

## **1. PERFORMANCE EVALUATION OF TENURED FACULTY**

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 Section §51.942 of the Texas Education Code, Sam Houston State University conducts the performance evaluation of tenured faculty. The values that should govern the process of Performance Evaluation of Tenured Faculty (PEoTF) are:

- 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 enough 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 Performance Review (FPR) process (See APS 820317 Faculty Performance Review Policy);
- c. a specification of the steps for a process of periodic, comprehensive performance evaluation of all tenured faculty members to satisfy the requirements of Texas Education Code § 51.942(c)(2), 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 (PCPE) triggered either by a tenured faculty member's voluntary request or by the department chair in response to serious performance deficiencies identified in the annual FPR, a process which will involve faculty peers;
- 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 Deans, Department Chairs, and Faculty should collaborate to identify specific performance criteria and the minimum performance standards that may be unique to a given

department/school or program. 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/or 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 or Executive Director of Library Services (EDLS) in which the tenure unit is located. If the dean/EDLS concurs, then the statement of standards shall be sent to the Provost who may accept them or return them to the presiding academic dean with suggestions for modification. In this process of approval, the advice and comments of the faculty shall be given the utmost consideration.

2.02 These standards, in conjunction with the standards in APS 820317 Faculty Performance Review, shall be subject to periodic review by tenured and tenure-track faculty in the tenure unit every five years, unless requested earlier by the chair or the dean/EDLS. Both the dean/EDLS and the Provost must approve a motion for early review or revision of standards in each tenure unit in order to deviate from the five-year periodic review timeline. In any event, a report of the periodic review, including any recommendations for modification, must be submitted for approval by the academic dean/EDLS and the Provost.

2.03 A copy of the standards shall be posted on the university websites or in shared university drives and the link/path shall be provided to every tenured and tenure-track faculty member by the chair. For the purposes of this policy, "chair" refers to the individual who conducts the annual FPR review. In most cases, this is a chair, but the term should also be understood to encompass a coordinator, the EDLS, 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 periodic comprehensive performance evaluation, the appropriate standards to the years in the review period when the standards were enforced will be applied.

### **3. COMPLETION OF ANNUAL FPR**

Each tenured faculty member will complete an individual professional evaluation as part of the annual Faculty Performance Review (FPR) process (see APS 820317 Faculty Performance Review). Failure to do so will trigger the process outlined in 5.01 and APS 820317 Faculty Performance Review 7.04.

#### **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. The tenured faculty shall review the faculty member's previous five years of annual FPR scores along with other pertinent materials submitted by the department chair or faculty member as either may deem necessary for such comprehensive review. If a department or program area has insufficient tenured faculty to staff the necessary unit DPTAC to evaluate a department's tenured faculty members, the DPTAC comprised of extra departmental/program faculty must solicit input from the non-tenured faculty in that department/program area. Faculty members being evaluated may prepare and submit to the unit DPTAC and chair a written individual professional evaluation.

4.02 Upon request of the faculty member exceptions to this schedule can be made by the chair with approval of the dean when there is a sufficient reason to do so, but the period must not extend beyond six years, per Texas Education Code § 51.942(c)(2).

4.03 The periodic 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 Sections 9 and 10, 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. Each tenured faculty member will be reviewed by the DPTAC. This initial review will make use of annual FPR records for the five most recent years and additional submitted materials. If a simple majority of the votes cast in the DPTAC, voting by secret ballot, determines that the faculty member meets the accepted minimum standards of the unit, then that faculty member will be certified as satisfying the PEO TF and no further actions will be required. Members of the tenured faculty who for good cause cannot be present for voting may submit an absentee secret ballot to the chair of the department prior to the voting.
- b. Should the reviewed faculty member fail to receive at least a simple majority of the votes of approval from members of the DPTAC, then he/she will be subject to the procedures outlined in section 6 Plan for assisted Faculty Development.

