Faculty Senate Meeting Minutes – November 6, 2018

Senators Present: Polly Allred, Ambrose Anoruo, Apurba Bhatacharya, Rudolf Bohm, Jieming Chen, David Cutton, Ulan Dakeev, Horacio Duarte, LaVonne Fedynich, Christine Fiestas, Manuel Flores, Karen Furgerson, Michelle Garcia, Jeffrey Glick, Brent Hedquist, Elizabeth Janzen, Joseph Jones, Larry Knight, Veronica Lopez, Tanner Machado, Brian Menaker, Craig Meyer, Patrick Mills, Christine Radcliff, Hans Schumann, Ari Sherris, Marsha Sowell, Dazhi Sun, Benjamin Turner, Amit Verma, Fulden Wissinger, Pamela Wright, Nuri Yilmazer,

Senators Absent: Marion Blake, Dongnyoung Kim, Lana McDonnell, Jack Shorter, Tushar Sinha, Haibin Su, William Worek, Hong Zhou

I. Call to Order and Quorum Call.

At 3:35 p.m. President Janzen asked the parliamentarian, Polly Allred, if enough members were present for a quorum. Senator Allred replied in the affirmative.

II. Approval of Minutes from October 2018 Faculty Senate Meeting.

President Janzen asked for approval of the previous meeting minutes. Senator Meyer motioned, Senator Allred seconded. Minutes were approved with 2 abstentions.

III. Presentations

a. Update from the Provost Office

Dr. Rasmussen passed out a copy of the budget that was submitted to the System finance office October 30th. *(See handout titled Summary of actions with grad HEPI in FY19)* He mentioned that in FYs 20 & 21 there is a 2% merit increase already factored in, and that the plan is to continue to lower dependence on salary savings to make the budget balance in those years.

The Provost was asked if we will meet the international goal of 60 and he said Yes, and that actually we are 1 student more than last fall. He was also asked if he can look into how TA funds are dispersed, and the Provost replied that the money to be spent over the full FY is sent to the Colleges in September.

The Provost also wanted to make sure that the Senate knew there were going to be grant training workshops next week. Info should have been passed out by the Deans.

IV. Report of Officers

a. Senate President Elizabeth Janzen

i. **Filing campus committees –** Is ongoing. President Janzen will be talking to Dr. Goswami about the creation of a Policy Review Committee.

ii. **Meetings with President and Provost** – President Janzen asked about the differential tuition option that has been mentioned and how it would affect students, and the President has expressed he has concerns and will vet the options.

iii. **Workload document** – President Janzen asked about the status of this documents and reported that it was submitted last September, and it was followed up on until February. Dr. Tallant had said in February that he could not look at it at that time due to budget issues. President Janzen has recently sent another copy of the document, and Dr. Tallant said he cannot commit at this time but would discuss it with the Provost. He also mentioned that Dr. Hussey has already talked about looking at going to 3-3 load with specific research requirements. It also seems that Dr. Hussey has a goal in mind to have the University move up to a Carnegie 2 classification.

iv. **Summer Salaries** – President Janzen had an email from the Provost stating that they are having issues working on this because Workday can't pull the numbers needed for review.

v. **Change of Admin Review meeting** – President Janzen attended a meeting where she brought up issues of concern from the Senate. Those issues include: merit raises, load challenges, summer salary, on table resolutions, human resources, and workload. She said she would continue to take these issues to the new President.

vi. **Texas Council of Faculty Senates Meeting** – President Janzen attended this meeting at the end of October. Issues discussed included shared governance. It appeared to her that other institutions have less access to upper administration than we do. The role of Faculty Senate on campus was another issue discussed.

They were also informed of a field of study that would be coming through the Coordinating Board. This was something that was promised to the Legislature by the Coordinating Board that will allow community colleges to teach more classes that would transfer to Universities. It was mentioned that SACS issued a letter of complaint about this in July, and they expected a response from the Coordinating Board by October and no response had been returned by the time of their meeting.

vii. **Senator attendance issue** – President Janzen with the approval of Senator Wright wanted to inform everyone about an attendance issue that had arisen with her. Between May and November

Senator Wright experienced an issue causing her to have been officially declared deaf. This issue had an impact on her Senate meeting attendance. By the time that President Janzen became aware of the issue Senator Wright had already accrued 3 consecutive absences that per the Constitution requires the "seat shall be declared vacant". Senator Wright was re-elected by her College, and the Provost has agreed to provide an ASL interpreter for the November and December Senate meetings and has said that proper equipment will be in place by the February meeting to assist Senator Wright.

Discussion arose about changing the information in the Constitution regarding absences. It was pointed out that there is a procedure for this should it be something the Senate wishes to pursue under Article IV, Section 1 of the Constitution.

viii. **Executive Committee Special meeting** – Met to discuss faculty appeal tenure decision. We developed a recommendation to re-examine the faculty appeal itself and presented it to Dr. Tallant. He passed it to System Legal and they recommended that he not review it. The committee seems unsure of the whole appeals process so President Janzen is asking Abigail for more clarification on the processes.

b. **Senate President-Elect Ambrose Anoruo –** At the October luncheon the Executive Committee has with the President and Provost, President Janzen asked President-Elect Anoruo to bring up the topic of concerns about the appeals process. It was mentioned that there is some language regarding the appeals process that is used by TAMU Commerce that we would like to adopt into our handbook. The President and Provost both approve using the language going forward, but made a point to say the decision on the tenure case previously presented to them will stand.

