less than 10% of the Clinical Assistant Professors workload is attributed to West Virginia University's mission areas. The remaining workload effort is attributed to UHA or the Dental Corporation.
73	11/10/2022	Research	Page 5 Section III: "Academic leaders annually approve the research, teaching, and/or service assignments of their faculty and only work approved by the academic leader are is considered in the evaluation." Based on this statement, anyone who conducts research without a research assignment will not receive any credit for their effort (merit or otherwise). What is the incentive for non-research	Teaching-track and service-track may have a research assignment if agreed upon with their unit supervisor. Research is one way to stay up to date in the discipline, which is a requirement of all faculty at WVU.

			faculty to do research other than personal satisfaction? There should be some incentive for non-research-assigned faculty to conduct research and have it considered (at least for merit pay increases) without a penalty for not conducting research for which they have no obligation. This change would support the “R1” status which is often touted by the various levels of leadership.	
74	11/10/2022	Digital Measures	Page 6 Section III.A: Any reference to “Digital Measures” should be removed. The system is now called “Watermark Faculty Success” (just a name change but still the same system). Calling it a digital evaluation system or something similar is more appropriate should WVU move to another software system in the future. Using a specific software name will require a document update should the process be moved to a new method or system.	Edited to evaluation file.
75	11/10/2022	Discretionary Promotion	Page 12 Section VI: “A faculty member whose application for promotion is unsuccessful must wait at least two full years after the decision is rendered before submitting another application, unless a critical-year decision is required.” There should be a middle ground such that the individual faculty member could wait at least one year. This could cover situations where minor but fatal flaws are the reason for a denial of promotion. The College Dean should be able to make the decision to allow the person to go up for promotion the following year (one elapsed year) for a promotion review or not. If the Dean does not approve, the faculty member would have to wait two years as stated.	Your comment has been taken under consideration.
76	11/10/2022	Notification	Page 14 Section IX: There must be a deadline for Chairs to complete their annual evaluation of faculty and also notification of posting of the evaluation to the digital performance system. This past evaluation cycle I didn’t get my evaluation until mid-June and this was only after I asked about it not being in my digital performance file.	The Faculty Calendar for Annual Review states when reviews should be completed.
77	11/10/2022	Ratings	Page 15 Section IX.B.1: “For some new faculty members, the time period under review will include research, teaching, and/or service efforts for 4.5 months (or less) of work instead of a full year. In such cases, the efforts and outcomes should be recalibrated for that shorter time period. If there is limited evidence of the faculty member’s results in their first review, a “Satisfactory” rating(s) may be appropriate. A Productivity Report without supporting documentation should receive a rating of “Unsatisfactory” on an annual review.” This should also be included in ALL the other faculty tracks (teaching, service, research, clinical, and librarian) and not just the tenure track faculty.	A parallel statement is included in the other tracks.

78	11/10/2022	External Reviews	<p>Page 24 Section XII: "The term "significant contributions" are normally those that meet or exceed the standards outlined in the University, college, school, and/or departmental promotion and tenure guidelines and receive overall positive reviews of the quality and impact of their service including clinical service, teaching, or librarianship efforts by external evaluators. For Assistant rank to Associate rank a minimum of four external evaluations is normally required. Up to two of the external reviewers may be external to the unit, but internal to the University"; and, Comments Response: "External Reviews for Teaching-track faculty from assistant to associate rank makes a case for higher salaries, if performance warrants and the increase in salaries is financially feasible. Further, this is a basis for longer term contracts for librarian track faculty." While in a perfect world external reviews may "make the case for higher salaries" it does not do that right now. This proposed additional criteria for promotion makes the process more difficult without compensation. Yes, non-tenure track faculty do not have to advance in the ranks but who is happy being in the same position for years upon years? This is not even considering getting a pay cut every year because of the combination of inflation and no/minimal pay increases. Using the justification that Service track already has this requirement does not pan out for applying it to the other non-tenure tracks. How does this justify adding this criteria to another track? Each non-tenure track has its own purpose, and each fills a specific need of the University. They should never be treated the same in this regard. Is the University going to grant higher salaries first and then require external reviews? Simple answer: No, it is not going to grant higher salaries for non-tenure track and I personally have no faith whatsoever that it ever will. The pay gap between Teaching and Tenure is, in a word, abhorrent. I have recently heard that a Teaching track has a pay gap of 40% when compared to a new tenure track just hired just one year later. How is this justified when Teaching tracks teach twice as many courses each semester but have nearly half the compensation? There has been talk about making non-tenure track salaries match tenure track and it has been prevalent over the years, but many feel it is a snipe hunt that is meant to pacify the non-tenure tracks. First, the pay gap needs to be closed between tenure and non-tenure tracks, then adding on the requirement of external reviews can be justified. No the other way around. This standard is making Teaching faculty work for something (the case for higher salaries) but we</p>	Your comments have been taken into consideration.
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			all know it will never come. Overall, this does not “make the case for higher salaries” because it won’t be treated this way by the reviewers/decision makers, this new criteria for promotion is going to make the teaching track flee this University or reconsider applying for any open positions. Teaching track already has low morale at this university, this is going to crush what little might be left.	
79	11/10/2022	Review Deadlines	Page 25 Section XIII.A: This section needs established deadlines for the Department level to complete their reviews of the annual and promotion evaluation file. In addition, there needs to be some form of notification procedure. The current system does not provide notifications and the evaluation letters can be added without the faculty having any knowledge that it has even happened. However, the rebuttal period has already started once the file is uploaded (without the knowledge of the faculty member). There must be deadlines and notifications added to this section.	The Faculty Calendar for Annual Review states when reviews should be completed and faculty members must be notified.
80	11/10/2022	Digital Measures	The proposed draft currently contains differing language when referring to digital faculty files, variously naming "digital evaluation file," "Digital Measures," and "Digital Measures/Watermark Faculty Success." Because the name of the service we refer to as Digital Measures has been renamed once to "Faculty Success" and may yet be renamed again, to avoid any possible confusion with faculty rights and responsibilities, I would suggest that the draft be updated to consistently use language that is not product/service specific but instead refers generically to a faculty's electronic file. Thus, I would suggest that all instances of "Digital Measures" and "Digital Measures/Watermark Faculty Success" be replaced with "digital evaluation file." The instances for which I suggest replacement are found at the following locations: Page 6, 2nd full paragraph Page 7, 2nd full paragraph Page 9, 1st full paragraph Page 12, 5th and 6th full paragraphs Page 23, 1st full paragraph Graduate Advising/Mentoring Table note Service Appendices #3, last full paragraph on first page of this appendix Thank you for your efforts on the proposed changes.	Edited to evaluation file.
81	11/10/2022	External Reviews	I appreciate the time that went into the updates to this document as well as the stated intent to better support transparency, equity, and inclusion. I was surprised to learn in the presentation at the Beckley campus that part of our campus mission is to serve the R1 mission. This is at odds with my understandings of our campus strengths and focus. Similarly, I was surprised that elements of the proposed changes in many ways are quite aligned with procedures already	The Office of the Provost will work with the Beckley and Keyser campuses to develop an external review process.

			<p>undertaken here (for example, aspects of the teaching portfolio and mechanisms of evaluation), yet with subtle shifts that would represent true challenges (including the peer review of teaching in tiny, multidisciplinary departments that already feature chair review). Ultimately, the proposed changes appear to reflect attention to a mission and ranking of something other than my understanding of our campus -- more information about procedures (including external review) at comparable campuses of similar ranking, size, and focus would be appreciated. It is ultimately challenging to know how to think about being presented with a proposal for a complete overhaul of procedures that appears to demand substantive unpaid service of us and peers without being clear that this proposal also reflects true engagement with our campus mission, strengths, and current procedures.</p>	
82	11/10/2022	Ratings and Continuation	<p>Section: "Negative annual evaluations might lead to the development of a written performance improvement plan, as determined by the relevant chairperson and dean. " It is unclear what would be considered negative. Is this just for the case of receiving an "unsatisfactory" or for the case where in one year the person received excellent and in the next satisfactory? Also, it would be of interest to have a peer participate in the performance improvement plan. Having a peer help design would allow for a perspective of someone that is active in research and teaching. Section: "If any faculty member receives an "Unsatisfactory" rating(s) in any area at any level, the unit leader must notify the dean and develop a written performance improvement plan with the faculty member. " This concerns me. It seems possible that the individual may have received goods and excellent for the same area and other levels and one "unsatisfactory" at a specific level. If only one "unsatisfactory" is received shouldn't there be a time to compare the academic units minimal standards to that individual's packet by an adhoc committee prior to making a performance improvement plan? This section seems to go against the paragraph above it. At least there should be time prior to the performance improvement plan for the faculty to comment and a third party verify the validity of the unsatisfactory rating. I would suggest adding "may develop a written performance plan" after an analysis of an external party of the person's achievements against the academic unit's minimal standards. Research Section: " Research published in predatory journals will not receive credit." I would suggest adding something like: "as explained by the WVU library" so that the definition of</p>	<p>A faculty member may consult a peer, although the performance improvement plan would be between the faculty member and the chairperson.</p> <p>A faculty member within the current University Procedures or the proposed University Procedures may file a response to a performance rating.</p> <p>Your comments have been taken under consideration.</p>

