

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,

component 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 performance evaluation of tenured faculty. Institutional policies 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 Scheduled Reviews. Evaluation of tenured faculty will 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 Responsibilities Reviewed. The evaluation shall include review of the faculty member's professional responsibilities in teaching, research, service, patient care, and administration.
- 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 Material Submitted. The faculty member being evaluated shall submit a résumé, 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 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, but in any event must be reported to the chair (or equivalent) and dean for review. Evaluation shall include review of the current résumé, student 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 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. Possible uses of the information contained in the report should include the following:

- (a) For individuals found to be performing well, the evaluation may be used to determine salary recommendations, nomination for awards, or other forms of performance recognition.
- (b) For individuals whose performance indicates they would benefit from additional institutional support, the evaluation may be used to provide such support (e.g., teaching effectiveness assistance, counseling, or mentoring in research issues/service expectations).
- (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* Series 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.

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

None

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

December 10, 2004

9. Contact Information

Questions or comments regarding this rule should be directed to:

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