SUBJECT:

Peer Review of Tenured Faculty

PURPOSE:

The purpose of this School of Medicine Attachment to HSC OP 60.03 is to establish uniform guidelines and procedures leading to a comprehensive performance evaluation of tenured faculty. It will describe also an institutional commitment to assist and support faculty development as part of this peer review, as well as other actions, which may arise as part of this evaluative process.

The procedures are to be consistent with:

1. Texas Education Code Sec. §51.942 Performance Evaluation of Tenured faculty;
2. Texas Tech Board of Regents’ Guidelines for Comprehensive Performance Evaluation of Tenured Faculty (Regents’ Rules 04.03); and
3. HSC OP 60.03, Comprehensive Performance Evaluation of Tenured Faculty.

REVIEW:

This School of Medicine Policy will be reviewed by February 1 of every even-numbered year by the Dean in consultation with the Faculty and the Executive Committee of the Faculty Council, with recommendations for revision presented to the Council of Deans for review prior to final approval by the President.

Upon approval by the President, these Procedures shall be incorporated as an attachment to HSC OP 60.03.

POLICY PROCEDURE:

1. Preamble.
   a. This Peer Review Policy/Procedure is intended to enhance and protect, rather than diminish, the important guarantees of tenure and academic freedom. The objectives are to:
      - provide guidance for continuing and meaningful faculty professional development; enable faculty to enhance professional skills and achieve professional goals;
      - refocus academic and professional efforts, when appropriate;
      - ascertain that faculty members are meeting their responsibilities to the University and the State of Texas; and
      - comply with the laws of the State of Texas as well as the Rules and Regulations of the Board of Regents of the Texas Tech University System and the policies of Texas Tech University Health Sciences Center.
   b. The acceptance and success of the periodic peer review of the 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 academic administrators with primary responsibility for monitoring such needed follow-up activities, are essential.
   c. Nothing in this peer review evaluation process 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 require faculty to re-establish their credentials for tenure.

2. Evaluation Focus.
   a. The Peer Review Performance Evaluation process will be directed toward the professional development of the faculty member. It will include a comprehensive review of the faculty
member's performance of duties and responsibilities as assigned by the departmental chair consistent with institutional policy, including, where applicable, an appropriate balance of teaching, research, administration, and patient care.

b. The Peer Review Performance Evaluations conducted by a Peer Review Committee (PRC) will include the Annual Faculty Summary Review Reports for the individual faculty member under the existing policy “Faculty Evaluation Guidelines and Procedures.” The appropriateness of expectations for assigned duties and responsibilities will be reviewed together with the performance, as well as the rating (yes or no) for the faculty member’s compliance with TTUHSC policies, procedures, and work rules. The faculty member will submit additional supporting documentation as is deemed relevant for the Peer Review process, including, but not restricted to, a current curriculum vitae, student evaluations and a summary statement of professional accomplishments.

3. Evaluation Schedule.

a. Evaluation of part-time administrators who are tenured faculty under this Policy, e.g. Assistant and Associate Deans, Departmental Chairs, will not be waived. Evaluations will be conducted no less than once every six (6) years after the date the faculty member is granted tenure, unless the faculty member is on a leave of absence or assumes a full-time administrative position during this period. Evaluations for persons on lease or serving as full-time Administrators with academic appointments, e.g. President, Dean, will be deferred by the length of time absent or in service, but no deferral of an evaluation of an active faculty member may extend beyond six (6) years from the due date. Full-time Administrators with academic appointments will be subject to evaluation within six (6) years of return to full-time, active faculty status.

b. Except as provided in 3a. above, all tenured faculty members will be evaluated at six (6) year intervals.

4. Peer Review Committee (PRC).

a. The PRC shall be composed of twelve (12) tenured faculty members drawn from all campuses and appointed prior to the beginning of the calendar year by the Faculty Council Executive Committee. Each regional campus will have representation on the PRC proportional to the number of tenured faculty eligible for evaluation, and the number of appointees from Basic and Clinical Science departments will be proportional to the relative distribution of tenured faculty. A Ph.D. in a Clinical Department and an M.D. in a Basic Science Department may be counted as either. Pathology will be considered a Clinical Department for these purposes.

b. Members shall serve for staggered three (3)-year terms to ensure committee continuity. Members of the PRC being evaluated in any given year shall recuse themselves from the committee for that year.

c. The PRC will elect from its membership a Chair who will serve a one (1) year term, and a Chair Elect to act on behalf of the Chair in his/her absence and serve as Chair the following year.

d. A quorum shall be considered to be 50% plus one member present.

e. Prior to the start of the evaluation process, the Committee will develop/approve written operational guidelines consistent with HSC OP 60.03 and HSC OP 60.03 Attachment D. These Operational Guidelines will be reviewed annually for modification as necessary.

