



MISSISSIPPI STATE UNIVERSITY

MEMORANDUM TO: All Holders of Mississippi State University
Policy and Procedure Manuals

DATE: October 22, 2002; Revised January 12, 2005;
Revised July 12, 2005

SUBJECT: OP 01.21 – Post-Tenure Review Policy

REVIEW

This OP will be reviewed every five years or whenever circumstances require an earlier review by the Robert Holland Faculty Senate with recommendations for revision presented to the Provost and Vice President for Academic Affairs.

PRINCIPLES

The faculty and the administration of Mississippi State University recognize the importance of encouraging all professors to maintain appropriate levels of productivity in teaching, research, and service. Accordingly, evaluation of the performance of the faculty does not cease with the granting of tenure, but continues with formal annual assessments of all components of a professor's assignment.

The grant of tenure is the academic community's chief guarantee of academic freedom – both the freedom of the teacher to teach and the freedom of the researcher to research without undue or inappropriate external pressures. Thus it is ultimately a guarantee of the student's freedom to learn. Nothing in this procedure should be construed as an attempt to alter the contractual relationship between the professor and the university or to alter the nature of tenure as traditionally conceived and legally defined in the American academic community.

Nor is this procedure intended as a mechanism for reevaluating or revalidating the grant of tenure. Thus a tenured professor cannot be required to remake his or her case for tenure or otherwise to reassume the burden of proof that he or she bore in the original tenure proceedings.

This procedure is intended solely for assessing cases in which a tenured professor's level of performance may have decreased over a sustained period and for exploring ways in which that level of performance might be improved by a mutually agreed-on plan of development.

This procedure is not disciplinary and thus is not appropriate for reviewing cases of alleged malfeasance, dereliction, contumacy, or criminality.

PROCEDURES

Comprehensive annual evaluations are conducted in the academic unit (in most cases, the department) in which the professor resides. These evaluations are annually reviewed by the dean. It is customary and appropriate that these evaluations lead to rewards or sanctions in the form of raises, assignments, and material or financial support for research.

In every sixth year following the grant of tenure or following the most recent post-tenure promotion, the five most recent annual reviews of each tenured professor will again be reviewed by the dean to determine whether there is cumulative prima facie evidence of low performance. The dean may also conduct such a review at any point within this period when routine review of annual evaluations suggests a sustained pattern (normally three years) of low performance, or when other evidence suggests a marked decline in performance.

Once a dean has determined that there is prima facie evidence of low performance, he or she shall ask the tenured faculty of the professor's academic unit, holding rank at or above the level of that professor, to empanel a post-tenure review committee, including at least one professor from outside the department, according to its own procedures. The committee will conduct an informal investigation to determine whether there is evidence of low performance. It will follow procedures established by the tenured faculty of the department, interviewing the professor, the department head, and any other parties whose assistance it considers relevant. The committee will have the same access to university records as is granted to the University Promotion and Tenure Committee.

If the committee finds that there is insufficient evidence of low performance or that there is evidence of insufficiently recognized merit, it will report these findings to the dean.

If the committee finds that there is evidence of low performance, it will meet with the professor and the department head to formulate a mutually acceptable plan of development to extend over 1-3 years. Such a plan may include restructuring of the professor's load, reassignment, retraining, or other arrangements calculated to re-stimulate or refocus the professor's energies.

The post-tenure review committee will monitor the success of the development plan over its planned duration and will render progress reports to the dean at least annually. At the end of the development period (or earlier if performance has been raised to the level the committee targeted), the committee will report its conclusions to the dean.

If, at the end of the development period, the administration believes that a tenured faculty member's level of performance is so low that continued employment would be a detriment to the university's mission, then it is appropriate for it to institute formal dismissal hearings, under the authority of Policies 401.0102 and 403.0104 of the Board of Trustees, Institutions of Higher Learning.

In the case of termination of a tenured faculty member under the guidelines of this Post-Tenure Review policy, the faculty member shall be informed in writing of the proposed action against him/her and that he/she has the opportunity to be heard in his/her own defense. Within ten (10) calendar days of notification of the proposed action, the faculty member shall state in writing his/her desire to have a hearing. He/she shall be permitted to have with him/her an adviser of his/her own choosing who may be an attorney. If an attorney is to be the adviser, the MSU Office of General Counsel is to be notified as soon as the faculty member makes known his/her intention to have a hearing. Failure to notify MSU of the intent to have an attorney present as an adviser will result in the postponement of the meeting for seven (7) calendar days. The institution shall record (suitable for transcription) all hearings. In the hearing of charges of incompetence, the testimony shall include that of faculty and other scholars. Tenured faculty members who are dismissed will have their contracts terminated at any time subsequent to notice and hearing with no right to continued employment for any period of time. At the discretion of the Institutional Executive Officer, any faculty member's salary may be paid, and he/she may be relieved of all teaching duties, assignments, appointments and privileges when he/she is dismissed.

RESPONSIBILITIES

<u>Position</u>	<u>Section</u>	<u>Year</u>
President, Robert Holland Faculty Senate	Review	2010

APPROVED: October 22, 2002

REVISED: January 12, 2005; July 12, 2005

REVIEWED:

<u>/s/ Mark Goodman</u> President, Robert Holland Faculty Senate	<u>04/29/05</u> Date
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<u>/s/ Peter Rabideau</u> Provost and Vice President for Academic Affairs	<u>05/03/05</u> Date
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<u>/s/ Don Zant</u> Director of Internal Audit	<u>05/05/05</u> Date
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<u>/s/ Charles Guest</u> General Counsel	<u>05/24/05</u> Date
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APPROVED:

<u>/s/ J. Charles Lee</u> President	<u>07/12/05</u> Date
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