			<p>predatory is not something subjective. Or that the units must provide a definition of what they consider to be predatory journals. Section: " A Productivity Report without supporting documentation should receive a rating of "Unsatisfactory" on an annual review. " I would consider replacing should to may. This is dangerous since there have been time when there are glitches in the system which could affect the submission of files. For instance in one year I was removed from the WVU system due to a mistake in typing by shared services days before the submission deadline. Section: "If there is limited evidence of the faculty member's results in their first review, a "Satisfactory" rating(s) may be appropriate. A Productivity Report without supporting documentation should receive a rating of "Unsatisfactory" on an annual review." I think a note that in the past "satisfactory" was usually awarded is appropriate here for non-tenure track faculty that have already received their first review. Unless these faculty can request a review. Also, in the first year faculty are learning how to document and the system, once again there could be technological issues such as email not fully set up. I would suggest changing "should" to "may" here. Section: "Unsatisfactory [characterizing performance that is not meeting expectations]" Consider adding "characterizing performance that is not meeting the unit's expectations outlined in it's guidelines" Section: "A "Satisfactory" rating is meeting expectations, not exceeding expectations and should be the baseline for ratings." This once again concerns me for the case of non-tenure track faculty halfway through their track. In past years giving satisfactory in first evaluations was the norm. This should be noted somewhere in the document.</p>	
83	11/11/2022	Peer Evaluations	<p>Faculty at the HSC are evaluated for teaching as part of their P&T. However, the bulk of our teaching is through interacting with graduate students or participating in team-taught courses. Attempts to group us with more traditional undergraduate teachers is doing us a disservice. How can we be peer-reviewed for our one-on-one instruction of graduate students? Also, a teaching narrative may be specific for each graduate student or the type of students (graduate, medical, mixed undergraduate/graduate) in each class that we teach. So, a central teaching narrative is not helpful. Given the diversity of different professors' roles across the university, I believe that a one-size fits all model is unwise. I strongly oppose these changes to teaching evaluation.</p>	<p>If the proposed University Procedures are accepted, your unit would determine the criteria for your peer evaluations.</p>

84	11/11/2011	External Reviews and Criteria	<p>1. Section VII. (p. 14) – “A productivity report without supporting documentation should receive a rating of “Unsatisfactory” on an annual review.” This seems to be rather extreme, especially given the consequences of Unsatisfactory ratings and the inconsistency with language in sections IX.B.2, 3, and 4. Also, #8 in supporting documentation under Section VII is pretty vague and could be interpreted differently by different people. Someone could get an “Unsatisfactory” because they didn’t include something in the list of possibilities for #8 that the review committee thought should be included. I would suggest sticking with the language in IX.B.2, 3, and 4 (“Satisfactory” the first time this happens, “Unsatisfactory” the second time) and clarifying the list of items to include in #8 in the supporting documentation (I would suggest referencing the appendices) so it is clear what the bare minimum should be to avoid a “Satisfactory” rating. You don’t want a misunderstanding to hurt someone’s future tenure and promotion decisions.</p> <p>2. For teaching track position descriptions, it would be good to state a minimum percentage for teaching. Typical appointments are 80% teaching, but could you have 60% teaching and still be considered a teaching track position?</p> <p>3. I like the Descriptors for the Annual Review categories (Section IX.C) and find them to be very clear. However, I do not agree with “Satisfactory” being later defined in the paragraph as “meeting expectations, not exceeding expectations and should be the baseline for ratings”. This sets a very bad precedent for quality of life for faculty. If my workload says I’m supposed to teach four courses a year and I do that, it sounds like I would get a rating of “Satisfactory” as that is the baseline and I’m meeting my workload expectations. My workload is supposed to reflect expectations for my appointment. In order to get a “Good” or “Excellent” (and eventually be promoted), do I need to teach more than four classes, exceeding my workload and working 110%? The earlier description in the paragraph (“performance sufficient to justify continuation but not sufficient for promotion”) more accurately reflects the “Satisfactory” category. The latter sentence runs counter to that and should be deleted.</p> <p>4. The document should clearly define “significant areas of contribution”. I’m assuming if my appointment is 45% research, 45% teaching, and 10% service, the areas of research and teaching are considered my significant areas of contribution. However, it would be nice to have a threshold clearly defined.</p> <p>5. For external review, I would recommend defining the appropriate rank for</p>	<p>A faculty member should upload evidence to the evaluation file that documents that the faculty member completed their duties and responsibilities as well as the evidence of how well the faculty member completed their duties and responsibilities.</p> <p>Areas of significant contribution and workload percentages are defined in a faculty member’s offer letter.</p> <p>External reviewers are defined in the current and proposed University Procedures.</p> <p>The viability of a tenure decision is in the current University Procedures.</p> <p>The language was added to codify and make the process transparent. The following sentence was added, “As noted in section II.B., each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. The criteria developed by the unit will outline Graduate Advising/Mentoring.</p> <p>Corrected typo.</p>
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			<p>external reviewers. I would suggest that external reviewers be at the full Professor rank. They will have had sufficient experience at their institution to determine whether a similar person at their institution would be promoted to either Associate or Full Professor. Associate professors often have not served on those committees and wouldn't have that sort of institutional knowledge.</p> <p>6. p. 27 – “In a recommendation for tenure, the Chairperson shall take into account the long-range staffing pattern of the department.” This should not be included in the tenure decision, but should be separate. Otherwise, it could affect future job prospects for the person if they did not receive tenure at their previous institution (despite being academically worthy of tenure). Perhaps something like “Tenure does not guarantee continuation of appointment, where the long-range staffing pattern of the department will be considered.” This comment also applies to XIII.B.8.</p> <p>7. Graduate Advising/Mentoring Table: eSEIs and Syllabus are in bold, but are rarely used in graduate advising/mentoring because there is usually not an associated course. Therefore, I could get an “Unsatisfactory” rating for not including these. There really can't be anything required from this table because it varies so much. Committee meetings, oral examinations, thesis/dissertation proposals, and thesis/dissertation defenses should also be included in this table.</p> <p>8. Research Appendix #2: Last paragraph says “teaching activity”, not “research activity” Thanks for all your hard work on generating this document and providing the opportunity to comment!</p>	
85	11/11/2022	Criteria	<p>Section: "4. When a recommendation for tenure, promotion, or non-continuation of appointment has been made, the faculty member may include a rebuttal to the departmental evaluations for review at the college level. The rebuttal must be forwarded to the Dean within five (5) working days of receipt of the evaluations. " Is there any language on how the person will be notified? Also, there is no language about when the response is geared towards evaluations from the Dean or College committee. I think there should be some record keeping of the receipt of the evaluation from the person being evaluated. Digital Measures does not notify faculty of when a document is uploaded. Graduate Advising / Mentoring Table: It is unclear what a syllabus for graduate advising would be, since it is not a course that they sign up for. I would recommend removing eSEIs and Syllabus from bold (i.e. required). I would also suggest including student agreement on</p>	<p>The language was added to codify and make the process transparent. The following sentence was added, “As noted in section II.B., each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned.</p> <p>The criteria may also include the required documentation as defined by the unit.</p>

			<p>outputs, documentation on student's tasks and meeting dates, anonymized letter of recommendation, etc. SoTL Table: I suggest to include book review, teaching material provided for other faculty. Personal learning/development table: It is unclear what the two stars by Associated Evidence is referring to. I would add evidence of completion of seminar/workshop in professional development. Research Appendix #2 "the time dedicated to research represented in the article (e.g., multi-year ethnography vs. secondary data analysis)" I understand that hear the idea is that one type of research demands more time since it is conducted over years, however, secondary data analysis can also be very time consuming especially when dealing with big data analysis. Consider rephrasing to multi-year data collection versus small sample one year study. I would also add here the consideration on the average time for peer-review needed by the journal. Typology of research activities and evidence Grant evidence. Shouldn't the automated input from the KC WVU system be enough?</p>	
86	11/11/2022	Timelines	<p>In the reply to Comment 16, I am requesting clarification of the definition of "nearing promotion." A TAP in Year 2 at WVU has 4 years until being eligible for promotion. Would this count as "nearing promotion"? The confusion stems from the seeming inconsistency between the statement "Faculty hired after the University Procedures are adopted would be reviewed under the new procedures" that implies the new document would only apply to new hires and the statement "Your employment at West Virginia University is governed by the rules and procedures contained in these documents, as they are and as they may from time to time be changed" that implies the new guidelines will replace the old ones for existing TAPs. I am sure TAPs in this situation would like a clear answer. If you adopt a 5 year grandparenting plan, all existing TAPs would be eligible for promotion under the conditions in which they were hired and seem appropriate to me.</p>	<p>If the proposed University Procedures are adopted, a determination will be made on timing. Please note, that no faculty members will be negatively impacted.</p>
87	11/11/2022	Criteria and Due Process	<p>1) Re promotion from Associate to Full The document states that criteria for this promotion must be "more rigorous" than those for promotion from Assistant to Associate. This is vague and could be interpreted to mean that Associates have to publish at a faster rate to have a chance at promotion, regardless of how regularly productive they are. If the criteria for the first promotion (to Associate) are already rigorous, ramping them up another notch seems like a ploy to keep faculty stuck at Associate-level pay. Since there are well-documented disparities in</p>	<p>The unit will set the criteria for promotion to associate professor and promotion to professor.</p> <p>A faculty member within the current University Procedures or the proposed University Procedures may file a response to a performance rating.</p>

