

Memorandum of Administrative Policy Post-Tenure Performance Review

Area: Academic Affairs

Section: Faculty Evaluation, Promotion, and Tenure

Number: 03.A.03 AP

Purpose and Scope

All faculty at UHCL are required to undergo a comprehensive, annual faculty performance review appropriate to the type of faculty appointment, academic rank, academic discipline, and career stage of the individual faculty member. Tenured faculty members, however, typically hold roles and responsibilities in three overlapping professional domains— (1) teaching and educational activities, (2) research, scholarly, or artistic activities, and (3) service.

The Post-Tenure Performance Review policy establishes a process for evaluating the performance of tenured faculty, identifying tenured faculty who fail to meet the minimum expectations for their contracted professional responsibilities, and providing those individuals with a clear path to return to the performance and productivity levels expected of them by their academic unit and the university. In addition, this policy details which faculty review bodies and academic administrators are responsible for keeping track of faculty performance and, if necessary, developing, implementing, monitoring, and evaluating any subsequent professional development plan. Finally, this policy describes the possible outcomes of Post-Tenure Performance Review's Enhanced Performance Evaluation process and the potential administrative actions that may be taken once that process is fully complete.

As prescribed in §51.942 of the Texas Education Code and defined in UHS BOR Policy 21.11, this

policy and the procedures it describes are directed toward the professional development of the faculty member and grounded in three principal academic values: peer review, academic freedom, and due process.

1. Definitions:

1.1. Annual Faculty Review [AFR]: AFR refers to the comprehensive annual evaluation of faculty performance in the three professional domains of (1) teaching and educational activities, (2) research, scholarly, or artistic activities, and (3) service. AFR yields annual ratings in each professional domain which may indicate deficiencies in faculty performance that necessitate a mandatory enhanced performance evaluation and professional development plan.

1.2. Post-Tenure Performance Review [PTPR]: PTPR refers to the ongoing, comprehensive performance evaluation of tenured faculty. PTPR provides a uniform framework, process, and set of procedures to be followed for ensuring that the performance and productivity of a tenured faculty member over multiple annual review periods continues to satisfy expectations for their contracted professional responsibilities following the award of tenure. This includes monitoring comprehensive AFR reports, identifying when the outcomes of those AFR reports require a faculty member to undergo a supplemental Enhanced Performance Evaluation process, and conducting that process.

1.3. Enhanced Performance Evaluation [EPE]: EPE is a process within PTPR triggered (under conditions specified below) by repeated performance that does not meet expectations in one or more of the three professional domains of (1) teaching and educational activities, (2) research, scholarly, or artistic activities, and (3) service. EPE is a peer review process that examines recorded deficits in faculty performance over and assists

faculty in returning to acceptable levels of performance through the creation and completion of a professional development plan.

- 1.4. Professional Development Plan [PDP]: PDP refers to the written plan for addressing performance deficits identified through the EPE process, created in collaboration between the EPE committee, the tenured faculty member under review, and the tenured faculty member's Professional Development Plan Supervisor.

- 1.5. Professional Development Plan Supervisor [PDPS]: After the EPE Committee has created its initial recommendations for an EPE process, the PDPS works with the tenured faculty member and EPE Committee to supervise the creation and completion of the PDP. The default PDPS will be the tenured faculty member's Department Chair. The tenured faculty member and their Department Chair, however, both have the right to request that their Dean appoint a substitute (either the Associate Dean or a different Department Chair in the college) for the PDPS role. This request may be made for any reason. If the tenured faculty member or their Department Chair wish to make such a substitution, they will submit their request to the Dean in writing within five working days after transmission of the EPE Committee's final recommendations. The Dean will appoint a substitute for the tenured faculty member's Department Chair within five working days of receiving such a request. The PDPS's rank must be equal or higher than the rank of the tenured faculty member under review. If the Department Chair holds a lower rank than the tenured faculty member under review, the Dean will appoint a substitute automatically.

