

**SUBJECT:** Post-Tenure Review

**DATE:** June 2018

**PURPOSE:** This policy provides guidance to faculty members and administrators in completing the Comprehensive Performance Evaluations of Tenured Faculty Members and Faculty Members Who Receive an Academic Promotion as mandated in the Education Code Section 51-942. Related OPs or other documents: [OP 32.31](#), [32.02](#), [32.32](#) and the Texas Education Code

**REVIEW:** This policy will be reviewed when there are changes to the University Policy.

## **POLICY**

This policy establishes uniform guidelines and procedures in the College of Human Sciences for comprehensive performance evaluations of tenured faculty members and faculty members who receive an academic promotion. The policy is consistent with [OP 32.31](#), which was adopted to conform to VTCA, Education Code Section 51-942, which requires comprehensive performance evaluations at least once every six years after the date the faculty member is granted tenure or receives an academic promotion.

Inasmuch as all faculty members covered by this policy are subject to rigorous evaluation prior to receiving tenure and/or promotion, there is an assumption that they continue to be competent in their professional responsibilities. Therefore, the burden of proof in establishing a pattern of incompetent performance requiring revocation of tenure lies with the academic unit, the College, and the University.

## **PROCEDURE**

[Notice](#) of the comprehensive performance evaluation shall be given to the faculty member involved by September 1, the evaluation shall begin no earlier than February 1 and be completed no later than May 1, all in the same academic year. The evaluations shall be directed toward the professional development of faculty members, using the following procedures. A [timeline](#) and [flowchart](#) are available to clarify the process.

1. The comprehensive performance evaluation shall be based on the professional responsibilities of the individual faculty member in teaching, research, service, collegiality, and administration (when applicable) and shall include peer review. For the purposes of this policy, collegiality is defined as follows:

“Cooperative interaction among colleagues” [Random House Webster’s Dictionary \(1993\)](#)

And

“The capacity to relate well and constructively to the comparatively small bank of scholars on whom the fate of the university rests.” [Mayberry v. Dees](#), 633 F.2d at 514.

In considering collegiality as a role in a faculty evaluation system, care must be taken not to couch the discussion in terms of whether the person fits into the existing group or has a disagreeable personality, lifestyle, personal habits, or values. Rather, collegiality will be considered in terms of its effect on the professional productivity of colleagues.

2. Each department will establish one Post-Tenure Review Committee to evaluate all faculty members under review for that year. That committee will be comprised of three tenured faculty members in the department and one tenured faculty member from another department in the College. Departmental members of the Post-Tenure Review Committee are elected by the tenured and tenure-track faculty in the department. To the degree possible, department faculty members serving on the Committee should represent all programs in the department. Non-departmental Post-Tenure Review Committee members and two alternates for each department are drawn by lot from a pool of all tenured faculty members in the other departments in the College. The drawing will take place at a meeting of the Department Chairs. If a faculty member being evaluated or the department chairperson objects to the non-departmental representative selected, an alternate will serve (the candidate and chairperson are limited to striking one non-departmental member each).

Department chairs are not eligible to serve on Post-Tenure Review Committees. A faculty member who currently is on a development program, as specified in [OP 32.32](#), Section 5, may not serve on the Post-Tenure Review Committee. Faculty members may not serve on the Post-Tenure Review Committee for their department during the year they are being evaluated. Committee members serve one-year terms but may be re-elected.

3. Materials to be provided by the faculty member for consideration by the Post-Tenure Review Committee include a vita covering the previous six years only, annual performance reviews (including annual faculty report submitted by the faculty member, the chairperson's evaluation, and the faculty member's response, if any) conducted under the terms of [OP 32.32](#) for the period since the previous comprehensive performance review or promotion-tenure decision, a one-page statement of the faculty member's goals for future performance, and additional documentation which the faculty member deems relevant to the comprehensive performance evaluation. University policies allow the faculty member being evaluated to include as much additional documentation as he or she wishes, although it is envisioned that these additional materials will usually consist of two pages or less.
4. The Department Chair convenes the Committee and gives them their charge. The Committee reviews the materials and meets to discuss the materials and formulate its evaluation. When the Chair is being reviewed, the Dean or designee acts in the role of the Chair. The Chair's input is separate from the department faculty input.
5. (a) The Review Committee will vote on [ballots](#), which are attached to the [Committee report](#) and forwarded to the Chair. The report of the Review Committee shall consist of a finding of competent or incompetent. If the finding is incompetent, the rationale for their findings will be provided in the committee report submitted by the committee chair. A finding of incompetence should reflect a long-term pattern of incompetent performance during the six-year period, rather than a short-term lapse in publication, weak teaching evaluations in a few instances, or other short-term variations in performance. The basic standard for evaluation is whether the faculty member under review conscientiously discharges with professional competence the appropriate duties associated with his or her position, not whether the faculty member meets the current standards for tenure, as those

standards might have changed since the initial granting of tenure. A finding of incompetence must be well-documented.

