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CONTENT & OPINIONS

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FROM THE EDITOR

A Passion for Teaching Business Law & Ethics: Student Learning Through Case Studies

Both awareness and knowledge of business law and ethics are crucial for success in business and everyday life. Application and analysis of business scenarios using this awareness and knowledge are even more important. As teachers, our passion is to facilitate student learning of all aspects of the business law and ethics disciplines.

This issue of the Journal of Business Law & Ethics Pedagogy provides a variety of useful classroom ideas to help students learn. It also offers helpful information regarding online education and teaching modalities, as well as assistance for instructors in presenting their best cases in faculty evaluations for our unique discipline.

In *The Entrepreneurs with No Garage Project*, Professor Perry Binder shares his class project in which students start a hypothetical business. The purpose is to show students the importance of law in business, especially business formation, contracts, and intellectual property. Students can benefit now, as well as when they are out in the working world because the focus is being entrepreneurial on a budget. To add greater flexibility and value, the author has separated the project into modules that can be used individually or as a whole.

Professors Craig Barkacs and Linda Barkacs have developed a classroom exercise that uses experiential learning to help students understand several areas of business law and ethics, most prominently environmental law. In *Citropolis: An Experiential Classroom Exercise in Environmental Justice*, the authors have created a fictional city in which students serve as city planners and decide which proposed project they will accept. The article offers detailed information for each project, including revenues for the city, as well as possible negative issues. The exercise then moves on to coverage of real-world environmental cases, the facts of which are similar to issues students encountered as city planners in the fictional city. This unique learning exercise offers students a hands-on approach to applying law and other topics, while also incorporating real-world examples to show the impact of their decisions.

Professor Carol Bast presents a valuable analysis of evaluations of business law faculty, especially in universities with few such faculty members. Because business law teaching and research is different than other business disciplines in many ways, faculty do not have as many mentors and successful tenure examples throughout the business school. They must educate colleagues, department chairs, and deans in how this work should be evaluated. Her article, *Toward More Effective Faculty Evaluation*, shares research and offers ideas about how to navigate the process of building a case for teaching and research in the business law discipline.

In a study comparing performance in online and face-to-face classes, Professors Jill Jasperson, Ronald Mellado Miller, and Maureen Snow Andrade share data about the performance of 1,100 students taught over a six-year period. *Speed of Light versus Speed of Sound* offers statistical analysis of data to show the differences between these types of teaching modalities. The authors found business law students in face-to-face classes outperform students in online sections. They suggest uses of technology and other resources to better address the needs and performance of online learners.

In *Teaching Business Law to Non-Lawyers*, Professor Dawn Levy presents a three-pronged engagement approach which includes: addressing students' prior beliefs about law; illustrating law

with relatable real-world examples; and demonstrating the value of business law knowledge in strategy and decision-making. While her paper focuses on reaching community college students, this excellent and useful information is universally applicable for all students and would be valuable for business law and ethics faculty to consider.

* * *

This issue is my last as Editor in Chief. Starting this journal and publishing four issues has been a joy. Our business law and ethics disciplines are critical to creating well-rounded business majors and business professionals, and imparting knowledge about the same to students is our calling. This journal serves these purposes. Professors will be able to search this permanent and searchable archival tool and benefit from the fine work by truly gifted, hard-working educators (as well as from dedicated editors and reviewers). Many, many thanks to all who have helped build this valuable pedagogical resource.

Linda Christiansen
EDITOR IN CHIEF

Toward More Effective Faculty Evaluation

Carol M. Bast*

ABSTRACT

Faculty evaluations play a lead role in supporting the healthiness of the department in a secondary educational institution. Such measures may be used to identify a department's strengths and weaknesses, offering an opportunity to set forth goals for the future. The two main reasons for evaluating faculty are to enhance faculty performance and to make personnel decisions. This article provides overall information on faculty evaluation and was used to set the stage for the ongoing revision of the Department of Legal Studies of the University of Central Florida (UCF) annual evaluation standards.

KEY WORDS: FACULTY EVALUATION, TEACHING EVALUATION, SCHOLARSHIP EVALUATION, RESEARCH EVALUATION, SERVICE EVALUATION, ANNUAL FACULTY EVALUATION, EVALUATION OF TEACHING, SCHOLARSHIP, AND SERVICE; EVALUATION OF TEACHING, RESEARCH, AND SERVICE

I. Introduction

Faculty evaluations play a lead role in supporting the healthiness of discipline departments in a secondary educational institution. A clear and well-established evaluation process identifies a department's strengths and weaknesses, and enhances those strengths and improves weaknesses by setting forth goals for the future. The two main reasons for evaluating faculty are to enhance faculty performance and to make personnel decisions. Other reasons for evaluating faculty, although not discussed here, are to promote continuing education of faculty and to support accreditation. Annual evaluation early in a tenure-track faculty member's career can give some indication of the anticipated result of the tenure and promotion process, and can support further career development; the evaluation may be useful as a guide to improve a faculty portfolio and to pinpoint the necessary steps to transform a weaker applicant portfolio into a successful one. To be effective, the evaluation must be fair and constructive. A faculty member can use the evaluation criteria to monitor their efforts to meet departmental expectations. "Objective standards influence positive value and expectations of success."¹ Faculty adjust their efforts to take advantage of rewards available under the faculty evaluation scheme.

This article provides overall information on faculty evaluation and was used to set the stage for the ongoing revision of the Department of Legal Studies of the University of Central Florida annual evaluation standards.² The author's institution requires departments to review faculty evaluation criteria on a regular basis, but at least every five years. Certain recent revisions addressed inadequacies encountered with use of the criteria prior to revision and a desire to reward certain research activities appropriately.³

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¹ Patricia Hardré & Sherry L. Kollmann, *Motivational Implications of Faculty Performance Standards*, 40 EDUC. MGMT. ADMIN. & LEADERSHIP 724, 735 (2012).

² For the present Legal Studies faculty annual evaluation criteria, see http://facultyexcellence.ucf.edu/files/2015/12/Legal-Studies_AESP_2012-2013.pdf. For Legal Studies criteria for promotion, see https://facultyexcellence.ucf.edu/files/2015/12/Legal-Studies_TTECriteria.pdf pdf and http://regulations.ucf.edu/chapter3/documents/3.0176InstructorLecturerPromotionFINALRevised_July16.pdf.

