

4. **U. T. System Board of Regents: Amendments to the Regents' Rules and Regulations, Rule 31102, Sections 4 and 5, regarding the evaluation of tenured faculty**

**RECOMMENDATION**

The Chancellor concurs in the recommendation of the Executive Vice Chancellor for Academic Affairs, the Executive Vice Chancellor for Health Affairs, and the Vice Chancellor and General Counsel that Regents' *Rules and Regulations*, Rule 31102, Sections 4 and 5, regarding evaluation of tenured faculty, be amended as set forth in congressional style on the following pages.

Dr. Timothy Allen, Chair of the U. T. System Faculty Advisory Council (FAC), may also provide comments at the meeting.

**BACKGROUND INFORMATION**

Consistent with *Texas Education Code* Section 51.942, the U. T. System Board of Regents adopted Regents' Rule 31102 for the evaluation of tenured faculty members. The proposed revisions to Rule 31102 are intended to clarify some provisions and to strengthen the comprehensive evaluation process:

- The Rule has been reformatted to clarify the differences between post-tenure annual reviews and post-tenure comprehensive reviews.
- Specific review categories have been created: exceeds expectations, meets expectations, does not meet expectations, and unsatisfactory.
- Post-tenure comprehensive reviews must be conducted no less than every six years and may be conducted any time an individual receives two consecutive unsatisfactory annual reviews.
- Outcomes of post-tenure evaluation may be used for salary consideration, awards, and advancement.
- Remediation remains a central part of the improvement process when it is clear that a faculty member would benefit from such support.
- A faculty member failing remediation may be subject to termination procedures (Regents' Rule 31008) for incompetence neglect of duty or other good cause.

The proposed revisions have been reviewed by the institutional presidents and the FAC. *Texas Education Code* Section 51.942(b) requires a governing board to give "utmost consideration" to "advice and comment from the faculty on the performance evaluation of tenured faculty;" the FAC has endorsed the recommended revisions.

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**1. Title**

Evaluation of Tenured Faculty

**2. Rule and Regulation**

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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 [LINK to be developed] 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. ~~Periodic evaluations, while distinct from the annual evaluation process required of all employees, may be integrated with the annual evaluation process to form a single comprehensive faculty development and evaluation process.~~ 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.

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(b) Scheduled Reviews. Evaluation of tenured faculty ~~will shall~~ be performed annually ~~with a comprehensive periodic evaluation of all tenured faculty performed 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 for ~~tenure or~~ 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. The requirement of periodic review does not imply that individuals with unsatisfactory annual evaluations may not be subject to further review and/or appropriate administrative action.~~

~~5.2~~(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.

~~5.3~~ Notice of Evaluation. ~~Reasonable individual notice of at least six months of intent to review will be provided to a faculty member.~~

~~5.4~~(d) Material Submitted. The faculty member being evaluated shall submit a ~~résumé~~ 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.

~~5.5~~(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 ~~panel~~ committee, but in any event must be reported to the chair (or equivalent) and dean for review. Evaluation shall include review of the current ~~résumé~~ curriculum vita,

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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.

5.6 ~~Peer Review. If peer review is not required by institutional policy, the peer review process may be initiated by the faculty member, department chair (or equivalent), or dean. If peer committees are involved, the members shall be representative of the college/school and will be appointed, on the basis of their objectivity and academic strength, by the dean in consultation with the tenured faculty in the college/school or pursuant to other process as defined in institutional policies. If peer review is involved, the faculty member will be provided with an opportunity to meet with the committee or committees.~~

5.7(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 ~~should~~ include the following:

(a1) ~~For individuals found to be performing well, t~~The evaluation may be used to determine salary recommendations, nomination for awards, or other forms of performance recognition.

(b2) For individuals whose performance indicates they would benefit from additional institutional support ~~or a remediation plan~~, the evaluation ~~may~~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.

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(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.

~~(4) Individuals whose performance is unsatisfactory may be subject to further review and/or to appropriate administrative action.~~

(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.

~~(c) For individuals found to be performing unsatisfactorily, review to determine if good cause exists for termination under the current Regents' *Rules and Regulations* may be considered. All proceedings for termination of tenured faculty on the basis of periodic performance evaluation shall be only for incompetency, neglect of duty, or other good cause shown and must be conducted in accordance with the due process procedures of the Regents' *Rules and Regulations*, Rule 31008, including an opportunity for referral of the matter to alternative dispute resolution. Such proceedings must also include a list of specific charges by the president and an opportunity for a hearing before a faculty tribunal. In all such cases, the burden of proof shall be on the institution, and the rights of a faculty member to due process and academic freedom shall be protected.~~

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.

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- (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

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- 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

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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.