			<p>both promotion rates and salaries between gendered groups, the university should figure out how to address, rather than exacerbate those differences.</p> <p>2) Re non-continuation following ratings of "Unsatisfactory" If there isn't some kind of independent arbitration available to faculty who wish to contest "Unsatisfactory" rankings, annual review can be more easily be weaponized as means of intimidation and coercion. As it envisioned by the document, the Unsatisfactory rating carries with it a threat of future termination, one contestable only by university administrators. Some kind of faculty review with the power to overturn an Unsatisfactory is essential if tenure is to mean anything.</p>	
88	11/11/2022	Peer Evaluations	<p>Although I agree with the purpose of requiring peer evaluations of teaching to provide a more holistic appraisal of teaching, it will take a good bit of effort for units to do it in a meaningful way. Evaluators would need to be trained within each unit to rate teaching reliably and have the appropriate unit-specific knowledge to evaluate whether the content is accurate and appropriate for the designated level of course. Without evidence of interrater reliability, this procedure is bound to be affected by the same type of biases evident in SEIs. I am interested in learning if any incremental validity exists to support adding such a labor-intensive process to the current evaluation system; that is, does having a single peer observation of a single class period over a 5-6 year period of time contribute any meaningful information to the evaluation of a faculty member's teaching? I could not locate this type of data in the literature, but it seems to me that information learned by adding this one piece of data to a faculty file would not contribute much to evaluating a record of teaching. This proposed requirement also seems to suggest that evaluation of teaching quality is equivalent to lecture quality when we know that much of teaching quality involves developing positive student-teacher interactions and work that occurs outside of the classroom.</p>	<p>If the proposed University Procedures are accepted, your unit would determine the criteria for your peer evaluations.</p>
89	11/11/2022	Typo	<p>In Section X, CRITERIA FOR PROMOTION OR TENURE, there appears to be an omission in the paragraph identified with comment "A48" on Page 20. That paragraph currently reads "The department, subject to approval by the Dean, determines peer or aspirational peer research universities. Candidates for tenure who are expected to make significant contributions in teaching, research, or service are expected to demonstrate at least reasonable contributions in the area(s) defined in their offer letter or subsequent memorandum of</p>	<p>Typo was corrected.</p>

			understanding." Was the word "other" intended to be placed before "area(s)" in this paragraph?	
90	11/11/2022	External Reviews, Ratings, and Continuation	<p>1) How is an external review of teaching supposed to take place? Is the external reviewer supposed to travel to WVU to make personal observations? (This renders the review non-anonymous, so is a problem.) Are they to view videos of the individual teaching? Are they to rely solely on the evaluations of people on-site and SEI reports? If so, what additional value are they adding, as this would not constitute an independent review of teaching, but a summarization of other reviews?</p> <p>2) Any criteria for continuation of employment or awarding of tenure that implicitly or explicitly allows public criticism of WVU to be used against faculty is a problem. This may mean changing these guidelines or changing the University's Code of Conduct to ensure that, say, a person complaining about these proposed changes on social media cannot be denied tenure, promotion, or continuation because of said complaints.</p> <p>3) Likewise, I'd at the very minimum like to see the strictest possible definition of "unsatisfactory" job performance to ensure the changes with respect to dismissal after unsatisfactory ratings cannot under any circumstances be used to target, harass, or fire faculty who may simply hold unpopular views. This has the potential to dramatically weaken the protections of tenure. Taken to extremes, and combined with WV amendments that (thankfully) recently failed, but could succeed in the future, enable a conservative state legislature to enact policies that would punish or even fire professors who do not share their goals (e.g., public health research about effects of coal mining) by amending the code of conduct and using that as the basis for unsatisfactory ratings.</p> <p>4) The discourse surrounding these changes may well have already harmed WVU. My unit is undergoing multiple job searches, and the discourse can drive away the most qualified candidates, meaning we have a more limited and lower quality pool from which to hire.</p>	<p>External reviews for teaching-track faculty currently occur for promotion to teaching professor. This parallels a portfolio review similar to external reviews of research. This is not referring to a classroom observation.</p> <p>The Code of Conduct statement was removed with the 11/3/2022 proposed university Procedures.</p> <p>Each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. In addition, the proposed University Procedures require feedback. Promotion, tenure, and continuation recommendations are not arbitrary and capricious.</p>

91	11/11/2022	Feedback and Continuation	<p>It should be clarified why this very strict "post-tenure" review has been proposed. The impact of any proposed changes need to be carefully considered in the overall context of the national trend in higher education. Given that these policies offer no faculty due process by a committee of peers (unlike most institutions of higher education) faculty recruitment and retention can be severely impacted.</p> <p>II.A.4. The faculty member must inform the department chair or equivalent, in writing, 90 days in advance of the faculty member's file closing. - This statement is unclear. What exactly does it mean? Must inform the department chair of what? Why is 90 days (3 months) of advanced notice required? Does this mean 90 days ahead of Dec 31 if they want the faculty Peer Review Committee to assess? If so, not sure why 3 months is required for that. It could happen after the first of the year of the year of review.</p> <p>II.A.4....a faculty member, unit leader, or dean may request a cumulative review. - is there any criteria for this? What kind of notice to the faculty is required if the dean or unit leader requests this? Is this also a 90 day period? If so, need to specify. Will a reason be required for this review for fully promoted faculty? Should be required, in writing.</p> <p>II.A.4. Unsatisfactory follow (a) a period of performance decline for which the faculty member had received specific feedback in prior annual evaluations yet has not demonstrated improvement or (b) gross misconduct (e.g., job abandonment).</p> <p>- Specific to (a): At the Davis College meeting with the Provost Office it was stressed that the (U) might be assigned after a five (5) year period of warnings. Chris Staples emphasized specifically that there was a 5 year period where a faculty member would be given specific directives, and only after the 5 year period would a (U) be assigned and a follow up performance plan created. This 5 year period sounded like an informal (not required) process that perhaps the Provost Office had seen. However, if this is what is considered the correct protocol ahead of the assignment of a (U) then it should be incorporated as specific policy. In other words, "...a faculty member needs to be notified of their deficiencies in performance and given a written performance plan developed in consultation with the faculty member. This will be evaluated yearly for five years, at which point a (U) might be assigned in that specific category". (b) - Gross Misconduct - is in an entirely different category all together and should be a separate item altogether. Gross Misconduct is above and beyond performance</p>	<p>Post-tenure review has not been proposed, rather annual reviews that are conducted per state code.</p> <p>A fully promoted professor must notify the chairperson 90 days in advance if the faculty member wants to be reviewed by the department committee.</p> <p>Chris Staples provided an example of performance decline over a time period. The proposed University Procedures require that formative and summative feedback occurs on an annual basis, therefore deficiencies in performance will be noted.</p> <p>Gross misconduct is a separate category.</p> <p>We are aligned with the BIG XII and peer R1 universities for non-continuation of faculty appointments.</p> <p>Instructions for uploading a Faculty Productivity Report are posted at the WVU Digital Measures website.</p> <p>The process for continuation has existed, the goal of the proposed University Procedures was to make the process transparent for faculty. Faculty members are part of the process at the department, college and university levels.</p> <p>Each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned.</p> <p>The viability of a tenure decision is in the current University Procedures.</p>
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evaluations.

II.A.4. If any faculty member receives an “Unsatisfactory” rating(s) in any area at any level, the unit leader must notify the dean and develop a written performance improvement plan with the faculty member. The performance improvement plan must be developed within 30 days of the notification. The unit leader must work with the faculty member on their performance improvement plan and monitors their progress, although the faculty member is ultimately responsible for meeting the requirements of the performance improvement plan. If any faculty member in the following annual review receives a second “Unsatisfactory” rating(s) in the same area at any level, that level of review must may recommend non-continuation. Non-continuation must may also be recommended if the faculty member receives an “Unsatisfactory” in two out of three consecutive annual reviews in the same area at any level. In addition, if a faculty member receives “Unsatisfactory” across two of the three mission areas in an annual review, at any level, that level of review must recommend non continuation. A review at all levels, including one by the Provost, must occur if the performance improvement plan is not adhered to and/or if there is a recommendation for non-continuation. - This entire section is the most severe and stringent of Post Tenure Review and dismissal of most universities nationally. It does not provide for any type of peer review or Due Process if the (U) comes from Chair or Dean. It is unclear why this is seen as essential or necessary. It is also unclear if the long range impact of this erosion of faculty governance has been considered. This has a very real potential of deterring high quality faculty applicants undermining the overall university mission, and those faculty who are here may elect to leave. Institutionalizing quick dismissal for tenured faculty may seem like a good way to remove faculty who may not be productive or are seen as challenging. However, those faculty make up a very small percentage of overall faculty numbers. In discussion with faculty campus wide, this policy change has created a huge level of anxiety for many hard working faculty throughout the institution. It also undermines shared governance and faculty agency for determining what is best for the units. Most institutions nationally who have instituted post-tenure review have included it as part of the peer-review faculty governance process, and not a quick action by a chair or dean. Embedded within these other institutional processes are often helpful plans for support and five year period for improvement. It was made clear at the meetings

that there is an appeal process, but in the experience of many at this institution, the appeal process rarely benefits the faculty. It is also of concern that two (U) ratings in two categories in one year sets off the immediate possible process of dismissal without the benefit of an improvement plan.