Many members of the Academy of Legal Studies in Business (ALSB) teach Legal Environment of Business or Business Law in the Business College of a university. They are unique in that each Legal Studies discipline faculty may be the sole or a minority within a Department within the Business College and the identity of the home department of a Legal Studies faculty member varies by institution. The challenge of the home department is to evaluate the Legal Studies faculty member fairly, given that the Legal Studies discipline is distinct from the discipline shared by a majority of the Department faculty. The Legal Studies faculty member may find it advisable to educate the Department faculty members on the Legal Studies discipline.⁴

The institution's goals, principles, and strategic plan⁵ provide an overall framework for faculty evaluation; an institution may have rules governing faculty evaluation.⁶ Within the institution, each department must consider its own culture in developing a faculty evaluation scheme. The character of the department's academic discipline and the rank of the various full-time faculty have an effect on the department's expectations of faculty research, teaching, and service.⁷

II. Characteristics of Faculty Annual Evaluation Criteria

The building blocks of faculty evaluation are measurable and observable behaviors of the faculty. The annual evaluation criteria measures behaviors as to value, with a higher value resulting in a more positive evaluation and a lower value resulting in a less positive evaluation. Evaluation standards measure selected behaviors as to their desirability. The goal in drafting evaluation standards is that they are reliable in that they produce consistent results among faculty members and the same result regardless of the person conducting the evaluation. Consistency can be problematic in that subjective judgments of students, administrators, and other faculty are the basis for faculty evaluation. The annual evaluation is usually based on a combination of accountability (quantitative measures, usually provided in numbers) and qualitative and impact (qualitative measures, usually provided in text). For example, a faculty's research productivity may be the total of points assigned for each of the articles and other indicia of research produced, while the supervisor may provide a textual explanation of the faculty member's achievements in teaching, research, and service.

The purpose of faculty evaluation is to determine how a faculty member measures up to the identified standards. The two major types of universities in the United States are teaching-centered universities and research universities, each of which typically hires tenure-track and tenured faculty. A four-year institution may hire non-tenure track and part-time faculty and may use teaching assistants to teach a substantial portion of the classes.⁸ At a teaching-centered university, teaching comprises the main component of the annual faculty

³ See *infra* note 34 text and notes 48-49, 81.

⁴ See *infra* notes 9, 13, 24-26.

⁵ For UCF's goals, see <http://president.ucf.edu/goals/goals.asp> and strategic plan, see <https://www.ucf.edu/strategic-plan/files/2017/07/Creating-Our-Collective-Impact-rev072017.pdf>.

⁶ For the UCF regulation on faculty evaluation, see https://regulations.ucf.edu/docs/notices/3.010FacultyEvaluationImprovementFINAL_June13.pdf. For the UCF regulations on promotion, see <https://regulations.ucf.edu/chapter3/documents/3%20015PromotionandTenureFINALMay2019.pdf> and http://regulations.ucf.edu/chapter3/documents/3.0176InstructorLecturerPromotionFINALRevised_July16.pdf. Article 10.1 of the Collective Bargaining Agreement contains the procedure required to revise the faculty evaluation criteria. See <https://collectivebargaining.ucf.edu/completeteba.asp>.

⁷ For example, the instructional faculty in the Department of Legal Studies is made up of instructors and professors. The instructors have teaching and service responsibilities, while the professors have research, teaching, and service responsibilities.

⁸ James S. Fairweather, *The Ultimate Faculty Evaluation: Promotion and Tenure Decisions*, in *EVALUATING FACULTY PERFORMANCE* 98 (Carol L. Colbeck ed., 2002).

evaluation. A teaching-centered university may evaluate a faculty member on research. The other component of annual faculty evaluation is service. At a research university, the components of an annual evaluation for non-tenure track faculty may be similar to those of faculty at a teaching-centered university; the institution evaluates tenure-track and tenured faculty on research, teaching, and service. For example, the author's institution evaluates instructors on teaching and service, while the institution evaluates tenure-track and tenured faculty on research, teaching, and service.

History may play a role in understanding a department's annual evaluation criteria. For example, the author's institution has moved from a teaching-centered university to a research university since its founding. Teaching, then research, and then service form the overall structure of the annual faculty evaluation criteria. The teaching component is first because the department evaluates all faculty on teaching and the institution once was a teaching-centered university.

The evaluation can point to areas in which the faculty member is meeting, exceeding, or below the standards. This can be helpful in identifying the areas needing improvement and in recognizing activities that exceed the standards. Faculty evaluation can lead to improvement in the performance of the faculty member and the department. It can also offer guidance for the future. There should be a strong relationship between annual evaluation results and the result of the tenure and promotion process. However, success in annual evaluation does not guarantee success in the tenure and promotion process, as there are factors in addition to annual evaluation results considered in the tenure and promotion evaluation.⁹

Communicating the results of faculty evaluation to faculty members affords the opportunity to praise outstanding performance, to provide constructive advice as to improvement, and to document deficiencies. In that way, faculty evaluation looks at the past to determine accomplishments and looks to the future in encouraging continual improvement. Thus, faculty evaluation is key to promoting faculty development efforts.

Typically, the department chair is the individual responsible for communicating the results of faculty evaluation to faculty members. Most institutions hire department chairs for their leadership abilities, including their ability to work well with others. An interesting recent study has found a positive link between a department chair's "social intelligence" and faculty members' satisfaction with annual evaluations.¹⁰ According to the study, social intelligence has four components: "situational awareness, situational response, cognitive empathy, and social skills."¹¹ The first component is the ability to understand the context of a social situation and assess a problem; the second component is competence to resolve the problem effectively; the third component is the capacity to relate to and understand others; and the fourth component is the capacity to communicate effectively and positively with others.¹² A good working relationship between the department

⁹ Introductory language in the Department of Legal Studies faculty annual evaluation criteria emphasizes that positive results for a faculty member on annual evaluations do not guarantee a positive result for tenure and promotion. A disconnect between annual evaluations and the tenure and promotion process may be based, in part, on the fact that the annual evaluation is done at the department level, while the tenure and promotion process can be based on multiple levels of review. In addition, a focus of the college and the university may be on funded research, while the typical Legal Studies faculty member has not pursued a grant-intensive research agenda. Some individuals involved in the review process may not be familiar with the expectations for teaching, research, and service within a discipline other than their own. At the author's home institution, the applicant's portfolio moves from the department, to the college, to the university, to university administration, and, finally, to the Board of Trustees. A prophylactic measure may be to educate others on a discipline's expectations for teaching, research, and service through explanations incorporated into the annual faculty evaluation criteria and into the promotion and tenure criteria. Those who understand the discipline and are members of the various committees involved in review of the applicant's portfolio can provide explanations to other committee members. The applicant may need guidance along the applicant's career path to produce a consistent record of achievement. An uneven record may be troublesome and may mean that the applicant may not be successful. A mentor may play a valuable role in assuring an applicant's success. If a mentor is unavailable in the applicant's home department, the applicant may be able to find a mentor elsewhere in the institution or in an academic organization. See note 15, *infra* and accompanying text.

