

By: Creighton

S.B. No. 1159

A BILL TO BE ENTITLED

AN ACT

relating to performance evaluations of tenured faculty at public institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 51.942(c), Education Code, is amended to read as follows:

(c) In addition to any other provisions adopted by the governing board, the rules shall include provisions providing that:

(1) 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 [~~six~~] years, after the date the faculty member was granted tenure or received an academic promotion at the institution;

(2) the evaluation be based on the professional responsibilities of the faculty member, in teaching, research, service, patient care, and administration, and include peer review of the faculty member;

(3) the process be directed toward the professional development of the faculty member;

(4) the process incorporate commonly recognized academic due process rights, including notice of the manner and scope of the evaluation, the opportunity to provide documentation during the evaluation process, and, before a faculty member may be

1 subject to disciplinary action on the basis of an evaluation
2 conducted pursuant to this section, notice of specific charges and
3 an opportunity for hearing on those charges; and

4 (5) a faculty member be subject to revocation of
5 tenure or other appropriate disciplinary action if the governing
6 board determines that:

7 (A) the faculty member is incompetent or has
8 engaged in [~~incompetency,~~] neglect of duty, sexual harassment,
9 fiscal malfeasance, plagiarism, or conduct involving moral
10 turpitude; or

11 (B) [~~or~~] other good cause exists for the
12 revocation or disciplinary action [~~is determined to be present~~].

13 SECTION 2. This Act takes effect September 1, 2021.