(b) The Report of the Post-Tenure Review Committee is presented to the remaining members of the tenured faculty in the department (excluding all those who are under consideration for post-tenure review that year), who vote by [ballot](#) to accept or reject the report. If the candidate has been deemed incompetent by the Post-Tenure Review Committee, the full set of materials from the review automatically go to the entire tenured faculty for their consideration before voting. If the candidate has been deemed competent, a voting tenured faculty member can view the materials upon request. After the vote by the remaining tenured faculty, the results are given to the faculty member. At this point the faculty member may submit a written rejoinder that will be attached included in the permanent file.

(c) The Department Chair indicates competent or incompetent on the [Report of the Post-Tenure Review Committee form](#); he or she is required to add supporting comments if the evaluation is of incompetence.

(d) The Report of the Post-Tenure Review Committee, the ballots of the department committee and tenured faculty, the faculty member's rejoinder, if any, the Department Chair's comments, if any, and the faculty dossier are forwarded to the Dean electronically, excepting the committee report form, which should come as a hard copy.

(e) The Dean indicates competent or incompetent on the [Report of the Post-Tenure Review Committee form](#); he or she is required to add supporting comments if the evaluation is of incompetence. The Dean secures the faculty signature and reports the results of the review to the Provost.

(f) Faculty materials (signed report of the review committee, dossier, and ballots from the committee and from the faculty) are added to the faculty member's permanent files.

### 3. Due Process and Rights to Appeal

The comprehensive performance evaluation process incorporates commonly recognized academic due-process rights, as specified in the Texas Tech University Tenure Policy. Due-process rights include notice of the timing, manner, and scope of the evaluation and, before a faculty member may be subject to disciplinary action on the basis of a comprehensive performance evaluation conducted under this policy, notice of specific charges and the right to a hearing on those charges. In all such cases the burden of proof shall be on the University. In the case of a disputed peer review, the faculty member may request that additional reviews in writing be solicited from no more than three specialists in the faculty member's area of teaching and/or research who are not members of the academic unit. The outside reviewers will be selected by mutual agreement between the faculty member and the administrator of the academic unit responsible for the evaluation. The specialist reviews shall be included with the evaluation materials that are forwarded to the responsible academic dean, the University Provost, and the President and shall be considered in any administrative action that results from the comprehensive performance evaluation process.

### 4. Actions

A faculty member deemed incompetent may be placed in a development program as specified in [OP 32.32](#), Section 5, receive other appropriate disciplinary action, or be subject to revocation of tenure if incompetency, neglect of duty, or other good cause is determined to be present. If termination is recommended as a result of the comprehensive performance evaluation, the faculty member shall be given the opportunity of referral of the matter to a non-binding alternative dispute resolution process as in Chapter 154 of the Civil Practices Code or another agreed upon dispute resolution method. Termination will be pursuant only to conditions of the termination procedure specified in [OP 32.02](#).

#### 5. Application

The comprehensive post-tenure review process may not be waived for any tenured faculty member of Texas Tech University unless they are retiring or resigning at the end of the applicable academic year.

#### 6. Policy Approval and Review

This policy shall be approved by majority vote of the voting faculty in the College of Human Sciences. The policy will be reviewed by the College Faculty Council as needed.

**Note:** [OP 32.31](#) states that these procedures shall be agreed upon by a majority of the voting members of the academic unit (2.b.). "Voting faculty," as defined in the Faculty Senate Constitution, includes all persons under full-time contract who have completed a residence of one year at Texas Tech University and who are tenured or hold appointments that make them eligible for tenure. For the purposes of this policy, voting faculty members must be tenured.

*Revised June 2018*

### **DOCUMENTS INCLUDED**

[OP 32.31 Comprehensive Performance Evaluations of Tenured Faculty Members and Faculty Members Who Receive an Academic Promotion](#)

[OP 32.32 Performance Evaluation of Faculty](#)

[OP 32.02 Faculty Non-reappointment, Dismissal, and Tenure Revocation](#)

[Faculty Notice](#)

[Timeline](#)

[Flowchart](#)

[Committee Ballot](#)

[Report of the Post-Tenure Review Committee form](#)

[Faculty ballot](#)