¹⁰ M. Afzalur Rahim, Ismail Civelek & Feng Helen Liang, *A Model of Leaders' Social Intelligence and Followers' Satisfaction with Annual Evaluations*, 18 CURRENT TOPICS MGMT. 1, 7, 12 (2016).

¹¹ *Id.* at 3.

¹² *Id.* at 3-5.

chair and individual faculty members is helpful in the annual evaluation process. Some department chairs enjoy regular interaction with faculty and can be supportive if faculty inform chairs on faculty activities.

Junior faculty, especially those on tenure track, may feel at a loss because of a paucity of regular feedback. In addition, those most in the need of feedback may not know who to ask for feedback or how to ask for feedback. A chair may be amenable to providing feedback on an informal basis during the year or a busy chair could suggest someone to whom a junior faculty can approach for regular feedback. A junior faculty member may ask a senior faculty member to review and comment on the junior faculty member's curriculum vitae. The request for assistance may flatter the senior faculty member. If the senior faculty member is welcoming in providing assistance, the senior faculty member may be open to future dialogue. If the senior faculty member does not seem to have time, the junior faculty member can talk to another senior faculty member. The support system for a junior faculty member can be formal or informal. A mentor is important in the organizational socialization process through which a junior faculty member moves from being a novice to someone comfortable with the culture of the department and the institution. Some faculty are lucky enough to find a senior faculty who is interested in mentoring a junior faculty to bridge the gap from a novice faculty member to a seasoned academic. The best choice is someone within the same department, but someone from another department could also provide valuable guidance. Another possibility is finding someone from the same discipline through professional association networking. For example, the Academy of Legal Studies in Business (ALSB) has a Mentorship Program that matches a junior faculty to an experienced ALSB member as either a research mentor or a teaching mentor or both.¹³ Attendance at a professional academic conference provides an opportunity to accomplish other professional association networking informally. Many institutions sponsor training sessions for giving and receiving feedback. The author's institution has both a Faculty Center for Teaching and Learning and an Office of Faculty Excellence that provide faculty support in their careers. The author's institution requires a department-level annual cumulative progress toward tenure evaluation that provides feedback prior to a junior faculty applying for tenure and promotion.

Expectations of faculty should be explicit rather than implicit, as implicit expectations are faulty as appearing too subjective. This may be especially important for faculty new to the department who are unfamiliar with department culture. One study found "the need for individualized plans that are clear, precise and aligned to criteria that support development along the career trajectory."¹⁴ In contrast, "[v]ague or unclear specifications can cause confusion and anxiety."¹⁵ Clarity is also important in communicating the result of the evaluation to the faculty member; detail provides a more realistic view of the evaluation result and "a lack of regular feedback could leave faculty members uncertain of their status and unsure of whom or how to ask."¹⁶ Faculty evaluation standards should balance the needs of the department, college, and university and national norms. Once the department identifies the essential components of the evaluation, these components can be rank-ordered to indicate their relative importance.

As explained in the following sections, the three traditional components of a tenure-track or tenured faculty annual evaluation are research, teaching, and service. A fourth component at some institutions may be collegiality. Institutions are not uniformly explicit in the relative importance of these components. One study reviewed the written annual evaluation criteria of sixty-two academic departments of research universities and found that a majority did not quantify the relative values of research, teaching, and service, while a minority

¹³ Information on the mentoring program is available to ALSB members in newsletters accessible through the members-only portion of the ALSB website. <https://alsb.org>. At the 2019 conference, a new pre-conference offered information to new attendees; one of the pre-conference goals was to "provide extra support for to those who are relatively new to full time teaching and scholarship." <https://alsb.org/annual-conference/>.

¹⁴ Hardré, *supra* note 1, at 735.

¹⁵ *Id.*

¹⁶ *Id.* at 742.

did.¹⁷ For those departments that do not quantify the relative values of research, teaching, and service, a faculty member might review the format of the annual faculty evaluation criteria to gain insight. A department may value research more than teaching if the research criteria appear first and contain more detail than the teaching criteria.¹⁸ Some departments, such as the author's department follow a punitive model that requires those tenure-track and tenured faculty who are not actively engaged in research to teach more and permit those who are research-intensive to teach less. "The *explicit* message in this policy is that faculty who are less involved in research will have greater teaching loads. The *implicit* message is that more successful faculty do research and less successful faculty teach."¹⁹

A. Research criteria

Research is one of the three main criteria used for annual faculty evaluation of tenure-track and tenured professors. An institution's research expectation, whether explicitly stated or implicit, shapes faculty careers. Some secondary institutions have shifted to emphasize teaching more than they have in the past.²⁰ However the "dark side to this story [is that a] sizable proportion of research university faculty said that although teaching counted more, the demands for research and creative work had not diminished (25 percent) or had risen at the same time (11 percent)."²¹

Research criteria should be discipline-specific, with sufficient description to inform the institution of the characteristics of the research and publication expected within the discipline. A goal should be to clearly explain ways in which the discipline differs from other disciplines. Discipline-specific information guarantees that someone from outside the discipline understands the peculiarities of the discipline so as to evaluate whether a faculty member has met the standards of the discipline.²² One discipline may value different types of publications, such as scholarly books, textbooks, edited books, or journal articles, differently than other disciplines; a discipline may further distinguish among publications based on journal rankings and the identity of publishers.

¹⁷ Patricia Hardré & Michelle Cox, *Evaluating Faculty Work: Expectations and Standards of Faculty Performance in Research Universities*, 24 RES. PAPERS EDUC. 383, 388, 399-400 (2009). The following is the more detailed analysis (with the first number or numbers in parentheses representing the number of departments and the percentage representing the percentage of the departments falling within the category specified):

A minority of departments (14; 23%) specify quantified relative values for the three faculty roles, either in their promotion and tenure or in their annual evaluation specifications. An additional subset (21; 34%) does not quantify them, but state that research is 'the primary' or 'principal' criterion for promotion and tenure. Among those departments that do specify percentages (8/14; 57%), teaching and research are equal or nearly so, and service is valued at about one-third of the other two. Five departments (5/14; 36%) determine individual relative values (weights) on hiring. Six departments (6/14; 43%) present a range, with choice given to the faculty member or others as to how to allocate credit/value within certain parameters (e.g. one department specifies R&T 30-60 each and S 10-30%; another R 30-50, T 20-40 and S 10-33). Two departments (14%) note that one purpose of the variable range is to adequately reward faculty with temporary administrative service roles (such as department chairs), so that service is 'not inconsequential'. A majority (48; 77%) do not specify any quantitative relative values at all, though only one department expresses the philosophy that underlies this choice. *Id.* at 399-400.

