

1. PURPOSE

1.01 In order to improve faculty performance without infringing upon academic freedom, the institution of tenure itself or the due process rights of faculty, and pursuant to the legislative imperative expressed in Section 51.942 of the Texas Education Code, colloquially known as SB 149 and hereinafter called Section 51.942, Sam Houston State University has instituted a process for the Performance Evaluation of Tenured Faculty (PETF). The values that should govern the process of Performance Evaluation of Tenured Faculty are multiple:

- a. The process should avoid any infringement on academic freedom.
- b. The major focus of the process should be on improving faculty performance.
- c. It should include sufficient appeals processes to ensure fairness.
- d. The process should not threaten the essential institution of academic tenure.

Nonetheless, when a faculty member has demonstrated a continuing inability to meet appropriate minimum standards of performance, the process must be able to address the situation effectively.

1.02 The process of Performance Evaluation of Tenured Faculty at Sam Houston State University contains several basic components which include:

- a. the development and maintenance of standards of appropriate performance to be used in the evaluation process;
- b. the requirement that each faculty member complete an individual professional evaluation as part of the annual Faculty Evaluation System (FES) process;
- c. a specification of the steps for a process of periodic, comprehensive performance evaluation of all tenured faculty members, a process which will involve faculty peers and which will take place every five years;

- d. a specification of steps for an additional process of prompted comprehensive performance evaluation triggered either by a tenured faculty member's voluntary request or by serious performance deficiencies identified in the FES review;
- e. a specification of components of a Plan for Assisted Faculty Development (PAFD) to be used in cases arising from 1.02.d; and
- f. a specification of timelines for the various steps in the processes of the periodic review and the prompted review.

2. STANDARDS FOR PERFORMANCE EVALUATION OF TENURED FACULTY

- 2.01 Standards to determine what constitutes appropriate minimum performance for a tenured faculty member must be developed by the tenured and tenure-track faculty and approved by the tenured faculty in each tenure unit. These standards will be in keeping with the mission of the University, the mission and goals of the college, and the mission and goals of the unit. They are to be based on, but need not be limited to, the professional responsibilities of the faculty member in teaching, scholarly research and artistic creativity, service, and professional development. The standards should take cognizance of the need to allow for legitimate variation in the development of a faculty member's career. A copy of these standards shall be forwarded for review and approval to the dean of the college in which the tenure unit is located. If the dean concurs, then the statement of standards shall be sent to the Provost and Vice President for Academic Affairs for review and approval. In this process of approval, the advice and comments of the faculty shall be given the utmost consideration.
- 2.02 The standards shall be subject to periodic review by the tenured faculty in the tenure unit at least every five years, unless requested earlier by the chair or dean. A report of the review, including recommendations for modifications if necessary, is subject to review and approval by the appropriate academic dean and by the Provost and Vice President for Academic Affairs.
- 2.03 A copy of the standards shall be provided to every tenured and tenure-track faculty member by the chair by the date specified in Section 7. For the purposes of this policy, "chair" refers to the individual who conducts the annual FES review. In most cases, this is a chair, but the term should also be understood to encompass a coordinator, the Director of the Library, an

associate dean in the College of Criminal Justice, or a departmental promotion and merit committee where such exists.

- 2.04 If a substantive change has occurred in the standards during the period to be covered by a faculty member's comprehensive, periodic performance evaluation, the appropriate standards to the years in the review period when the standards were enforced will be applied.

3. THE ANNUAL INDIVIDUAL PROFESSIONAL EVALUATION

As part of the annual FES process, a tenured faculty member shall prepare and submit to the department chair/coordinator a written individual professional evaluation. This self-evaluation should contain statements identifying an individual's strengths and weaknesses, and it should specify plans for the upcoming academic year aimed at strengthening the faculty member's performance. These statements shall be retained in the faculty member's file and become part of the information base for the periodic review.