V. Old Business

a. **SRIs** – *See handout titled Survey Comparison.* Senator Verma moved that the SRI questions, as tested in Spring of 2018, be implemented for campus-wide use beginning Spring of 2019, along with the domain assignments as suggested on page two of the SRI Implementation Committee's comparison report.

There was discussion that the domain assignments were not a task of the SRI committee. It was asked that the document be shared with departments to get a feeling on how the Senators should vote. It was then moved by Senator Garcia and seconded by Senator Meyer that the motion be tabled until December, and that motion was approved.

b. **Dead Week/Dead Day discussion** – Senator Meyer reported that he had not received any emails from faculty regarding personal understandings are on what they think the guidelines are for dead week/dead day. Discussion followed about where the rules come from, is it the Provost or the Deans? Could dead week be called something else? Can a committee be created with Dr. Goswami for the future? It was brought to the group that University Policy H5 in the Faculty Handbook refers to Dead Week/Dead Day.
It was moved by Senator Allred and seconded by Senator Radcliff that clarification of this issue be referred to the Handbook committee for investigation. The motion was approved.

c. **Shared Governance** – *See handout titled The American Association of University Professors Indicators of Sound Governance.* Senator Bohm expressed his concern that there is no way to express concern to Administration about shared governance. Could we create a task force to come up with a definition of shared governance? How do we make our voices heard if the Senate is just an advising body? President Janzen welcomes the creation of a document to define and explain Senate feelings on shared governance to bring to Dr. Hussey.

It was moved by Senator Allred that we establish a Senate task force to research the concept of shared governance and develop a succinct statement. It was seconded by Senator Anoruo.

There was then a motion to amend by Senator Verma that the Senate will initiate a University wide taskforce to study shared governance and develop a succinct summary thereof. This was seconded by Senator Schumann.

It was then reported by Senator Radcliff that quorum was lost at 4:45pm.

President Janzen then created a Senate task force to research shared governance to create a statement. Members of the task force include: Senators Bohm, Sherris, Garcia, and Verma.

VI. Standing Committee Reports

a. **Resolution and By-laws/Handbook Committee** – See handouts titled *Academic Operating Procedure 1; D R A F T Academic Affairs AOP 2 Faculty Grievances, Appeals, and Dismissals; Faculty Handbook_November 2019*.

Senator Garcia mentioned that there have been lots of revisions made to the documents and there are more coming.

b. **Committee on Committees** – Senator Sinha reported via email that the following are the nominations/confirmations for the Faculty Evaluation Committee that have been received so far:

Dr. Lana G McDonnell, College of Arts and Sciences
Dr. Veronica Salinas Lopez, College of Arts and Sciences
Dr. Kathleen Rees, College of Business Administration
Dr. Ruth M Chatelain-Jardon, College of Business Administration
Dr. Thomas M Krueger, College of Business Administration
Dr. Lorraine Killion, College of Education and Human Performance
Dr. Patricia R. Huskin, College of Education & Human Performance
Dr. Matthew L Alexander, College of Engineering
Ms. Elizabeth B. Baker, Jernigan Library

Still awaiting confirmation from 1 member from the College of Engineering, and 2 members from the College of Agriculture, Natural Resources and Human Sciences.

c. Election Committee – Senator Hedquist reported there were 3 elections held and identified the new Senators for the following departments:

Art, Communication & Theatre – Dr. Manuel Flores
Mechanical & Industrial Engineering – Dr. William Worek
Language & Literature – Dr. Pamela Wright

VII. Reports from Committees Reporting to the Senate

a. Administrator Evaluation Committee – Will be using the 2013 version, and hope to have this out before Thanksgiving. Still fighting OSR communication issues. The committee chair had concerns about anonymity if administered online, but they found a way to ensure it is anonymous.
b. Annual Faculty Lecture Committee – Waiting on Marcom for dates.
c. Piper Award Committee – President Janzen is finalizing.
d. Faculty Evaluation Committee – Committee still waiting on confirmation for 3 members, then will be complete.
e. University Appeals Committee – Pool of faculty is complete.
f. Faculty Benefits Committee – No word.

VIII. Task Force Reports

a. **Online Elections** – Still in the works. It was suggested to talk to Randy Stanko because he has run online elections for his department before.

b. **GA Compensation** – Received information from other system schools. Compensation ranges from $7,500 to $17,000 for 9mo. TAMUK is the lowest compensated with the highest load. They are still collecting information.

IX. New Business

a. **Formation of a Policy Revision Committee** – President Janzen moved this to next month's agenda.

b. **Travel compensation for Dual Enrollment (Senator Knight)** – President Janzen moved this to next month's agenda.

c. **Academic Calendar: Student's Rights for Religious Observance (Senator Sherris)** – President Janzen moved this to next month's agenda and will send out the document with the December meeting information.

X. **Announcements –** Dr. Tallant will be attending next month. A "For the Good of the Senate" section will be added on the fly between announcements and adjournment on future agendas.