III. Faculty members are required to document their performance in their digital evaluation files that demonstrate the quality, quantity, and impact of their work, and they must meet the review deadlines set by the University. - It needs to be stated in this section that the Chairs/Unit Directors need to make sure that all faculty are clear on how to use the Digital Evaluation system in place, including the final upload of the years work. The consequences are very severe if faculty do not upload the file correctly so if the file does not appear appropriately the Chair/Unit Director needs to be responsible for discussing this with the faculty member to make sure there was not a technical error or glitch in the system that could impact the overall yearly performance evaluation. Each Chair/Unit Director needs to provide a confirmation that the file was received correctly by the deadline. If not, the faculty member should have a set period to rectify the situation and be able to make sure the document is uploaded correctly for review. Technical computer problems and lack of knowledge of how to use the technical system now required by WVU should not undermine a years worth of productivity.

IX.B.11. If there is limited evidence of the faculty member's results in a review, a "Satisfactory" rating(s) may be appropriate. A second year of limited evidence of the faculty member's results normally would receive an "Unsatisfactory" rating(s). - These are the only two options defined for the Tenured faculty member in this section: "Unsatisfactory" and "Satisfactory". The fact that only Unsatisfactory and Satisfactory ratings are described and offered as options, and Excellent and Good ratings are not, is of concern. If this section is going to offer suggestions (through using the word "may"), then the other options focusing on faculty successes and effort (Excellent and Good) needs to also be discussed. By only highlighting the negative outcome possibilities of this process, this document reads as punitive and not as a helpful guideline.

IX.C. A "Satisfactory" rating is meeting expectations, not exceeding expectations and should be the baseline for ratings... Based on these descriptors, a faculty member with a preponderance of "satisfactory" or "unsatisfactory" ratings,

particularly in an area in which a significant contribution is required, would not qualify for promotion or tenure. - This is vague and confusing. Why is "meeting expectations" not considered reasonable for tenure and promotion? If expectations are clear, those expectations should be the benchmark for tenure, promotion, and merit raises. The expectations need to be set at the correct level so it is clear what is required. If a faculty member meets those requirements, then they can expect to be tenured and promoted. Why set expectations lower than what is required for tenure and promotion if the REAL expectations are actually to EXCEED the expectations? This is very vague and subjective. Given the impact and consequences of this language, this needs to be clarified. This is also used inconsistently throughout the document. For example in X. it states: "The term "significant contributions" are normally those that meet or exceed the standards outlined in the University, college, school, and/or departmental promotion and tenure guidelines and receive overall positive reviews of the quality and impact of their teaching, service, or research efforts by external evaluators at peer or aspirational peer research universities". So in this statement, if a faculty member "meets" the standards, the work is considered to be of "significant contribution" and would presumably be given an Excellent or Good rating, not a Satisfactory (as directed in IX.C.A above). Further down in Section X, the document states: "In order to be recommended for promotion, a faculty member must demonstrate significant contributions in the area(s) identified in the letter of appointment or modified in a subsequent memorandum of understanding". Again, "Significant Contribution" was previously defined as "Meeting" the expectations set forth by the unit. In Section X, this is considered valuable, significant, and meritorious, leading to the awarding of tenure and promotion.

X. The decision by the Provost to accept a recommendation for or against retention or the awarding of tenure shall rest on both the current and projected program needs and circumstances of the department, college, and the University, and on the strengths and limitations of the faculty member as established in the annual evaluation process. - This paragraph implies that the Provost can terminate a faculty member based solely on the "current and projected program needs". Is this true? Presumably new faculty are brought into the unit because they are needed to support the units mission. If, after six years, it is determined that the mission has changed and the faculty member is no longer needed, can

			they then be terminated even if their work has met the expectations set forth by the unit? This needs to be clearly spelled out as the consequences will impact assistant professors selecting employment opportunities.	
92	11/11/2022	Continuation	<p>I have seen nothing in this process that addresses the crucially important point raised in comment 43 - Approving this proposal, which both creates and codifies non-continuation of tenured faculty policies (the Provost Office's refusal to share current policies regarding this process, despite repeated requests that it do so, suggests there are no current, set policies - so it should be stressed that this will be a newly created policy, not simply the codification of current policy, since that means there should not be an an assumption that the number of dismissals of tenured faculty in the past, under the old system, should be what we expect to see in the future under the system this new document will create) will lead to WVU being labeled as a university that is weakening tenure protections. That will lead to problems both recruiting and retaining faculty (and we already have problems in that regard, given our relatively low salaries and some academics being unwilling to apply for jobs in what they see as a discriminatory living and working environment). Why is the Provost's Office insisting on such an abbreviated timeline for the dismissal of tenured faculty? Nationwide at peer institutions, that would generally occur as the result of a 5-6 year assessment. What the Provost's Office is proposing here is the possibility of dismissal after 2-3 years (and yes, thankfully, the text was altered from "must" to "may" - but we shouldn't lose sight of the fact that the Provost's Office originally sought "must" language re: non-continuation - that is the perspective it has shown it is bringing to this issue). There has been no explanation for why the Provost's Office wants a speedier timeline in Morgantown, Keyser, and Beckley. Such a timeline will obviously damage WVU's reputation and demonstrate ours is not an institution that respects and values its faculty in a way that peer institutions do. Of course this timeline could also produce more widespread effects. For example, it could alter the work that faculty do, something that this process has seemingly ignored. Long-term research, be it complicated scientific projects or books in the humanities that require significant archival work and travel, may be viewed as "too risky" under this system. For a variety of reasons the Provost's Office should adjust this non-continuation policy to fit with national norms. If not, it needs to</p>	<p>The Provost's Office shared with Faculty Senate the current University Procedures and BOG Faculty Rule 4.2 that are also posted online.</p> <p>The current University Procedures could allow for non-continuation on a shorter timeline than the proposed University Procedures due to the requirements for feedback and a performance improvement plan.</p> <p>We are aligned with the BIG XII and peer R1 universities for non-continuation of faculty appointments.</p>

			<p>make a much more compelling case than it has thus far about why WVU's treatment of its faculty should fall so far outside normal professional standards. The Provost Office's repeated assertions that it is not weakening tenure is simply a claim that it is making as it carries out a public relations enterprise within the university to rush through the approval of this document. This assertion appears to be in conflict with the substance of the proposal at hand. No professional backing has been presented to support this claim. In its responses to one of the comments the administration claims these changes fall with AAUP guidelines. I see nothing on the AAUP website (relating to post-tenure reviews) to suggest that is true. I suggest the Provost's Office submit this proposal to the AAUP for comment and analysis prior to a faculty vote on the adoption of the proposal. That may slow down this process by a month or two, but it would be better to have a vote when faculty have more information and confirmation of the veracity of some of the claims that are being made about the this text. What's at stake - tenure - is too important not to get this right.</p>	
93	11/11/2022	Continuation	<p>Multiple submitted comments argue that the draft document does not ensure sufficient due process in cases of non-continuation of tenured faculty members. I concur with those assessments, and the responses to such comments provided by the Office of the Provost to date have been wholly unsatisfactory. An illustrative example is the response to Comment 43, dated 11/1/2022. Comment 43 lists some of the AAUP's standards for hearings in faculty dismissal proceedings, including the faculty member's right to a pretermination hearing of record before an elected faculty body and the faculty member's right to present evidence and cross-examine witnesses. The response to this comment lists review processes that are present in the draft document and states that "Each of these processes align with AAUP Good Practice in Tenure Evaluation." In doing so, the response very clearly conflates evaluation for the purposes of awarding tenure with procedures related to the non-continuance of tenured faculty, and it is difficult to believe that such conflation is accidental. The draft document is demonstrably inconsistent with AAUP guidelines regarding dismissal of faculty members, and to suggest otherwise is staggeringly disingenuous. Considering the draft document in light of a recent AAUP report titled "Academic Freedom and Tenure: University System of Georgia" (https://www.aaup.org/file/Academic_Freedom_and_Tenure_University_System</p>	<p>The due process that currently exists with the current University procedures is the same as in the proposed University Procedures.</p>

			<p>_Georgia.pdf) makes this quite clear: “Under the new policy, a system institution can dismiss a tenured professor for failing to remediate deficiencies identified through post-tenure evaluation without having afforded that professor an adjudicative hearing before an elected faculty body in which the administration demonstrates adequate cause for dismissal. By thus denying academic due process to tenured faculty members dismissed through post-tenure review, the USG administration and board of regents, in flagrant violation of the joint 1940 Statement of Principles on Academic Freedom and Tenure, have effectively abolished tenure in Georgia’s public colleges and universities.” The draft document similarly fails to afford faculty an adjudicative hearing before an elected faculty body in which the administration demonstrates adequate cause for dismissal, and for this and other reasons, it significantly weakens tenure. The “safeguards” referred to in the response to Comment 43 are important, but they do not constitute sufficient due process for the non-continuance of tenured faculty. The claim, put forth in the response, that “Tenure is not weakened with the proposed University Procedures” is ridiculous.</p>	
94	11/11/2022	Ratings	<p>On pg. 12, a sentence reads "A Productivity Report without supporting documentation should receive a rating of 'Unsatisfactory' on an annual review." Productivity reports are not given overall ratings; ratings are given for the areas of research, teaching, and service. If the Office of the Provost wishes to keep this sort of requirement in the document, the sentence above should be replaced to clarify that not providing documentation FOR A GIVEN AREA should receive a rating of 'Unsatisfactory' FOR THAT AREA. Moreover, especially given the sometimes-fickle nature of Digital Measures, I am concerned about cases in which materials that are inadvertently left out of files and cases in which materials are not accessible due to software glitches leading to automatic ratings of 'Unsatisfactory.' I hope that the Office of the Provost will consider adding language to provide guidance in such situations.</p>	<p>Added the proposed, now reads: “A Productivity Report without supporting documentation for a given area should receive a rating of “Unsatisfactory” for that area on an annual review.”</p>
95	11/11/2022	Timelines	<p>There must be some process for those teaching track can be exempt from the external evaluations. These faculty have been under one standard and now these changes can have a negative impact on their remaining time until their promotion review. It seems like a bait and switch has been done (or about to be done) and this is not how WVU should treat their teaching track or any other track. The current faculty should should continue with the current standard and move to this</p>	<p>If the proposed University Procedures are adopted, timelines will be addressed and established to ensure that a faculty nearing promotion is not negatively impacted. Faculty hired after the University Procedures are adopted would be reviewed under the new procedures.</p>