4. THE PERIODIC COMPREHENSIVE PERFORMANCE EVALUATION

- 4.01 Every tenured faculty member with less than a 0.5 FTE administrative appointment will be given a comprehensive performance evaluation every fifth year after receiving tenure, a promotion, returning to a faculty position following an administrative assignment, or after a previous comprehensive performance evaluation.
- a. Exceptions to this schedule can be made by the chair with approval of the dean when there is a sufficient reason (e.g. illness) to do so, but the period must not extend beyond six years.
 - b. With approval from the dean and Provost, the post-tenure clock will be suspended for all faculty holding administrative positions within the tenure unit (e.g. departmental chairs) or holding at least a 0.5 FTE administrative position.
- 4.02 The comprehensive performance evaluation will normally begin in the spring with written notification by the chair to the faculty member. The date for this notification is specified in Section 7 along with the dates involving the vote by secret ballot of the assembled tenured faculty. The focus of the Periodic

Comprehensive Performance Evaluation should be on helping the faculty member improve performance in the conduct of professional duties.

- a. According to the Performance Evaluation of Tenured Faculty, each tenured faculty member will be reviewed by the tenured faculty in his/her tenure unit. This initial review will make use of FES records for the five most recent years. If a simple majority or greater of the tenured faculty voting by secret ballot determines that the faculty member exceeds the accepted minimum standards of the unit, then that faculty member will be certified as satisfying the Performance Evaluation of Tenured Faculty and no further actions will be required. Members of the tenured faculty who for good cause cannot be present for voting may submit prior to the voting an absentee secret ballot to the chair of the department.
- b. Should the reviewed faculty member fail to receive at least a simple majority of the votes of approval from the tenured faculty voting, then he/she will be subject to the procedures outlined in the Prompted Comprehensive Performance Evaluation beginning with 5.02a.

5. PROMPTED COMPREHENSIVE PERFORMANCE EVALUATION

- 5.01 A comprehensive performance evaluation can be prompted under various circumstances:
 - a. A faculty member may request early peer consultation (see 5.02 below) and comprehensive performance evaluation in any year. A voluntary prompted review changes the schedule for subsequent periodic reviews so that if, for example, a review is requested in 2007, then the next periodic review will be in 2012. The request for such review is to be conveyed to the chair by the date specified in Section 7.
 - b. A faculty member who has been judged to be performing below the appropriate minimum level as a result of a negative (less than simple majority) vote in the quinquennial Periodic Comprehensive Performance Evaluation shall be required to formulate and follow a Plan for Assisted Faculty Development (PAFD). (See Section 6 for a specification of the contents of a PAFD.) The development and execution of this plan will form a very important component of the Prompted Comprehensive Performance Evaluation.

5.02 The process for a prompted comprehensive performance evaluation:

The philosophy underlying this evaluation process is that it will incorporate a very significant peer component and that it will have as its main intention the support and development of all members of the tenured faculty. But, ultimately and of necessity, it will also include a summative component that will identify those rare faculty members who are either unwilling or unable to meet the recognized standards of their unit and of their profession.

- a. To this end, a peer consultation team will be jointly selected by the chair and the faculty member being evaluated. The chair will nominate at least two possible members and the faculty member will do likewise. The chair will then select one person from the faculty member's nominees and the faculty member will select one person from the chair's nominees. It is the task of this team to evaluate fairly the faculty member in all aspects of his/her professional duties and responsibilities and to do so according to the standards established for the relevant tenure unit. If the faculty member does meet the relevant standards, the team members will so inform the chair, who will certify that the faculty member satisfies the Performance Evaluation of Tenured Faculty and no further actions will be required. From this evaluation, the team members will confirm either that the faculty member does or does not meet the relevant standards of the unit. Should the negative finding be made, it is the responsibility of the team to assist the faculty member in the formulation of a set of actions (PAFD) that in an agreed to time period will have the best probability of causing the full remediation of the perceived deficiencies.