¹⁸ *Id.* at 401-02.

¹⁹ *Id.* at 402.

²⁰ Mary Taylor Huber, *Faculty Evaluation and the Development of Academic Careers*, in EVALUATING FACULTY PERFORMANCE 77 (Carol L. Colbeck ed., 2002).

²¹ *Id.* at 78. The author added:

Some even reported that although the importance of teaching remains the same, the importance of research has risen (11 percent). Faculty at other types of institutions tell a similar story. A quarter of the respondents at doctoral universities, 23 percent at master's colleges and universities, 19 percent at baccalaureate colleges, and 18 percent at associate-of-arts colleges say that teaching counts more than it did before. Interestingly, at the four-year institutions, an even larger number of faculty report that research demands have been rising: 42 percent at doctoral universities, 41 percent at masters colleges and universities, and 35 percent at baccalaureate colleges. For many faculty, these are intersecting demands. Overall, 27 percent of all the nation's college and university professors say that both teaching and research count more than they did five years ago or that one counts more while the other counts the same . . .

²² Hardré, *supra* note 17, at 393.

For example, for the Legal Studies discipline, the main differences are the recognition of law reviews, although not peer-reviewed, as one of the standard publication vehicles and the typical absence of grant activity. The Washington and Lee University School of Law's Law Journals: Submissions and Rankings website²³ may be useful in evaluating legal scholarship. Over its history, the University of Central Florida has evolved into a more research-centered university. In recognition of this, the Department revised the annual evaluation criteria to put a greater emphasis on publishing in top tier journals and publishing scholarly books in academic presses. In addition, the Legal Studies discipline is not heavily reliant on grants; however, the institution looks favorably on grant activity. Therefore, the annual faculty evaluation criteria gives points for those who submit grant applications or are successful in obtaining grants.

A Legal Studies faculty member's home department may be Management, Economics, Finance, Accounting, or another department within the Business College. Thus, those of a distinct discipline surround the Legal Studies faculty member. Collegiality can open the doors to communication among faculty within a department; a Legal Studies faculty member can use this as an opportunity to educate others on the Legal Studies discipline, perhaps through available resources. Over the years, ALSB has been extremely proactive in explaining the value of the Legal Studies discipline to business through various reports,²⁴ letters in response to the Association to Advance Collegiate Schools of Business (AACSB) Blue Ribbon Committee,²⁵ and the appointment of an ALSB Liaison to AACSB. One of the long-time ALSB members recently organized a Summit on the Academic Profession of Business Law to "provide a participant-driven experience on the advancement of the business law academic discipline [O]utcomes from this summit will help shape future disciplinary priorities and strategies across the discipline and at individual business law groups and departments."²⁶

Assessing the value of research may take into consideration other factors. Research criteria may permit averaging of publications to determine if the faculty member has a consistent record of publications. Research criteria may distinguish between the value of solo-authored versus multiple authored publications. For research-intensive professors, the ordering of the three components of the evaluation may reflect the importance of the first portion over the other two portions.

An institution that values other research-related activities sufficiently may credit these activities as part of the faculty annual evaluation. The theory is that certain research-related activities should be encouraged because they either lead to publication or are an integral part of the publication process. An institution can give recognition for activity related to publication, such as submitting and presenting papers at conferences, reviewing manuscripts submitted to scholarly journals, and serving as the editor-in-chief of a scholarly journal. Classification of research-related activities as research is not universal; what one institution classifies as research another institution may classify as service. In plotting career strategy and preparing an annual report, faculty should be cognizant of where particular activities fall in annual evaluation and promotion and tenure criteria.

²³ <https://managementtools4.wlu.edu/LawJournals/>.

²⁴ Carol J. Miller, In Support of LAW in the Business Core Curriculum, <http://alsb.rounhtablelive.org/Resources/Documents/LAW%20in%20Core%20Curriculum5n.pdf>; Report of the Executive Committee of the Academy of Legal Studies in Business on Legal Scholarship in U.S. Business Schools (Mar. 2010), <http://alsb.rounhtablelive.org/Resources/Documents/ALSBResearch.pdf>; The Status of Law Report from the ALSB 1999 Task Force, <http://alsb.rounhtablelive.org/Resources/Documents/The%20Status%20of%20Law%20Report.pdf>.

²⁵ Letter from Peter J. Shedd to Richard E. Sorenson (Oct. 24, 2012), <http://alsb.rounhtablelive.org/Resources/Documents/Final%20Draft%20of%20Liaison%20Letter%20to%20AACSB%2010-24-12.pdf>; Letter from Caryn Beck-Dudley, Joan T.A. Gabel, and Steve Salbu to Robert Reid and Richard E. Sorenson (Oct. 1, 2012), <http://alsb.rounhtablelive.org/Resources/Documents/Dean's%20Letter%20to%20BlueRibbonCmte%20AACSB%20proposed%20amendments%200.pdf>.

²⁶ Summit on the Academic Profession of Business Law (May 30 – 31, 2019), <https://businesslaw.business.uconn.edu/blawsummit/>.

