**Performance Evaluation of Continuing AA/PPS No. 04.02.10**

**Faculty and Post-Tenure Review Issue No. 3**

 **Revised Date: 04/04/2024**

 **Effective Date: 12/18/2023
 Next Review Date: 09/01/2028 (E5Y)**

**Sr. Reviewer: Provost and Executive Vice President for Academic Affairs**

**POLICY STATEMENT**

***Texas State University is committed to effective performance evaluation processes and outcomes for faculty.***

**01. PURPOSE**

01.01 All continuing faculty will be evaluated annually by their academic department or school. The evaluation, which covers the preceding calendar year, must be completed by March 1. Continuing faculty include tenure-line faculty (i.e., tenured and tenure-track), lecturers and senior lecturers, faculty of practice, clinical faculty, research faculty, and instructional faculty at all ranks, and 50% percent+ FTE program faculty. Academic administrators who hold a faculty appointment but serve in staff positions will be reviewed on their assigned duties and responsibilities, commensurate with their staff position.

01.02 The purposes of annual faculty evaluation are to provide guidance for meaningful faculty development; to identify, reinforce, and share the strengths of faculty; and to identify opportunities for strengthening the role and contributions of faculty members. The evaluation is based on objective, measurable, and consistently applied criteria and provides information that may be used in tenure and promotion recommendations, in the awarding of performance and merit raises, and in decisions regarding the retention of faculty or of tenure itself.

01.03 The annual evaluation of continuing faculty is the responsibility of shared governance, a duty of department chair/school directors, academic unit personnel committees, and college deans. The performance evaluation process is implemented in the Faculty Qualification system.

\*01.04 Texas State University is an Equal Employment Opportunity/Affirmative Action Employer, committed to varied thought and action in support of our dynamic community. Equal employment opportunity and affirmative action include personnel transactions of recruitment, employment, training, upgrading, promotion, demotion, termination, and salary.

**02. DEFINITIONS**

02.01 For the purposes of this policy, the following definitions apply:

a. Voting personnel committee members are tenured faculty members or other faculty in the unit as determined by the academic unit policy who:

1. hold academic rank in a department at a rate of 50 percent or more and who do not hold an administrative appointment outside of their college;
2. have at least one year of service at Texas State since the official start date of the faculty appointment; and

3) have taught eight sections of courses at the college or university level. Tenured faculty who meet only the first provision will serve as non-voting members of the personnel committee until they have met all three requirements.

b. Neglect of duty means continuing or repeated substantial neglect of professional responsibilities (see [Education Code, Section 51.942](https://statutes.capitol.texas.gov/Docs/ED/htm/ED.51.htm)).

c. Faculty employed on a 50 percent FTE or higher basis in an appointment with tenure, in a tenure-track appointment, or in a non-tenure liner appointment, including program faculty, are evaluated under this policy.

**03. ACADEMIC UNIT POLICY**

03.01 Each department will have a policy regarding the performance expectations and evaluation of faculty based on objective, measurable, and consistently applied criteria. The policy will include a definition of criteria and appropriate instruments, and it will specify the relative importance assigned to the various criteria for each major decision affecting faculty. If the academic program requires faculty to have a current job-related state, federal, or university license, certification, or other credentials (LCC), this requirement must be stated in the performance policy. The policy will also include a review of the faculty member’s compliance with policies, procedures, and work rules.

03.02 The policy will specify the sources upon which the chair/school director and academic unit personnel committee will base their peer review and ultimate judgments of performance. Depending on the discipline, scholarly/creative activities can take multiple years to come to fruition. Hence, the policy may specify a longer period of evaluation (e.g., a three-year rolling average). The sources may include a combination of evaluations suitable to the department, such as a self-evaluation by the faculty member; evaluations by administrators, peers, and students; and evaluations from those outside the department and from other sources. Each policy will provide for an anonymous student evaluation of the teaching of all faculty at least once a year. Each policy will provide an explicit description of the level of performance necessary to meet academic unit expectations, including annual verification of current LCCs, if applicable to the program.