Performance Standards

Each college shall develop, maintain, and publish an AFR policy that clearly defines the performance and productivity expectations for all faculty. College AFR policies will rate a faculty

member's performance in the three separate professional domains of (1) teaching and educational activities, (2) research, scholarly, or artistic activities, and (3) service each year. The AFR policy must clearly define the performance and productivity standards for each rating designation. These standards should embrace the entire scope of faculty contributions in the three professional domains, and account for differences in faculty commitments and assignments within the college and university. College AFR policies and standards, moreover, must be consistent with standards for promotion and tenure, as well as the university's faculty workload policy.

The lowest possible rating on a college's AFR rating scale will be called "does not meet expectations." A "does not meet expectations" rating indicates that a faculty member has not met the minimum expectations for performance and productivity within a given professional domain for the annual review period.

Criteria for Initiating an Enhanced Performance Evaluation

The criteria used to initiate a mandatory EPE process will be based solely on the outcome of the standard AFR. Within each college, the Dean (or Dean's designee) will track submissions of AFR reports and each faculty member's AFR ratings. The Dean (or Dean's designee) will initiate a mandatory EPE process if a tenured faculty member receives a "does not meet expectations" AFR rating in any of the three categories of Teaching and Educational Activities; Research, Scholarly, or Artistic Activities; or Service.

Enhanced Performance Evaluation Notification and Committee Formation

If a tenured faculty member's AFR ratings meet the criteria for triggering a mandatory EPE, the Dean (or Dean's designee) will formally notify the faculty member and Provost of this determination in writing immediately. The EPE may run concurrent with the proceedings of faculty appeals to AFR ratings. Once the Dean (or Dean's designee) initiates an EPE, an EPE

faculty committee will form to oversee the administration of the EPE process. Committee membership can be determined in one of two ways by the tenured faculty member undergoing review:

1. The EPE committee can be set up in the same manner as a promotion and tenure committee, or
2. The EPE committee can be set up as a seven-member committee with four of the members chosen based upon the procedures for selecting faculty members for a promotion and tenure committee in the college and one additional faculty member selected from each of the other three colleges or from other programs within the same college.

Enhanced Performance Evaluation Process

1. **Determining Whether to Proceed with an EPE:** The EPE committee will review all relevant AFR materials generated, including applicable policies, AFR reports submitted by the tenured faculty member, final AFR scores and evaluation narratives produced by the Department Chair. Any materials involved in an AFR appeal will also be provided to the committee, and if an appeal succeeds in removing the triggering rating of “Does Not Meet Expectations”, the EPE process will end. The committee may request materials from additional years, if needed. After a thorough and judicious review of the AFR materials, the committee must decide whether the criteria for initiating an EPE process have been appropriately met. The committee's decision shall be communicated in a detailed, written report that explains the basis of their determination. The chair of the committee will submit this report along with the tenured faculty member's AFR materials to the Provost, and copy the tenured faculty member, Department Chair, and Dean.

The Provost will review the EPE committee's report to make a final determination about

whether the criteria for initiating an EPE process have been met. The Provost will transmit their decision in writing to the tenured faculty member, Department Chair, chair of the EPE committee, and Dean within 15 working days of receiving the EPE report for review.

If the Provost decides the criteria for initiating an EPE process have not been met, then the faculty member's EPE is complete and their future post-tenure performance review will be based on AFRs completed subsequent to this EPE. If the Provost decides the criteria for initiating an EPE process have been met, then the tenured faculty member may grieve the Provost's decision, as specified in the UHCL Faculty Grievance Policy.

2. Creating Initial Recommendations: Once the decision has been made to proceed with an EPE process, the EPE committee will be responsible for creating a set of initial recommendations about how the overall process will be implemented. These recommendations will be based on relevant department, college, and university policies concerning performance and productivity expectations appropriate to the academic discipline, rank, and career stage of the tenured faculty member. The committee's initial recommendations will include the following elements:

- 2.1. Identification and description of the specific deficits to be addressed by the tenured faculty member during the EPE process;

- 2.2. Definition of specific, objective success measures that will be used to judge whether the tenured faculty member has successfully remediated the identified performance deficits;

- 2.3. Determination of a reasonable time period for the tenured faculty member to successfully accomplish the required remediation and complete the EPE process. For teaching and service deficiencies, a typical PDP will be complete by the end of the

calendar year in which it is put into place. For research deficiencies, a PDP may take up to a maximum of three years and will have intermediate milestones at least annually. The EPE committee will ensure adequate progress on an annual basis.