XI. **Adjournment** – At 5:19pm President Janzen adjourned the meeting.

Respectfully Submitted,
Christine Radcliff
Faculty Senate Secretary, 2018-2019

SUMMARY OF ACTIONS WITH GRAD HEPI IN FY19:	in millions		
	FY2019	FY2020	FY2021
Original Deficit (E&G DT USF)	(4.5)	(1.7)	0.0
Revenue Est	0.6	3.8	3.3
Actions to date	2.2	(2.1)	(1.7)
BALANCE TO BE ADDRESSED	**(1.7)**	**0.0**	**1.7**
Other Fees & Auxiliary (restricted)	2.8	3.0	3.0
Est. Change in Net Position (reserves)	1.1	3.0	4.7

Course Questions:

#	Original Survey	Proposed Survey
1	Considerate of the students during class.	The instructor displayed an interest in students' learning in this course.
2	Presents the subject matter in a clear and organized manner.	The instructor demonstrated the importance of the subject matter.
3	Tests and other requirements cover the course description in the syllabus.	The instructor explained course material clearly.
4	Sets high academic standards.	The instructor provided timely feedback on assignments to help students improve.
5	Follows the grading system outlined in the syllabus.	In this course I gained factual knowledge (ex. terminology and/or classifications and/or methods and/or trends and/or fundamental principles).
6	Available during office hours.	In this course I learned to apply course material to improve learning (ex. thinking and/or problem solving and/or decision-making).
7	Lectures focus on the material outlined in the syllabus.	The instructor is available during office hours.
8	Results are returned in a reasonable amount of time.	The instructor takes time to answer questions.
9	Textbook support the course objectives.	
10	Takes time to answer questions.	
11	Attempts to involve students in class discussions/activities.	
12	Required high quality work.	
13	Communicates the importance of the subject matter.	
14	Cannot be reached during posted office hours.	
15	Uses examples to help students understand.	

Additional Questions:

#	Original Survey	Proposed Survey
1	Amount of effort required to succeed.	What aspects of the course were especially valuable for your learning?
2	Grade that I expect in this class.	What could the instructor have done differently that would have better facilitated your learning?
3	Reason for taking this course.	.
4	Views on the quality of the instruction.	

Page 2 of Evaluation Page and Domain comparison

#	Domain	Original Questions	Proposed Questions
1	*Value*	4,12	2&5
2	*Enthusiasm*	13	2
3	*Organization*	2,7	3
4	*Group Interaction*	1,11	1,8
5	*Individual Rapport*	1,6,10	7,8
6	*Breadth of Coverage*	15	6
7	*Examinations/Grading*	2,5,8	3,4
8	*Assignments*	3,9	4

Statistical Results, Independent samples t-test:

1. Value

Group Statistics

	SRIValue	N	Mean	Std. Deviation	Std. Error Mean
Value	Original SRI	116	4.4740	.28317	.02629
	Proposed SRI	116	4.4324	.35184	.03267

Significance (2-tailed): .323

2. Enthusiasm

Group Statistics

	SRIEth	N	Mean	Std. Deviation	Std. Error Mean
Enthusiasm	Original SRI	58	4.4602	.32012	.04203
	Proposed SRI	58	4.4705	.32377	.04251

Significance (2-tailed): .863

3. Organization

Group Statistics

	SRIOrg	N	Mean	Std. Deviation	Std. Error Mean
Organization	Original SRI	116	4.4620	.36620	.03400
	Proposed SRI	58	4.3891	.37132	.04876

Significance (2-tailed): .220

4. Group Interaction

Group Statistics

	SRIGroup	N	Mean	Std. Deviation	Std. Error Mean
Group Interaction	Original SRI	116	4.4812	.36535	.03392
	Proposed SRI	116	4.4011	.41647	.03867

Significance (2-tailed): .121

5. Individual Report

Group Statistics

	SRI.IR	N	Mean	Std. Deviation	Std. Error Mean
Individual Report	Original SRI	174	4.4495	.38166	.02893
	Proposed SRI	116	4.3949	.38595	.03583

Significance (2-tailed): .236

6. Breadth of Coverage

Group Statistics

	SRI.Breadth.Coverage	N	Mean	Std. Deviation	Std. Error Mean
Breadth Coverage	Original SRI	58	4.2433	.44504	.05844
	Proposed SRI	58	4.3602	.36505	.04793

Significance (2-tailed): .125

7. Examinations/Grading

Group Statistics

	SRIExam.Grading	N	Mean	Std. Deviation	Std. Error Mean
Exam Grading	Original SRI	174	4.4734	.34546	.02619
	Proposed SRI	116	4.3909	.37679	.03498

Significance (2-tailed): .056

8. Assignments

Group Statistics

	SRIAssignments	N	Mean	Std. Deviation	Std. Error Mean
Assignments	Original SRI	116	4.5182	.29915	.02778
	Proposed SRI	58	4.3928	.38541	.05061

Significance (2-tailed): .019

The American Association of University Professors

Indicators of Sound Governance

How to Use This Instrument

The AAUP's Committee T on College and University Government has approved this instrument as a tool for assessing the extent to which practices at your institution comport with national standards for shared governance in higher education. We believe that each of the items on the questionnaire reflects necessary conditions for sound shared governance. On the other hand, we don't intend the items to constitute an exhaustive representation of ideal conditions for sound governance. Furthermore, we don't intend the instrument to measure opinions or satisfaction; we designed it to help you compile informed responses. Therefore, a good method for completion would be for a committee of faculty members who are experienced in governance on your campus to complete the instrument consensually.

Expectations and Assumptions That Underlie the Items

Overall Climate for Shared Governance

According to the AAUP's *1966 Statement on Government of Colleges and Universities,* governance in higher education should result from cooperation and interdependence between and among the administration, governing board, faculty and (to a lesser degree) other constituents. The *Statement* emphasizes that it is in the best interests of the institution for the president, governing board, and faculty to speak with a unified voice to outside agencies and publics whenever possible. A shared goal or spirit of collaboration on the part of the administration, governing board, and faculty is vital to healthy governance.