1. Expectations for tenured and tenure-track faculty normally will include clearly documented evidence of high-quality teaching, sustained peer-reviewed scholarly and creative activity, and sustained university and professional service.
2. Expectations for continuing non-tenure line faculty normally include clearly documented evidence of high-quality teaching, peer-reviewed scholarly and creative activity where applicable, and university and professional service where applicable.
3. For those disciplines where applicable, external, and internal funding activities, patents, and commercialization of research may be considered.
4. Each policy will provide the opportunity for faculty members to review and add written comments to their own annual evaluations before they are finalized in Faculty Qualifications system, placed officially in academic unit personnel files, or sent forward for performance and merit considerations or other actions. The only exception is for faculty members in their first year who are not reappointed.

03.03 The policy will be developed by an academic unit committee that includes representatives from tenured faculty, continuing non-tenure line faculty, and tenure-track faculty, and it must be approved by the academic unit personnel committee, the chair/school director, the college dean, and the provost and executive vice president for Academic Affairs (EVPAA). The chair/school director is responsible for providing all faculty with a copy of the policy and ensuring that it is fully implemented. At a minimum, all tenure-track and tenured faculty will be evaluated for teaching, service, and research/scholarly/creative activities commensurate with current professional responsibilities by the Personnel Committee and chair/director annually.

03.04 The policy must be reviewed, revised if necessary, and reapproved every five years. A [Compliance Certification form](https://facultyresources.provost.txst.edu/forms.html) must be completed and routed to the Office of the Provost and Executive Vice President for Academic Affairs.

**04. PROCEDURES FOR PERFORMANCE EVALUATIONS, TENURE, AND PROMOTIONS**

04.01 Annual academic unit evaluations of faculty will form part of a faculty member's file for tenure or promotion decisions.

04.02 Specific guidelines for evaluating tenure-track faculty are found in [AA/PPS No. 04.02.01](http://policies.txstate.edu/division-policies/academic-affairs/04-02-01.html), Development/Evaluation of Tenure-Track Faculty, and policy and procedures for tenure and promotion are found in [AA/PPS No. 04.02.20](http://policies.txstate.edu/division-policies/academic-affairs/04-02-20.html), Tenure and Promotion Review. Laws of the state of Texas concerning the evaluation of tenured faculty are found in [Education Code, Section 51.942](https://statutes.capitol.texas.gov/Docs/ED/htm/ED.51.htm).

**05. PROCEDURES FOR RETENTION, PERFORMANCE, AND MERIT**

05.01 The annual academic unit performance evaluation of faculty is the direct source of decisions regarding the retention of faculty, merit increases, and salary adjustments. In evaluating performance, the academic unit personnel committee, chair/school director, and college dean will consider the academic unit policy, the faculty member's contributions in the context of academic unit, college, and institutional needs and goals, and the faculty member's assigned workload duties, past performance, and career path.

05.02 Faculty who meet or exceed academic unit performance expectations as determined by the annual evaluation process will be eligible for reappointment.

**06. PROCEDURE FOR FAILURE OF NON-TENURED FACULTY TO MEET**

**EXPECTATIONS**

06.01 For tenure-track faculty in their probationary period or continuing non-tenure line faculty, a failure to meet academic unit expectations will cause the department to consider whether reappointment is warranted. If the department determines that a non-tenured faculty member is not to be retained, it will give appropriate notice to the faculty member. If the faculty member is to be retained, the chair/school director will provide the faculty member with specific written suggestions for improvement.

**07. PROCEDURES FOR FAILURE OF TENURED FACULTY TO MEET EXPECTATIONS**

07.01 Determining failure to meet expectations in teaching, service, or research/scholarly/creative activities or other professional responsibilities as defined by academic unit policy:

a. After the regular annual performance evaluation of faculty is complete, if the department process finds that a faculty member may have failed to meet academic unit expectations, the chair/school director will inform the affected faculty member in writing and invite the faculty member to meet and discuss the evaluation. This notice should be given within three business days of completion of the annual performance evaluation. The meeting between the chair/school director and the faculty member should be conducted within six business days after the faculty member receives the chair/school director's written notification. If the faculty member chooses not to meet with the chair/school director, the faculty member should notify the chair/school director in writing within the six-day period. The faculty member's failure to respond does not prevent the process from moving forward but may constitute grounds for a charge of insubordination.

b. After discussing the evaluation with the faculty member, if the chair/school director still finds that the faculty member may have failed to meet academic unit expectations, the chair/school director will call a special meeting to present this finding to the academic unit personnel committee. This meeting should take place no later than six business days after the chair/school director's meeting with the faculty member. The faculty member's failure to meet with the chair/school director does not prevent the process from moving forward but may constitute grounds for a charge of insubordination.