- 2.4. Identification of any resources that the tenured faculty member might reasonably expect to be provided to the committee in order to successfully remediate the performance deficits identified.

The committee chair will share the initial written recommendations with both the tenured faculty member and the Department Chair so both parties may provide feedback to the committee to correct any matters of fact, provide any additional pertinent information, or address any questions or concerns they may have. Feedback from the tenured faculty member or Department Chair must be provided to the committee within five working days of receiving the initial recommendations, although either party may choose to omit this step by informing the committee chair of their decision in writing.

After the committee has considered any feedback or suggested modifications to their initial recommendations, the committee will formally submit their final recommendations to the Dean for review and approval. The committee's final recommendations shall include copies of any comments received from the tenured faculty member or the Department Chair, as well as a rationale for why the committee decided to incorporate or not incorporate any suggested modifications from either party into their final recommendations. The final committee recommendations approved by the Dean shall be transmitted to the tenured faculty member, the Department Chair, and the Provost.

3. Creating the PDP: After transmission of the EPE Committee's final recommendations, the tenured faculty member and their Department Chair both have the right to request that their Dean appoint a substitute (either the Associate Dean or a different Department Chair

in the college) for the PDP Supervisor (PDPS) role. This request may be made for any reason. If the tenured faculty member or their Department Chair wish to make such a substitution, they will submit their request to the Dean in writing within five working days after transmission of the EPE Committee's final recommendations. The Dean will appoint a substitute for the tenured faculty member's Department Chair within five working days of receiving such a request.

Based on the final approved recommendations developed by the EPE committee, the PDPS, who will be responsible for overseeing a tenured faculty member's PDP, shall work collaboratively with the tenured faculty member to jointly develop a detailed, written PDP designed to address the performance issues identified by the EPE committee. The expectation is that PDPs for teaching and service deficiencies will be simple: quickly return to an acceptable quality of instruction and participation in campus and professional service responsibilities. The nature of research and creative activity make expectations for PDPs in these areas more varied and complex depending on the circumstances surrounding each individual case. However, in order to ensure that there is no ambiguity as to expectations, responsibilities, and outcomes required for the tenured faculty member to successfully complete their PDP, the PDP shall at a minimum contain the following elements that explicitly map back to the final approved recommendations from the EPE committee:

- 3.1. A detailed description of the specific steps or actions to be undertaken by the tenured faculty member relative to remediating their performance during the course of their PDP;
- 3.2. A list of explicit outcomes and/or success metrics which the faculty member must meet in order to successfully complete the terms of the PDP;
- 3.3. An overall timeline for executing the PDP, including any specific deadlines for

completion of individual remediation steps or actions required during the course of the PDP, and a final date by which the PDP must be fully completed;

- 3.4. A description of any resources that the tenured faculty member might reasonably expect be provided to them in order to successfully complete the terms of the PDP, including how and when those additional resources will be provided during the course of the PDP;
- 3.5. A timeline for the tenured faculty member to receive formal written feedback from their PDPS regarding their progress towards successful completion of their PDP, which must be provided once per long semester until the PDP is complete.

Once the terms of the PDP have been jointly agreed upon by the tenured faculty member and their PDPS, the PDP shall be reviewed and approved by the Dean. Approval of the final PDP by the Dean shall be contingent on the Dean agreeing that the final approved recommendations originally provided by the EPE committee have been fully addressed by the terms and conditions of the PDP. The Dean will submit the approved PDP to the Provost for final review and approval within five working days after the Dean has received the PDP.

Once reviewed and approved by the Provost, a copy of the final approved PDP will be transmitted to the tenured faculty member. The tenured faculty member is required to acknowledge that they fully understand the terms and conditions of their approved PDP by returning a signed copy to the Provost, Dean, Department Chair, and PDPS within five working days. Those tenured faculty members participating in an approved PDP shall continue to also receive feedback on their performance through the typical AFR process.

Tenured faculty members are expected to fully participate and comply with the terms of their approved PDP. Willful non-compliance by the tenured faculty member with the terms of an approved PDP as well as failure to cooperate in jointly developing the PDP may result

in the tenured faculty member being subject to disciplinary action based on neglect of their professional responsibilities as described in the UHS BOR Policy 21.07 Faculty Dismissal. Willful non-compliance means intentional failure or refusal to comply or participate.