The *Redbook (AAUP Documents and Reports)* and other sources also address other elements of campus climate that may either affect or reflect the health of shared governance at the institution. These elements include morale, tolerance of diversity, and participation. Items 1-13 relate to the overall climate for shared governance at your institution.

Governance in Areas of Faculty Primacy

The AAUP recognizes the *de jure* authority of the governing board—and, secondarily, of the president—for governance of all aspects of the institution. However, according to the *1966 Statement*, faculty judgments should ordinarily prevail in three areas. These areas are (1) curriculum, subject matter and methods of instruction, and research; (2) matters of faculty status (e.g., hiring, dismissal, retention, tenure, and promotion); and (3) those aspects of student life that relate to the educational process. Although the president and the governing board may override the faculty's judgments in

these areas, standards dictate that they should rarely do so. Items 14-22 relate to the faculty's governance role in those areas in which the faculty's judgments should prevail.

The Faculty's Governance Role in Areas of Shared Responsibility

The *1966 Statement* notes that in some areas of governance, the faculty, president, and governing board share decision-making with greater weight in decision-making accorded to one or another of the participants. In those areas, the degrees of respective authority, responsibility, and vested interest determine which group's judgment should carry greater weight.

In general, the faculty should have a meaningful role in decision-making in those areas that have a significant impact on the educational and scholarly enterprise. The faculty should share with the governing board the responsibility of selecting the institution's president, and should significantly influence the hiring of other academic administrators. Budgeting, strategic planning, facilities planning, and regulating intramural athletics are only a few of the other functions that require significant participation by the faculty, according to the *Redbook*. In addition, the faculty should have a say regarding institutional relationships with outside entities—government agencies, athletic conferences, the church, accrediting bodies, foundations, etc.—that increasingly influence campus policies and priorities. Items 23-36 relate to the faculty's role in those areas in which governing responsibilities are shared.

Terminology

This document does not assume a particular structural model such as an academic senate for faculty governance. (Indeed, the AAUP does not favor a particular structural model.) When the term "senate" appears in this document, it refers generically to any legislative body of the faculty. In like manner, we use the term "president" to refer to the chief administrative officer of your campus, and the term "governing board" to refer generically to boards of directors, trustees, and regents. The term "administration" refers primarily to the president, chief academic officer, and academic deans.

Just as the governance and organizational structures may vary from campus to campus, the number of levels for review of curricular and personnel decisions varies among institutions according to their size and complexity. To refer to these levels, we have used the term "institution" generically for both universities and colleges, and we have used the terms "college" and "school" in the document to refer to divisions within the institution.

Finally, this document distinguishes between faculty committees and institutional committees. In this document, the term "faculty committee" refers to governance committees of the faculty within a department, school, or college as well as committees of the faculty that carry out the work of the faculty as a whole. (Typically, these latter faculty committees are committees of the academic senate or its equivalent.) The term "institutional committee" refers to standing and ad hoc committees (sometimes called

university committees) that typically are formed and convened by the administration as a means of communication among university constituents and to carry out administrative initiatives and tasks.

Institutional committees generally have a mixed membership that may include faculty members, administrators, staff members, and others. Faculty committees are usually composed chiefly of faculty members, but may also have student and administrative representation.

We make this distinction because the means of selecting members and chairs differs between the two types of committees, and the reporting lines should also be different. Specifically, the faculty alone usually decides the composition and selects the faculty members of faculty committees, but faculty representatives to institutional committees are often jointly selected or selected by the administration from a list provided by the faculty. Similarly, institutional committees usually report to the administration, while faculty committees report either to members of the department or college, or to the faculty senate.

For more detailed information about standards for shared governance, refer to the *Redbook* (*AAUP Policies and Documents, 9th edition*); and the 1998 monograph by Keetjie Ramo, *Assessing Faculty's Role in Shared Governance: Implications of Redbook Standards.* Both publications are available for sale on the AAUP's website, <www.aaup.org>.

The AAUP welcomes your comments on this instrument, and would appreciate receiving copies of your results and analysis. Please direct correspondence to the attention of Robert Kreiser, Committee T on Government of Colleges and Universities. The address of the AAUP national office is

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Keetjie Ramo

February 12, 2001

AAUP

The American Association of University Professors
Indicators of Sound Governance

This instrument is designed to gather information about the state of shared governance on your campus. It should be completed by persons who are very familiar with governance structures and practices at the institution.

Part I: Indicators of Sound Governance				
Circle the appropriate number. Circle "2" if the statement is True of governance practices or climate at your institution with rare exceptions. Circle "1" if the statement is More True than False of governance practices or climate at your institution. Circle " –1" if the statement is More False than True of governance practices or climate at your institution. Circle " –2" if the statement is False with regard to governance practices or climate at your institution with rare exceptions.	**True**	**More True than False**	**More False than True**	**False**
1. The governing board verbally acknowledges the importance of shared governance. *(Acknowledgment)*	**2**	**1**	**-1**	**-2**
2. The president verbally acknowledges the importance of shared governance. *(Acknowledgment)*	**2**	**1**	**-1**	**-2**
3. Faculty members view participation in shared governance as a worthwhile faculty responsibility. *(Acknowledgment, Influence)*	**2**	**1**	**-1**	**-2**
4. The institution fosters shared governance by maintaining reasonable workloads, supporting faculty development of governance skills, and rewarding participation in governance work. *(Acknowledgment)*	**2**	**1**	**-1**	**-2**
5. Faculty members can express dissenting views on governance without reprisal. *(Safety)*	**2**	**1**	**-1**	**-2**

