

Document XXXV

REMEDATION PROCEDURES FOR UL LAFAYETTE PERSONNEL WITH CATEGORY 5 MERIT EVALUATIONS

Preamble

In compliance with the University of Louisiana System Policy and Procedures mandate that remediation be initiated for any faculty member who receives an “unsatisfactory” evaluation in two consecutive years or in three years out of five, the University of Louisiana at Lafayette adopted the following policy in February 2004. The policy was formulated and approved by the Faculty Senate and was approved by the Provost/Vice President for Academic Affairs and the University President.

The UL Lafayette Remediation Process is based on the Annual Performance Evaluation (APE) system currently used at UL Lafayette. The remediation process is based on AAUP guidelines and is separate from the University’s current processes for mediation and faculty grievance. The policy is not retroactive. A copy of this Remediation Process document is included in the *Faculty Handbook*.

The Remediation Process

After the affected party has received official notice of his or her second consecutive (or third in five years) Category 5 Annual Performance Evaluation (which usually occurs in August or early September of the following year), the following remediation process is launched.

The affected person has two full evaluation cycles (three calendar years) to improve his or her evaluation status to a category other than Category 5. A “full evaluation cycle” is the period between the time a faculty member submits his or her APE for the previous calendar year to the evaluating authority (usually department or unit head in January of a particular calendar year) and the time that the faculty member is notified of his or her “official” evaluation category (i.e. the document signed by the Provost/Vice President for Academic Affairs, Dean, and Department head or equivalent authority and usually disseminated in August or September of the same calendar year).

It should be noted that the time-line for the process that is described below is rather complex. The reader may wish to consult the sample time-lines at the conclusion of this document.

The remediation process consists of 5 steps.

Step 1:

Within one month of the faculty member receiving official notification of a second consecutive Category 5 evaluation (or the third in five years) (usually in August or September of a calendar year) his or her dean or equivalent authority must appoint an ad hoc Remediation Committee (RC), which has the task of compiling a Remediation Plan (RP) in consultation with all parties, if possible. The RC must inform the affected person, in writing, of the stipulations of the RP at least three weeks before the end of the fall semester.

If the affected person persistently objects to the makeup of the committee appointed by the dean or equivalent authority, or with its RP, the Academic VP should then appoint a RC, and, if necessary, formulate and impose an RP (see Step 4 below).

The RC will normally consist of from 3 to 5 tenured faculty members, the majority of whom are from the affected person’s department/unit, but at least one of whom is an outside, but voting, member.

It is not the task of the RC to determine whether or not the Category 5 evaluations assigned the affected party are justified, nor is the RC free to argue that no remediation is necessary. The RC may only be cited in subsequent actions as having arranged, reviewed, and, finally, ruled on the

success of the remediation process. Any determination that remediation has or has not been “successful” must not be construed to imply that the RC endorses the category 5 evaluations at any point.

If the affected party is willing to participate in the remediation process, go to Step 2; if not, go to Step 4.

Step 2:

Within one month of its appointment, (usually October) the RC must compose a written RP consisting of specific, explicit statements from the evaluation authorities who assigned the merit evaluation(s) of Category 5 about the precise actions that the affected person needs to take before the end of the next two full evaluation cycles in order to be considered “remediated.” To enable the RC to perform its duties, the affected person, department head, dean, and/or other evaluating authority shall provide the RC with all of the relevant information it requests, including copies of current and past annual performance evaluations, student evaluations, proof of research, and public service.

The RP document must be clear, precise, and practicable, and it must be understood that there can be no “moving the goal posts” after the RP has been approved by the RC. The RC must ensure that the RP contains only requirements that are considered appropriate according to AAUP guidelines (appended).

Step 3:

Once a RP has been formulated by the RC (but no later than six weeks before the end of the fall semester), each of the concerned parties (affected person, department head, dean, Provost/Vice President for Academic Affairs) must be supplied with a written copy of the RP by the RC. The affected person then has three working days to comment on the RP to the RC.