c. The chair/school director will present the evaluation and its supporting documentation to the personnel committee. The affected faculty member and an advocate may be present, may address the personnel committee, and may provide additional evidence related to their performance.

d. The academic unit personnel committee will discuss the evidence provided by the chair/school director and the faculty member. The faculty member will not be present during this discussion; the chair/school director will preside in a non-voting capacity. The academic unit personnel committee will choose a recorder who is responsible for minutes of the deliberations.

e. The academic unit personnel committee may decide to gather additional information before making a judgment on the faculty member's performance. Such additional information, if required by the academic unit personnel committee, should be provided, and the personnel committee should reconvene and make its decision within 10 business days after the first academic unit personnel committee meeting regarding the issue.

f. Once the relevant information is gathered, the academic unit personnel committee will vote by secret ballot as to whether the faculty member has failed to meet academic unit performance expectations. The affected faculty member will not be present for the vote. A finding of nonperformance requires the vote of a quorum of the members of the academic unit personnel committee present at the meeting, excluding the chair/school director. The chair/school director must concur in a finding of failure to meet performance expectations. In the event the personnel committee and chair/school director have a split vote, the college dean will be the final decision authority on determining if the faculty member has failed to meet expectations in any area of their professional responsibilities.

g. If the faculty member is judged to have failed to meet performance expectations in any area of their professional responsibilities by both the academic unit, personnel committee and chair/school director, the chair/school director and faculty member, in consultation with the academic unit personnel committee, will design a professional development plan to help the faculty member meet academic unit expectations in the future. The academic unit personnel committee recorder will initiate the [Post-Tenure Review](http://gato-docs.its.txstate.edu/provost-vpaa/office-pps-files/pps8/PPS8-09Form1.doc), which will include a record of the vote and a list of the faculty voting, then forward it to the chair/school director. The chair/school director will forward the tracking form, the record of the vote, list of voters, the chair/school director's recommendation, and a copy of the professional development plan to the dean of the college within 10 business days of the vote.

h. Within six business days, the college dean should approve or disapprove the academic unit finding that the faculty member has failed to meet expectations. If the dean approves the academic unit finding, the dean should review and approve the proposed professional development plan within the same six business days. If the dean does not approve the finding of failure to meet expectations, the faculty member shall be considered as meeting academic unit performance expectations. Notification of the dean’s decision will be sent to Faculty and Academic Resources.

07.02 Calendar for determining failure of tenured faculty to meet expectations during the annual evaluation process:

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| Date\* | Action |
| Early March | Annual performance evaluation peer review or academic unit leader finds faculty member may have failed to meet expectations in any area of their applicable professional responsibilities, and the chair/school director delivers written notification to the affected faculty member within three business days after completion of evaluation process.  |
| Mid-March | Chair/school director meets with affected faculty member within six business days after written notification.  |
| Late March | Academic unit personnel committee meets to discuss faculty member's performance no later than six business days after chair/school director's meeting with faculty member. |
| Early April | Academic unit personnel committee forwards recommendation regarding faculty member's performance to department chair/school director within 10 business days after initial academic unit personnel committee meeting regarding faculty member's performance. |
| Mid-April | Chair/school director sends academic unit recommendation, tracking form, and professional development plan to the college dean within 10 business days after the academic unit personnel committee vote. |
| Late April | College dean notifies the faculty member and the chair/school director of the decision within six business days after receiving the academic unit recommendation and supporting materials. The faculty member can request a meeting with the dean within six business days after the faculty member receives the dean’s notification. Notification of the dean’s decision will be sent to Faculty and Academic Resources. |

\* The dates for completion of the various steps of the post-tenure review process are designed to indicate a suggested pace to ensure completion of the process by the end of the spring semester.