			proposed standard (if ultimately approved) after their promotion or a period of time should the teaching faculty not seek promotion. Future faculty can be on the new standard as they have not joined the WVU family prior to the time of implementation. There must be some form of "grandfathering" system put in place.	
96	11/11/2022		I'm commenting to request that the Provost's Office delay a vote on the proposal until sometime in the Spring term. The text was not made available for faculty to view until after mid-terms, and at that point many of us were busy for the rest of October with undergraduate advising. Beyond that, the proposal has been altered (appreciate the responsiveness!) so it ends up being hard to talk about when one person has read one version and another person has read a different one, and of course the final version will be different still. As I understand it, faculty will only have one week to read and review the final document before the scheduled vote in the first week of December. As I presume you know, 1) people are already worn out given, well, everything, from over the last couple of years, and 2) that specific week is an incredibly busy point in the semester. It doesn't seem practical to expect all WVU faculty to carefully review this (and it's our foundational evaluation document so we should, a "the gist" approach is unduly risk) across a single week. And even if we could, we wouldn't have a chance to talk with one another about it as we should before contacting our senators (I'm assuming the Provost's Office will agree that, for example, white faculty and faculty from minoritized groups may have differing perspectives, TAPs as opposed to tenure-track, etc., and that conversations across those groups are very important). This is an important process, an important change, and I'd like to have the time to take part in it. If not, well, from what I see there's a lot of work still to do next year on topics like DEI, and if this is just another one of those things were it seems the powers that be are going to rush things through without setting up a structure for faculty involvement and buy-in I fear that faculty involvement in the later stages is going to be limited at best. People may think – well the administration/Senate/etc. will just decide something, so it doesn't matter if we take part. And that would be a shame given that as I read it this document creates space for a much greater focus on equity and DEI concerns. It would be very helpful if the timeline was extended to allow for greater inclusion right now, and hopefully that in turn would lead to more positive faculty involvement in next	Your comments have been taken into consideration.

			year's work.	
97	11/11/2022	Continuation	<p>Section II.A.4 of the draft document essentially sets up a system of post-tenure review for tenured faculty that may lead to non-continuation. While there are clearly cases in which tenured faculty should lose their positions at the university - malfeasance, illegal behavior such as sexual harassment of students, staff, or other faculty, etc. -- I am not supportive of WVU instituting the policies described in Section II.A.4. Those policies are likely to harm the university in a number of ways without providing any clear benefits. Other submitted comments have addressed many of the potential harms associated with the weakening of tenure that would result from the proposed language in Section II.A.4 being adopted. Here I simply wish to note that a substantial majority of institutions who have adopted post-tenure review policies that may lead to non-continuation seem to have review periods between three and six years in length. Section II.A.4 more or less sets up a system of annual post-tenure review that overlaps with annual evaluation, and this is well out of line with professional norms. It also sets up a system in which a faculty member who receives a rating of "Unsatisfactory" in a single area has only one year to improve upon that evaluation before being subject to a recommendation for non-continuation. Especially, but not exclusively, in the area of research, this is an unreasonably short period of time.</p>	<p>The current University Procedures and BOG Faculty Rule 4.2 are policies that include non-continuation. The proposed University Procedures regarding non-continuation are not new, rather they are transparent regarding the process.</p> <p>The current University Procedures could allow for non-continuation on a shorter timeline than the proposed University Procedures due to the requirements for feedback and a performance improvement plan.</p> <p>We are aligned with the BIG XII and peer R1 universities for non-continuation of faculty appointments.</p>
98	11/11/2022	Continuation and Diversity, Equity, and Inclusion Criteria	<p>Comments received</p> <ol style="list-style-type: none"> 1. Section II.A.3: There are later references to "mid-term review" in this section, but this term is never defined. It should be highlighted here and defined. Also, add to the section title "and Mid-Term Review" so latter references will point to this definition. 2. Last paragraph of II.A.4: "must" is not a recommendation and should be adjusted. Additionally, in this section, two out of three years includes two consecutive years, so this should be simplified. 3. Several of the comments include acronyms that are unexplained. Please remove the acronyms and use the actual words so the comments may be understood. 4. Section III, second paragraph: The use of "academic leader" should be defined. 	<p>"Must" was replaced with "may" in the 11/3/22 version of the proposed University Procedures.</p> <p>The academic leader could be the chairperson, division director, school director, dean or academic leader.</p> <p>Non-continuation is a recommendation at the department or college level. The Provost makes the final determination on if the faculty member's appointment/employment is terminated.</p> <p>We do not require our faculty to be engaged in diversity and social justice efforts. It is not the case that professors are being</p>

		<p>The “approved by” process should be specified.</p> <p>5. Section III.A: different language is used for what appears to be the same meaning. Limit the use to the same term as either “mid-tenure” or “mid-tenure/promotion”</p> <p>6. The most troubling message was highlighted by multiple people. The paragraph on page 7: “Faculty engaged in research that helps to enact the diversity, equity, inclusion, and/or social justice mission work of the University and/or who wish to receive credit for their work, must document their contributions in their Digital Measures file. Criteria for the evaluation of diversity, equity, inclusion and social justice research efforts must be clearly stated in the unit’s guidelines. These contributions to diversity and equal opportunity can take a variety of forms including scholarship completed in partnership with local entities or non-profits that is focused on improving equity and outcomes for diverse students; scholarship that adds to our awareness of the experiences of diverse students, faculty, staff, counselors or administrators in education and human development more broadly; public-engaged scholarship that emphasizes issues of diversity, equity, and inclusion for educators in higher education.” Comments about this paragraph included: · If we highlight DEI above all else, we diminish our R1 strategic goal. This is the only “strategic goal” highlighted. What about our other goals such as STEM or the direct impacts to R1, grants and doctoral production? This paragraph should be eliminated and replaced with a simple reference to the University and Unit strategic goals. · It’s not shocking that the leader from the Provost Office on this project advances her own career research area as the pre-eminent reward in the present document. This self-promotion is outrageous. · This is an example of the complaints of higher education taking things too far. Welcome to the criticism this will draw from the Red Stater/Haters!</p> <p>7. The following paragraph on page 7 could easily be replaced with a reference to our Land Grant mission. It exemplifies the problem with the wordiness and length of this document. What happened to “less is more?”</p> <p>8. A general comment questioned the length of the document. It seems like a lawyer’s ploy to create such a lengthy document. The longer the document, the fewer people who will read it carefully and remember the lines that will later be used to rescind tenure, deny promotion, but support whatever the provost offices wishes to do. Simplify the document.</p>	<p>“graded” on diversity and social justice efforts. Rather, the proposed guidelines make provision for those who do conduct such work in teaching, research, or service to be recognized and rewarded within the evaluation process. For that to occur, the results must be documented by the faculty member and the department must set criteria for evaluating such work. Again, such work is not required of all faculty.</p> <p>Your comments have been taken into consideration.</p>
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99	11/11/2022	Criteria	<p>"Faculty members have the right of access to their evaluation files at any time without giving reasons. All others shall have access to the file only on the basis of a need to know. Members of a faculty evaluation committee or administrative officers responsible for personnel recommendations are assumed to have a need to know. Faculty evaluation committee members are authorized to access personnel files for the purpose of carrying out their responsibilities of evaluating the faculty members the committee is charged with reviewing. Unauthorized access to or use of personnel files for purposes unrelated to faculty evaluation is prohibited and will be sanctioned up to and including termination of employment/appointment. When otherwise necessary, the appropriate administrative officer or the Dean shall determine whether an individual has a need to know and what material is necessary to fulfill the need to know. All persons will treat the material from the file as confidential. The security of all evaluation files is to be assured. confidentiality of each file is to be respected. Disclosure of file materials to those outside the evaluation process shall occur only under valid legal process or order of a competent court of jurisdiction". This sentence was added: "Unauthorized access to or use of personnel files for purposes unrelated to faculty evaluation is prohibited and will be sanctioned up to and including termination of employment/appointment." Comment made by the Provost Office to justify the addition of this sentence: Consistency. "This statement was added to make sure faculty members access the personnel files appropriately and outlines the potential consequences for violating these expectations." This addition is very problematic read in conjunction with the existing wording already included in the document. The limitation related to "valid legal process or order of a competent court of jurisdiction" is highly inappropriate and concerning, regardless that this rule is already in place. Since the Provost office is revisiting the entire text, this sentence should be removed or modified to include the right of the faculty member assessed as "unsatisfactory" to have full access to the files of their unit's faculty members (Assistant, Associate, Full) from their last promotion or before, without the need of a valid legal process or order</p>	<p>Each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. In addition, the proposed University Procedures require feedback. Promotion, tenure, and continuation recommendations are not arbitrary and capricious.</p> <p>Evaluations that are consistent with unit criteria obviate the need to review confidential files. The University Procedures outline steps to respond and/or rebut to arbitrary and capricious actions.</p> <p>Your comments have been taken into consideration.</p>

