

1. Title

Evaluation of Tenured Faculty

2. Rule and Regulation

Sec. 1 Statutory Requirements. In accordance with the *Texas Education Code* [Section 51.942](#), the Board of Regents is required to adopt rules and procedures providing for a periodic performance evaluation process for all tenured faculty. The Board is required to seek advice and comment from the faculty before adopting any rules pursuant to that section. The advice and comment from the faculty on the performance evaluation of tenured faculty shall be given the utmost consideration by the Board.

Sec. 2 Importance of Tenure. The Board of Regents recognizes the time-honored practice of tenure for university faculty as an important protection of free inquiry, open intellectual and scientific debate, and unfettered criticism of the accepted body of knowledge. Academic institutions have a special need for practices that protect freedom of expression, since the core of the academic enterprise involves a continual reexamination of ideas. Academic disciplines thrive and grow through critical analysis of conventions and theories. Throughout history, the process of exploring and expanding the frontiers of learning has necessarily challenged the established order. That is why tenure is so valuable, not merely for the protection of individual faculty members but also as an assurance to society that the pursuit of truth and knowledge commands our first priority. Without freedom to question, there can be no freedom to learn.

Sec. 3 Purpose of Evaluation. The Board of Regents supports a system of periodic evaluation of all tenured faculty. Periodic evaluation is intended to enhance and protect, not diminish, the important guarantees of tenure and academic freedom. The purpose of periodic evaluation is to provide guidance for continuing and meaningful faculty development; to assist faculty to enhance professional skills and goals; to refocus academic and professional efforts, when appropriate; and to assure that faculty members are meeting their responsibilities to the University and the State of Texas. The Board is pledged to regular monitoring of this system to make sure that it is serving its intended purposes and does not in any way threaten tenure as a concept and practice. In implementing the plan, institutions

shall maintain an appropriate balance of emphasis on teaching, research, service, and other duties of faculty.

Sec. 4 Institutional Policies. Each institution of The University of Texas System shall have an institutional policy and plan consistent with the following guidelines for the periodic (annual and comprehensive) performance evaluation of tenured faculty. Institutional policies in accordance with the [model policy](#) shall be developed with appropriate faculty input, including consultation with and guidance from faculty governance organizations, and shall be included in each institutional *Handbook of Operating Procedures* after review and appropriate administrative approval and submission to the Board of Regents for review and final approval. Nothing in these guidelines or the application of institutional evaluation policies shall be interpreted or applied to infringe on the tenure system, academic freedom, due process, or other protected rights nor to establish new term-tenure systems or to require faculty to reestablish their credentials for tenure.

Sec. 5 Minimum Elements. Institutional *Handbook of Operating Procedures* policies should include the following minimum elements for periodic evaluation:

5.1 Annual Reviews. Annual reviews are not the comprehensive periodic evaluations required under *Texas Education Code* Section 51.942. Annual reviews should focus on individual merit relative to assigned responsibilities in accordance with Regents' Rule 30501.

- (a) Review Categories. Each faculty member being reviewed shall be placed in one of the following categories: a. exceeds expectations; b. meets expectations; c. does not meet expectations; or d. unsatisfactory. Expectations shall be set by institutional policy according to the faculty member's rank, discipline, and institution.
- (b) Scheduled Reviews. Evaluation of tenured faculty shall be performed annually. The evaluation may not be waived for any tenured faculty member but may be deferred in rare circumstances when the review period will coincide with approved leave, comprehensive review for promotion, or appointment to an endowed position. No deferral of review of an

active faculty member may extend beyond one year from the scheduled review.

- (c) **Responsibilities Reviewed.** The evaluation shall include review of the faculty member's professional responsibilities in teaching, research, service, patient care, and administration. Institutional policies shall detail the criteria and factors to be evaluated.
- (d) **Material Submitted.** The faculty member being evaluated shall submit a curriculum vita, including a summary statement of professional accomplishments, and shall submit or arrange for the submission of teaching evaluations. The faculty member may provide copies of a statement of professional goals, a proposed professional development plan, and any other additional materials the faculty member deems appropriate.
- (e) **Review of Evaluation.** In accordance with institutional policy, initial evaluation of the faculty member's performance may be carried out by the department, department chair (or equivalent), dean, or peer review committee, but in any event must be reported to the chair (or equivalent) and dean for review. Evaluation shall include review of the current curriculum vita, student and any peer evaluations of teaching for the review period, and all materials submitted by the faculty member.
- (f) **Communication of Results.** Results of the evaluation will be communicated in writing to the faculty member, the department chair/dean, the chief academic officer, and the president for review and appropriate action.
- (g) **Uses.** Possible uses of the information contained in the report include the following:
 - (1) The evaluation may be used to determine salary recommendations, nomination for awards, or other forms of performance recognition.
 - (2) For individuals whose performance indicates they would benefit from additional institutional support or a remediation plan, the evaluation shall be used

to provide such support or a remediation plan (e.g., teaching effectiveness assistance, counseling, or mentoring in research issues/service expectations). Schools/colleges and/or departments, in consultation with a peer committee, shall monitor individuals receiving such support for evidence of improvement and, if there is insufficient improvement, shall take action under (4) or Section 5.3, below, if appropriate.

(3) Individuals whose performance is unsatisfactory may be subject to further review and/or to appropriate administrative action. Institutional policies shall provide procedures for appeals.