**08. PROCEDURE FOR THE CREATION OF A PROFESSIONAL DEVELOPMENT PLAN**

08.01 The professional development plan, created by the chair/school director and the faculty member in consultation with the academic unit personnel committee, will be designed to remedy the faculty member's specific performance deficiencies identified in their annual review. The plan may allow for mentoring by other faculty members from within or from outside the department. Normally, mentoring will occur at the faculty member's discretion, although the chair/school director and the dean may require mentoring as a part of this plan. In either case, a reasonable effort should be made to assure that anyone asked to serve as a mentor can undertake these responsibilities in a collegial manner. The professional development plan should include:

* 1. the identification of the specific deficiency or deficiencies to be remedied;
	2. the specific goals and associated timeline the faculty member must achieve in order to meet academic unit expectations;
	3. the specific activities a faculty member must undertake to reach those goals;
	4. a precise method of determining the annual progress or lack of progress toward meeting those goals, as well as any other special processes for providing feedback to the faculty member between annual evaluations; and
	5. a list of the institutional resources, if any, to be committed to support the faculty member's development plan. The list may include, but need not be limited to, providing the faculty member with materials, equipment, classroom space to properly teach their class, and reasonable travel allowances to attend workshops or conferences that would facilitate the faculty member's improvement. However, a reasonable effort on the part of the university does not require any special provision of resources.

**09. PROCEDURES FOR FIRST ANNUAL EVALUATION UNDER THE PROFESSIONAL DEVELOPMENT PLAN**

09.01 Once a professional development plan has been implemented, the faculty member will be evaluated during the following two regular, annual performance evaluation cycles. The annual evaluation will determine progress toward meeting the specific goals established in the professional development plan.

1. After the evaluation process is complete, if the chair/school director concludes that the goals of the plan have been achieved and that performance meets academic unit expectations, the chair/school director will inform the faculty member, the academic unit personnel committee, and the college dean and Faculty and Academic Resources in writing that the affected faculty has met academic unit expectations and is no longer subject to the provisions of the professional development plan. This notice should be given within three business days after completion of the evaluation process.
2. If the chair/school director does not think the faculty member has fulfilled the goals of the professional development plan and still fails to meet academic unit expectations, the following procedures will be followed:
3. Within three business days, the chair/school director will give written notice to the affected faculty member and invite the faculty member to meet and discuss the evaluation and the lack of progress toward meeting the professional development plan. The meeting between the chair/school director and the faculty member should be conducted within six business days after the faculty member receives the chair/school director's written notification. If the faculty member chooses not to meet with the chair/school director, the faculty member should notify the chair/school director in writing within the same six-day period. The faculty member's failure to respond does not prevent the process from moving forward but may constitute grounds for a charge of insubordination.
4. After discussing the evaluation with the faculty member, if the chair/school director still finds that the faculty member may have failed to fulfill the goals of the professional development plan and may still fail to meet academic unit expectations, the chair/school director will call a special meeting to present this finding to the academic unit personnel committee. This meeting should take place no later than six business days after the chair/school director's meeting with the faculty member. The faculty member's failure to meet with the chair/school director does not prevent the process from moving forward but may constitute grounds for a charge of insubordination.
5. The chair/school director will present the recommendation of nonperformance and its supporting documentation to the academic unit personnel committee. The affected faculty member and an advocate have the right to be present, to address the academic unit personnel committee, and to provide additional evidence related to their performance.

4) Within six days after the chair/school director’s meeting with the faculty member, the academic unit personnel committee will discuss the evidence provided by the chair/school director and the faculty member. The faculty member will not be present during this discussion; the chair/school director will preside in a non-voting capacity. The academic unit personnel committee will choose a recorder who is responsible for informing the chair/school director about the committee’s deliberations.

5) After considering the evidence, the personnel committee will vote by secret ballot to confirm that a faculty member has not performed to academic unit standards and should remain in a professional development plan. The affected faculty member will not be present for this vote.

1. A finding of nonperformance requires a majority of all members of the academic unit personnel committee, excluding the chair/school director and the affected faculty member.
2. The faculty member will be considered as having failed to meet expectations only if there is concurrence between the chair/school director and academic unit personnel committee. If the faculty member is judged to have met academic unit expectations, they are no longer subject to the provisions of the professional development plan.
3. The chair/school director will inform the faculty member in writing of the department's judgment within three business days of the personnel committee meeting.
4. If the faculty member is to remain on the professional development plan for an additional year, the faculty member may request specific amendments to the plan. Such amendments may be incorporated into the plan if the chair/school director and the academic unit personnel committee agree.