The role of the peer consultation team is entirely advisory, both to the faculty member subject to review and to the chair of the unit. The recommendations of this team may represent a consensus view of the two team members plus the faculty member or, alternatively, each member of the team and the faculty member may submit to the chair their independently derived proposal for the PAFD. It is envisaged that the chair will take the best elements of these proposals and, in consultation with the faculty member, formulate the PAFD.

After the PAFD has been established (see Section 5.02b below), the peer consultation team will remain in place to provide support and encouragement to the faculty member under review, and at the end of the designated development period, they will each provide to the chair and the

faculty member a reevaluation and an assessment as to whether or not the PAFD has worked. Again, this assessment will be advisory to the faculty member and to the chair and will not constitute a mandate for either party.

- b. The chair and the faculty member should sign the PAFD to indicate their agreement with the terms of the plan. If the chair and the faculty member are unable to come to agreement on a suitable plan, they should consult others including the dean, in an attempt to reconcile their differences. If there is still no agreement, then the faculty member will be required to adhere to the PAFD as formulated by chair. A copy of the plan shall be sent for information to the dean of the college and to the Provost and Vice President for Academic Affairs. The faculty member may invoke the grievance procedure specified in Academic Policy 820830 before the date specified in Section 7.
- c. The chair should hold meetings with the faculty member to assess progress toward accomplishing what the PAFD specifies. A schedule of these meetings should be agreed upon in advance.
- d. At this point, there are three possible outcomes:
 - (1) When, in the determination of the chair, the faculty member has succeeded in restoring his/her performance to an acceptable level by meeting the goals of the PAFD in a timely manner, then the chair shall notify both the faculty member, the peer consultants, and the dean in writing by the date specified in Section 7. The faculty member then becomes subject to the ordinary periodic comprehensive performance evaluation after the standard set interval.
 - (2) The chair may choose to extend the time for completion of the PAFD, but the maximum extension permitted is one year. The chair shall notify both the faculty member, the peer consultants, and the dean of this decision in writing by the date specified in Section 7.
 - (3) If, after seeking the opinions of the faculty peer consultation team, it is the judgment of the chair that the faculty member has failed to satisfy the PAFD, then the chair will so inform the dean, the peer consultants, and the affected faculty member in writing by the date specified in Section 7.

5.03 When informed by the chair that a faculty member has failed to satisfy the requirements of the PAFD, the dean shall review the report of the chair. This review may include an examination of the faculty member's student evaluations, professional portfolio, personnel file, and any other information covering the time period under consideration that the dean considers pertinent. The dean shall personally confer with the faculty member regarding his/her performance under the PAFD, with the appropriate chair, and, if necessary, with the peer team. Following the review, the dean shall forward to the Provost and Vice President for Academic Affairs an opinion as to whether or not the faculty member has successfully completed the PAFD. The dean may recommend to the Provost and Vice President for Academic Affairs any of several actions, including, but not limited to:

- a. restoring the faculty member to a regular status;
- b. requiring another PAFD be formulated, with a different peer consultation team;
- c. instituting dismissal proceedings or other appropriate disciplinary action in accordance with the *Rules and Regulations*, The Texas State University System; the Sam Houston State University *Faculty Handbook*; and applicable law in the event that the faculty member's performance exhibits incompetency, neglect of duty (defined in Section 51.942 as "continuing or repeated substantial neglect of professional responsibilities"), or other good cause.

5.04 If the disciplinary action being contemplated is dismissal for cause, a faculty member subject to termination on the basis of an evaluation conducted pursuant to this policy must be given the opportunity for referral of the matter to a nonbinding alternative dispute resolution process as described in Chapter 154, Civil Practices and Remedies Code. If both parties agree, an alternative dispute resolution method may be elected. The governing board must give specific reasons in writing for any decision to terminate a faculty member on the basis of an evaluation conducted pursuant to this policy.

