



OP 01.21: POST-TENURE REVIEW POLICY

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 granting 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 intramural and extramural 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 re-evaluating or re-validating the granting 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 granting of tenure or following the most recent post-tenure promotion, the five most recent annual reviews (complete with all faculty responses to each annual review) for each tenured professor will again be reviewed by the dean to determine whether there is cumulative prima facie evidence of low performance. In this context, cumulative prima facie evidence of low performance is a rating equal to, or less than unsatisfactory overall in at least 3 of the 5 most recent annual evaluations detected during a post-tenure review. 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 productivity. 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.

Faculty productivity must be measured as a function of qualitative and quantitative criteria that goes beyond simply the numerical tabulation of instructional course hours, annual rate of manuscript publication in peer-reviewed journals, time devoted to service work assignments, and amounts of extramural grant funding awarded. Evaluation of faculty productivity must be addressed in an appropriate context as a function of work assignment partitioning within each of the academic missions and correlations made with relevant parameters including professional training and specific field of specialization.

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

If the committee finds that there is sufficient evidence of low performance then it will report to the dean all of these findings including but not limited to those which may be provided by the faculty member any specific causes or reasons that may explain declines in faculty productivity. The committee will also meet with the professor and the department head to formulate a mutually acceptable plan of development to extend over 1-to-3 years. Such a plan may include re-structuring of the professor's work load assignments, enhancement of administrative support (e.g. supplement resource allocation), re-training, or other arrangements that could potentially re-stimulate or re-focus 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 Policy 401.0102 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 will 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 will state in writing his/her desire to have a hearing. He/she will 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 will 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.

REVIEW

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

REVIEWED:

/s/ Randolph F. Follett
President, Robert Holland Faculty Senate

01/18/2020
Date

/s/ David R. Shaw
Provost and Executive Vice President

02/22/2020
Date

/s/ Joan Lucas
General Counsel

03/03/2020
Date

/s/ Timothy N. Chamblee
Assistant Vice President and Director
Institutional Research and Effectiveness

03/02/2020
Date

APPROVED:

/s/ Mark Keenum
President

03/06/2020
Date