Circle the appropriate number. Circle "2" if the statement is True of governance practices or climate at your institution with rare exceptions. Circle "1" if the statement is More True than False of governance practices or climate at your institution. Circle " –1" if the statement is More False than True of governance practices or climate at your institution. Circle " –2" if the statement is False with regard to governance practices or climate at your institution with rare exceptions.	True	More True than False	More False than True	False
6. The campus climate supports a diversity of opinions, schools of thought, perspectives, and personal styles. *(Safety)*	2	1	-1	-2
7. Relationships between the faculty, academic administrators, and governing board are cooperative. *(Mutuality)*	2	1	-1	-2
8. Structures, policies, and procedures for disciplinary and dismissal hearings, grievances, appeals, and allegations of sexual harassment are consistent with AAUP standards for due process. *(Safety, Gatekeeping)*	2	1	-1	-2
9. Negotiations and communication between and among the faculty, president, and governing board are carried out in good faith. *(Mutuality, Responsible practices)*	2	1	-1	-2
10. The campus community fosters participation and leadership by women, persons of color, part-time faculty, and members of other underrepresented groups. *(Representativeness)*	2	1	-1	-2
11. Given reasonable time, the faculty responds expeditiously to requests from the administration or governing board for recommendations and action on institutional decisions. *(Responsible practices)*	2	1	-1	-2

Circle the appropriate number. Circle "2" if the statement is True of governance practices or climate at your institution with rare exceptions. Circle "1" if the statement is More True than False of governance practices or climate at your institution. Circle " –1" if the statement is More False than True of governance practices or climate at your institution. Circle " –2" if the statement is False with regard to governance practices or climate at your institution with rare exceptions.	True	More True than False	More False than True	False
12. Faculty leaders look to national standards (e.g., *AAUP Policy Documents and Reports)* for the faculty's appropriate role in the governance of the institution. *(Responsible practices)*	2	1	-1	-2
13. Given reasonable time, the governing board responds expeditiously to faculty concerns and to the need for action on institutional issues. *(Responsible practices)*	2	1	-1	-2
14. Faculty committees determine educational policy, curriculum design, curriculum review, and standards and procedures for evaluating teaching and scholarly production. *(Appropriate boundaries, Influence)*	2	1	-1	-2
15. Faculty committees largely determine policies and decisions concerning those aspects of student life that relate to the educational process. *(Appropriate boundaries, Influence)*	2	1	-1	-2
16. Faculty committees largely determine standards and criteria for retention, promotion, and tenure. *(Appropriate boundaries, Influence, Gatekeeping)*	2	1	-1	-2
17. Recommendations of faculty committees largely determine the nature of decisions regarding the faculty status of individuals. *(Appropriate boundaries, Influence, Gatekeeping)*	2	1	-1	-2

Circle the appropriate number. Circle "2" if the statement is True of governance practices or climate at your institution with rare exceptions. Circle "1" if the statement is More True than False of governance practices or climate at your institution. Circle " –1" if the statement is More False than True of governance practices or climate at your institution. Circle " –2" if the statement is False with regard to governance practices or climate at your institution with rare exceptions.	True	More True than False	More False than True	False
18. There are formal procedures at the departmental level to give peers a voice in decisions on the appointment, retention, tenure, dismissal, and promotion of departmental colleagues. *(Influence, Gatekeeping)*	2	1	-1	-2
19. The faculty responsibly renders both positive and adverse recommendations in faculty personnel matters through established procedures. *(Responsible practices, Gatekeeping)*	2	1	-1	-2
20. The faculty determines criteria and procedures for conferring faculty status on administrators, librarians, coaches, and other professionals. *(Appropriate boundaries, Influence, Gatekeeping)*	2	1	-1	-2
21. The president and governing board avoid overturning faculty judgments in those areas in which the faculty has primacy (i.e., curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life that relate to the educational process). *(Appropriate boundaries, Influence)*	2	1	-1	-2
22. The faculty sets agendas, chooses representatives and leadership, and establishes procedures for committees that oversee those areas in which the faculty has primacy. *(Appropriate boundaries, Influence)*	2	1	-1	-2
23. The faculty periodically reviews and, when appropriate, proposes changes to the faculty handbook, senate by-laws, and similar documents. *(Influence, Responsible practices)*	2	1	-1	-2

Circle the appropriate number. Circle "2" if the statement is True of governance practices or climate at your institution with rare exceptions. Circle "1" if the statement is More True than False of governance practices or climate at your institution. Circle " –1" if the statement is More False than True of governance practices or climate at your institution. Circle " –2" if the statement is False with regard to governance practices or climate at your institution with rare exceptions.	True	More True than False	More False than True	False
24. Since they may administratively overturn or override decisions and judgments of the faculty, academic officers do not have votes on faculty committees and legislative bodies. *(Appropriate boundaries)*	2	1	-1	-2
25. Formal arrangements exist for regularly and accurately communicating faculty positions and concerns to the governing board, and for regularly and accurately communicating the views of the governing board to the faculty. *(Communication channels)*	2	1	-1	-2
26. Faculty members have timely access to the information they need to make informed decisions or recommendations on institutional matters. *(Communication channels)*	2	1	-1	-2
27. The president and board use established mechanisms to ensure a faculty voice in matters of shared concern, consulting either the faculty as a whole or representatives who have been selected or approved by the faculty. *(Communication channels, Representativeness)*	2	1	-1	-2
28. Faculty representatives to institutional committees, advisory boards, and the governing board have adequate time to consult with their constituents before voting or making recommendations on important issues. *(Communication channels)*	2	1	-1	-2

