

UNIVERSITY OF HOUSTON-CLEAR LAKE-POST TENURE PERFORMANCE REVIEW

Policy FSEC. 1998.001

Previously reviewed and approved by University Council April 9, 1998

Approved by UHS Board of Regents April 16, 1998

(1.0) Purpose

This policy details the University of Houston-Clear Lake's compliance with Section 51.942 of the Texas Education Code and with the University of Houston System Board of Regents Policy on Post-Tenure Performance Review.

(1.1) Policy

Under the existing University of Houston-Clear Lake (UHCL) Comprehensive Annual Faculty Review Policy (Section 5.0 of the UHCL Faculty Handbook), both tenured and untenured faculty are reviewed each year in the areas of teaching, research, service, and/or administration based upon the faculty

member's job description and workload commitment. The Dean (or the Dean's designee) may choose to meet with a faculty member to review the faculty member's activities, as well as to provide the opportunity for the faculty member to discuss projected activities. This post-tenure performance review policy extends the existing policies by isolating and further defining those provisions specifically related to post-tenure performance review. The provisions of this policy are directed toward the professional development of the faculty member as indicated in Section 51.942 of the Texas Education Code.

(1.2) Performance Standards

Each college shall develop, maintain, and publish a statement of standards by which the performance of all faculty is evaluated. The following guidance is provided for the development of college standards:

1. College standards for post-tenure performance review should embrace the entire scope of faculty contributions. Differences in faculty commitments and assignments within the college and university should be recognized. College standards should typically address:
 - the individual's effort and effectiveness in contributing to the university's instructional mission;
 - the individual's activity in and contributions to the academic discipline; and
 - the individual's contributions to the collective life of the program, college, and university.
2. College statements must affirm support for the basic principles of academic freedom and should express tolerance for minority opinions, dissent from professional orthodoxies, and honest and civil disagreement with administrative policy, protocol, and actions. According to the University of Houston System Board of Regents Policy on Post-Tenure Performance Review, the implementation of a post-tenure performance review policy will not result in compromising academic freedom. Academic freedom is defined in Section 8.1 of the Faculty Handbook.

(1.2.1) Performance Notification

All tenured faculty members will receive written notification by September 30 of the academic year preceding the post-tenure performance review.

(1.2.2) Dismissal Policy

The Dismissal of Faculty Members with Tenure and Special or Probationary Appointment before the End of the Specified Term of Appointment Policy (Section 5.4 of the Faculty Handbook) and University of Houston System Faculty Dismissal Policy (Section 5.6 of the Faculty Handbook) describe causes for dismissal of a faculty member.

Nothing in this policy shall be construed to prevent the university from invoking any of the provisions of the Dismissal of Faculty Member with Tenure and Special or Probationary Appointment before the End of the Specified Term of Appointment Policy (Section 5.6 of the Faculty Handbook).

(1.3) Procedures

Comprehensive post-tenure performance reviews will be conducted according to the performance standards established by each college. The post-tenure performance review must be conducted every six years by a post-tenure performance review committee. A faculty member may choose to undergo the post-tenure performance review process earlier than every six years. If the Dean perceives that the faculty member's performance according to college standards is "unsatisfactory", then the Dean shall initiate the post-tenure performance review process.

(1.3.1) Unsatisfactory Performance

A finding of "unsatisfactory" performance on the post-tenure performance review in the area of teaching or "unsatisfactory" performance in the areas of both research and service will result in a tenured faculty member's being rated "unsatisfactory." "Unsatisfactory" performance is the equivalent of "incompetency" or "continuing or repeated substantial neglect of professional responsibilities" as contained in Section 51.942 of the Texas Education Code.

(1.3.2) Peer Review of Post-Tenure Performance for Faculty

An elected college first stage post-tenure performance review committee(s) of tenured faculty must review 1) all faculty with due dates in any particular year; 2) all faculty choosing to undergo post-tenure performance review; and 3) those faculty members required by the Dean to have post-tenure performance review. Such committee will review the last six years of annual evaluations and any other materials deemed appropriate by college policy. If this first stage committee considers the faculty member not to be at risk, then the faculty member's review is complete and the faculty member is not required to undergo post-tenure performance review for another six years. Those faculty deemed to be potentially at risk by such committee will then have a second stage post-tenure performance review committee which can be determined in one of two ways by the faculty member:

1. the post-tenure performance review committee can be set up in the same manner as a tenure committee in the college; or
2. a seven-member committee can be established. Four of the members are chosen based upon the procedures for selecting faculty members for the tenure committee in the college and one faculty member elected from each of the other three colleges. The committee will weigh the faculty member's contributions to the discipline, the program, the college, and the university through teaching, research, and service as compared to the standard adopted and applied by the college. The committee will prepare a summary of its determination of "satisfactory" or "unsatisfactory" performance. The post-tenure performance review process may result in one of the following recommendations/findings:
 1. Certification of satisfactory performance;
The second stage post-tenure performance review committee may conclude that the faculty member's competence and/or professional contributions meet the college's standards for satisfactory performance. The review is then complete. The faculty member is not required to undergo post-tenure performance review for another six years.
 2. Certification of unsatisfactory performance;
The second stage post-tenure performance review committee may concur that the faculty member's competence and/or professional contributions are unsatisfactory to meet the college's standards. If after careful review the Senior Vice President and Provost does not agree with the recommendation of unsatisfactory performance by the committee, then the review is complete by the committee and the faculty member is not required to undergo another post-tenure performance review for another six years. The final decision regarding the faculty member's performance is the responsibility of the Senior Vice President and Provost.

(1.3.3) Faculty Development Plan

If the Senior Vice President and Provost sustains the recommendation of unsatisfactory performance, the second stage post-tenure performance review committee alone will create a professional development plan after consultation with the faculty member and the Dean. The committee shall specify, in writing, the deficiencies it has noted, specific goals and measurable outcomes the faculty member must achieve, resources recommended, and a timeline for meeting the goals. The length of the faculty development plan is from one to three years to be determined by the second stage post-tenure performance review committee. The plan will be forwarded to the Dean for review and submission to the Senior Vice President and Provost, whose signature signifies approval. Upon approval, the plan goes into effect. The

Dean (or Dean's designee) will meet with the faculty member at least twice annually to review the individual's progress. The Dean will prepare a summary report following each meeting.

Additionally, at the end of each year, the second stage post-tenure performance review committee has to review the faculty member's progress and make one of the following three findings:

- a. Satisfactory completion of the plan. This finding will be accompanied by a recommendation that the faculty member is performing at least at a “satisfactory” level. The faculty member is not required to undergo another post-tenure performance review for another six years.
- b. Satisfactory progress in meeting the goals of the professional development plan. This finding will be accompanied by a recommendation to continue the professional development plan.
- c. Unsatisfactory progress in meeting the goals of the professional development plan. This finding will be accompanied by a recommendation of revocation of tenure or other appropriate disciplinary actions.

(1.3.4) Due Process and Grievance Procedures

Before a faculty member may be subject to any disciplinary action on the basis of performance evaluations, notice of specific charges and an opportunity for a hearing on those charges must be provided in accordance with the Faculty Grievance Policy and Procedure (Section 9.0 of the Faculty Handbook). A faculty member subject to revocation of academic tenure on the basis of performance evaluations also has the opportunity for referral of the matter to a nonbinding alternative dispute resolution process as described in Chapter 154, Civil Practice and Remedies Code. If both parties agree, another type of alternative dispute resolution method may be elected. This policy does not supersede the rights of the faculty member articulated in the University of Houston- Clear Lake Faculty Handbook.