4. Changing the Terms and Conditions of an Ongoing PDP: Situations when a change to an ongoing approved PDP may be allowable include, but are not limited to, circumstances beyond the control of the tenured faculty member. In such cases, the tenured faculty member is required to provide relevant documentary evidence supporting their request. Where such documentary evidence involves protected personal information, all reasonable care must be taken to prevent the unauthorized disclosure of such protected personal information beyond the tenured faculty member's PDPS, Dean, and the Provost.

Any request made by a tenured faculty member to change the terms, conditions or timelines contained in an ongoing approved PDP must provide details on the specific changes being proposed and be supported by their PDPS. Any changes shall be reviewed and approved by the EPE committee to ensure that the proposed changes do not impact the overall intent and desired outcomes of the PDP originally recommended by the EPE committee. Protected personal information provided by the tenured faculty member supporting their request to change the terms and conditions of their approved PDP shall not be shared with the EPE committee.

All PDP change requests are subject to review and approval of the Dean, with final review and approval by the Provost. After final approval by the Provost, copies of the modified approved PDP will be transmitted to the tenured faculty member, PDPS, Department Chair, EPE committee, and Dean.

5. Discontinuing the EPE Process: During any stage of an ongoing EPE process, the tenured faculty member may choose to meet with their PDPS, Department Chair, and Dean to

discuss options for discontinuing the EPE process. Under such circumstances, the tenured faculty member may choose to negotiate terms related to either of the following options with their Department Chair and Dean, subject to final approval by the Provost:

- 5.1. If aligned with the programmatic needs of the academic unit and approved by the Dean and Provost, the tenured faculty member may immediately and irrevocably resign from their tenured faculty position, and simultaneously be appointed as a non-tenure track (NTT) faculty member at the equivalent academic rank (i.e. senior lecturer, clinical associate professor, or clinical professor) with an initial appointment term of 3 years. The roles, responsibilities and compensation associated with such an NTT faculty appointment shall be approved by the Dean and Provost, and must be aligned with those of similar NTT faculty members at the same rank in the academic unit as described in the UHCL Faculty Handbook.
- 5.2. If eligible, the tenured faculty member may choose to immediately and irrevocably retire from their tenured faculty position, and simultaneously enter a voluntary modification of employment contract not to exceed 0.5 full time effort (FTE), as defined in the UHCL Faculty Handbook.

Regardless of which option for discontinuing the EPE process is mutually agreed upon, the terms of this agreement shall be captured in writing, acknowledged and signed by the tenured faculty member, and approved by both the Dean and the Provost.

6. Completing the PDP: At the conclusion of an approved PDP, the tenured faculty member shall prepare a written final PDP outcomes report detailing how they believe they have met the specific terms, conditions, and required outcomes of their approved PDP, which shall be submitted to the PDPS within 30 calendar days after the final date to fully complete the PDP.

The PDPS will review the tenured faculty member's final PDP outcomes report and prepare an independent written evaluation concerning whether or not the tenured faculty member has met the terms of their approved PDP. This evaluation, along with copies of the final approved PDP, the tenured faculty member's final PDP outcomes report, and all written feedback provided by the PDPS to the tenured faculty member during the course of their PDP, will be transmitted to the chair of the EPE committee and the tenured faculty member within 15 working days after the PDPS received the PDP outcomes report from the tenured faculty member.

If for whatever reason the EPE committee has lost any of its original members by the time a PDP is completed and submitted for review, eligible replacement faculty members shall be selected for the committee according to the same procedures used for forming the original committee. The EPE committee shall conduct an independent review of the PDP materials and prepare a final written recommendation and vote tally indicating whether or not the tenured faculty member has successfully completed their approved PDP. This recommendation will be submitted to the Dean, and copied to the tenured faculty member and their PDPS within 30 calendar days of the EPE committee receiving the PDP materials.

