

BILL ANALYSIS

Senate Research Center
87R8684 CXP-D

S.B. 1159
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Higher Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Academic tenure refers to an educator's employment status within an institution of higher education. Tenure provides a lifetime contract between a professor and an institution. When a professor has gained tenure, he or she can only be terminated for a justifiable cause or under extreme circumstances, such as program discontinuation or severe financial restraints. Concerns have been raised that there are few incentives for professors to work hard once tenure is attained. Also, when tenured faculty do not retire because they have lifetime contracts, they potentially block younger faculty and staff from bringing in fresh ideas to keep pace with changing times.

Section 51.942, Education Code, instructs the governing boards of postsecondary institutions to adopt policies regarding periodic performance evaluation of all tenured faculty. Each tenured faculty member is subject to a comprehensive performance evaluation at least once every six years.

S.B. 1159 amends Section 51.942 by requiring tenured faculty to have a comprehensive performance evaluation completed at least once every four years, instead of every six years. More frequent tenure evaluations will require professors to stay productive and keep up with changing patterns of teaching and research.

As proposed, S.B. 1159 amends current law relating to performance evaluations of tenured faculty at public institutions of higher education.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.942(c), Education Code, as follows:

(c) Requires that the rules adopted by a governing board of an institution of higher education, in addition to any other provisions adopted by the governing board, include provisions providing that each faculty member tenured at the institution be subject to a comprehensive performance evaluation process conducted no more often than once every year, but no less often than once every four years, rather than every six years, after the date the faculty member was granted tenure or received an academic promotion at the institution, and providing that a faculty member be subject to revocation of tenure or other appropriate disciplinary action if the governing board determines that the faculty member is incompetent or has engaged in neglect of duty, sexual harassment, fiscal malfeasance, plagiarism, or conduct involving moral turpitude, or other good cause exists for the revocation or disciplinary action, Makes conforming changes.

SECTION 2. Effective date: September 1, 2021.