6. THE PLAN FOR ASSISTED FACULTY DEVELOPMENT (PAFD)

6.01 The goal of the PAFD is to aid in restoring the faculty member to a level of performance that meets or exceeds the appropriate minimum. The purpose of the PAFD is to make specific the sorts of activities or accomplishments

necessary to bring about the restoration of performance to that level. The PAFD should be developed promptly and in consultation with peers as well as the chair.

6.02 Although each PAFD is tailored to specific circumstances, such plan will:

- a. identify specific deficiencies to be addressed;
- b. define specific goals or results necessary to remedy the deficiencies;
- c. outline the activities to be undertaken to achieve the necessary results;
- d. indicate the criteria used for assessing progress in meeting the plan;
- e. identify reasonable institutional resources to be committed in support of the plan.

7. **TIMELINES FOR THE PROCESSES INVOLVED IN BOTH THE PERIODIC REVIEW AND THE PROMPTED REVIEW**

(NOTE: When any date falls on Sunday, Saturday, a University holiday, or a University recognized religious holiday, the next business day shall be the appropriate date. Also, these are dates by which the specified actions are to be taken, thus the actions may be taken earlier if circumstances permit. The dates are keyed to the relevant sections of the policy statement.)

DEADLINES

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| January 31: | Copies of unit's standards are distributed to faculty [2.03]. |
| March 1: | Faculty member requests early evaluation [5.01(a)]. |
| March 1: | Chair sends written notification to faculty member subject to Performance Evaluation of Tenured Faculty (PETF) for coming year. |
| March 15: | Faculty member submits "individual professional evaluation" for review [3]. |
| March 16-30: | Peer faculty meet to evaluate performance of faculty member(s) under review [4.02(a)]. (This will accommodate any spring break week). |

April 1: Faculty members under review are informed about faculty peer evaluation. Chair reports results of faculty peer meeting to the dean and to the Provost and Vice President for Academic Affairs.

If Plan for Assisted Faculty Development (PAFD) [5.01(b)] is needed, then the following timelines will be used:

April 10: Chair and faculty member provide nominees to each other [5.02(a)].

April 15: Chair and faculty member determine peer evaluators [5.02(a)].

April 20-30: Faculty member meets with peer evaluators to devise Plan for Assisted Faculty Development (PAFD).

May 1-4: PAFD plan is approved by chair and sent to dean [5.02(b)] and Provost and Vice President for Academic Affairs.

May 15: Faculty member invokes grievance procedure if desired [5.02(b)].

Fall Semester: PAFD process formally begins.

February 1: Peers must provide individual reports to chair and faculty member.

February 1-15: Faculty member provides written exceptions or supplements to peer reports to chair and peer reviewers.

April 1: Status of PAFD is reported: Chair provides written notification to faculty member, peer reviewers, and dean of successful completion of PAFD, extension of time for PAFD, or non-satisfactory completion of PAFD.

April 15: Dean notifies faculty member, chair, peer reviewers, and Provost and Vice President for Academic Affairs of PAFD evaluation recommendation.

May 1: Provost and Vice President for Academic Affairs response to faculty member concerning his/her decision with regard to the dean's recommendation.

If extension time for PAFD or continued PAFD is needed, above timeline will be followed.

8. POLICY REVIEW

Sam Houston State University's academic policy on the Performance Evaluation of Tenured Faculty should be reviewed one year after its adoption and at appropriate periodic intervals thereafter.

APPROVED: _____/signed/
Dana L. Gibson, President

DATED: _____ 12/22/10

CERTIFICATION STATEMENT

This academic policy statement (APS) has been approved by the reviewer(s) listed below and represents SHSU's Division of Academic Affairs' policy from the date of this document until superseded.

Original: February 2, 1998
Reviewer(s): Council of Academic Deans
Academic Policy Council

Review Cycle: February 1, ENY*
Review Date: February 1, 2012

Approved: _____/signed/
David E. Payne
Provost and Vice President
for Academic Affairs

Date: _____ 12/21/10

***ENY = Even Numbered Year**