Faculty Records That Do Not Meet Expectations

Campus Guidelines

Spring, 2015

In most academic personnel cases, Berkeley’s faculty members present strong records in research, teaching, and service. Thus those who prepare and review academic personnel cases may be uncertain how to respond appropriately to records that do not meet expectations in one or more areas. The following campus guidelines assemble and interpret an array of options that are available within the framework of the Academic Personnel Manual (APM).

A. Performance that may be deemed “incompetent”

APM 075, titled “Termination for Incompetent Performance,” describes the process for identifying and responding to “incompetent” performance. Findings of incompetent performance are very rare and can result in the termination of a tenured faculty member’s appointment; thus chairs and deans must consult with the Vice Provost for the Faculty before recommending the start of the process described in APM 075. If the process is initiated, all concerned should bear in mind that it offers faculty members ample opportunity to provide evidence that their performance is competent.

Below are campus guidelines for interpreting several parts of APM 075.

(1) Research. APM 075 states: “A tenured faculty member will be deemed to have performed incompetently in research or creative activity: (1) if for several years he or she has not engaged in bona fide research or creative activity, and; (2) if he or she gives no satisfactory evidence that he or she will engage in research or creative activity in the foreseeable future. The absence of frequent publication or the lack of recent funding does not per se mean the research is incompetent.”

Guideline: If reviews covering a period of eight years do not include a record of bona fide research or creative activity, and if there is no clear and convincing evidence that the faculty member will resume such activity, then the process of termination for incompetent performance should begin.

(2) Teaching. Concerning teaching, APM 075 states that for a faculty member’s performance to be judged incompetent, “the intellectual content of the faculty member’s teaching” or “the pedagogical skills of the faculty member” must be “so far below the professional standards of university-level instruction that it is a disservice to students to permit the faculty member to continue teaching.”

Guideline: If even one review provides clear and convincing evidence of incompetent performance in teaching as defined by APM 075, then the process of termination for incompetent performance should begin, unless there is clear and convincing evidence
that the teaching performance is returning to a level of competence. The process of termination for incompetent performance in teaching begins earlier than the process for incompetent performance in research because the interests of students are at stake and must be protected.

(3) Service. APM 075 gives no clear indication that a failure to offer service can trigger the process of termination.

B. Competent performance that does not meet expectations

Performance in research, teaching, or service may fail to meet expectations without being incompetent under the terms of APM 075. Presentation of a record that does not meet expectations in one or more areas should prompt steps to alert the faculty member to the campus’s expectations, give the faculty member opportunities to demonstrate improvement, and give the campus opportunities to monitor the faculty member’s performance and respond to it appropriately.

Depending upon the extent to which performance falls short of expectations and the duration of such performance, one or more of the following outcomes may be appropriate:

(1) An academic-personnel review may result in no advancement or decelerated advancement, along with identification of areas in which improvement will be needed for future normal advancement.

(2) An academic-personnel review may result in the Vice Provost’s requiring that the faculty member’s record be reviewed again at a specified time (permitted under APM 220-80). The Vice Provost may indicate areas for review or expectations for improvement. The department chair will carry out the required appraisal at the specified time and submit its results for consideration by the dean, campus reviewers, and the Vice Provost.

(3) In the unlikely event that a faculty member is recommended for appointment or reappointment to an endowed chair after a review in which the record of research or teaching did not meet expectations, approval of the recommended action may be contingent upon the presentation of clear evidence of distinction in research and teaching, in light of the fact that endowed chairs “are reserved for distinguished scholars and teachers” (APM 191).

(4) When a pattern of failure to meet expectations has persisted over more than a single review period, or when the record falls far short of meeting expectations in a single review period, the following additional measures may be appropriate:

(a) The letter of the Vice Provost for the Faculty conveying the outcome of the review may state that no further advancement will be warranted until the record improves in specified ways.
(b) If the faculty member’s record has been deficient in the area of research, the Dean or the Vice Provost may determine that no sabbatical leave should be granted until clear evidence is presented that the faculty member will use the leave to engage productively in a well-articulated plan of research activity that will bring distinction to the University. Such a determination would be consonant with the Standing Order of the Regents that states: “Sabbatical leaves are granted, in accordance with regulations established by the President, to enable recipients to be engaged in intensive programs of research and/or study, thus to become more effective teachers and scholars and to enhance their services to the University” (APM 740-0). Such a determination would also be consonant with the following statement: “Sabbatical leaves are not granted as a matter of individual right. Leaves are accorded to individuals in good standing to enable them to further their research or other creative activities and in doing so, to enhance their service to the University” (APM 740-94).

(c) If the faculty member’s record has been deficient in research and the faculty member is a good teacher, then the Vice Provost may require that the faculty member increase his or her teaching load (APM 005). The Vice Provost may also invite the faculty member to consider requesting a lateral transfer to the SOE Lecturer series (APM 075).