

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 (hereafter SHSU or University) has instituted a process for the equitable Performance Evaluation of Tenured Faculty (PETF). The values that shall govern the process of Performance Evaluation of Tenured Faculty are multiple:

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

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

1.02 The process of PETF at SHSU 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 the annual *Faculty Evaluation System for Tenured and Tenure-Track Faculty* (FES) process (see APS 820317);
- c. a specification of the steps for a process of periodic, comprehensive performance evaluation of all tenured faculty members, a process which shall involve faculty peers as defined in section 4.02 of this policy, and which shall take place every five (5) 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 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 (PETF)

- 2.01 Standards shall be developed and approved by tenured faculty in consultation with tenure-track faculty. These standards shall 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 (librarianship for Newton Gresham Library faculty), scholarly research and artistic creativity, and service. The standards shall 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 chair of the department (or administrative equivalent), and the dean of the college (or administrative equivalent) in which the tenure unit is located. If the dean concurs, then the statement of standards shall be sent to the Provost and Senior Vice President for Academic Affairs (hereafter Provost) 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 (5) 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.
- 2.03 The standards shall be available to all faculty members in the department. For the purposes of this policy, "chair" refers to the administrator responsible for the tenure unit.

- 2.04 If a substantive change has occurred in the evaluation standards during the period to be covered by a faculty member's comprehensive, periodic performance evaluation, the standards which were in place when the faculty member's review period began shall be applied.

3. THE ANNUAL INDIVIDUAL PROFESSIONAL EVALUATION

The standards of performance for tenured faculty shall align with those established in *The Faculty Evaluation System of Tenured and Tenure-Track Faculty* (APS 820317) by the faculty at the department level, approved by the respective chair and academic dean, and retained on file in the Office of the Provost. The annual FES documents specific to the period under review shall serve as the basis for the PETF.

4. THE PERIODIC COMPREHENSIVE PERFORMANCE EVALUATION

- 4.01 Every tenured faculty member with less than a 0.5 FTE administrative appointment shall 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. With approval from the dean and Provost, the post-tenure clock shall be suspended (stopped or tolled) for all faculty holding administrative positions of 0.5 FTE or greater.

- 4.02 The comprehensive performance evaluation shall normally begin with written notification by the chair to the faculty member by October 1 that the faculty member shall be reviewed in the current academic year (see Section 7 for full timeline). The focus of the periodic comprehensive performance evaluation shall be on helping the faculty member improve performance in the conduct of professional duties.

- a. According to the PETF, all tenured faculty members shall be reviewed by the DPTAC in their tenure unit. The DPTAC shall be an advisory body as defined in Section 7 of APS 900417, *Faculty Reappointment, Tenure, and Promotion of Tenured and Tenure-Track Faculty*.

In cases when the DPTAC has fewer than four (4) tenured faculty members to conduct the review, the department chair and the faculty member under review shall

submit to the dean a list of three (3) names of tenured faculty members from other tenure units who are qualified to perform a review. The nominations shall be accompanied by documentation of the nominees' relevant qualifications. The dean shall appoint members from these lists until there are at least four (4) members of the DPTAC. If the need arises to replace a member of the committee, the dean shall follow the same procedure.

- b. This initial review shall make use of FES records for the five (5) most recent years. In addition to the FES documents, the faculty member under review may provide a CV and narratives that provide context to the FES documents and discuss accomplishments in teaching, creative and scholarly activities, and service. If a simple majority or greater of the DPTAC voting by secret ballot determines that the faculty member meets or exceeds the accepted minimum standards of the unit, the faculty member shall be notified in writing by the DPTAC of the vote and as satisfying the PETF, and no further action shall be required. A copy of this written notification shall be sent to the chair, dean, and Provost. DPTAC members must be present to vote unless on faculty developmental leave or other approved leave.
- c. Should the reviewed faculty member fail to receive at least a simple majority of the votes of approval from the DPTAC, the faculty member shall be subject to the procedures outlined in the PCPE beginning with 5.02(a). The faculty member shall be notified of this outcome in writing, and a copy of this written notification shall be sent to the chair, dean, and Provost.

5. PROMPTED COMPREHENSIVE PERFORMANCE EVALUATION

5.01 A comprehensive performance evaluation may 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 2023, then the next periodic review shall be in 2028. The request for such review is to be conveyed to the chair by October 1 (for full timeline, see Section 7).
- b. A faculty member found to be performing below the appropriate minimum standard, because of a negative (less than simple majority) vote in the quinquennial

periodic comprehensive performance evaluation, shall be required to formulate and follow a PAFD. (See Section 6 for a specification of the contents of a PAFD.) The development and execution of this plan shall form an important component of the PCPE.