B. Teaching Criteria

Teaching is a second of the main components used to evaluate tenure-track and tenured professors and one of two main components to evaluate instructors. Teaching generally requires that the faculty member both have up-to-date knowledge of the course content and implement course delivery, technology, assessment, and management to facilitate learning.²⁷ There are steps that a faculty member can take to ensure that subject matter is current; a faculty member can take advantage of a wide range of enrichment opportunities to learn and enhance course delivery and student assessment skills. Teaching evaluation can motivate a faculty member's teaching improvement.²⁸

One question is how to evaluate teaching, as the evaluation is largely a qualitative judgment. An added wrinkle is that professors differ as to what constitutes quality teaching; one professor may be prone to criticize another professor's teaching simply because it differs from that of the first professor. Several schemes for evaluating teaching have been proposed fairly recently.²⁹

As more fully explained below, the following measures may be the basis for a teaching evaluation:

- student evaluations
- peer evaluations
- teaching portfolios
- reflective narrative statements
- external expert evaluations
- student and alumni interviews
- administrator evaluations
- scholarship of teaching and learning
- teaching awards
- evidence of student achievement of learning outcomes
- teaching-related activities

An almost universal measure³⁰ included in teaching evaluation is student evaluation of teaching, perhaps because of the ease with which students can rate teachers on various aspects of a course by ranking each aspect on a number scale. Correlating each aspect of a course to a number gives the illusion of objectivity. Another advantage of student evaluation of teaching is that it is not particularly time-intensive. Student teaching evaluations provide feedback on the student's experience in a course; the typical evaluation does not measure student learning in the course.³¹ Two benefits of student evaluation of teaching are that it provides the

²⁷ Amy L. Lakin, *Effective Faculty Evaluation at the Teaching-centered University*, 30 INT'L J. EDUC. MGMT. 976, 976-77 (2016).

²⁸ Zaynab Sabagh & Alenoush Saroyan, *Professors' Perceived Barriers and Incentives for Teaching Improvement*, 2 INT'L EDUC. RES. 18, 26, 34-35 (2014).

²⁹ PETER SELDIN, J. ELIZABETH MILLER & CLEMENT A. SELDIN, *THE TEACHING PORTFOLIO: A PRACTICAL GUIDE TO IMPROVED PERFORMANCE AND PROMOTION/TENURE DECISIONS* (4th ed. 2010); RONALD A. BERK, *THIRTEEN STRATEGIES TO MEASURE COLLEGE TEACHING: A CONSUMER'S GUIDE TO RATING SCALE CONSTRUCTION, ASSESSMENT, AND DECISION MAKING FOR FACULTY, ADMINISTRATORS, AND CLINICIANS* (2006).

³⁰ Henry A. Hornstein, *Student Evaluations of Teaching are an Inadequate Assessment Tool for Evaluating Faculty Performance*, 4 COGNATEDUC. 1 (2017), <https://doi.org/10.1080/2331186X.2017.1304016>; Wolfgang Stroebe, *Why Good Teaching Evaluations May Reward Bad Teaching: On Grade Inflation and Other Unintended Consequences of Student Evaluations*, 11 PERSP. ON PSYCHOL. SCI. 800, 801 (2016); Dennis E. Clayton, *Initial Impressions and the Student Evaluation of Teaching*, 88 J. EDUC. FOR BUS. 26, 26 (2013).

³¹ Angela R. Linse, *Interpreting and using student ratings data: Guidance for faculty serving as administrators and on evaluation committees*, 54 STUD. EDUC. EVALUATIONS 94, 95 (2017).

professor with feedback on how students react to the professor's teaching, and it encourages the professor to be prepared for the course and responsive to students.³²

Yet, the reliability of student teaching evaluation perhaps has been the most controversial of the items related to faculty evaluation. One recent study concluded that student teaching evaluations can be used to measure teaching quality. "The majority of the legitimate research on student ratings indicates that they are a more reliable and valid representation of teaching quality than any other method of evaluating teaching, including peer observation, focus groups, and external review of materials."³³ Patterns of low student evaluation scores may be a basis of concern and patterns of improvement in student evaluation scores may indicate an increased teaching effectiveness.³⁴ It may be important to study rating distribution in addition to examining the ratings mean.³⁵

However, student evaluation is not without some pitfalls and some have questioned its validity as a true measure of teaching effectiveness. Some studies have shown that student teaching evaluations are lower for a professor who is more stringent in grading³⁶ and higher for a professor who is more likeable.³⁷ One study found a significant relationship between students' teaching evaluation of a professor at the beginning of the term, prior to distribution of the syllabus and beginning of instruction, and the end-of-term student teaching evaluation.³⁸ Reliance on student teaching evaluations may contribute to grade inflation and encourage professors to lower the work required in a course in the hope of improving student teaching evaluations.³⁹ Student teaching evaluations may have bias because of faculty gender⁴⁰ or race.⁴¹ One writer made the following recommendations in studying the relationship between race and student evaluations:

Evaluations are in need of improvement. Those that claim to measure teaching effectiveness must have some grasp of teaching and learning theories. Measurement of evaluations must be quantitatively informed and sufficiently sophisticated to be useful. Variables such as time of day, teaching style, instructor ethnicity and gender and sexual orientation (if the instructor has made that orientation explicit to students), nature of

³² Nate Kornell & Hannah Hausman, *Do the Best Teachers Get the Best Ratings?*, 7 FRONTIERS PSYCHOL. 1, 6 (2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4842911/>.

³³ Linse, *supra* note 31, at 97.

³⁴ *Id.* at 101. For example, in the Department of Legal Studies annual evaluation teaching criteria, a pattern of negative narrative comments in student teaching evaluations may be the basis for a faculty member receiving an unsatisfactory teaching evaluation result. Another basis for an unsatisfactory teaching evaluation result is at least two non-anonymous, material, and meritorious student complaints concerning teaching.

³⁵ *Id.*

³⁶ Clayson, *supra* note 30, at 27.

³⁷ *Id.* at 27-28. See also Tom Slocombe, Donald Miller & Nancy Hite, *A Survey of Student Perspectives Toward Faculty Evaluations*, 4 AM. J. BUS. EDUC. 51, 54 (2011).

³⁸ Clayson, *supra* note 30, at 29, 31. "Finding an association between the evaluation of the class at the end of the term with evaluations made within the first ten minutes of exposure, as well as corresponding persistence in perceived grade fairness, indicates that [student evaluation of teaching] instruments are biased toward student perceptions unrelated to the instructor's actual teaching style and abilities." *Id.* at 32.

³⁹ Stroebe, *supra* note 30.

⁴⁰ Helen K. Morgan, Joel A. Purkiss, Annie C. Porter, Monica L. Lypson, Sally A. Santen, Jennifer G. Christner, Cyril M. Grum, & Maya M. Hammoud, *Student Evaluation of Faculty Physicians: Gender Differences in Teaching Evaluations*, 25 J. WOMEN'S HEALTH 453, 455 (2016) (finding "that female faculty physicians received lower evaluations in four clinical rotations"). However, the study was from a single discipline.