5. Evaluation Procedure.

a. The evaluation process will begin January 1 of each year. All tenured faculty members to be evaluated in any year will receive a notice of the upcoming review from the PRC at least six months in advance, i.e., no later than January 15 of the year in which the evaluation will
take place. Faculty members are responsible for submitting their documentation to the Office of Faculty Affairs and Development (OFAD) by July 15 of the year in which the review is to take place. Addenda may be submitted up through September 1 of that year.

b. Each evaluation will be performed by two Committee members, one of whom must be in the same category (Basic or Clinical scientist) as the faculty member being evaluated. The reviewers may request additional material as deemed necessary through the Chair of the PRC. A written report of this initial evaluation will be submitted to the PRC for consideration and a recorded vote. All evaluations must be completed no later than October 1.

c. Committee members will recuse themselves in considerations involving themselves, members of their own department, faculty to whom they are related, or in other instances of possible conflict of interest.

d. The PRC Chair will develop a Comprehensive Performance Evaluation Report, which could be the same as the one submitted by the initial reviewers, for each faculty member. The PRC Chair will deliver the Report on the same date to all faculty members being reviewed, but no later than October 15 of the review year.

6. The Comprehensive Performance Evaluation Reports.

a. The Comprehensive Performance Evaluation Reports, issued by the Chair of the PRC will be in a standard form. They will state:

1) The specific areas reviewed;
2) The conclusions reached;
3) The basis for the conclusions;
4) Outcomes will be:
   a) Satisfactory; or
   b) Remediation needed with PRC recommendations;

b. This Comprehensive Performance Evaluation Report will be distributed first to the faculty member for review.

1) If the faculty member does not indicate any disagreement with this report, it shall become the final report.

2) If the faculty member disagrees with the evaluation, he/she shall have ten (10) working days from receipt of the Report within which to notify the Chair of the PRC in writing:
   a) Giving official notice of an appeal; and
   b) Stating the basis for the appeal, by:
      i) submitting additional documentation to support the appeal, and
      ii) requesting, if desired, to meet in person with the PRC.

3) If requested in writing by the faculty member, the PRC shall meet with the faculty member within ten (10) working days of receiving the notice of appeal, or as soon as a quorum of the PRC can be convened to consider the appeal. The committee will then formulate a final report including revisions, if any, resulting from this meeting.

4) The final written Comprehensive Performance Evaluation Report shall be distributed by December 1 to the faculty member, the Chair of the Department, the Dean of the School of Medicine and the President of TTUHSC. If the report indicates a need for remediation, the areas must be clearly identified and specific recommendations provided.
7. **Actions based on the Comprehensive Performance Evaluation Report.**
   
a. No development procedures will be initiated for any faculty member receiving an evaluation of Satisfactory.

b. A Professional Development Plan (PDP) as described below (see Section 8) will be initiated when the Report from the PRC recommends remediation. Through periodic reviews, the Chair will monitor the progress of the PDP.

8. **Professional Development Plan.**
   
a. The individual PDP is a document indicating how specific deficiencies in a faculty member’s performance will be remedied. The PDP will grow out of collaboration between the faculty member, the PRC, the Departmental Chair, the Dean, and the Associate Dean for Faculty Affairs and Development, and should reflect the shared goals of the faculty member, the department, and the School of Medicine. The PDP will be formulated with the assistance of, and in consultation with, the faculty member. It is the faculty member’s obligation to assist in the development of a meaningful and effective PDP and to make a good faith effort to implement the plan adopted.

b. PDPs will be standardized, although specific activities designed to improve performance will vary according to the deficits identified. The procedures are as follows:

1) A specific PDP, covering a period of time not to exceed two (2) years and based on the recommendations of the PRC, will be established by the Departmental Chair in consultation with the faculty member and the Associate Dean for Faculty Affairs and Development. The PDP will be submitted to the PRC and the Dean of the School of Medicine for final approval within 20 working days of receipt.

2) The PDP will (1) identify specific deficiencies to be addressed as indicated in the Comprehensive Performance Evaluation Report; (2) define specific goals or outcomes necessary to remedy the deficiencies; (3) outline the activities to be undertaken to achieve the necessary outcome; (4) set timelines for accomplishing the activities and achieving intermediate and ultimate outcomes; (5) indicate the criteria for assessment; (6) schedule times for review of progress at six-month intervals, or more often as may be needed; and (7) identify institutional resources to be committed in support of the PDP.

3) The PDP should include mechanisms to provide additional institutional support such as mentoring in teaching and research, counseling, financial support, relief time to devote to areas of deficiency and developmental leave for course work or research training.