6) If the faculty member is judged to have performed below expectations, the recorder will initiate the [First Annual Evaluation Under the Performance Development Plan](http://gato-docs.its.txstate.edu/provost-vpaa/office-pps-files/pps8/PPS8-09Form2.doc), which will contain a record of the vote and a list of the faculty voting and forward it to the chair/school director. The chair/school director will forward this tracking form, the chair/school director's recommendation, the original or amended professional development plan, the academic unit performance standards, and the two most recent annual evaluations with all supporting material related to those evaluations to the dean of the college within three business days. Within the same three days, the chair/school director will notify the affected faculty member of the department's recommendation. The faculty member may also submit additional, relevant material to the college dean.

c. The college dean will call a special meeting of the college review group within six business days after receiving the academic unit recommendation and supporting documents. The following procedures will be followed:

1. The dean will provide the college review group with all the documentation regarding the faculty member's performance, including the academic unit tracking sheet, the academic unit performance standards, the faculty member's professional development plan, the two most recent annual evaluations with all supporting materials related to those evaluations, all documents developed by the academic unit personnel committee, and all materials supplied by the affected faculty member.
2. Before the college review group meets, the dean will remind the faculty member of the opportunity to submit additional, relevant material for review.
3. The college review group will vote to approve or disapprove the judgment made at the academic unit level, using the same procedure it would in reviewing a candidate for tenure and promotion. A vote supporting the academic unit evaluation of nonperformance requires a majority vote. The college review group's vote and recommendation will be forwarded to the college dean.

4) Within six business days after receiving the recommendation of the college review group, the college dean will make a recommendation and forward the case to the provost and EVPAA, along with relevant documentation. The dean will notify the faculty member and the department chair/school director of the recommendation. The provost and EVPAA will accept or reject the recommendation of the college dean and will notify the affected faculty member, the dean, and the department chair/school director within 10 business days. Maintaining the anonymity of the faculty member to the fullest extent permitted by Texas law, the provost and EVPAA will simultaneously notify the chair of Faculty Senate of the action taken.

**09.02 Calendar for First Annual Evaluation Under the Professional Development Plan:**

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| Date\* | Action |
| Early March | After performance evaluation finds that the faculty member meets the goals of the plan and performance expectations, then the chair/school director informs the faculty member, the academic unit personnel committee, the college dean, and Faculty and Academic Resources in writing that the affected faculty has met academic unit expectations and is no longer subject to the provisions of the professional development plan. This notice should be given within three business days after completion of the evaluation process. |
| Early March | Annual evaluation finds faculty member may have failed to meet expectations and chair/school director delivers written notification to the affected faculty member within three business days after completion of evaluation process.  |
| Mid-March | Chair/school director meets with affected faculty member within six business days after written notification.  |
| Late March | Academic unit personnel committee meets to evaluate the faculty member's performance and to make a recommendation no later than six business days after chair/school director's meeting with faculty member. |
| Early April | Chair/school director notifies faculty member of the academic unit personnel committee’s recommendation and sends academic unit recommendation, tracking form, and professional development plan to the college dean within three business days after the academic unit personnel committee vote. |
| Mid-April | College dean convenes the college review group to evaluate the faculty member’s performance and academic unit recommendation within six business days after the dean receives academic unit recommendation.  |
| Late April | College dean notifies the provost and EVPAA, department chair/school director, and faculty member of their recommendation within six business days after dean receives college review group recommendation.  |
| Early May | Provost and EVPAA notifies the affected faculty member, the dean, the department chair/school director, and the chair of Faculty Senate of the decision within 10 business days after the provost and EVPAA receives dean's recommendation. |

\* The dates for completion of the various steps of the post-tenure review process are designed to indicate a suggested pace to ensure completion of the process by the end of the spring semester.

**10. PROCEDURES FOR SECOND ANNUAL EVALUATION UNDER THE PROFESSIONAL DEVELOPMENT PLAN**

10.01 In the second year of the professional development plan, the faculty member will be evaluated during the regular, annual academic unit evaluation cycle. The evaluation will determine progress toward meeting the specific goals established in the professional development plan.

a. The same procedures will be used in this evaluation as were used in Section 09.01 b. 1)-5) (c).

b. After the evaluation process is complete, if the chair/school director concludes that the goals of the plan have been achieved and that performance meets academic unit expectations, the chair/school director will inform the faculty member, the academic unit personnel committee, and the college dean and Faculty and Academic Resources in writing that the affected faculty has met academic unit expectations and is no longer subject to the provisions of the professional development plan. This notice should be given within three business days after completion of evaluation process.