			<p>of a competent court of jurisdiction. This access would allow the faculty member to detect whether their assessment of "unsatisfactory" is based on the use of an unequal criteria across the unit, meaning they were assessed more harshly than other faculty members. Equity means that all faculty need to be assessed with the same principles, rules and expectations. The administrators and the evaluators cannot simply justify their assessment based on "professional judgement". They need to be made accountable of their assessments according to the principles of transparency and equity. A faculty should be able to compare his evaluations with the ones of other faculty members and confront Chairs who are actually applying different rules or metrics to different faculty members without an actual justification. For example, if someone is granted credit for a book or an article or a conference presentation and another faculty member isn't without a real justification, the faculty member assessed as unsatisfactory should be able to use this documentation as evidence of the unfair treatment across the unit applied by the Chair or FEC evaluations. If a faculty is granted credit for teaching or research against departmental guidelines, the Chair should be made accountable, and the faculty assessed with unsatisfactory should be entitled to use this information as evidence of unfair and unequal treatment. Chairs or Directors should not be granted unlimited power to assess unfairly and without equity across the unit. If a Chair knows that a faculty could bring up to the Dean or the Provost diverging evaluations based on a comparison between their evaluations and the ones of other faculty members, the Chair would probably be more careful in implementing unfair or glaring discriminatory assessments. In short: A faculty should be able to use personnel files of other faculty members of the very same unit, not only when a "valid legal process or order of a competent court of jurisdiction" but also when this faculty member submits a formal complaint to the Dean, Provost Office or other University authorities for unfair or discriminatory evaluations. This becomes even more important now that the University is adding the new wordings about "unsatisfactory" evaluations.</p>	
100	11/11/2022	Criteria and Voting	<p>I am very concerned that the procedures for annual review could give more power to tenured faculty. It gives them the ability to abuse these procedures to punish tenure-track faculty either for personal reasons or to cripple a subgroup in their department. I don't see how this encourages performance amongst tenured faculty. It only seems to put more pressure on tenure-track.</p>	<p>Each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. In addition, the proposed University Procedures require feedback. Promotion, tenure, and continuation recommendations are not arbitrary and capricious.</p>

				<p>Evaluations that are consistent with unit criteria obviate the need to review confidential files. The University Procedures outline steps to respond and/or rebut to arbitrary and capricious actions.</p> <p>Tenure-track and nontenure-track faculty may serve on the department committee as well as the college committee (varies by rank and college).</p>
101	11/11/2022	Timelines and Feedback	<p>It is a commendable effort by the provost’s team and everyone involved in getting better clarity on the guidelines. Since several items have been covered by others, following comments cover some of the underlying issues in the current and proposed versions that can be addressed.</p> <ol style="list-style-type: none"> 1. A faculty receives the evaluation in March-April of the year, and with a 30-days performance “improvement plan” timeframe, there is a 4-5 months of time lag when the first “unsatisfactory” rating is conveyed. It essentially allows a time-frame of 7-8 months to implement “performance improvement plans.” 2. Providing a minimum of 12-month time for “performance improvement plan,” i.e., 2-3 semesters (e.g., Fall/Spring/Spring) beyond the semester in which the “unsatisfactory” rating is provided would be a reasonable time frame, unless the intent is to fire the concerned faculty in 7-8 months as mentioned in item 1. 3. The 7-8 months remaining within the calendar year in which the “unsatisfactory” rating is issued may be inadequate to implement the “performance improvement items” developed by the Chair and Dean. Some of those items may be reasonably beyond the control of the faculty in some situations (e.g., submitting competent proposals vs. receiving definitive funding from agency who have their own changing priorities and known delays in OSP documentation/ issuance of green sheets). 4. Include a informative/training session by the Chair as a minimum for all the unit faculty particularly the P&T committee members each year on expected lines of evaluation. It has become a practice where some of the P&T committee members raise or lower the bar set by guidelines, misinterpret the meaning and intent of the rules, and come up with ratings. It has been a main concern, where the 	<p>The Faculty Calendar for Annual Review states when reviews should be completed. The latest date is March 1, although in many cases including tenure-track faculty or faculty recommended for promotion, tenure, or non-continuation the latest date for the department level review is February.</p> <p>Annual reviews, promotion and tenure trainings occur every year for tenure-track, nontenure-track, and chairpersons. The Provost Office will offer additional support if the proposed University Procedures are adopted.</p> <p>Formative and summative feedback is required with the proposed University Procedures.</p> <p>Faculty members are reviewed by their department committee and or college committee. A professor may request a review at the department committee level.</p>

			<p>meaning and intent of the rules and regulations are defeated with an ability, authority, independence, and absence of accountability, wherein “unsatisfactory” ratings are known to be issued in a group (P&T committee setting with secret balloting) where anonymity is allowed in the voting (rating) process.</p> <p>5. The rebuttals on inconsistency of ratings within a unit have become more of venting avenues where in reality no feedbacks from the administrative leaders are received has been an issue.</p> <p>6. Consider allowing all the eligible members of a unit to either participate or review/vet the P&T committee decisions, particularly when “unsatisfactory” ratings are issued. Thanks.</p>	
102	11/11/2022	Ratings and Continuation	<p>The use of unsatisfactory rating for discontinuation of tenured faculty's positions is concerning. I understand that there may be faculty who are not making progress yet this change gives too much power to the committees and the chairs especially in the absence of a clear appeal process. The review process can be prone to "meanness". How to prevent unjust "unsatisfactory" ratings?</p>	<p>Safeguards are currently in place allowing a faculty member to file a response to annual reviews as well as rebuttals to recommendations of promotion, tenure, and non-continuation. Administrators can be dismissed at any time as they work “at the will and pleasure” of their supervisor.</p> <p>The current University Procedures and the proposed University Procedures have the same level of faculty governance regarding the non-continuation of a faculty appointment/employment. For most colleges/schools the process includes a departmental faculty evaluation committee, a college evaluation committee and a University Promotion and Tenure Advisory panel, composed fully of faculty members (co-created and approved by the Faculty Senate leadership and Office of the Provost) weighing in on a faculty non-continuation decision.</p>
103	11/11/2022	Ratings and Continuation	<p>The original wording in the initial draft was: In addition, if a faculty member receives ‘Unsatisfactory’ across two of the three mission areas in an annual review, at any level, that level of review must recommend non-continuation.”</p> <p>Based on certain previously submitted comments, now the text is the following: “If any faculty member receives an ‘Unsatisfactory’ rating(s) in any area at any level, the unit leader must notify the dean and develop a written performance improvement plan with the faculty member. The performance improvement plan must be developed within 30 days of the notification. The unit leader must work with the faculty member on their performance improvement plan and monitor</p>	<p>Based on feedback, the language was changed. The non-continuation process is not an attack on tenure.</p> <p>A tenure-track faculty member who does not achieve promotion and tenure in their critical are granted a one-year terminal contract.</p> <p>State code governs the non-renewal process for a tenure-track faculty member who is not in their critical year.</p>

their progress, although the faculty member is ultimately responsible for meeting the requirements of the performance improvement plan. If any faculty member in the following annual review receives a second 'Unsatisfactory' rating(s) in the same area at any level, that level of review may recommend non-continuation. Non-continuation may also be recommended if the faculty member receives an 'Unsatisfactory' in two out of three consecutive annual reviews in the same area at any level. A review at all levels, including one by the Provost, must occur if the performance improvement plan is not adhered to and/or if there is a recommendation for non-continuation."

The Provost office shows careful reading and attention regarding the comments received by faculty members. There are some improvements in this text, because a termination or non-continuation cannot happen in the first year but after a performance improvement plan and a second year, or a second time across three years. It is very unclear to us why the Provost office has decided to open the possibility of recommendation for non-continuation just with one single mission area instead of two or three mission areas as initially drafted in their own document. We recommend going back to the previous text with some clarity that an unsatisfactory in one mission area cannot be sufficient to trigger a matter of gravity as the termination of a tenure. Tenure should be terminated only in cases of gross misconduct or an evident lack of work commitment. The Provost office is trying to argue that an unsatisfactory in one single area is sufficient evidence of lack of work commitment. In our opinion, an evident or glaring lack of commitment cannot be so easily justified or proved only by an unsatisfactory in ONE SINGLE mission area, even after a performance improvement plan and a second year or a third year. In fact, that faculty member might have good or excellent in other mission areas that would not be considered sufficient for proving glaring lack of commitment. As other previously submitted comments state very clearly, this seems the attempt to remove the concept of tenure as we knew it with the risk of Chairs, Directors or administrators to use this new possibility as a weapon for unfair and discriminatory actions. This draft document has already been discussed in the academic news outlets:
<https://www.insidehighered.com/news/2022/10/27/west-virginia-u-proposal-outlines-process-firing-faculty> In our opinion, this type of initiatives by the University in conjunction with others might put the R-1 status at stake because it

The current University Procedures and the proposed University Procedures have the same level of faculty governance regarding the non-continuation of a faculty appointment/employment. For most colleges/schools the process includes a departmental faculty evaluation committee, a college evaluation committee and a University Promotion and Tenure Advisory panel, composed fully of faculty members (co-created and approved by the Faculty Senate leadership and Office of the Provost) weighing in on a faculty non-continuation decision. A recommendation of non-continuation does not always result in the termination of the faculty member's appointment/employment.