(4) Individuals whose performance is unsatisfactory for two consecutive annual reviews may be subject to a comprehensive review (Section 5.2, below) or action under (3) above or Section 5.3 below, if appropriate.

(5) If incompetence, neglect of duty, or other good cause is determined to be present, appropriate disciplinary action may be taken under Section 5.3 below.

5.2 Comprehensive Periodic Evaluations. Comprehensive periodic evaluations are required in compliance with *Texas Education Code* Section 51.942.

(a) Review Categories. Each faculty member being reviewed shall be placed in one of the following categories: a. exceeds expectations; b. meets expectations; c. does not meet expectations; or d. unsatisfactory. Expectations shall be set by institutional policy according to the faculty member's rank, discipline, and institution.

(b) Scheduled Reviews. Comprehensive periodic evaluation of tenured faculty shall be performed no less often than every six years. The evaluation may not be waived for any tenured faculty member but may be deferred in rare circumstances when the review period will coincide with approved leave, comprehensive review promotion, or appointment to an endowed

position. No deferral of review of an active faculty member may extend beyond one year from the scheduled review. Institutional policy may specify that periods when a faculty member is on leave need not be counted in calculating when the comprehensive evaluation is required.

- (c) **Responsibilities Reviewed.** The evaluation shall include review of the faculty member's professional responsibilities in teaching, research, service, patient care, and administration. Institutional policies shall detail the criteria and factors to be evaluated.
- (d) **Notice of Evaluation.** Reasonable individual notice of at least six months of intent to review shall be provided to a faculty member.
- (e) **Material Submitted.** The faculty member being evaluated shall submit a curriculum vita, including a summary statement of professional accomplishments, and shall submit or arrange for the submission of annual reports and teaching evaluations. The faculty member may provide copies of a statement of professional goals, a proposed professional development plan, and any other additional materials the faculty member deems appropriate.
- (f) **Review of Evaluation.** In accordance with institutional policy, initial evaluation of the faculty member's performance may be carried out by the department, department chair (or equivalent), dean, or peer review committee, but in any event must be reported to the chair (or equivalent) and dean for review. Evaluation shall include review of the current curriculum vita, student and any peer evaluations of teaching for the review period, annual reports for the review period, and all materials submitted by the faculty member.
- (g) **Peer Review.** Comprehensive periodic evaluation of tenured faculty shall include peer review. The members of peer review committees shall include representatives of the college/school or department and will be appointed, on the basis of their objectivity and academic strength, by the dean or chair in consultation with the tenured faculty in the college/school or

department or pursuant to other process as defined in institutional policies. The faculty member shall be provided with an opportunity to meet with the committee or committees.

- (h) Communication of Results. Results of the evaluation will be communicated in writing to the faculty member, the department chair/dean, the chief academic officer, and the president for review and appropriate action.
- (i) Uses. Possible uses of the information contained in the report include the following:
 - (1) The evaluation may be used to determine salary recommendations, nomination for awards, or other forms of performance recognition.
 - (2) For individuals whose performance indicates they would benefit from additional institutional support or a remediation plan, the evaluation shall be used to provide such support or a remediation plan (e.g., teaching effectiveness assistance, counseling, or mentoring in research issues/service expectations). Schools/colleges and/or departments, in consultation with a peer committee, shall monitor individuals receiving such support for evidence of improvement and, if there is insufficient improvement, shall take action under (3) or Section 5.3, below, if appropriate.
 - (3) Individuals whose performance is unsatisfactory may be subject to further review and/or to appropriate administrative action. Institutional policies shall provide procedures for appeals.
 - (4) If incompetence, neglect of duty, or other good cause is determined to be present, appropriate disciplinary action may be taken under Section 5.3 below.

5.3 Termination or Other Appropriate Disciplinary Action. For tenured faculty members for whom incompetence, neglect of duty, or other good cause is found, review to determine if good cause exists for termination under the current Regents' *Rules and Regulations* shall be considered, in

accordance with the due process procedures of the Regents' *Rules and Regulations*, Rule 31008. If disciplinary action other than termination is considered appropriate, such faculty members shall have access to procedures that include notice of the specific charges and a hearing prior to the imposition of disciplinary action.

Sec. 6 Follow-up Review. The acceptance and success of periodic evaluation for tenured faculty will be dependent upon a well-executed, critical process and an institutional commitment to assist and support faculty development. Thus, remediation and follow-up review for faculty, who would benefit from such support, as well as the designation of an academic administrator with primary responsibility for monitoring such needed follow-up activities, are essential.

3. Definitions

None

4. Relevant Federal and State Statutes

Texas Education Code [Section 51.942](#)– Performance Evaluation of Tenured Faculty

5. Relevant System Policies, Procedures, and Forms

Regents' *Rules and Regulations*, [Rule 30501](#) – Employee Evaluations

Regents' *Rules and Regulations*, [Rule 31008](#) – Termination of a Faculty Member

[Model Policy](#) developed by U. T. System Faculty Advisory Council

6. Who Should Know

Administrators
Faculty

7. System Administration Office(s) Responsible for Rule

Office of Academic Affairs
Office of Health Affairs

8. Dates Approved or Amended

February 9, 2012
December 10, 2004

9. Contact Information

Questions or comments regarding this Rule should be directed to:

- bor@utsystem.edu