⁴¹ Dana A. Williams, *Examining the Relation between Race and Student Evaluations of Faculty Members: A Literature Review*, PROFESSION 168, 171 (2007), www.jstor.org/stable/25595863 ("Increasing the accuracy of student evaluations of faculty members of color increases the integrity of the academic experience not only for faculty members of color but for all faculty members and for students as well."). See also Henry H. Ross & Willie J. Edwards, *African American Faculty Expressing Concerns: Breaking the Silence at Predominantly White Research Oriented Universities*, 19 RACE ETHNICITY & EDUC. 461 (2016); Brandolyn Jones, Eunjin Hwang & Rebecca M. Bustamante, *African American Female Professors' Strategies for Successful Attainment of Tenure and Promotion at the Predominantly White Institutions: It Can Happen*, 10 EDUC., CITIZENSHIP & SOC. JUST. 133 (2015).

the course (requirement or elective), and course content should be factored in. Numbers alone reveal little. An evaluation often tells more about a student's opinion of a professor than about the professor's teaching effectiveness.

The common suggestion is that student teaching evaluations should be only one of several measures for evaluating the quality of a professor's teaching.⁴² Other measures include peer evaluations, external expert evaluations, student and alumni interviews, and administrator evaluations. In addition, scholarship of teaching and learning, teaching awards, and evidence of student achievement of learning outcomes may provide evidence of teaching quality and effectiveness.⁴³ Many faculty evaluation schemes include teaching portfolios⁴⁴ and peer evaluations for teaching-intensive faculty; other information may include syllabi, assignments, and grading rubrics. The downside of teaching portfolios and peer evaluations is that they are quite time-intensive. Perhaps the institution's teaching center could be engaged to help with peer evaluations and other portions of faculty evaluations.

Peer evaluations may contribute valuable information to a teaching evaluation, but are not without problems. First, the department must determine what constitutes effective teaching.⁴⁵ Then, the person performing the peer evaluation should be trained in the role. The peer evaluator needs to know how to observe and provide feedback in accordance with the departmental determination of what constitutes effective teaching. Peer evaluation performed by different individuals may produce inconsistent results.⁴⁶

Peer evaluation may include meetings between the evaluator and the professor prior to and following the observation; some institutions use a team of two evaluators.⁴⁷ One faculty member may experience discomfort evaluating another member of the department; at the opposite extreme, a faculty member with a personality dispute with a second faculty member may take advantage of an evaluation opportunity to provide a negative evaluation unwarranted by the second faculty's teaching.

A less time-consuming option might be to require reflective narrative statements that relate to faculty evaluation criteria. Narrative statements can address the quality of the faculty member's performance and the context in which the performance occurs.⁴⁸ The statements could be similar to those required by the institution for tenure and promotion portfolios. For example, promotion dossiers for promotion for lecturers and professors may require a summary impact statement and statements related to research (such as a summary of the research quality and impact), teaching (such as teaching philosophy and summary of teaching activities) and service (such as the importance of service activities). The promotion dossier for professors may require a statement related to research (such as a summary of research activities and future plans). Faculty with other assigned duties can include a summary of those activities.

⁴² Linse, *supra* note 31, at 100.

⁴³ BERK, *supra* note 29, at 14.

⁴⁴ See Ronald A. Berk, *Start Spreading the News: Use Multiple Sources of Evidence to Evaluate Teaching*, 32 J. FAC. DEV. 73, 76-79 (2018); Monica A. Devanas, *Teaching Portfolios*, in PETER SELDIN, *EVALUATING FACULTY PERFORMANCE: A PRACTICAL GUIDE TO ASSESSING TEACHING, RESEARCH, AND SERVICE* 111-129 (2006).

⁴⁵ Lakin, *supra* note 27, at 980.

⁴⁶ *Id.*

⁴⁷ *Id.* at 981-82 (2016). Arreola prefers a team of at least four trained evaluators, with some members of the evaluation team making eight to ten classroom visits. RAOUL A. ARREOLA, *DEVELOPING A COMPREHENSIVE FACULTY EVALUATION SYSTEM; A GUIDE TO DESIGNING, BUILDING, AND OPERATING LARGE-SCALE FACULTY EVALUATION SYSTEMS* 96 (3d ed. 2007).

⁴⁸ As expected to be revised, the Department of Legal Studies annual evaluation criteria will require narrative statements of 500 words each for research and teaching and a narrative statement of 300 words for service. A maximum length for the narrative statements means that the statements are not time-consuming to review and require the faculty member to fine-tune the content to convey the information in a succinct manner.

Many institutions encourage teaching-related activities or efforts to improve faculty pedagogy. As part of the faculty annual evaluation process, the department can give recognition to teaching-related activities, such as preparing to teach a new course, preparing a course in a new modality, such as online, chairing an Honors in the Major thesis committee or serving on the committee, participating in pedagogical seminars or workshops, and conducting a pedagogical workshop.

C. Service Criteria

Service is the third component for faculty annual evaluation and is one of the traditional duties of a faculty member. Service might include service to the institution, the profession, and the community. Service to the institution typically includes: revising curriculum, advising students, serving on committees, and recruiting students; service to the profession may include reviewing conference or journal paper submissions, staffing journals as an editor, organizing conferences, and becoming an officer of an organization; service to the community may feature using one's expertise to give presentations to the community, advise community organizations, serve on community organizations, and organize community events.

The credibility of an institution is based on its faculty. Service can bolster the reputation of the department within the institution and the local community, as well as in the professional organizations in which faculty members participate. Service can be useful in developing ties that later are fruitful in providing research, teaching, and service opportunities for a faculty member. Some institutions actively encourage the development of partnerships between the institution and the community, especially if the institution or some part of the institution is an integral part of a metropolis.

It is helpful if the department clearly states guidelines as far as a faculty member's service expectations. A department can group service activities, with the more time-consuming and more desirable service activities receiving more credit. These expectations should be in line with the department's mission, as well as with the culture of the institution.⁴⁹

D. Collegiality as a Fourth Criteria

Research, teaching, and service, discussed in the preceding sections, are the three main components considered in faculty annual evaluation. Another fourth criteria considered at some institutions is collegiality.⁵⁰ Even if not a fourth criteria, assessment of collegiality may be useful. For example, one author opines that collegiality measures are more appropriate to faculty development rather than being used in personnel decisions.⁵¹

An ideal is promotion of healthy department cultures, such as mutual respect among faculty members and collegiality. Cooperation among department faculty may be key in revising curriculum, annual evaluation criteria, and promotion and tenure criteria. A faculty member overly invested in the faculty member's own self-interest can undermine making decisions in the best interest of the department or of the institution. At the extreme end of the spectrum, a lack of collegiality can amount to workplace bullying. Other faculty members may tend to withdraw from department business as much as possible when faced with a contentious, mean-spirited colleague. Robert E. Cipriano is one of two authors who has developed instruments to measure collegiality. Early on as a department chair, Cipriano's department "was being ripped asunder by an abusive

⁴⁹ The Department of Legal Studies is located at the Downtown UCF Campus beginning with the fall 2019 semester, which will permit the department to take advantage of its geographical proximity to federal and state courts, a law school, law firms, and government offices. The department's service criteria should reflect this integration into the central downtown Orlando business area.