4) At least semi-annually, or more often as may be needed, the Chair will monitor progress in the PDP. The faculty member will submit the Chair’s reports to the OFAD by the faculty member. Two members of the PRC will meet with the faculty member, the Departmental Chair and the Associate Dean for Faculty Affairs and Development to review and report on the progress, as agreed to in the PDP. For two-year remediation plans, if the review of progress at the end of the first year shows a clear lack of effort by the faculty member, the Departmental Chair, on approval by the PRC, may file a report to the Dean of the School of Medicine suggesting that actions appropriate to an unsatisfactory performance be implemented at that time (see Section 8.b.5.b. below). Upon completion of the PDP, the Departmental Chair will prepare and submit a final report to the Dean of the School of Medicine, the faculty member, and the PRC.

5) Consideration by the PRC at the end of the PDP will result in one of the following recommendations to the Dean of the School of Medicine:

   a) Determination that satisfactory progress has been made and that no
further action is necessary. The faculty member’s performance would, thus, be considered satisfactory.

b) Determination that progress has been unsatisfactory and that appropriate actions should be taken.

6) If, at the end of the Development Program, an adverse action is taken by the Chair, then the faculty member, if so desired, may use the Faculty Grievance Policy if he/she believes the filing of a grievance against the Chair is in order.

9. **Disciplinary Actions.**

a. A faculty member may be subject to revocation of tenure or other disciplinary actions as described below, if incompetence, neglect of duty, i.e., continued or repeated substantial neglect of professional responsibilities, or other good cause is determined to apply at the completion of, or at any time during, the above process.

b. For faculty found to be performing unsatisfactorily, these guidelines are intended to recognize and distinguish that dismissal, revocation or other disciplinary action taken pursuant to existing institutional disciplinary procedures or required annual evaluations, are distinct from Dismissal or Revocation of Tenure or other appropriate disciplinary action taken pursuant to a Comprehensive Performance Evaluation process under the Texas Education Code §51.942, as may be amended or modified, the procedures for which are set forth below:

1) **Revocation of Tenure**

A faculty member is subject to revocation of tenure if incompetence, neglect of duty or other good cause is determined to apply. A faculty member subject to revocation of tenure on the basis of a Comprehensive Performance Evaluation, conducted pursuant to Texas Education Code §51.942, as amended or modified, shall have an opportunity to be appointed to a non-tenure track term appointment under the existing HSC OP 60.01, Tenure and Promotion. In effect, the transition from the non-tenure track series to the tenure track, or vice versa, may be allowed following review and mutual agreement by the faculty member, the head of the academic unit, and the Dean. Absent extraordinary circumstances which are approved by the Dean, only one transfer between tracks will be allowed.

2) **Dismissal of Employees**

If good cause exists for dismissal under HSC OP 60.01 (Tenure and Promotion Policy), a faculty member subject to dismissal on the basis of a Comprehensive Performance Evaluation, pursuant to Texas Education Code §51.942, as amended or modified, shall be given the following options:

a) If both parties agree, the matter may be referred to the internal mediation procedure set forth in HSC OP 60.01, Section 12, Procedures in Dismissal or Termination of appointment cases.

b) Alternatively, an opportunity will be given for referral of the matter to an external, non-binding alternative dispute resolution process (“ADR”) as described in Chapter 154 of the Texas Civil Practices and Remedies Code. All mediators, arbitrators or other persons conducting the ADR must meet the qualifications set forth in Chapter 154 and must be selected by an agreement of all parties.

c) Regardless of whether an internal or external dispute resolution is utilized, a faculty member who is subject to dismissal under this policy shall be provided in writing the charges listed against him or her. In all such cases, the burden of proof shall be on the institution, and the rights of the faculty
member to due process and academic freedom shall be protected.

3) Other Disciplinary Actions:

a) Other disciplinary action is appropriate under existing Regents’ Rules or institutional policies on the basis of the comprehensive performance evaluation conducted pursuant to Texas Education Code §51.942, as amended or modified.

b) Such action does not preclude other disciplinary action based on annual evaluations, or as may be commensurate with events.

TIME LINE:

According to the legislative Act, review of tenured faculty began as of January 1, 1998.

a. Process must be set up on calendar-year schedule to begin on January 1 of each year.

b. New committee appointments selected at Faculty Council Executive Committee meeting in early November and finalized at its meeting in early December.

c. Notification of upcoming evaluation must be distributed early enough to be received by January 15. All notifications should go out at the same time.

d. Faculty being evaluated must submit materials by July 15.

e. Deadline for submission of addenda will be September 1.

f. Initial evaluations will begin July 15 and end October 1.

g. The Comprehensive Performance Evaluation Report should be sent to faculty members by October 15.

h. Faculty must file appeals within 10 working days of receipt of report (due date = approximately Nov 1).

i. Appeal Hearing, if applicable, by PRC will be held preferably within 10 working days of receipt of notice of appeal, or as soon as a quorum of the PRC can be convened (due date = approximately Nov 15).

j. Final reports to Dean, etc., by December 1.

k. Remediation (PDP) to Dean and PRC by January 1 and approved by January 15.