

2023 Regular Session

SENATE BILL NO. 174

BY SENATOR CATHEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TENURE. Provides for the annual evaluation of each faculty member at each public postsecondary education institution. (gov sig)

AN ACT

To enact R.S. 17:3307, relative to faculty members of public postsecondary education institutions; to require annual evaluations of each full-time and part-time faculty member; to provide relative to annual evaluation guidelines; to provide relative to remediation for certain faculty members; to provide relative to tenure; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3307 is hereby enacted to read as follows:

§3307. Evaluation of faculty; procedures; guidelines; elements; remediation

A. Each public postsecondary education management board shall require each institution under its authority to adopt guidelines for the annual evaluation of faculty. The guidelines shall include specific dates by which steps in the evaluation process shall occur each year. The guidelines shall be in accordance with the provisions of this Section and any policies of the management board.

B. The guidelines shall:

(1)(a) Require the department head to establish the criteria to be used

1 in the evaluation of each faculty position and to assign a weight to each of the
2 areas of teaching, professional activity, and service.

3 (b) In developing or changing the criteria and the assigned weights, the
4 department head shall:

5 (i) Consult with the faculty of the department.

6 (ii) Give consideration to the mission of the department, the mission of
7 the institution, the nature of the teaching environment within the discipline, and
8 the professional activity within the discipline.

9 (iii) Seek to establish reasonable consistency with institution-level
10 elements for evaluation of tenure and promotion, as well as existing
11 departmental guidelines for tenure and promotion.

12 (c) The dean and the provost shall approve the criteria and the assigned
13 weights developed by the department head.

14 (2) Require the department head to develop a written job description for
15 each faculty position. Each job description shall include detailed job duties in
16 the three areas of teaching, professional activity, and service.

17 (3) Require that a written copy of the job description, the evaluation
18 criteria, and the weight assigned to each of the three areas, be provided to each
19 faculty member upon employment or upon assignment to a new position. The
20 department head shall provide a list of performance goals to each faculty
21 member upon employment or a new assignment.

22 (4)(a) Require the department head to annually evaluate each full-time
23 and part-time faculty member at the institution by a date certain.

24 (i) For any faculty member with responsibilities in more than one
25 department, the dean shall determine who has the primary evaluation
26 responsibility; however, each department head with supervisory responsibility
27 over the faculty member shall have input into the evaluation. For any faculty
28 member who works for more than one college within the institution, the provost
29 shall determine who has primary evaluation responsibility.

1 (ii) If a faculty member has been reassigned time for activities beyond
2 those listed in the job description, the department head shall evaluate the use
3 of the reassigned time.

4 (b) The annual evaluation shall be used in determining tenure,
5 promotion, reappointment, and merit raises.

6 (c) The annual evaluation and any responses to the evaluation submitted
7 pursuant to Paragraph (9) of this Subsection shall become part of the faculty
8 member's permanent personnel file.

9 (5) Require each faculty member to annually submit documentation to
10 the department head relative to the faculty member's performance in each of
11 the three areas of teaching, professional activity, and service by a date certain.
12 The documentation shall be related to the faculty member's performance since
13 the date of hire or the previous evaluation, whichever was most recent.

14 (6) Require the department head to use the documentation provided by
15 the faculty member and any other verifiable evidence to evaluate the job
16 performance of the faculty member by a date certain annually. Any hearsay or
17 undocumented information shall not be used in the evaluation.

18 (7) Require the department head to produce a written evaluation report
19 of each faculty member by a date certain annually.

20 (a) Within the evaluation report, the department head shall provide
21 feedback on:

22 (i) Strategies for any needed future improvement.

23 (ii) Progress toward meeting tenure.

24 (b) Within the evaluation report the department head shall review the
25 faculty member's performance on the established performance goals.

26 (8) Require that the written evaluation report be discussed in a
27 conference between the faculty member and the department head. If any
28 performance goals need to be established or revised, the new or revised goals
29 shall be discussed in the conference and shall be included in the next evaluation.

1 The conference shall be verified by signatures of both parties. At the conference,
2 the faculty member shall be given a hard copy of the evaluation report.

3 (9) Require that the faculty member be allowed to submit a written
4 response to the evaluation and conference. The response shall be submitted
5 within five business days of the conference and shall be provided to the
6 department head.

7 (10) Require the department head to respond in writing to the faculty
8 member's response within five business days of receipt of the response.

9 (11) Require the department head to submit a copy of each completed
10 evaluation, with any responses, to the dean by a date certain annually.

11 (12) Require the dean to provide a written confirmation to the provost
12 that the evaluation of each faculty member has been completed by a date certain
13 annually. The confirmation shall include the names of any faculty members
14 determined to be in need of remediation.

