

THE UNIVERSITY OF TEXAS AT DALLAS
NUMBERED POLICY MEMORANDA

POLICY MEMORANDUM 97-III.22-79

Issued: October 3, 1997

Revised: May 13, 1999

Editorial Amendments: September 1, 2000

Editorial Amendments: March 21, 2006

**PROCEDURES GOVERNING PERIODIC PERFORMANCE
EVALUATION OF TENURED FACULTY**

Preamble

Tenure protects scholars and teachers from adverse actions by those who disagree with their findings and teachings; tenure also provides faculty with the long-term security which is vital if they are to undertake high potential, lengthy, risky research; thus, it discourages intellectual censorship and encourages the search for truth, thereby benefiting society at large. However, regular review of all faculty, including those with tenure, is fundamental to the advancement of the University. This document describes procedures for review of tenured faculty.

Nothing in this policy memorandum shall be interpreted or applied to infringe on tenure, academic freedom, due process, or other protected rights, nor to require faculty to reestablish their credentials for tenure.

I. Definitions

A. Faculty Categories

1. School Faculty

School faculty are those faculty members who report to a school Dean, including those who report through Department Heads to a school Dean.

2. Administrative Faculty

Administrative faculty are those faculty members who do not report, directly or indirectly, to a school Dean.

3. Concurrent Faculty

Concurrent faculty are those faculty members who, for part — but not all — of their assignments report, directly or indirectly to a school Dean.

B. Duties

For the purposes of this document, duties (to the University) are activities to which a faculty member is assigned and for which the University provides infrastructure and fiscal resources.

Most faculty members mentor individual students, teach organized classes or laboratories, engage in research or creative activities, and serve the University, the community, and their profession through committee assignments and elective or appointive offices. Some also engage in clinical or administrative activities. The exact ratio of these duties varies considerably from one faculty member to another.

The ratio of duties can also vary over time. At the time tenure is awarded, duly appointed faculty committees and responsible administrators have determined that a faculty member has performed adequately in both teaching and research or creative activities, and has shown excellence in one of those arenas. Service expectations may change after tenure is awarded, particularly in the case of senior faculty.

When a School Faculty member wants to assume a set of duties significantly different from the norm typical of his or her instructional unit, the faculty member should seek approval for such action from the school Dean or the Dean's delegate (Department Head, when appropriate). A Dean does not have authority to approve or disapprove specific research topics, but does exercise approval authority when a faculty member proposes to engage in a set of duties which is atypical for the instructional unit. If such approval is obtained, the faculty member's performance will be judged against the approved set of duties. Otherwise a faculty member will be judged against the duties typical for his or her instructional unit. The modified set of duties does not go into effect until the Dean notifies the faculty of the School or Department as appropriate.

Concurrent and Administrative Faculty should consult with the individual(s) to whom they report in order to construct a written description of their set of duties. To the extent that their duties parallel those of School Faculty, Concurrent Faculty are expected to meet the norm for other faculty in their instructional unit.

C. A Periodic Performance Evaluation (PPE) is the evaluation process described in this document.

- D. The PPE Review File is the file created for the purpose of the Periodic Performance Evaluation. It may contain material from a variety of sources within the university community, including material copied from the faculty member's permanent academic file.
- E. The PPE Evaluator (Evaluator) is the University official responsible for preparing the PPE Review File and for making the finding. For School Faculty the Evaluator is the Dean of their school. For Concurrent Faculty, the Evaluators are their school Dean and the other administrator to whom they report. For Administrative Faculty, the Evaluator is the administrator to whom they report.
- F. Finding

A finding is the Evaluator's written recommendation resulting from the Periodic Performance Evaluation of a tenured faculty member.

1. The finding must evaluate the faculty member's performance in the activities in the current set of duties and reach a conclusion based on one of two assessments by the Evaluator:

- a. Advisory

An Advisory finding may be approbative or it may offer advice for improvements or modifications in the faculty member's performance. The finding may be accompanied by a plan for allocation of additional resources intended to enhance the faculty member's performance.