## **5. PROMPTED COMPREHENSIVE PERFORMANCE EVALUATION (PrCPE)**

### **5.01 Purpose:**

The purpose of the Prompted Comprehensive Performance Evaluation (PrCPE) is to determine whether the behavior identified in the performance review prompting the PrCPE represents a trend in declining performance or is an aberration. The philosophy underlying this evaluation process is that it will incorporate a very significant peer component as mandated by Texas Education Code § 51.942(c)(2) 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 instances when faculty members are either unwilling or unable to meet the recognized standards of their unit and of their profession.

### **5.02 Circumstances for a Prompted Comprehensive Performance Evaluation (PrCPE).**

A PrCPE can be prompted under various circumstances:

- a. A faculty member may request early peer consultation and a Prompted Comprehensive Performance Evaluation in any year. A voluntary prompted evaluation 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 Sections 9 and 10. A faculty self-requested PrCPE does not evoke a Formal PAFD (Plan for Assisted Faculty Development), though a faculty member may request such a plan and a unit may support such a plan. A self-requested plan should not be used for evaluative purposes.
- b. A department chair may initiate a PrCPE if a faculty member's annual review in any domain has a running three-year average below a four or there are other serious and documented performance deficiencies. To do this, the following steps must be followed:
  - i. The Chair will meet with the faculty member as part of the annual review process described in APS 820317 Faculty Performance Review 7.02 to discuss the performance deficiencies. If the finding is an aberration, the chair of the unit will simply note the concern in the annual FPR documentation. If the chair determines a pattern of declining or deficient performance, the chair and the faculty member will discuss the concern. If they come to an agreement about the concern and/or identify a remedy to the performance deficiency, then the agreement or remedy will be noted in the annual FPR record and the faculty member will work to meet the conditions agreed upon.
  - ii. If no agreement is arrived at between the chair and faculty member, then within 15 days after the FPR meeting, the Chair will present the DPTAC with the concern and any pertinent documentation to begin a PrCPE. The faculty member may also present documentation to support their case. If a department or program

area has insufficient tenured faculty to staff the necessary unit DPTAC to evaluate a department's tenured faculty members, the DPTAC comprised of extra departmental/program faculty *must* solicit input from the non-tenured faculty in that department/program area.

- iii. Within 15 days of receiving documentation from the Chair and the faculty member, the DPTAC will begin the PrCPE. In addition to the presented documentation, the DPTAC may review the faculty member's previous five years of annual FPR scores along with other pertinent materials submitted by the department chair or faculty member.
- iv. If the DPTAC agrees with the Chair's assessment of performance deficiency, then they will write a report explaining the reasons why they feel the performance is deficient and move to the procedure for the creation of a Plan for Assisted Faculty Development (PAFD). If they disagree, then the DPTAC will produce a report to be presented to the college dean.
- v. If the department Chair and the DPTAC disagree on whether a PAFD is needed, within 15 days of the DPTAC producing their report on the case for/against a PAFD, the Chair will present the Dean with the evidence and documentation from the Chair, the faculty member, and the DPTAC. In this case the Dean will decide whether a PAFD is warranted.
- vi. A faculty member may, on disagreeing with the chair on performance deficiencies, choose to take the dispute directly to the dean of the college rather than proceed through the DPTAC centered process described in ii. through v. If a faculty member does this, they waive the right to return to the DPTAC process if they are dissatisfied with the decisions of the chair.
- vii. If the faculty member refuses to co-operate with the Chair or DPTAC, the PrCPE will immediately be initiated.

## **6. PLAN FOR ASSISTED FACULTY DEVELOPMENT (PAFD)**

When a DPTAC determines that a plan for assisted faculty development (PAFD) is necessary for a tenured faculty member, these steps are followed.

- a. 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 who are peers in rank to the faculty member subject to the PAFD 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. These two faculty members will form an advisory team.