15 C. In evaluating a faculty member's performance in the area of teaching,
16 the department head shall set high expectations for student learning and success
17 and shall emphasize activities which engage students in learning, encourage
18 meaningful academic and career guidance, support students' pursuit of
19 educational and professional goals, and promote collaboration and interaction
20 between students, students and faculty, and students and the larger community
21 within which the institution exists.

22 D. In evaluating a faculty member's performance in the area of
23 professional activity, the department head shall emphasize activities requiring
24 professional or academic expertise that support and advance a discipline
25 pertinent to the faculty member's position and the professional development of
26 students through publications, performances, and exhibitions.

27 (1) Quality of the professional activity shall be considered by weighing
28 the scope of the activity, the prestige of the activity's forum, and the relevance
29 of the activity to the faculty member's professional field. Any judgment

1 regarding the quality of the professional activity shall be justified in the
2 evaluation.

3 (2) The availability of opportunities to engage in professional activities
4 shall be considered.

5 E. In evaluating a faculty member's performance in the area of service,
6 the department head shall emphasize professional contributions made to the
7 institution, to students, and to the larger community.

8 F. The evaluation shall include specific statements about the level of
9 performance achieved by a faculty member in each of the three areas of
10 teaching, professional activity, and service, as well as a statement about the level
11 of overall performance. The levels shall determine whether the faculty
12 member's performance is adequate or not.

13 (1) If deficiencies are noted, the department head shall provide feedback
14 to the faculty member designed to assist in improving performance.

15 (2) To earn an overall annual evaluation of adequate or higher, a faculty
16 member with assigned teaching responsibilities shall be evaluated as adequate
17 or higher in teaching by meeting at least seventy-five percent of the
18 performance goals established in the area of teaching. A faculty member with
19 teaching responsibilities who is evaluated as inadequate in teaching shall receive
20 an overall annual evaluation of inadequate. If the faculty member does not have
21 teaching responsibilities, the faculty member shall be evaluated as adequate or
22 higher in the area of professional activity by meeting at least seventy-five
23 percent of the performance goals established in the area of professional activity.
24 In addition, any faculty member who fails to meet at least seventy-five percent
25 of all performance goals set shall not be evaluated as adequate.

26 G.(1) If a faculty member fails to be evaluated as adequate for a period
27 of at least two consecutive years, or for two of any three consecutive years, a
28 mandatory plan of remediation shall be developed.

29 (2) Within thirty calendar days of a conference held pursuant to

1 Paragraph (B)(8) of this Section discussing the requirement that a mandatory
2 remediation plan be developed, the department head shall develop a plan
3 designed to bring the faculty member's performance to an acceptable level. The
4 department head shall consult with the faculty member in developing the
5 remediation plan and shall receive the dean's approval of the finalized
6 remediation plan.

7 (a) The remediation plan shall remain in place for one year.

8 (b) The remediation plan shall include specific methods for
9 strengthening areas of significant weakness, measures of expected outcomes,
10 and a timetable for accomplishing the outcomes. The plan shall outline how
11 significant progress toward meeting the outcomes will be determined.

12 (c) The remediation plan shall be presented to the faculty member in
13 writing.

14 (3)(a) Within five calendar days of receipt of the written remediation
15 plan, the faculty member may submit a request in writing to the department
16 tenure committee for a review of the plan.

17 (b) Within thirty calendar days of receipt of the request, the tenure
18 committee shall hold meetings with the department head and the faculty
19 member, review the faculty member's annual evaluations, and submit a written
20 recommendation to the dean.

21 (4)(a) Within fifteen calendar days, the department head and the dean
22 shall consider the recommendation of the tenure committee and amend the
23 remediation plan as necessary.

24 (b) The faculty member shall be notified of the decision of the
25 department head and dean and, if amended, provided a copy of the updated
26 remediation plan.

27 (c) Within ten calendar days of receipt of the notice from the department
28 head and the dean, the faculty member may submit a letter documenting areas
29 of disagreement to the department head and the dean.

1 (d) Within fifteen calendar days of notifying the faculty member, a copy
2 of the full text of the plan and any letter of disagreement shall be submitted to
3 the provost.

4 (e) Within ten calendar days of receipt of the signed plan and a letter of
5 disagreement, the provost may make changes to the remediation plan and shall
6 provide a signed copy of the approved remediation plan to the faculty member,
7 the department head, and the dean. The remediation plan, as finalized by the
8 provost, shall become effective no later than the beginning of the ensuing
9 regular semester.

10 (f) Within ten calendar days of receipt of the remediation plan approved
11 by the provost, the faculty member shall submit a letter of agreement to the
12 department head. If the faculty member refuses to concur with the remediation
13 plan approved by the provost, the faculty member's tenure shall be rescinded.