The goal of the performance improvement plan is to help the faculty member achieve the minimum expectations within a mission area as set by the unit criteria.

			<p>is already perceived inside and outside the University as an attack to academic freedom. These changes will certainly impact faculty recruitment, retention and work climate As for termination following a negative assessment for Promotion and Tenure cases, the faculty members should be granted one entire terminal year and not 90 or 150 days as it is in the case of termination for Tenure-Track faculty members after unsuccessful promotion and tenure process. Why a tenured faculty member should be treated in a different way and not at least a Tenure-Track faculty member who is granted indeed sufficient time for searching for another academic job during their terminal year of contract? This time frame is not sufficient time for anyone to find a new academic job. This time frame seems insufficient even for a clerical or administrative position even less for a tenured faculty member in a R-1 or non-R-1 University. We recommend using the following wording: Failure to demonstrate clear progress in the performance improvement plan at the end of the second year or twice over the time frame of three years in two or three mission areas, the faculty will be offered a terminal contract of a full year of employment.</p>	
104	11/11/2022	Timelines	<p>If a new tenure-track faculty member in August enters a College where the evaluation is on a fiscal year period, that new faculty member will not submit material to Digital Measures until the following September. How does this affect the tenure timeline and the evaluation process since this document only reflects new tenure-track faculty members that start in August and are evaluated on an academic year calendar and submit supporting material in DM in December of that year. Is this something that should be addressed specifically in the college, school or department P & T document?</p>	<p>The Faculty Calendar for Annual Review states when reviews should be completed. All faculty members are reviewed must be reviewed annually. In addition, a faculty member who join the university in August or prior to the end of calendar year must be evaluated on their performance for the fall semester. A department or college that has set different dates must still meet the dates set by the Provost Office.</p>
105	11/11/2022	Code of Conduct	<p>My major concern was with this line: "Faculty members must engage in behaviors consistent with the University Code of Conduct and University Values." An interpretation of what constitutes appropriate behavior would almost certainly be subjective and might fail to consider subtleties in tone or outright irony. Likewise, a passionate expression of a point of view on a subject might be misread as being disrespectful. The Code of Conduct's inclusion could potentially inhibit freedom of speech as well as research perceived as controversial. In the latest draft, however, I see that the line has been removed. I hope its removal is permanent. Thank you for your consideration.</p>	<p>The Code of Conduct was removed with the 11/3/22 version of the proposed University Procedures.</p>

106	11/11/2022	Criteria and Continuation	<p>Comments: Executive Summary Significant changes Peer evaluation: how do you get "honest" peer evaluation without interpersonal politics- - a faculty on P&T committee may thrash another if they do not get along well with each other. Third bullet - - excellent idea but hard to measure since US culture is based on individual success. Proposed - - 10/3/22 Edited Updated 10/25/22 and 11/3/22 Page 2 Item II - - A.1 - - negative annual evaluation - - This is unacceptable because of internal politics between faculty VS faculty, faculty VS chair/dean. A.2 the tenure of a faculty can be limited to 5 years and conduct evaluations on 5 years and not on annual basis. Page 3 A.4..Paragraph 4 - - a period of decline for - - In relation to his/her own performance are in relation to average satisfactory performance - - please clarify? Page 3 A.5..Paragraph 5 - - third line - -this sentence is vague and needs clarification. Administrators (unit leaders) really work with faculty. Unit leaders are selected mostly based on politics and not by merit. Unit leaders may not have experience to help faculty and may not be equipped or qualified to help. In industry settings, unit leaders get fundings to fund people and projects. At WVU, no such mechanism exists. These administrators must be reviewed as closely as faculty for their ability to guide faculty. "Unsatisfactory", is unacceptable and it must be modified for limited tenure of 5 years as a minimum. This is a shared governance and not a dictatorial process. The success depends also on unit leader`s ability to work with faculty. Page 3 - - B - - criteria - - third line - - This is a soft statement and pure eye wash and no teeth. Page 4 - - Paragraph 5 - - recruitment of an adequate number of students - - faculty have very little input in recruiting students other than providing suggestions, and admins care to hoots for this suggestion. Suggesting that a faculty must keep up with new development is easier said than quantifying and also may not gain competency. Page 5 - - III Professional expectations - - 2nd Paragraph - - academic leaders - - these are not academic leaders, but administrators and bean counters and hence it does not work. Page 5 - - A. Teaching - - 1st Paragraph - - in addition to advising doctoral students, MS students conduct research and also receive guidance which amounts to teaching as well and hence it should be included. In the second paragraph and last sentence dealing with peer evaluation is full of politics and there is no straight honest evaluation other than precooked evaluations - - needs modification. Page 6 - - 2nd line from top - - please define, "holistic". The follow-up paragraph is the</p>	<p>Each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. In addition, the proposed University Procedures require feedback. Promotion, tenure, and continuation recommendations are not arbitrary and capricious.</p> <p>“Holistic” is defined by reviewing the evidence in the evaluation file. All faculty must upload evidence that supports that they completed their duties and responsibilities as well as how well they completed their duties and responsibilities.</p> <p>The current University Procedures outline a process that includes faculty recommendations at the department, college and provost level. BOG Faculty Rule 4.2, Section 8 further outlines due process as does the WVU Grievance Procedure that is another layer in the due process.</p> <p>Your comments have been taken into consideration.</p>
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			responsibility of unit leader and do not shift it to faculty. Page 12 -- third line from top -- for tenure process initiation in a critical, 6th year, special consideration of time-extension must be given to those faculty that may encounter family or other personal difficulties. Page 12 -- VII faculty evaluation file -- 2nd Paragraph -- is support documentation via electronic files needed for full tenured professors? Page 13 -- Item II -- for any disputes between the faculty and unit leader, this must be resolved thru an independent committee not including the dean	
107	11/11/2022	Continuation and Service	Thank you for the opportunity to comment on the proposed changes I am pleased that the draft document has edited language about unsatisfactory ratings in a single year triggering an automatic recommendation of non-retention because such a policy is overly punitive--personal illness or other circumstances beyond a person's control could lead to unsatisfactory performance in a given year. The paragraph that was added in the 11/3/22 version about the circumstances that trigger an unsatisfactory rating (pasted below) lacks clarity. That is, one interpretation is that if performance does not meet minimum standards in a single year, this could trigger an unsatisfactory rating, but the language that follows implies that unsatisfactory only applies when minimum performance standards have not been met (at least twice?) after being given specific feedback (over consecutive years?). "As noted in section II.B., each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. Ratings of Unsatisfactory are reserved for cases in which the faculty member is not meeting the academic unit's minimal standards for job performance. Ratings of Unsatisfactory follow (a) a period of performance decline for which the faculty member had received specific feedback in prior annual evaluations yet has not demonstrated improvement or (b) gross misconduct (e.g., job abandonment)." Peer evaluations of teaching should be an optional, not mandatory, aspect of evaluating performance in the area of teaching. I am pleased that the 11/3/22 draft language strikes the phrase, "Faculty members must engage in behaviors consistent with the University Code of Conduct and University Values." I recommend changing this language "Service contributions considered for evaluation are those that are within a person's professional expertise as a faculty member, approved by their academic leader, and performed with one's University affiliation identified." Faculty who engage in	<p>The requirement of one (1) peer evaluation of one (1) class prior to a tenure or promotion decision is appropriate if teaching is an area of significant contribution.</p> <p>The "unsatisfactory" rating may occur when performance declines over consecutive years. Since formative and summative feedback will be required as well as unit criteria the faculty member will know what expectations must be met.</p> <p>Your additional comments have been taken into consideration.</p>

			service to the local community that is unrelated to their professional expertise should receive some credit for these activities. When faculty are engaged and are active members of the local community it reflects positively on the university and strengthens positive "town gown" relationships.	
108	11/11/2022		I suggest exempting the Teaching Assistant Professors hired in 2019, 2020, and 2021 from the external reviews on their promotion to Teaching Associate Professor. 1. clinical assistant professor is exempted from the external reviews from Assistant to Associate, so exemption is allowed in this document; 2. Assistant TAPs hired in 2019, 2020, and 2021 experienced significant adverse effects of the pandemic at the beginning of their career and lost their opportunities to build up their network for external reviews. For example, a Teaching Assistant Professor received the WVU travel grant for 2019-2020 academic year conference but couldn't use it due to the Lockdown in 2020 and was not allowed to roll it over to post-pandemic. With the travel budgets becoming tighter and travel expenses becoming more expensive after pandemic, the promised conference travel never be able to happen. Another Teaching Assistant Professor designed a study abroad program that is never able to take place due to the pandemic. Many didn't even build up their network with people outside of their units yet, thus even finding reviewers from other colleges is still difficult for them, and they already lost up to 4 years on their clock. It's not fair to ask them to complete something in 1-3 years that others have 5 years to do. Instead, WVU should provide a mechanism that counterbalances the abnormal adverse start of their career in WVU such as the exemption from the external reviews.	<p>If the proposed University Procedures are adopted, further conversations will occur to determine who the University Procedures apply to. We will not negatively impact faculty who are near their next promotion. At a minimum that would include faculty who are within three years of promotion (2019 and 2020).</p> <p>In these cases, generally, less than 10% of the Clinical Assistant Professors workload is attributed to West Virginia University's mission areas. The remaining workload effort, approximately 90%, is outside WVU's purview and attributed to UHA or the Dental Corporation. This is why these faculty would be excluded from the external review process.</p>
109	11/11/2022	Discretionary Promotion	Accountability and Transparency – These changes in the draft document clarify the responsibilities and steps in the faculty evaluation process and make transparent the procedures for non-retention of tenure-track and non-continuation of tenured faculty. Significant changes/additions include: • Providing greater clarity of what constitutes a "Satisfactory" or "Unsatisfactory" annual rating • Clarifying the language and processes for non-renewal of tenure-track faculty • Clarifying the language and processes for non-continuation of tenured faculty • Requiring that a faculty member denied promotion wait two years before resubmitting their file • Replacing the requirement that a faculty member's cumulative body of work "meets or exceeds previously promoted	If adopted the proposed University Procedures would go into effect for the 2023-24 academic year. Therefore, if a faculty member was unsuccessful in their application for a discretionary promotion this 2022-23 cycle, they would not be held to a two year wait.