- b. Adverse

For School Faculty, an Adverse finding is a recommendation that the tenured faculty member's performance has been sufficiently detrimental to the University and/or its students for a sufficiently long period that consideration of charges for termination under the procedures of Series 31008, concerning Termination for Good Cause, of the Regents' *Rules and Regulations*, is a possibility. It must be supported by a written, detailed argument and data that demonstrate professional incompetence or dereliction in the traditional domains of research, service, clinical duties (where relevant), and especially teaching, or other good cause.

For Concurrent and Administrative Faculty, an Adverse finding will result in the termination of the administrative assignment and the return of the faculty member to School Faculty status.

2. The finding may recommend a set of duties to govern the next PPE period.

G. Detrimental Performance

Detrimental performance must be defined relative to the set of duties, which can vary across Departments and Schools and among individual faculty within Programs and Schools (Sec. I.B.). However, it must entail dereliction and/or incompetence in one or more of the faculty member's duties. Examples may include but are not limited to: (a) a failure to meet classes, (b) a failure to engage in remedial activities to improve teaching efforts or an inability to benefit from such remedial activities, (c) a refusal to accept teaching assignments within the faculty member's expertise, (d) a refusal to engage in research and/or creative activity which may include submission of grants or scholarly activity for publication, and (e) a failure to shoulder a reasonable share of administrative work. Failure to publish or to win external research funding, is not, in itself, proof of incompetence or dereliction in research.

II. Procedures for All Faculty

- A. All faculty members are subject to annual review. It is expected that Deans, Department Heads, and other administrators will make use of the annual review process to identify faculty whose performance does not meet the general performance levels of their unit and to provide those individuals with advice, support, and/or warnings, as appropriate. Written evaluations used in annual reviews will be subsequently included in PPE Review Files. Countersigning or other methods shall be used to certify that the faculty member has been made aware of these evaluations.
- B. This document describes procedures for Periodic Performance Evaluations for tenured faculty which are to be conducted every six years except in rare circumstances such as overlap with approved leave, promotion, review for appointment to an endowed position, or review described in the following paragraph. The existence of the PPE process does not preclude administrative action based on annual reviews or other good cause.

Administrative Faculty are to be reviewed every five years, as described in Policy Memorandum 96-III.30-68 Faculty Involvement in the Evaluations of Academic Administrators, which review is to be concurrent with the review described in this document.

- C. The Periodic Performance Evaluation shall include review of the faculty member's duties such as teaching, research, service, administration, and, for faculty with clinical responsibilities, patient care.

- D. Individual notice of intent to conduct a Periodic Performance Evaluation must be given to a tenured faculty member at least six months prior to the initiation of the Evaluation, which begins September 15 with the submission of materials by the faculty member. One month before the initiation of the Evaluation, the Evaluator who is conducting the evaluation shall notify the faculty within the School and the Speaker of the Faculty, who in turn will inform the Academic Senate membership and the President of the Student Government Association about the PPE, who is to be evaluated, and the PPE procedures.
- E. The PPE Review File shall be constructed as follows:
 - 1. The PPE process is intended to be an internal review of the faculty member's performance of his/her range of duties. Solicitation of materials or evaluations from outside the University community is inappropriate, and such materials shall not be included in the PPE Review File.
 - 2. The faculty member being evaluated shall submit to his/her Evaluator or arrange for submission of (a) a resume, including a summary statement of professional accomplishments, (b) where existing, the approved range of duties, (c) results of annual evaluations for the previous six years, where available, and (d) evaluations of teaching from students and other sources, in accordance with policy of the relevant instructional unit. The faculty member may provide copies of a statement of professional goals, a proposed professional development plan, and any other materials the faculty member deems appropriate.
 - 3. The Evaluator may add to the file (a) any material from the faculty member's permanent academic files which he/she deems appropriate and (b) any signed, written material which he/she deems appropriate to the PPE process.
 - 4. In addition, the Evaluator shall add to the file any signed, written material received through relevant sources such as faculty, students, and the Student Government Association.
 - 5. No anonymous material, except for teaching evaluations obtained in accordance with University policy, may be included in the file, and those reading the PPE Review File should identify and give no weight to hearsay material.
 - 6. At any point in the PPE process, the faculty member being evaluated may see the PPE Review File upon reasonable notice, may copy material contained in the PPE Review File, and may supplement the file. The Evaluator must notify the faculty member under review of any material which he/she adds to the PPE File, and the faculty member is entitled to 10 working days to supplement the file with a written response.

