



TEXAS TECH UNIVERSITY
College of Architecture

Operating Policy and Procedure

OP 103.07: Annual Review Mediation

DATE: December 7, 2018

PURPOSE: The purpose of this Operating Policy/Procedure (OP) is to establish uniform guidelines and procedures for mediation of disagreements between a tenured/tenure-track faculty member and the administration regarding the faculty member's annual performance evaluation at the faculty member's request, in accordance with

TTU OP 32.32 § 3(f): "All units should have a procedure established whereby a committee of peers will be available to mediate disagreement between an individual faculty member and the Chairperson/coordinator regarding an annual review at the faculty member's request. If the mediation is not successful, a copy of the committee's recommendation shall become part of the annual evaluation. This procedure and/or the possibility of filing a grievance provide the non-binding alternative dispute-resolution processes described in Chapter 154 of the Civil Practice and Remedies Code."

REVIEW: This OP will be reviewed in February of odd-numbered years by the College of Architecture Operating Procedures Committee with substantive revisions presented to the CoA faculty for vote by April 15.

Related OPs: <http://www.depts.ttu.edu/opmanual/OP32.32.pdf>
<http://www.depts.ttu.edu/opmanual/OP32.08.pdf>
<http://www.depts.ttu.edu/opmanual/OP32.18.pdf>

DEFINITIONS

TTU refers to Texas Tech University.

CoA refers to the College of Architecture.

PSVPAA refers to the Provost and Senior Vice President for Academic Affairs.

Dean refers to the dean of the College of Architecture.

Presiding administrator refers to the dean of the College of Architecture's designated representative.

Administration refers to the College of Architecture's Dean, Associate Deans, Chair, and Assistant Deans.

Supervisor refers to the administrator administering the Annual Faculty Review evaluation.

Mediation panel refers to the faculty annual review mediation panel.

Members refer to the tenured faculty members assigned to the mediation panel.

POLICY/PROCEDURE

POLICY

1. This policy covers:
 - a. A faculty member's personal Annual Faculty Review statement and the supervisor's evaluation from the preceding year;
 - b. Accuracy of facts represented in the evaluation;
 - c. Excluded facts that should be considered, included, or otherwise addressed;
 - d. Included facts that should be removed or not considered; and
 - e. Evidence of arbitrary, capricious, or discriminatory evaluations.
2. The faculty member and the supervisor should make all reasonable efforts to self-mediate and resolve any dispute, including utilizing the Faculty Ombudsperson.
3. If all efforts produce no resolution satisfactory to both the faculty member and the supervisor, the faculty member disputing the evaluation shall initiate the mediation procedure outlined below. In carrying out the procedure, all participants are encouraged to be thoughtful and deliberate.

PROCEDURE

1. Request for Mediation

- a. In the case of no resolution between the supervisor and faculty member, the faculty member may send a request for mediation to the Office of the Dean within 30 calendar days from the date that the supervisor presented the evaluation to the faculty member.
- b. The Dean will assign a presiding administrator to oversee the mediation procedure within 2 calendar days of receiving the request for mediation. This presiding administrator will manage the mediation until a mediation panel is convened.

2. Mediation Panel Formation

- a. The presiding administrator will develop a list of tenured faculty from the College of Architecture (CoA).
- b. The presiding administrator will meet with the supervisor and the faculty member within 7 calendar days of being assigned as presiding administrator to select a mediation panel.
- c. At this meeting, each party will have the option to omit one name from the list of tenured faculty. The presiding administrator will randomly draw three names from the remaining list with the supervisor and faculty member present. These three names shall constitute the mediation panel for this mediation.
- d. The presiding administrator will select the chair of the mediation panel and convene the mediation panel. The presiding administrator notifies the mediation panel members, the faculty member, and the supervisor of the mediation panel membership.
- e. The role of the presiding administrator is terminated.

3. Mediation Panel Process

- a. Submission of Mediation Briefs. The chair of the mediation panel requests the faculty member's brief. The faculty member submits a written brief of his/her grievances with evidence to the mediation panel within 7 calendar days of notification. Upon the receipt of the faculty member's brief, the chair of the mediation panel will forward the mediation brief to the supervisor, and request a written brief in response to the faculty member's brief within 7 calendar days. The chair of the mediation panel will then forward the supervisor's response to the faculty member and the members of the panel. The panel will have 7 days to review the submittals by the faculty member and supervisor.
- b. Setting Mediation Hearing. The chair of the mediation panel, in consultation with the panel members, supervisor, and faculty member, will establish a date for the mediation hearing no later than 7 calendar days from the review of the mediation briefs by the mediation panel.
- c. Mediation Hearing. The faculty member or the faculty member's representative(s) will present the faculty member's case. The faculty member has the right to present information, written or oral, considered relevant or material to the annual review, including the calling of witnesses. This information may be presented in written or oral form. After the presentation by the faculty member, the supervisor's case will be presented under the same rules as those that were applied for the faculty member. The supervisor may be represented in the process as well. The mediation panel may question witnesses and call witnesses, as it considers appropriate. The faculty member and the supervisor may question all witnesses.
- d. Evidence considered in the hearing must relate to the annual review. After all evidence is presented, the mediation panel will meet and consider the case. A written opinion held by the majority of the members will constitute the committee's recommendations. The mediation panel must provide its recommendations in writing to the dean, with copies to the faculty member and supervisor, within 7 calendar days of the conclusion of the hearing. Minority opinions of the panel members may also be submitted to the dean. Recommendations to the dean are not binding.
- e. The dean will send a written notification of his/her decision to the faculty member, supervisor, and mediation panel within 7 calendar days of receipt of the mediation panel's recommendations. If the dean's decision differs from the recommendations by the mediation panel, the written reasons for such difference will be provided to the faculty member, the supervisor, and the mediation panel.
- f. The parties may agree to a resolution at any time until the dean's decision is published.
- g. The mediation panel's recommendation will become a part of the faculty member's annual review.

4. Appeals

The faculty member may request a hearing by the PSVPAA, as stated in TTU OP 32.05 – Faculty Grievance Procedures to appeal the decision of the dean and mediation panel.

Calendar of Events – The following lengths of time exclude official holidays and summer breaks.

EVENT	RESPONDENT	CoA-OP STATEMENT	RESPONSE TIME
Request for Mediation	Faculty Member	CoA-OP 111 §1(a)	30 days
Assign Presiding Administrator	Dean	CoA-OP 111 §1(b)	2 days
Mediation Panel Formation	Presiding Administrator	CoA-OP 111 §2(b)	7 days
Faculty Member Mediation Brief	Faculty Member	CoA-OP 111 §3(a)	7 days
Supervisor's Response Brief	Supervisor	CoA-OP 111 §3(a)	7 days
Review of Briefs	Panel Members	CoA-OP 111 §3(b)	7 days
Mediation Hearing	Chair	CoA-OP 111 §3(b)	7 days
Mediation Panel Recommendations	Panel Members	CoA-OP 111 §3(d)	7 days
Dean's Decision	Dean	CoA-OP 111 §3(e)	7 days