c. If the faculty member is judged to have performed below expectations, the chair/school director will sign the [Second Annual Evaluation Under the Professional Development Plan](http://gato-docs.its.txstate.edu/provost-vpaa/office-pps-files/pps8/PPS8-09Form3.doc), which will contain a record of the vote and a list of the faculty voting. Within three business days, the chair/school director will forward this tracking form, the chair/school director's recommendation, the original or amended professional development plan, the academic unit performance standards, and the three most recent annual evaluations with all supporting material related to those evaluations to the dean of the college. The chair/school director of the department will notify the faculty member within the same period, and the faculty member may submit additional, relevant material to the college dean.

d. The college dean will call a special meeting of the college review group within six business days. The following procedures will be followed:

1. The dean will provide the college review group with all documentation regarding the faculty member’s performance, including the academic unit tracking sheet, the academic unit performance standards, the faculty member’s professional development plan, the three most recent annual evaluations with all supporting materials related to those evaluations, all documents developed by the academic unit personnel committee, and all materials supplied by the affected faculty member.
2. Before the college review group meets, the dean will remind the faculty member of the opportunity to submit additional, relevant material for review.

3) The college review group will vote to approve or disapprove the judgment made at the academic unit level, using the same procedure it would in reviewing a candidate for tenure and promotion. A college review group vote supporting the academic unit evaluation of nonperformance requires a majority vote. The group’s vote and recommendation will be forwarded to the college dean.

4) Within six business days after receiving the recommendation of the college review group, the college dean will make a recommendation and forward the case to the provost and EVPAA along with [Second Annual Evaluation Under the Professional Development Plan](http://gato-docs.its.txstate.edu/provost-vpaa/office-pps-files/pps8/PPS8-09Form3.doc) and the relevant documentation. Simultaneously, the dean will notify the faculty member and the department chair/school director of the recommendation. The provost and EVPAA will accept or reject the recommendation of the college dean and notify the affected candidate, the dean, and the department chair/school director within 10 business days. Maintaining the anonymity of the faculty member to the fullest extent of the law, the provost and EVPAA will simultaneously notify the chair of Faculty Senate of the action taken.

**10.02 Calendar for** [Second Annual Evaluation Under the Professional Development Plan](http://gato-docs.its.txstate.edu/provost-vpaa/office-pps-files/pps8/PPS8-09Form3.doc):

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| Date\* | Action |
| Early March | After the performance evaluation finds faculty member meet the goals of the plan and performance expectations chair/school director informs the faculty member, the academic unit personnel committee, the college dean, and Faculty and Academic Resources in writing that the affected faculty has met academic unit expectations and is no longer subject to the provisions of the professional development plan. This notice should be given within three business days after completion of evaluation process. |
| Early March | Annual evaluation finds faculty member may have failed to meet expectations and chair/school director delivers written notification to the affected faculty member within three business days after completion of evaluation process.  |
| Mid-March | Chair/school director meets with affected faculty member within six business days after written notification.  |
| Late March | Academic unit personnel committee meets to evaluate the faculty member's performance and to make a recommendation no later than six business days after chair/school director's meeting with faculty member. |
| Early April | Chair/school director notifies faculty member of the academic unit personnel committee’s recommendation and sends academic unit recommendation, tracking form, and professional development plan to the college dean within three business days after the academic unit personnel committee vote. |
| Mid-April | College dean convenes the college review group to evaluate the faculty member’s performance and academic unit recommendation within six business days after the dean receives academic unit recommendation.  |
| Late April | College dean notifies the provost and EVPAA, department chair/school director, and faculty member of his or her recommendation within six business days after dean receives college review group recommendation.  |
| Early May | Provost and EVPAA notifies the affected faculty member, the dean, the department chair/school director, and the chair of Faculty Senate of the decision within ten business days after the provost and EVPAA receives dean's recommendation. |

\* The dates for completion of the various steps of the post-tenure review process are designed to indicate a suggested pace to ensure completion of the process by the end of the spring semester.