⁵⁰ Research failed to locate any publication concerning collegiality as a fourth criteria at AACSB-accredited institutions. One older article did study research at AACSB-accredited institutions versus non-accredited institutions. Dorothy P. Moore et al., *Accreditation and Academic Professionalism in Business Administration*, 67 J. EDUC. FOR BUS. 218 (1992).

⁵¹ Lucy M. Delgadillo, *Collegiality as a Component in Faculty Development*, 110 J. FAM. & CONSUMER SCI. 58, 58 (2018).

faculty member.”⁵² Lack of collegiality is a pervasive problem in academia. In a survey, department chairs “consistently ranked dealing with non-collegial faculty members as their biggest challenge.”⁵³

Academia does not have a consensus on what constitutes collegial behavior. One set of authors provide the following list of collegial behaviors:

- Interacting formally with other members of the faculty
- Demonstrating a positive attitude at the workplace
- Mentoring new faculty and clinical faculty
- Respecting the ideas of others
- Supporting an open dialogue on issues
- Demonstrating agreeable disagreement
- Behaving cordially towards others
- Maintaining appropriate professional demeanor (e.g., avoids gossip)
- Being attentive when involved in important meetings (e.g., does not grade papers during meetings)
- Treating staff as part of the team.⁵⁴

Cipriano’s advisors pinpointed the following as collegial behavior:

- Collaborating with other members of the faculty and administration
- Stepping up when needed, such as accepting to serve on committees or performing a task for the good of the group
- Following through on professional tasks, meeting deadlines and carrying on all relevant responsibilities
- Respecting the decision-making process of the unit
- Communicating with others respectfully
- Relating to others in a way that is constructive, supportive, and professional.⁵⁵

Miami University of Ohio is an example of a university that does use collegiality as one of its tenure criteria⁵⁶ and defines it as follows:

“Professional collegiality” is not personal congeniality, but rather a quality manifested, for example, by behaviors such as willingness to serve on committees and perform work necessary to departmental operation, willingness to provide guidance and help to colleagues in their professional duties, adherence to professional ethics, respect for the ideas of others, and the conduct of one’s professional life without prejudice toward others.⁵⁷

Evidence of uncollegiality is required to be brought to the faculty member’s attention.⁵⁸

The American Association of University Professors (AAUP) has taken the position that collegiality should not be considered in faculty evaluation.⁵⁹ Inclusion of faculty collegiality, “in the sense of collaboration and

⁵² Peter Schmidt, *Test to Measure Collegiality Produces Faculty Dissension*, CHRON. HIGHER EDUC. (June 21, 2013), <https://www.chronicle.com/article/New-Test-to-Measure-Faculty/139695>.

⁵³ *Id.*

⁵⁴ Delgadillo, *supra* note 51, at 59.

⁵⁵ *Id.*

⁵⁶ OHIO ADMIN. CODE 3339-7-07(D) (2018).

⁵⁷ OHIO ADMIN. CODE 3339-7-04(A)(4) (2018).

⁵⁸ “Concerns regarding professional collegiality should be shared as promptly as possible with the person whose behavior is questioned. Notice of uncollegiality must be given to that person in writing no later than his or her next annual evaluation after occurrence of the behavior considered uncollegial.” OHIO ADMIN. CODE 3339-7-05(B) (2018).

constructive cooperation,”⁶⁰ as a factor in faculty evaluation is controversial, although there does not appear to be a legal prohibition against considering this factor in tenure and promotion decisions. The AAUP notes several dangers in including collegiality as a criterion in faculty evaluation. Collegiality, often associated with homogeneity, could discriminate against those perceived as not fitting within the norm.⁶¹ If the norm is a white male, the norm would not include those of a different race, ethnicity, gender, religion, national origin, or disability. Invoking collegiality could stifle academic freedom or discussion and debate, making a professor afraid to dissent from the view of an administrator or discuss alternative viewpoints.⁶² Another challenge to including collegiality in evaluation is making the qualitative assessment of the presence or absence of collegiality, and determining measures to document a faculty member’s level of collegiality.⁶³

Cipriano and Jeffrey L. Buller developed two instruments to measure collegiality: the Collegiality Assessment Matrix (CAM) and the Self-Assessment Matrix (S-AM).⁶⁴ Their claim is that the two instruments produce a reliable measure of collegiality useful both as a faculty development tool to identify and encourage collegial behavior and as a determinant in personnel decisions. CAM measures “observable behaviors that are regarded as most highly related to the ways in which collegiality is demonstrated in an academic setting.”⁶⁵ As the name implies, a faculty member can use S-AM to gauge the faculty member’s own collegiality. Cipriano recommends that a department chair who would like to promote department collegiality first hold an off-campus department meeting to discuss collegiality. The department faculty would discuss the following questions at the department meeting:

- What does collegiality mean?
- What constitutes collegial behavior?
- What constitutes noncollegial behavior?
- Why is collegiality important?
- What constitutes civil behavior?
- What constitutes uncivil behavior?⁶⁶

Following the meeting, Cipriano recommends that the department produce the following guidelines:

- A department Code of Conduct
- A department Code of Ethics
- A department Complaint-Free Zone
- Expectations for collegial behavior for students, professional staff, and faculty colleagues.⁶⁷

The department’s mission statement should reflect the results of the faculty department meeting and the guidelines.⁶⁸

⁵⁹ AM. ASS’N OF UNIV. PROFESSORS, ON COLLEGIALLY AS A CRITERION FOR FACULTY EVALUATION I (2016), <https://www.aaup.org/file/AAUP%20Collegiality%20report.pdf>.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.* at 1-2.

⁶³ Collegiality is not mentioned as a component of faculty evaluation at UCF in institution, college, and department rules and regulations.

⁶⁴ Robert E. Cipriano, *Collegiality as a Fourth Criterion for Personnel Decisions*, 25 DEP’T CHAIR: RESOURCE FOR ACAD. ADMINISTRATORS 21, 22 (Spring 2015).