Ideally, both the evaluating authority and the affected person should sign the RP document to acknowledge its contents. Signing the RP does NOT necessarily imply that the affected person agrees with his or her evaluations or with the RP. It only acknowledges that he or she fully understands what actions the evaluators require him or her to take to be considered successfully remediated. The RP must clearly state that the affected person has two, full, evaluation cycles to improve his or her status; that is, to get an evaluation other than a Category 5.

Step 4:

If the affected party is unwilling to actively participate in the remediation process at this initial stage, the Dean or unit head must inform the Academic VP (and other parties) as soon as possible, but at least five weeks before the end of the fall semester.

After consulting with all parties (but at least three weeks before the end of the fall semester), the Academic VP must then formulate his or her own RP and inform all parties, including the chair of the RC, of its stipulations in writing.

Step 5:

Reviews: Each year, before the affected party’s APE has been forwarded by the department/unit to the next relevant authority (usually a dean, in January or February), the RC will meet and review the affected person’s progress based on the annual performance evaluation that will be forwarded from the department.

The RC reviews the progress of the remediation process three times.

- (1) The first review occurs at the end of the ‘interim’ year, when, if the affected person has received an APE of a category other than Category 5 the process ends. If, however, the

affected person receives a Category 5 evaluation in this interim year, the RC does not make a report.

- (2) The second review occurs after the first full evaluation cycle.
- (3) If necessary, the RC conducts an additional review after the second, and final, full evaluation cycle.

In the last two reviews the RC determines whether or not remediation has been accomplished and issues a report. If the affected person has been awarded an evaluation other than Category 5 in any of these reviews, remediation is deemed to have been successful and the process ends.

Note, again, that the remediation process concludes if, as the result of any one of the three February reviews, the affected person is awarded APE better than or equal to 4 by the evaluating authority or if the RC deems that the person had met the conditions of the RP, although this does not become official until notification is given in August or September

The RC's report must be affixed to the affected party's APE before it is forwarded from the department to the relevant authority, and copies of the report must be sent to the affected person, relevant dean/unit head, and Academic VP. The RC must explicitly state in its report whether or not the affected person has met the terms of the RP, and, if the conditions of the RP have not been met, the specific deficiencies must be cited in the report.

Step 6:

If, after the final review, the affected party is determined by the RC not to have met the conditions of the RP, the university president may wish to institute the UL Lafayette dismissal for cause procedure against him or her. This may be done without reference to or at any time during the procedures described in the above policy.

Illustrative Narrative Time line for Remediation Process (2005-2008)

For the sake of illustration let's assume that the affected person receives a second (or third in five years) official APE = 5 in August 2005. This reflects his or her APE category for the calendar year (CY) 2004.

We see that in the case of a person who has received two APE = 5 (and who is NOT successful in remediation) the process from official notification of second APE = 5 to termination of the full, official, remediation process extends from **August 2005 until August 2008**.

August 2005: Affected person officially receives notice of second consecutive APE = 5, or third in five years. The year evaluated in the APE was 2004.

August - Dec. 2005: Remediation Committee appointed by Dean, Remediation Plan formulated by RC and agreed to by faculty member (or imposed upon faculty member).

January 2006: Remediation clock begins ticking: Affected party submits APE for 2005 in January or February 2006. RC reviews the APE in February 2006, before it leaves department. If APE 2004 is better than or equal to 4 then remediation process concludes (at least temporarily). If the APE is a 5, no report is made by the RC. The remediation process continues.

Note that the remediation process concludes if, at any one of the three February reviews, the affected person is awarded APE better than or equal to 4, or the RC finds that the RP has been achieved, although this does not become official until notification is given in August or September.

August 2006: (interim year): Official announcement of APE for 2005.

attached to the APE before it is forwarded to the Dean and Academic V.P., and also sends this report to the faculty member. Remediation ends.

The faculty member who makes a 5 on his/her APE (2nd 5 in two years or a 3rd 5 in five years) for the year 2004 has from January 2005 until August of 2008 to remedy the problem.