**11. PROCEDURES FOR DISMISSAL OR OTHER APPROPRIATE DISCIPLINARY ACTIONS FOR NON-PERFORMANCE**

11.01Any faculty member who has received three negative annual performance evaluations, the second and third of which must have been confirmed by the provost and EVPAA in the manner specified within this policy, may be considered for dismissal or other appropriate disciplinary action. The decision to dismiss or discipline must be based on the standard of incompetency, neglect of duty, or other good cause as provided for in [Education Code, Section 51.942 (see Appendix (C)(5))](https://statutes.capitol.texas.gov/Docs/ED/htm/ED.51.htm). Nothing herein shall preclude a “For Cause” termination (at any time in this process) under [The Texas State University System (TSUS) Rules and Regulations](https://www.tsus.edu/about-tsus/policies.html).

1. The chair/school director will call a special meeting of the academic unit personnel committee within six business days after receiving the provost and EVPAA’s decision to discuss the appropriate disciplinary action to be taken against the faculty member. The recommendation must include a summary statement of the grounds for the dismissal or disciplinary action.
2. The affected faculty member may provide additional evidence related to performance and may also address the academic unit personnel committee before a vote is taken.
3. After considering the evidence, the personnel committee will vote by secret ballot. A recommendation of dismissal or other appropriate disciplinary action requires a two-thirds majority of all members of the academic unit personnel committee, excluding the chair/school director and the affected faculty member. The recorder for the academic unit personnel committee will initiate and sign a [dismissal form](http://gato-docs.its.txstate.edu/provost-vpaa/office-pps-files/pps8/PPS8-09Form4.doc), which will include a record of the vote and a list of the faculty voting. If the chair/school director agrees with the recommendation of the academic unit personnel committee, the chair/school director will sign the recommendation and forward the recommendation to the college dean within three business days after the vote. If the chair disagrees with the department’s recommendation, the faculty member will remain under a development plan for an additional year.
4. If the dean concurs with the department's recommendation for dismissal or other appropriate disciplinary action, the case will be forwarded to the provost and EVPAA. If the dean disagrees with the department's recommendation, the faculty member will remain under a development plan for an additional year.
5. After this additional year under the development plan, the chair/school director may again submit a recommendation to the academic unit personnel committee for dismissal or other appropriate disciplinary action if they believe it is warranted.
6. This process may be repeated as necessary until a faculty member is determined by the chair/school director and the academic unit personnel committee to be performing at expected levels or has been dismissed.
7. The provost and EVPAA should accept or reject the recommendation of the college dean and notify the affected faculty member by May 31. Maintaining the anonymity of the faculty member to the fullest extent permitted by Texas Law, the provost and EVPAA will simultaneously notify the chair of Faculty Senate of the action taken.

4) In the event of a conflict between this policy and [TSUS Rules and Regulations](https://www.tsus.edu/about-tsus/policies.html), the latter shall govern; in the event of a conflict between this policy, [TSUS Rules and Regulations](https://www.tsus.edu/about-tsus/policies.html), and [Education Code, Section 51.942](https://statutes.capitol.texas.gov/Docs/ED/htm/ED.51.htm), the latter shall govern.

11.02 Calendar for dismissal or other appropriate disciplinary action for non-performance:

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| Date\* | Action |
| Early May | Provost and EVPAA notifies the affected faculty member, the dean, the department chair/school director, and the chair of Faculty Senate of the decision within 10 business days after the provost and EVPAA receives dean's recommendation. |
| Mid-May | Chair/school director convenes department personnel committee to consider dismissal or discipline within six business days after receiving the provost and EVPAA’s decision regarding performance. |
| Mid-May | Chair/school director sends academic unit recommendation and tracking form to college dean within three business days after academic unit personnel committee meeting. |
| Mid-May | Dean sends recommendation to consider dismissal or discipline to provost and EVPAA within three business days after receiving academic unit recommendation. |
| Late-May | Provost and EVPAA sends notification of decision to faculty member, dean, department chair/school director, and chair of Faculty Senate (by May 31).  |

\* The dates for completion of the various steps of the post-tenure review process are designed to indicate a suggested pace to ensure completion of the process by the end of the spring semester.

**12. REVIEWER OF THIS PPS**

**12.01 Reviewer of this PPS includes the following:**

**Position Date**

**Provost and Executive Vice** **September 1 E5Y**

**President for Academic Affairs**

**13. CERTIFICATION STATEMENT**

This PPS has been approved by the following individuals in their official capacities and represents Texas State Academic Affairs policy and procedure from the date of this document until superseded.

Provost and Executive Vice President for Academic Affairs; senior reviewer of this PPS