- b. The department chair will work with the faculty member and the advisory team to create a PAFD, which is a set of actions that will occur during an agreed to time period that will have the best probability of causing the full remediation of the noted deficiencies. It is the responsibility of the team to assist the faculty member in making recommendations for the PAFD. The role of the peer consultation team is entirely advisory, both to the faculty member subject to the plan 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. The chair will take the best elements of these proposals and, in consultation with the faculty member, formulate the PAFD.
- c. The goal of the PAFD is to aid in restoring the faculty member to a level of performance meeting or exceeding the stated acceptable minimum standard for the tenure unit. The PAFD will specify activities and/or accomplishments necessary to constitute this restoration. The PAFD should be developed promptly and in full consultation with the affected faculty member, the unit chair, and peer consultation team.
- d. Although each PAFD will be tailored to specific circumstances, the plan will:
  - i. identify specific deficiencies to be addressed;
  - ii. define specific goals or results necessary to remediate the deficiencies;
  - iii. outline specific activities to be undertaken to achieve necessary results;
  - iv. define key performance indicators (KPI) for assessing progress toward completion of the plan;
  - v. identify reasonable institutional resources to be committed in support of the plan, if appropriate.
- e. 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 the dean 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 the chair. A copy of the plan shall be sent for information to the dean of the college and to the Provost. The faculty member may invoke the grievance procedure specified in Section 7.02 of this document and Texas State University System Rules and Regulations Section 4.5 before the date specified in Section 10.
- f. After the PAFD has been established 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.

- g. The chair should hold regular 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.

## **7. COMPLETION OF THE PLAN FOR ASSISTED FACULTY DEVELOPMENT**

7.01 There are three possible outcomes upon the completion of a PAFD:

- a. When, in the determination of the chair, the faculty member has succeeded in restoring her/his 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 10. The faculty member then becomes subject to the ordinary periodic comprehensive performance evaluation after the standard set interval.
- b. 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 10.
- c. 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 or failed to co-operate with the PAFD, then the chair will so inform the DPTAC, the dean, the peer consultants, and the affected faculty member in writing by the date specified in Section 10.

7.02 When informed by the chair that a faculty member has failed to satisfy the requirements of the PAFD, the dean shall review the reports of the chair and the peer evaluation team. 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 an opinion as to whether the faculty member has successfully completed the PAFD. The dean may recommend to the Provost any of several actions, including, but not limited to:

- a. restoring the faculty member to a regular status;
- b. Extending the time the faculty member has to meet the conditions of the current PAFD;
- c. requiring another PAFD be formulated, with a different peer consultation team;
- d. instituting dismissal proceedings or other appropriate disciplinary action in accordance with the Texas State University System Rules and Regulations; 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 Texas Code Section

51.942 as “continuing or repeated substantial neglect of professional responsibilities”), or other good cause.

7.03 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 based on an evaluation conducted pursuant to this policy.

## **8. INSUBORDINATION**

If the affected faculty member at any point throughout the professional evaluation, comprehensive performance evaluation, or effective period of a plan for assisted faculty development refuses to participate or obstructs others from proper participation in the processes set forth in this policy statement, that faculty member may be subject to disciplinary action for insubordination within the limits set forth by law and university policies.

## **9. 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**

January 31: Copies of unit’s standards are distributed to faculty Section 2[2.03].

March 1: Faculty member requests early evaluation Section 5[5.01(a)].

March 1: Chair sends written notification to faculty member subject to Performance Evaluation of Tenured Faculty (PEoTF) for coming year.

March 15: Faculty member submits “individual professional evaluation” for review [Section 3].

March 16-30: Peer faculty meet to evaluate performance of faculty member(s) under review Section 4[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.

## **10. TIMELINES FOR THE PROCESSES INVOLVED IN BOTH THE PERIODIC REVIEW AND THE PROMPTED COMPREHENSIVE REVIEW**

If Plan for Assisted Faculty Development (PAFD) Section 5 [5.01(b)] is needed, then the following timelines will be used:

April 10: Chair and faculty member provide nominees to each other Section 5 [5.02(a)].

April 15: Chair and faculty member determine peer evaluators Section 5 [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 Section 5 [5.02(b)] and Provost and Vice President for Academic Affairs.

May 15: Faculty member invokes grievance procedure if desired Section 5 [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.

## **11. 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 \_\_\_\_\_

Dana G. Hoyt, President

DATE: \_\_\_\_\_

**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 Date:    October 2, 2018	Review Cycle:    Five years*
Reviewer(s): Council of Academic Deans Faculty Senate Academic Affairs Council	Review Date:    Fall 2019
Approved: _____ Richard Eglsaer Provost and Vice President for Academic Affairs	Date: _____