5.02 The process for a Prompted Comprehensive Performance Evaluation:

The philosophy underlying this evaluation process is that it shall incorporate a significant peer component and that it shall have as its main intention the support and development of all members of the tenured faculty. Ultimately and of necessity, it shall also include a summative component that shall 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 shall be jointly selected by the chair and the faculty member being evaluated. The chair shall nominate at least two (2) possible members, and the faculty member shall do likewise. The chair shall then select one (1) person from the faculty member's nominees and the faculty member shall select one (1) person from the chair's nominees. The college dean shall select peer evaluators if the department chair or faculty member do not provide names of evaluators by the deadline.

It is the task of this team to evaluate all aspects of the faculty member's professional duties and responsibilities and to do so according to the standards established for the relevant tenure unit. From this evaluation, the team members shall confirm either that the faculty member does or does not meet the relevant standards of the unit. If the faculty member does meet the relevant standards, the team members shall inform the chair in writing, who shall certify that the faculty member satisfies the PETF, with written notification of such to the faculty member, dean, and Provost, and no further action shall be required. Should a 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 shall have the best probability of fully remediating the perceived deficiencies. The team members shall inform the chair of this outcome in writing, with a copy sent to the dean and the Provost.

The role of the peer consultation team in the formulation of the PAFD 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 shall 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 5.02(b) below), the peer consultation team shall remain in place to provide support and encouragement to the faculty member under review, and at the end of the designated development period, they shall each provide to the chair and the faculty member a reevaluation and an assessment as to whether the PAFD has been successful. Again, this assessment shall be advisory to the faculty member and to the chair and shall not constitute a mandate for either party.

- b. The chair and the faculty member shall 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 shall consult others including the dean, to reconcile their differences. If there is still no agreement, the faculty member shall 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.
- c. The chair shall hold meetings with the faculty member to assess progress toward accomplishing the PAFD. A schedule of these meetings shall 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 their performance to an acceptable level by meeting the goals of the PAFD in a timely manner, the chair shall notify the faculty member, the peer consultants, the dean, and the Provost in writing by April 1 of the year in which the PAFD is in place (for full timeline, see Section 7). The faculty member shall then become 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 for a maximum extension period of one year. This extension period may exceed one year if extenuating circumstances arise (e.g., illness, death in family, etc.). The chair shall notify the faculty member, the peer consultants, the dean, and the

Provost of this decision in writing by April 1 of the year in which the PAFD is in place (for full timeline, see 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, the chair shall so inform the faculty member, the peer consultants, and the dean in writing by April 1 of the year in which the PAFD is in place (for full timeline, see 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 period under consideration that the dean considers pertinent. The dean shall personally confer with the faculty member regarding their performance under the PAFD, with the appropriate chair, and, if necessary, with the peer team. Following the review, by April 15 the dean shall notify the Provost in writing an opinion as to whether the faculty member has successfully completed the PAFD. The faculty member, peer evaluators, and chair shall be copied on this notification. The dean may recommend to the Provost any of several actions, including, but not limited to:

- a. restoring the faculty member to regular status;
- b. requiring another PAFD to be formulated, with a different peer consultation team;
- c. instituting dismissal proceedings or other appropriate disciplinary action in accordance with The Texas State University System *Rules and Regulations*; SHSU *Faculty Handbook*; and applicable law, if 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 compelling 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 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 shall be developed promptly and in consultation with peers as well as the chair.
- 6.02 Although each PAFD is tailored to specific circumstances, each plan shall:
- 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 must 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

- October 1: Faculty member requests early evaluation [5.01(a)].
- October 1: Chair sends written notification to faculty member subject to PETF.
- March 15: Faculty member submits “individual professional evaluation” for review [3].

March 16-30: Peer faculty meet to evaluate performance of the faculty member(s) under review [4.02(a)]. (This will accommodate any spring break week.)

April 1: Faculty members under review are informed of results of faculty peer evaluation. Each chair reports results of the faculty peer meeting to the dean and to the Provost.

If a PAFD [5.01(b)] is required, the following timelines shall 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)]. The college dean shall select peer evaluators if the department chair or faculty do not provide names of evaluators by the deadline.

April 20-30: Faculty member meets with peer evaluators to devise PAFD.

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

Fall Semester: PAFD process formally begins.

February 1: Peers 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 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 of PAFD evaluation recommendation.

May 1: Provost responds to faculty member informing them of their decision with respect to the dean's recommendation and sends a copy of this notification to the chair and dean.

If extension of time for PAFD or continued PAFD is needed, the above timeline shall be followed.

8. POLICY REVIEW

SHSU's academic policy on the PETF shall be reviewed every five (5) years.

APPROVED: < signed >
Alisa White, Ph.D., President

DATED: 5/12/22

CERTIFICATION STATEMENT

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

Original: February 4, 1998
Reviewer: Academic Affairs Council

Review Cycle: Five years*
Review Date: Fall 2027

Approved: < signed >
Michael T. Stephenson, Ph.D.
Provost and Sr. Vice President
for Academic Affairs

Date: 5/10/22

*Effective January 2018, Academic Policy Statements will be reviewed on a rotating 5-year schedule. To transition to a distributed review load, some policies may be reviewed prior to the 5-year timeframe, with subsequent reviews transitioning to the 5-year schedule.