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

Others besides Cipriano and Buller developed tools to measure collegiality.⁶⁹ One set of authors emphasizes the “importan[ce] for institutions to develop their own definitions, criteria, and methods for measuring collegiality . . . [and] have a clearly defined and agreed upon criteria/tool for defining and evaluating collegiality.”⁷⁰

III. Faculty Evaluation Schemes

Faculty annual evaluation is not a new topic and several comprehensive schemes have been proposed fairly recently.⁷¹ Two of the most well-known were developed by Raoul Arreola⁷² and Peter Seldin.⁷³

Arreola’s scheme requires the academic institution to invest time in identifying activities to be evaluated;⁷⁴ then the activities are prioritized and weighted. In addition, reliable sources of information to be used in the evaluation must be identified.⁷⁵ Because this model results in a faculty member being evaluated in terms of numbers,⁷⁶ it might be characterized as a quantitative approach to faculty evaluation. The activities to be evaluated are tailored to the institution and can be tailored to the discipline. As it is numbers-driven, the scheme may reduce subjectivity and be more consistent and objective.

Seldin’s scheme revolves around a portfolio containing information on a faculty member’s achievements and requiring the faculty member to reflect on that information.⁷⁷ The reflection would include the faculty member’s comments on progress made over the career, improvements planned for the future, and explanation of material in the portfolio, including numerical ratings.⁷⁸ A portfolio reflects the distinct characteristics of a particular discipline and can be used to educate those from other disciplines on the uniqueness of the discipline.⁷⁹ A portfolio provides context for the faculty member’s performance rather than focusing solely on results. The portfolio allows the faculty member to explain the details of what the faculty member did for research, teaching, and service, why the faculty member engaged in particular activities, and the method by which the faculty member accomplished the activities. Faculty member involvement is integral to the portfolio in choosing the information to include and reflecting on it; preparation of the portfolio often involves the faculty

⁶⁹ Charlene E. Schmidt et al., *Perspectives About how to Define and Use Collegiality in Higher Education*, 1 INT’L J. KINESIOLOGY IN HIGHER EDUC. 28, 30 – 32 (2017).

⁷⁰ *Id.* at 34.

⁷¹ See JEFFREY L. BULLER, *BEST PRACTICES IN FACULTY EVALUATION: A PRACTICAL GUIDE FOR ACADEMIC LEADERS* (2012); ARREOLA, *supra* note 47; PETER SELDIN, *EVALUATING FACULTY PERFORMANCE: A PRACTICAL GUIDE TO ASSESSING TEACHING, RESEARCH, AND SERVICE* (2006); Delgadillo, *supra* note 51.

⁷² See ARREOLA, *supra* note 47.

⁷³ See SELDIN, *supra* note 71.

⁷⁴ ARREOLA, *supra* note 47, at 1-39.

⁷⁵ *Id.* at 47-62.

⁷⁶ *Id.* at 63-70.

⁷⁷ John Zubizarreta, *The Professional Portfolio: Expanding the Value of Portfolio Development*, in PETER SELDIN, *EVALUATING FACULTY PERFORMANCE: A PRACTICAL GUIDE TO ASSESSING TEACHING, RESEARCH, AND SERVICE* 201-05 (2006). For more information on the content of a teaching portfolio, see SELDIN, MILLER & SELDIN, *supra* note 29, at 3-9.

⁷⁸ Thomas V. McGovern, *Self-Evaluation: Composing an Academic Life Narrative*, in PETER SELDIN, *EVALUATING FACULTY PERFORMANCE: A PRACTICAL GUIDE TO ASSESSING TEACHING, RESEARCH, AND SERVICE* 102-08 (2006).

⁷⁹ For the research portion of the portfolio, see Teck-Kah Lim, *Evaluating Faculty Research*, in PETER SELDIN, *EVALUATING FACULTY PERFORMANCE: A PRACTICAL GUIDE TO ASSESSING TEACHING, RESEARCH, AND SERVICE* 134-40 (2006).

member consulting with others, as the faculty member chooses information to include in the portfolio that is particularly significant.⁸⁰

Many faculty annual evaluation schemes, such as that proposed for the Department of Legal Studies at UCF, use a blend of quantitative and qualitative measures. In the Department annual evaluation criteria, the relative weight of teaching, research, and service mirrors the annual assignment of duties, with 90%, 0%, and 10% for lecturers and teaching-intensive faculty; 65%, 25%, and 10% for those engaged in research; and 45%, 45%, and 10% for research-intensive faculty. Each assigned category requires a reflective essay and supporting documentation where appropriate. The teaching and service categories on the evaluation contain minimum expectations; a failure to meet the minimum expectations would result in an unsatisfactory evaluation for the category. In addition, a faculty member would receive an unsatisfactory evaluation for teaching if there are other indicators of poor teaching.⁸¹ A faculty member's research rating is based on a numerical scale correlating to the total points received for research activity.

IV. Conclusion

In formulating faculty evaluation criteria, it is important to consider where evaluation philosophies originate. They may come from the department, the discipline, the institution, or a combination of these sources. Faculty evaluation can take into account key collective responsibilities to the department, such as curriculum reform and recruitment of students. College criteria may differ widely where the college is comprised of a broad set of fields. Faculty evaluation criteria are more effective if they are department-specific. Evaluation criteria may reflect the relationship among institution, college, and department expectations.

Faculty annual evaluation can benefit the faculty member, the department, and the institution by enhancing faculty performance and setting future goals. It is increasingly important for faculty members to showcase the quality and effectiveness of their efforts in research, teaching, and service. One way for faculty to demonstrate their accountability is to document their effectiveness through information provided during the annual evaluation. Annual evaluation results may be used to make personnel decisions. However, the faculty annual evaluation criteria must be finely crafted to achieve maximum positive results. As explained in this article, the faculty annual evaluation criteria must also be fair and constructive to achieve maximum impact.

⁸⁰ Devanas, *supra* note 44, at 121-22. For more information on choosing information to be included in a teaching portfolio, *see* SELDIN, MILLER & SELDIN, *supra* note 29, at 10-20, 31-34.

⁸¹ One benefit of tweaking the department's old evaluation criteria is that several new bases for an unsatisfactory are anticipated to be included. Experience over the years showed that there were other indicators of unsatisfactory teaching not previously reflected in the teaching evaluation criteria. These include a clearly established pattern of negative narrative comments on student evaluations showing poor teaching and having received a conditional evaluation of teaching for two consecutive years.