III. Procedures for School Faculty

- A. All evaluations must be based only on material in the PPE Review File.
- B. After the end of the faculty member's response period (II.E.6), the Dean shall make a written preliminary evaluation and shall send that evaluation to the faculty member, the relevant Department Head (if appropriate) and to the School Peer Review Committee (SPRC).
- C. The Program Head (if appropriate) and SPRC shall each examine the PPE Review File, and each shall provide the faculty member under evaluation with the opportunity to discuss the PPE Review File and the preliminary evaluation. The Program Head (if appropriate) and the SPRC will subsequently provide a written response to the preliminary evaluation. The faculty member under review may also provide a response. The responses become part of the PPE Review File.
- D. After receiving the responses of the faculty member under review (if any), the Department Head (if appropriate) and the SPRC, the Dean shall re-examine the PPE Review File and make a written finding no later than November 15, unless the President approves an extension.
- E. The Dean's finding and the response of the SPRC must be communicated in writing to the faculty member and the Department Head (if appropriate). The faculty member will be given the opportunity to discuss the finding with the Dean and will be allowed 10 working days to respond in writing to the finding. The finding and the faculty member's written response become part of the PPE Review File. After 10 working days, the Dean shall send the PPE Review File to the Executive Vice President and Provost (Provost), who will notify the Dean and faculty member of its receipt within 10 working days.
- F. If the Dean has made an Adverse finding, the Provost shall notify the Chair of the Committee on Faculty Standing and Conduct and forward the PPE Review File to the Committee of Faculty Standing and Conduct within 10 working days.
- G. The Committee on Faculty Standing and Conduct shall examine the PPE Review File and prepare a written report which addresses, at least, the following issues:
 - 1. Since tenure carries the expectation of continuing employment, the University bears the burden of proof in removing tenure. The report shall assess the degree to which the PPE Review File demonstrates that the tenured faculty member's performance has been sufficiently detrimental to the University and/or its students for a sufficiently long period that termination under the procedures of Series 31008, concerning Termination for Good Cause, of the Regents' *Rules and Regulations*, is a possibility.
 - 2. In the event that the Committee on Faculty Standing and Conduct concurs with

the Adverse finding, its report shall address the advisability of an additional review period and the duration and performance expectations for such review period.

The report becomes part of the PPE Review File.

- H. After receipt of the report from the Committee on Faculty Standing and Conduct, the Provost shall send copies of the report to the faculty member and the Dean and allow 10 working days to receive written responses, which become part of the PPE Review File. The Provost shall review the PPE Review File and decide on one of the following options as an appropriate action:
1. Conversion of the Adverse finding to an Advisory finding and termination of the PPE process for the faculty member;
 2. Acceptance of the Adverse finding and establishment of an additional review period including its duration and performance expectations;
 3. Acceptance of the Adverse finding and recommendation to the President that charges for termination of the faculty member be initiated in accord with the Regents' *Rules and Regulations*, Section 31008 concerning Termination for Good Cause.

The Provost shall notify the Dean and the faculty member of his or her decision. The Provost may issue a preliminary assessment and provide a period for comment from the Dean and faculty member prior to making a decision.

