Interpretation of the Term "Failure to Perform" by the University Committee on Faculty Tenure - Faculty Handbook

IV. ACADEMIC HUMAN RESOURCES POLICIES (Cont.)

"Failure to perform" is one of several possible causes for the discipline or dismissal of tenure system faculty members. Exercising its authority under sections 4.7.4 and 4.7.5 of the Bylaws for Academic Governance, the UCFT issued this statement (originally titled Interpretation of the Term “Incompetence” by the University Committee on Faculty Tenure) on March 24, 1999 as an interpretation of the term "incompetence" (now called "failure to perform") in the Dismissal of Tenured Faculty for Cause policy, one of the "rules of tenure" at Michigan State University. This Statement was subsequently revised on ___, 2014.

Interpretation

As used in the University policy on Dismissal of Tenured Faculty for Cause, the term "failure to perform" refers to the long-term failure or refusal, after relevant, targeted developmental opportunities have been provided, to:

1. perform required faculty duties as described in the Faculty Rights and Responsibilities document, Code of Teaching Responsibility, or other University policy; or

2. meet the relevant unit’s written standards and criteria for acceptable faculty performance; or

3. meet the expectations associated with the faculty member’s specific assignment within his/her unit(s) as delineated in the initial appointment letter or other written agreement with the faculty member.

Expectations for Implementation

In issuing this interpretation, the University Committee on Faculty Tenure expects the following will apply:

1. Dismissal of faculty members [for incompetence/failure to perform] is an extreme remedy, and Absent extraordinary circumstances, other avenues, including the disciplinary procedures described in the Policy and Procedure for Implementing Disciplinary Action Where Dismissal Is Not Sought, should [must] be carefully considered as possible alternatives utilized first to correct unacceptable performance before dismissal proceedings are initiated.
2. Colleagues in departments and schools play a primary role in determining if individuals are competent/professionally proficient to serve as faculty members at Michigan State University. The search, appointment and tenure processes provide the mechanisms that units use to judge whether an individual is suitable for appointment to the faculty. Similarly, units (and especially the department chair) have primary responsibility to identify those rare cases where faculty members belonging to their unit are no longer competent to perform/performing their duties at an acceptable level. The annual review of faculty performance plays a central role in evaluating faculty performance and communicating with faculty about the strengths and weaknesses of their performance. The University community expects that each department, college, and school has in place a process of annual faculty review consistent with the statement on Faculty Review issued on February 11, 1997.

3. Performance reviews in different units use different terms to describe levels of performance. Whatever the specific label, unacceptable performance is performance of duties at such an unsatisfactory level that it cannot be allowed to continue. Because of the serious consequences of this evaluation, it is recommended that faculty colleagues in the department or school (or, if necessary, from outside the university) review a unit administrator's determination that an individual's performance is unacceptable. Such a review by faculty colleagues in the department or school (e.g., through the established faculty advisory committee) is required before a recommendation to initiate dismissal proceedings can be made.

4. Faculty members whose performance is found to be unacceptable must reasonably expect to know in writing:
   a. which standards and criteria they must meet to reach acceptable levels of performance in the relevant unit(s);
   b. within what time period their performance must be remediated; and
   c. the developmental opportunities in which they should engage to remediate their performance; and
   d. the potential consequences if performance does not improve to acceptable levels.

   Faculty members shall be given an opportunity to provide input on the developmental opportunities and other specific elements of a performance improvement plan before it is implemented.

5. The term “long-term” means a period of time of sufficient length that the developmental opportunities described above have been provided and the period of time provided to improve faculty performance has elapsed. Such a period of time will generally not be less than one full academic year absent extraordinary circumstances, but will generally not be permitted to extend beyond five full academic years.

6. The University Committee on Faculty Tenure's statement entitled "Long-Term Disability: An Interpretation of the Tenure Rules" will continue to govern situations involving a tenured faculty member's physical or mental incapacity to carry out the responsibilities for which he or she was appointed.
7. A faculty member's choice of topic or subject for scholarly research or creative endeavors is an exercise of her or his academic freedom rights. Particularly in evaluating unpopular, unfashionable, or unusual research or creative scholarly activities, care must be used to ensure that faculty members' academic freedom rights are respected. In such cases, external peer review should be obtained.

Footnote:

1 Policy and Procedure for Implementing Disciplinary Action Where Dismissal Is Not Sought and Dismissal of Tenured Faculty for Cause.