14 (5)(a) A component of the next evaluation shall detail the faculty
15 member's progress toward meeting the goals outlined in the remediation plan.

16 (b) Failure to achieve significant progress as outlined in the remediation
17 plan within the designated timetable shall subject the faculty member to
18 administrative actions, including academic dismissal.

19 H. A tenured faculty member who, because of unacceptable job
20 performance, is under a mandatory plan of remediation and who fails to achieve
21 significant progress as outlined in the remediation plan within the designated
22 timetable shall forfeit tenure and may become subject to academic dismissal.

23 (1) A recommendation for academic dismissal of a tenured faculty
24 member that originates from the department head shall pass successively to the
25 dean, provost, and president. The department head shall notify the faculty
26 member by a date certain, as established in the institution's evaluation policy,
27 that a recommendation for academic dismissal has been submitted to the dean.

28 (2)(a) A recommendation for academic dismissal shall result in a peer
29 review by a faculty review committee comprised of the same members as the

1 department tenure committee, which shall make a recommendation regarding
2 dismissal to the dean by an established date certain.

3 (b) The faculty review committee shall establish review procedures that
4 include at least one meeting with the faculty member and one meeting with the
5 department head.

6 (c) The recommendations of the department head, faculty committee,
7 and dean, along with any response from the faculty member, shall be forwarded
8 to the provost by an established date certain.

9 (d) A recommendation by the provost for dismissal shall follow the same
10 due process procedures detailed in the institution's termination of tenured
11 faculty policy.

12 I. A tenured faculty member who, after completing a mandatory plan of
13 remediation, is placed on another mandatory plan for remediation shall forfeit
14 tenure and shall not be provided an opportunity to regain tenure.

15 Section 2. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Cheryl Serrett.

DIGEST

SB 174 Original 2023 Regular Session Cathey

Proposed law requires each public postsecondary education management board to require each of its member institutions to adopt guidelines relative to the annual evaluation of its faculty.

Proposed law requires the guidelines of each public postsecondary institution to:

- (1) Require the department head to establish, in consultation with the faculty and with the approval of the dean and provost, criteria to be used in the evaluation of each faculty position and to assign a weight to the areas of teaching, professional activity, and service.

- (2) Require a written job description be developed for each faculty position.

- (3) Require a copy of the job description, the evaluation criteria, and the weights and performance goals to be provided to each faculty member upon employment or reassignment.
- (4) Require the department head to annually evaluate each full-time and part-time faculty member.
- (5) Require that the annual evaluation be used in determining tenure, promotion, and merit raises.
- (6) Require that the annual evaluation become part of the faculty member's permanent file.
- (7) Require that each faculty member annually submit documentation to the department head relative to the member's performance in each of the three areas.
- (8) Require that the department head use the submitted documentation and any other verifiable evidence to annually evaluate the faculty member's job performance.
- (9) Require the department head to produce a written evaluation report that includes feedback on strategies for any needed future improvement and the member's progress toward meeting tenure.
- (10) Require the evaluation report to be discussed in a conference between the faculty member and the department head.
- (11) Require progress toward performance goals to be included in the evaluation report and discussed in the conference. Require the performance goals to be adjusted as necessary during the conference and used in the next evaluation report.
- (12) Allow the faculty member to submit a written response to the evaluation and conference.
- (13) Require the department head to respond in writing to any response from a faculty member.

Proposed law provides parameters for measuring the three areas of teaching, professional activity, and service. Further requires that a faculty member with teaching responsibilities to be evaluated as adequate or higher in teaching in order to receive an overall evaluation of adequate or higher. Also, provides that a faculty member who does not have teaching responsibilities shall be evaluated as adequate or higher in professional activities to receive an overall evaluation of adequate or higher. Provides that a faculty member shall meet at least seventy-five percent of the performance goals in an area to be determined adequate.

Proposed law requires that if a faculty member fails to be rated as adequate for a period of two consecutive years or for two of any three consecutive years, a mandatory plan of remediation shall be established. Provides the process for establishing the remediation plan.

Proposed law provides that if the faculty member does not agree to the finalized remediation plan, as approved by the provost, that the tenure of the faculty member shall be rescinded.

Proposed law requires the next evaluation to detail the faculty member's progress towards meeting the goals outlined in the remediation plan.

Proposed law provides that failure to achieve significant progress toward the outcomes in the remediation plan within the agreed upon timetable shall subject the faculty member to administrative action, which may include academic dismissal. Further provides that a tenured faculty member who fails to achieve significant progress shall forfeit tenure.

Proposed law provides parameters for the process of academic dismissal for unacceptable job performance.

Proposed law provides that a tenured faculty member who, after completing a mandatory plan of remediation, is placed on another mandatory plan of remediation shall forfeit tenure and shall not be provided the opportunity to regain tenure.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:3307)