- I. If the Provost decides that an additional review period is appropriate, the faculty member's performance during the additional review period is to be governed by an additional review period document, which should specify the faculty member's duties, resources to be made available, and the timetable and criteria for interim and end of period evaluations. The construction of the extended review period document is the responsibility of the Dean who shall consult with the faculty member, the Department Head (if appropriate), the School Personnel Review Committee, and the Provost prior to issuing the document.
- J. At the end of the additional review period, a review in the manner of a Periodic Performance Evaluation is to be conducted, with the faculty member having access to the same procedures and protections which would be in place for a Periodic Performance Evaluation, except that the Dean shall forward her/his assessment directly to the Provost, who must now choose either option H.1 or option H.3 from Section III.H above. The Committee on Faculty Standing and Conduct does not review the file.
- K. The entire PPE process is confidential. However, if the faculty member makes comment in a public forum on the results of the evaluation, then the University,

through its administration, may also make public comment.

IV. Procedures for Concurrent and Administrative Faculty

A. Concurrent Faculty

The Evaluators of a Concurrent Faculty member shall make separate findings in their evaluations of the duties arising from the faculty member's School Faculty and Administrative Faculty roles. The procedures in Section III of this document shall govern the PPE process in so far as the School Faculty role is evaluated. The procedures in Section IV.B. shall govern the PPE process in so far as the Administrative role is evaluated, except that a Concurrent Faculty member for whom the School Faculty finding is Advisory shall not be subjected to the PPE process until the normal six year review cycle.

B. Administrative Faculty

The Evaluator of an Administrative Faculty member must prepare a written evaluation of the faculty member, provide a copy to the faculty member, provide the opportunity for the faculty member to discuss the evaluation with him/her, and provide the faculty member with the opportunity to place a written statement in the PPE Review File.

An Adverse finding by the Evaluator will result in the termination of the administrative appointment and the return of the faculty member to School Faculty status. Such faculty must be reviewed under the School Faculty provisions of this document in the first review cycle after three full academic years have passed since their return to School Faculty status.

V. Review of PPE Process

The President is to review the results of each year's Periodic Performance Evaluations with the Academic Council. In this review, the President shall present the results without identification of individual faculty members. If, however, a faculty member has made public comment about the results of his/her PPE, the President may discuss that case with the Academic Council. The Academic Council is to prepare and present to the Academic Senate, the CAO, and the President a report, in which the faculty reviewed are not identified, which contains recommendations about the Periodic Performance Evaluation process.

VI. Phase-In

- A. Faculty tenured before the 1992-93 academic year will be assigned the years 1998, 1999, 2000, 2001, 2002, and 2003 for their initial Periodic Performance Evaluation by lot, with approximately 20% of such faculty to be reviewed each year.
- B. A faculty member appointed with or promoted to the rank of Associate Professor or Professor after the 1992-93 academic year shall be reviewed every six years after his/her appointment or promotion.

VII. Non-Interference with Rights

The adoption of the Procedures for Periodic Performance Evaluation by The University of Texas At Dallas Academic Senate shall not be interpreted or applied to infringe on tenure, academic freedom, due process, or other protected rights.

VIII. Peer Review Committees

- A. The School Peer Review Committee (SPRC) is appointed by the Dean in accordance with an election by secret ballot with a nominations procedure decided by the School and restricted to the tenured faculty in the School. The SPRC is not identical to and may be a different committee than the Faculty Personnel Review Committee as described in Policy Memorandum 75-III.22-3 (which deals with promotion, reappointment, and tenure), though some or all of the members of the SPRC may be members of the Faculty Personnel Review Committee. But in all cases, the SPRC will be an elected body.
- B. The Committee on Faculty Standing and Conduct is appointed by the President from nominations submitted by the Committee on Committees and confirmed by the Academic Senate (Handbook of Operating Procedures, Title III, Chapter 21 Faculty Governance, IV.A.1.b and IV.B.1.c.(5)).