Circle the appropriate number. Circle "2" if the statement is True of governance practices or climate at your institution with rare exceptions. Circle "1" if the statement is More True than False of governance practices or climate at your institution. Circle " –1" if the statement is More False than True of governance practices or climate at your institution. Circle " –2" if the statement is False with regard to governance practices or climate at your institution with rare exceptions.	True	More True than False	More False than True	False
29. Faculty members who represent the faculty on the governing board, institutional committees, and advisory groups, or who represent the institution to outside agencies such as athletic conferences, are selected by the faculty or are selected by others from a list provided by the faculty. *(Representativeness)*	**2**	**1**	**-1**	**-2**
30. The faculty has a voice regarding the nature and goals of relationships with outside entities such as accrediting bodies, athletic conferences, etc. *(Influence)*	**2**	**1**	**-1**	**-2**
31. The faculty has an influential role in developing the institutional budget. *(Influence)*	**2**	**1**	**-1**	**-2**
32. a. (For collective bargaining campuses): Where collective bargaining arrangements exist for the faculty, collective bargaining reinforces but does not replace sound policies and structures for shared governance. *(Influence)* b. (For campuses without collective bargaining for faculty): The faculty's participation in governance can improve and has improved working conditions for the faculty. *(Influence)*	**2**	**1**	**-1**	**-2**
33. The faculty shares with the governing board the primary responsibility for selecting a president. *(Influence, Gatekeeping)*	**2**	**1**	**-1**	**-2**
34. The faculty has a strong influence on the selection of academic administrators. *(Influence)*	**2**	**1**	**-1**	**-2**

Circle the appropriate number. Circle "2" if the statement is True of governance practices or climate at your institution with rare exceptions. Circle "1" if the statement is More True than False of governance practices or climate at your institution. Circle " –1" if the statement is More False than True of governance practices or climate at your institution. Circle " –2" if the statement is False with regard to governance practices or climate at your institution with rare exceptions.	True	More True than False	More False than True	False
35. Faculty participation influences the evaluation of academic administrators. *(Influence)*	2	1	-1	-2
36. Faculty representatives to the senate, institutional committees, and other representative bodies keep their constituents informed of the agendas of those bodies and solicit constituents' views whenever appropriate. *(Responsible practices, Representativeness)*	2	1	-1	-2
Column Totals				
			Total Score	

Part II: Satisfaction with the Faculty's Role in Shared Governance

In general, how satisfied is the faculty with its role in shared governance? (Circle the appropriate response.)

Very satisfied ***Satisfied*** ***Dissatisfied*** ***Very dissatisfied***

Keetjie Ramo
February 12, 2001

Academic Operating Procedure 1

Academic Freedom, Responsibility and Tenure

December 14, 2017

Statement

This document supplements information in System Policy 12.01, Academic Freedom Responsibility and Tenure, on topics such as written terms of employment, administrative leave, faculty dismissals for cause, non-renewal of non-tenured track faculty at the end of a term contract, financial exigency, and the phasing out of programs.

Procedures and Responsibilities

1. WRITTEN TERMS OF EMPLOYMENT Paragraph 3 of System Policy 12.01 addresses written terms of employment.

2. ADMINISTRATIVE LEAVE Paragraph 5 of System Policy 12.01 addresses administrative leave. A faculty member placed on administrative leave with pay may appeal the decision to the Provost by submitting an appeal in writing within ten~~five~~ (10~~5~~) business days of being notified of the leave. Appeals presented after the tenth~~fifth~~ business day shall be denied as untimely.

3. NOTICE OF NON-REAPPOINTMENT OR OF INTENTION NOT TO REAPPOINT

   3.1 Notice of non-reappointment, or of intention not to reappoint a non-tenured tenure-track faculty member, will be given in writing in accord with the following standards:

      3.1.1 Not later than March 1 of the first academic year of probationary service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination;

      3.1.2 Not later than December 10~~5~~ of the second year of probationary service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination; or

      3.1.3 At least twelve months before the expiration of a probationary appointment after two or more years in the institution.

   3.2 Section 5 below discusses the process by which a full-time faculty member, including a professional librarian, may present a grievance to an administrator related to the non-renewal or termination of the faculty member's employment. (See subparagraph 5.2.) Section 5 also discusses the process by which a non-tenured tenure-track faculty member may appeal a decision not to reappoint. (See subparagraphs 5.3 through 5.14).

4. REVIEW BY FACULTY PEERS IN APPEALS OF ADMINSITRAVE DECISIONS As part of the regular committee appointment cycle, the Faculty Senate will designate a pool of twenty-four (24)

tenured faculty members with representatives from each of the colleges. This group will be subject to appointment by the Provost or President of the university to advisory committees or hearing committees referenced in this procedure. The committee members will serve staggered terms so that eight (8) members rotate off every year.

NON-RENEWAL OF NON-TENURED TENURE TRACK FACULTY AT END OF TERM CONTRACT

5.

~~Paragraph 7 of System Policy 12.01 addresses Non-renewal of Non-tenured Tenure Track Faculty at the End of a Term Contract.~~

~~4.1~~5.1 Paragraph 7 of System Policy 12.01 addresses Non-renewal of Non-tenured Tenure Track Faculty at the End of a Term Contract. A system academic institution is not required to give a non-tenured faculty member a reason for a decision not to reappoint for another contract term or to provide a hearing. Generally, all faculty members are entitled under Texas law to see their personnel files and to obtain a copy of the information in these files at their own expense.