		peers” with “meets or exceeds absolutes” outlined in the offer letter, memorandum of understanding, and/or guidelines It is unclear from when these new rules will be effective, if approved. We believe they should not be effective for academic year 2022-2023, but at earliest in academic year 2023-2024. As an example, if we think about faculty members who are now going up for promotion, they have requested and applied to go up for discretionary promotion knowing that they could try again one year later and not two years later as the new rules are implementing. It would not be transparent to adopt these new rules retrospectively.	
110	11/11/2022	Upon reviewing the various documents related to the most recent draft of the University Procedures document, I appreciate the explicit recognition of community engagement and diversity, equity, inclusion, and social justice work as related to research, teaching, and service. I’m also quite relieved that the statement related to the University Code of Conduct and University Values has been deleted. I appreciated that there was some clarification regarding what constitutes an "Unsatisfactory" rating. Here are some broader, overarching comments related to the document, below. This is followed by some more line-by-line comments. - I appreciate that this document makes efforts to attend to issues of diversity, equity, and inclusion for faculty who are under review in the tenure and promotion process. It would be helpful if the document explicitly stated what steps will be taken to ensure that faculty are treated fairly, and unsatisfactory ratings are not handed out as a result of racism, sexism, and other forms of bias and discrimination, in addition to the "review at all levels." - I would also like to see greater specificity as to what constitutes “more rigorous” in the promotion from Associate to Full Professor. - The timeline for response to annual reviews and due process seems tight and like they could be slightly extended so that people have a bit more time to develop a thoughtful response. - I wonder how the implementation of these changes will affect the increasing demands on administrative, faculty, and staff time, at a time when so many are already quite overextended. How has this been considered in the process of developing these documents? - I also wonder how the requirements listed here will correspond with institutional support for professional development, including travel funding and staff support. - I am concerned that this document is at times punitive in tone, and about the potential effects on a faculty workforce that is already under-	<p>All faculty are covered by BOG Governance Rule 1.6 which defines discrimination.</p> <p>Each academic unit must specify the criteria by which ratings of Excellent, Good, Satisfactory, and Unsatisfactory are assigned. In addition, the proposed University Procedures require feedback. Promotion, tenure, and continuation recommendations are not arbitrary and capricious.</p> <p>More rigorous does not mean more quantity. For example, a department may define this as a higher proportion of primary authorships, publishing with their doctoral students, or publishing in higher tier journals.</p> <p>Changes made to the proposed University Procedures have been done in track changes to be identified quickly.</p> <p>Safeguards are currently in place allowing a faculty member to file a response to annual reviews as well as rebuttals to recommendations of promotion, tenure, and non-continuation. These processes are included in the response section as well as in the evaluation process section.</p> <p>Student feedback is required per BOG Faculty Rule 4.2, although student feedback is just one piece of feedback for teaching.</p>

compensated in comparison to peer institutions. In the best cases, meritorious compensation should incentivize continued faculty excellence, as opposed to punitive measures that seem to weaken tenure protections. - The statements about recommending non-continuation after a second "Unsatisfactory" rating in the same area at any level" seems excessive to me. I sincerely hope that the document will be further reviewed with these concerns in mind, and that the tone of the document is re-considered such that there is a greater sense of mutual responsibility and respect. - Regarding the process for providing feedback on this document, the frequent updated drafts without a clear and transparent outline of new changes since the previous draft was burdensome as it took me a significant amount of time (many hours each time) to review these lengthy documents and draft and revise feedback. It also does not feel like an especially transparent process. For future reference, it would have helped if some sense of the process for feedback and revision were provided earlier on so that faculty know what to expect. Here are some more line-by-line points of suggestion for the draft:

p. 2, Section I: Suggestion to delete "more rigorous" to say "The unit guidelines may be more specific to expectations of individual disciplines, but not exclusionary of University guidelines." Rigor is a subjective term and I think the point here is more that they should follow the outlined procedures but may lay out more discipline-specific expectations.

p. 2, Section II.A.1: Recommendation to delete the following sentences until there is space to more fully address these issues later in the document: "Negative annual evaluations might lead to the development of a written performance improvement plan, as determined by the relevant chairperson and dean. A faculty member's failure to fulfill a performance improvement plan could lead to a recommendation for non-continuation. Such a recommendation can be made at any time and must include a review at all levels with the decision made by the Provost." As it is, these statements raise many questions about the details of such processes. Wherever these statements are made, I suggest revising phrasing to clarify that such plans should be developed in conversation with the faculty member. In addition, the statement that "A faculty member's failure to fulfill a performance improvement plan could lead to a recommendation for non-continuation" feels overly punitive. People should have more than one chance to make necessary and agreed upon improvements. It also feels like such statements

Your comments have been taken into consideration.

discourage academic and pedagogical risk-taking that is necessary for innovation and intellectual growth. In addition, plans are not typically intended to be followed exactly as they are written; they are oftentimes used to provide a path forward, and people oftentimes deviate from plans while still leading to significant improvements. Suggestion to revise wording to account for such possibilities.

p. 2, Section II.A.4 states "The individual faculty member is responsible for providing evidence of the quality and impact of their work in their digital evaluation file." However, is it really the individual faculty member alone who is responsible for providing such evidence? What about soliciting external reviews or peer assessments of teaching? Are those not evidence of the quality and impact of the faculty member's work? The wording may need to be revised to clarify this.

p. 3, Section II.A.4: Suggestion to revise "monitor" their progress, to another term that feels less like the faculty member is to be surveilled or micro-managed—"supervise" their progress? "track" their progress?

p. 3, Section II.A.4: The statement about recommending non-continuation after a second "Unsatisfactory" rating in the same area at any level" seems excessive, and I agree with concerns that have already been raised related to it reading as being a dismantling of tenure protections. Same for the statement about receiving "Unsatisfactory" in two out of three consecutive annual reviews in the same area at any level.

p. 3, Section II.A.4: Suggestion to revise the statement that "A review at all levels, including one by the Provost, must occur if the performance improvement plan is not adhered to and/or if there is a recommendation for non-continuation" to say, "Any recommendation for non-continuation requires a review at all levels, including the department, college, Provost, and President (others?). Faculty members have the right to respond to a determination of non-continuation by taking X, Y, Z steps."

p. 5, Section III: I'm confused by the statement that "Academic leaders annually approve the research, teaching, and/or service assignments of their faculty and only work approved by the academic leader is considered in the evaluation." Is this in reference to the annual workload document? If so, this seems to not consider the way various responsibilities come up during the academic year and are not always known during the workload document submission period, i.e.,

		<p>requests for review, speaking engagements, independent study requests, etc.</p> <p>p. 6, Section III.A.: Request to please consider noting that student feedback of instruction is limited and when reviewing such feedback readers should keep in mind research demonstrating that racially minoritized faculty often receive discriminatory and biased remarks in such forms, including on the basis of speech and accent for international Asian faculty in particular, dress for many women faculty, etc.</p> <p>p. 6, Section III.A.: Request to add a note in the first full paragraph parallel to the one following the note about multi/trans/interdisciplinary teaching: “Appropriately recognizing successful diversity, equity, inclusion, and/or social justice related teaching will require units to adapt their promotion, tenure, or annual evaluation guidelines to recognize and reward these activities as well as the time and effort it takes for them to be developed and completed.”</p> <p>p. 6, Section III.A.: Suggestion to create a new paragraph where it says, “Faculty must also highlight multi/trans/interdisciplinary teaching if applicable.” Also consider revising this statement so that it is more parallel to the statement related to DEIJ teaching: “Faculty engaged in multi/trans/interdisciplinary teaching who wish to receive credit for this work, must document their contributions in their Digital Measures file.”</p> <p>p. 13, Section VII: The added statement, “The faculty member is responsible for assuring completion of Items 3, 4 and 8. The Chairperson and in some cases the Dean has responsibility for Items 1, 2, 5, and 6, and 7,” seems to suggest that it may make sense to reorganize the numbered list so that the items that faculty are responsible for are grouped together, and the items that the chair and dean are responsible for are grouped together.</p> <p>p. 15, Section IX.B.2: More specificity requested to clarify what constitutes “more rigorous” in promotion to full professor.</p> <p>p. 19 Section IX.C.: In bracketed description of “Unsatisfactory,” suggested revision to: “characterizing performance that does not meet minimum expectations”</p>	
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