If after review the Dean agrees with the EPE committee's final recommendation, the Dean will submit the PDP materials, the EPE committee's final recommendation, and the Dean's approval to the Provost for final review and approval. Alternatively, if after review the Dean disagrees with the EPE committee's final recommendation, the Dean will submit the PDP materials, the EPE committee's recommendation, and their dissenting opinion to the Provost for final review and approval. Under either circumstance, these materials will be submitted to the Provost, and copied to the tenured faculty member, PDPS, Department Chair, and the chair of the EPE committee, within 15 working days of the Dean receiving the EPE committee's final recommendation.

The Provost will then conduct an independent review of all written materials related to the EPE process, including the initial EPE committee recommendations, the completed PDP materials, the EPE committee’s final recommendation, and the Dean’s approval or dissenting opinion regarding those final recommendations. After review, the Provost will make a determination as to whether or not the EPE process was conducted appropriately, and whether or not the tenured faculty member successfully completed the terms and conditions of their PDP. The Provost will transmit their decision in writing to the tenured faculty member, PDPS, Department Chair, chair of the EPE committee, and Dean, within 15 working days of the Provost receiving the EPE materials for review.

If the decision of the Provost is that the EPE process was conducted appropriately, and that the tenured faculty member successfully met the terms and conditions of their approved PDP, the tenured faculty member will immediately revert to the typical level of annual performance review required under college and university AFR policies and their future post-tenure performance review will be based on AFRs completed subsequent to this EPE.

If the decision of the Provost is that the EPE process was conducted appropriately, but the tenured faculty member failed to meet the terms and conditions of their approved PDP, the Provost reserves the right to pursue dismissal for cause charges against the tenured faculty member based on “substantial or manifest neglect of their professional or academic responsibilities” as per the policies and procedures defined in UHS BOR Policy 21.07 Faculty Dismissal and the UHCL Faculty Handbook. The Provost also reserves the right to pursue dismissal for cause charges against the tenured faculty member without the EPE process based on “substantial or manifest neglect of their professional or academic responsibilities” as per the policies and procedures defined in UHS BOR Policy 21.07 Faculty Dismissal and the UHCL Faculty Handbook. The tenured faculty member may grieve the Provost's decision, as specified in the UHCL Faculty Grievance Policy, within five working days of

receiving notification from the Provost.

After review of the case (following the procedure and timeline for formal grievances specified in the UHCL Faculty Grievance Policy), the University Grievance Committee will provide their recommendations to the President regarding whether or not the committee believes that the EPE process was conducted appropriately, and whether or not the committee believes that the tenured faculty member successfully met the terms and conditions of their approved PDP.

Within 15 working days of receipt and consideration of the Grievance Committee and Provost's recommendations, the President will make a final decision concerning whether or not the tenured faculty member has successfully completed their approved PDP, and notify the tenured faculty member, PDPS, Department Chair, chair of the EPE committee, Dean, and the Provost of that decision.

If the final decision of the President is that the tenured faculty member failed to meet the terms and conditions of their approved PDP, the President will inform the tenured faculty member, PDPS, Department Chair, chair of the EPE committee, Dean, and the Provost of that decision and the case will revert to the Provost. Provost reserves the right to pursue dismissal for cause charges against the tenured faculty member based on "substantial or manifest neglect of their professional or academic responsibilities" as per the policies and procedures defined in UHS BOR Policy 21.07 Faculty Dismissal and the UHCL Faculty Handbook.

Review and Responsibilities

This policy will be reviewed by The Office of The Provost and Faculty Senate every five years or sooner, if warranted.

Responsible Parties: Senior Vice President of Academic Affairs and Provost & Faculty Senate

Review: Every 5 years, on or before September 1

Revision Log

Revision Number: 1

- Approval Date: 04/16/1988
- Description of changes: Policy Created & Approved

Revision Number: 2

- Approval Date: 01/11/2023
- Description of changes: Comprehensive policy revision to try and get ahead of SB18.

Revision Number: 3

- Approval Date: 02/29/2024
- Description of changes: Additional revisions to conform to actual SB18. Major ones are performance plans of less than one year for teaching/service, but up to three years (with annual milestones) for research.

Approval

Approved by:

/Dr. Christopher Maynard/

Senior Vice President of Academic Affairs and Provost

/Dr. Richard Walker/

President

February 29, 2024

Date