~~4.2~~5.2 A faculty member has a right to present a grievance~~, in person,~~ to the Provost and Vice President for Academic Affairs on an issue related to the non-renewal *or termination* of the faculty member's employment at the institution. If a faculty member desires to present a grievance, the faculty member shall notify the Provost in writing not later than the 10th business day after the faculty member receives notice of the non-renewal *or termination*. Grievances presented after the 10th business day shall be denied as untimely.

~~4.3~~5.3 A non-tenured faculty member may appeal a decision not to reappoint, but only on the basis of an allegation that the decision was made: (1) in violation of the academic freedom of the individual;
(2) for an illegal reason; or (3) for inadequate consideration of the record of professional achievement. For purposes of this section, an illegal reason is defined as a decision based on race, sex, age, national origin, religion, creed, color, or disability unrelated to the performance of duties; or made in retaliation for the faculty member's exercise of protected First Amendment rights. Such an appeal must be presented to the Provost in writing, pursuant to subparagraph 7.3 of System Policy 12.01. At least one of these allegations must be made by the faculty member in order to initiate the appeal process. If a faculty member desires to appeal, the faculty member shall notify the Provost in writing not later than the 20th business day after the faculty member receives written notice of the decision not to reappoint. Appeals presented after the 20th business day shall be denied as untimely.

~~4.4~~5.4 Upon receipt of an appeal from the faculty member, the Provost will select five faculty members to serve on a~~n~~ Preliminary Review Committee~~Advisory Committee~~, plus four (4) alternate members designated in rank order (first alternate, second alternate, etc.) from the faculty pool (Section 4). Each member of the Preliminary Review ~~Advisory~~ Committee shall be subject to challenge for cause by the faculty member and the administration. Each side shall be allowed a maximum of two challenges. The President of the Faculty Senate will determine the validity of the challenges. If a faculty member believes that he or she is unable to serve on the Preliminary Review ~~Advisory~~ Committee, a written request to be recused must be submitted to the President of the Faculty Senate and Provost. The request must specify the reason(s) for the recusal. The President of the Faculty Senate will determine the validity of the request. Members removed due to challenge or recusal will be replaced by the alternates in designated order, and those replacements will be subject to challenge so long as challenges remain. Alternate members who do not end up serving on the Preliminary Review~~Advisory~~ Committee will be eligible for selection to the Hearing Committee (Section 5.6). The committee shall elect its own chairperson. The chairperson shall retain the right of discussion at all times and will vote only in case of a tie.

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~~4.5~~5.5 The Preliminary Review ~~Advisory~~ Committee will conduct a preliminary review of the allegations, pursuant to subparagraph 7.4 of System Policy 12.01 to determine whether the faculty member has established that a violation as defined in subparagraph 5.3 of this rule may have occurred. The Preliminary Review~~Advisory~~ Committee's determination shall be conveyed in writing to the Provost and to the faculty member. The Preliminary Review ~~Advisory~~ Committee's proceedings may be informal and flexible. Representatives of the administration, including an attorney from the Office of the General Counsel, may attend the proceedings as observers.

~~4.6~~5.6 If the Preliminary Review~~Advisory~~ Committee determines that the allegations do establish a prima facie case and

recommends a formal hearing, the Provost will proceed with arrangements for the hearing by the deadlines provided in subparagraph 7.5 of System Policy 12.01. The University will provide staff support to schedule and hold a hearing. The Provost will select eight (8) faculty members to serve on a Hearing Committee and six (6) alternates in rank order (i.e., first alternate, second alternate, etc.) from the faculty pool (Section 4.0). The Hearing Committee will be a separate and distinct body from the Advisory Committee described above. Each member of the Hearing Committee shall be subject to challenge for cause by the faculty member and the administration. Each side shall be allowed a maximum of three challenges. The President of the Faculty Senate will determine the validity of the challenges. If a faculty member believes that he or she is unable to serve on the Hearing Committee, a written request to be recused must be submitted to the President of the Faculty Senate and Provost. The request must specify the reason(s) for the recusal. The President of the Faculty Senate will determine the validity of the request. Members removed due to challenge or recusal will be replaced by the alternates in designated order, and those replacements will be subject to challenge so long as challenges remain. The committee will select its own chairperson and other such officers as it deems necessary. The chair shall retain the right of discussion at all times and will vote only in case of a tie. Control of the committee proceedings shall be retained by the chair.

~~4.7~~5.7 Both the faculty member and the administration have the right of representation at the hearing, as well as the right to confront and question witnesses, and if a witness cannot appear, the right to the name of the witness and any written statements made by the witness. A record of the proceedings shall be prepared.

~~4.8~~5.8 The hearing will be scheduled pursuant to System Policy 12.01, subparagraph 7.5.

~~4.9~~5.9 The faculty member shall present: (1) a brief of the specific basis for the allegations; (2) exhibits (documents) supporting the allegations; and (3) a list of witnesses, including a short statement of the anticipated testimony of each witness, to the Chair of the Hearing Committee and to the administration's representative at least thirty (30) days before the date of the formal hearing.

~~4.10~~5.10 The findings of the Hearing Committee shall be limited to determining whether the decision not to renew the appointment was made in violation of the faculty member's academic freedom, or for an illegal reason, as defined in subparagraph 7.3 of System Policy 12.01, or without adequate consideration of the faculty member's record of professional achievement, depending on the basis of the faculty member's appeal. The Hearing Committee may make recommendations to the Provost regarding possible solutions.

~~4.11~~5.11 In deliberating, the Hearing Committee should allow oral arguments and/or written briefs by the dean or his or her representatives and by the faculty member or his or her designated representatives. The committee's findings and recommendation shall be conveyed in writing to the Provost and to the faculty member, pursuant to System Policy 12.01, subparagraph 7.5.

~~4.12~~5.12 The hearing shall be closed unless the affected faculty member requests that it be open.

~~4.13~~5.13 The Provost will review the recommendations of the Hearing Committee and will make a decision. The Provost's decision is final.

~~5.~~6. DISMISSAL FOR CAUSE OF FACULTY WITH TENURE OR WITH UNEXPIRED TERM APPOINTMENTS

~~5.1~~6.1 This rule should be read in conjunction with System Policy 12.01, Academic Freedom,

Responsibility and Tenure. Good cause for dismissal is defined and addressed in subparagraphs 4.3 and 4.4 of System Policy 12.01.

~~5.2~~6.2 A bona fide effort by appropriate administrative officers and/or committees should be made to achieve a satisfactory resolution of difficulties through preliminary inquiry, discussion, or confidential mediation.

~~5.3~~6.3 Should these efforts fail to achieve a satisfactory resolution and should the difficulties be considered by the administration to be serious enough to warrant dismissal, the faculty member will be afforded the opportunity for a hearing that meets the requirements set forth in Section 7, below.

~~5.4~~6.4 As provided in Section 51.942 of the Texas Education Code, a tenured faculty member subject to termination on the basis of a post-tenure review must be given the opportunity for referral of the matter to a non-binding alternative dispute resolution process as described in Chapter 154, Civil Practice and Remedies Code. The Code describes various processes, including mediation facilitated by an impartial third party. Faculty are encouraged to see the TAMUK Faculty Ombudsman for additional information. The opportunity for referral of the matter to nonbinding alternative dispute resolution must be provided prior to referral of the charges to a hearing committee under Section 7 of this rule.

~~5.5~~6.5 In any dismissal proceedings the faculty member and the administration shall have the right to representation.

~~6.~~7. DISMISSAL FOR CAUSE HEARINGS

~~6.1~~7.1 In hearings regarding the dismissal of a tenured faculty member or the dismissal of a probationary faculty member whose term appointment has not expired at the time of dismissal, the burden of proof is on the institution to establish by a preponderance of the evidence the existence of good cause for dismissal. The President has delegated authority for oversight of the logistics of pre- termination hearings to the Provost. The following procedures apply to cases involving such faculty members.

~~6.2~~7.2 The Provost shall notify the faculty member in writing of the charges constituting good cause for dismissal and the opportunity for a fair and impartial hearing by a faculty hearing committee. A tenured faculty member subject to termination on the basis of a post-tenure review shall also be notified of the opportunity for referral of the matter to a non-binding alternative dispute resolution process, pursuant to subparagraph 6.4, above. If the faculty member desires to appeal the termination, the faculty member shall notify the Provost in writing not later than the 10th business day after the date the faculty member receives the notice of termination. A faculty member who notifies the Provost in writing within the time prescribed is entitled to a hearing as provided in this section. Appeals presented after the 10th business day shall be denied as untimely. If the faculty member does not present an appeal within the time prescribed time the administration shall take the appropriate action and notify the faculty member in writing.

~~6.3~~7.3 At the hearing, the faculty member shall have the right to: (1) be represented by a representative of the faculty member's choice; (2) hear the evidence on which the charges are based; (3) present evidence; and (4) cross-examine each adverse witness and if a witness cannot appear, the right to the name of the witness and any written statements made by the witness. The administration shall also have the right to representation. A certified shorthand reporter shall record the hearing.

~~6.4~~7.4 The Provost will select eight (8) faculty members to serve on a Hearing Committee and six (6) alternates in rank order (i.e., first alternate, second alternate, etc.) from the faculty pool (Section 4). Each member of the Hearing Committee shall be subject to challenge for cause by the faculty member and the administration. Each side shall be allowed a maximum of three challenges. The President of the Faculty Senate will determine the validity of the challenges. If a faculty member believes that they are unable to serve on the Hearing Committee, a written request to be recused must be submitted to the President of the Faculty Senate and Provost. The request must specify the reason(s) for the recusal. The President of the Faculty Senate will determine the validity of the request. Members removed due to challenge or recusal will be replaced by the alternates in designated order, and those replacements will be subject to challenge so long as challenges remain. The committee shall elect its own chairperson and other such officers as it deems necessary, and the chairperson shall retain the right of discussion at all times and will vote only in case of a tie. Control of committee proceedings shall be retained by the chair.

~~6.5~~7.5 The Hearing Committee shall schedule a hearing pursuant to subparagraph 8.2.1 of System Policy 12.01.

~~6.6~~7.6 Subject to subparagraph 8.2.1 of System Policy 12.01, the Hearing Committee shall set a time for the hearing that will allow the faculty member a reasonable time to prepare a defense to the charges made and shall notify the faculty member and the administration of the time and place of the hearing. The administration's witness list, including a short statement of the anticipated testimony of each witness, and a copy of the administration's exhibits shall be provided by the administration to the Hearing Committee and the faculty member at least fifteen (15) business days before the hearing. The faculty member's witness list, including a short statement of the anticipated testimony of each witness, and a copy of the faculty member's exhibits shall be provided by the faculty member to the Hearing Committee and the administration at least ten (10) business days before the hearing. Witnesses may be added at a later date for good cause as determined by the Hearing Committee.

6.77.7 A faculty member may be reassigned or suspended during the pendency of termination proceedings pursuant to subparagraph 6.3 of System Policy 12.01.

6.87.8 The Hearing Committee shall formulate explicit findings and recommendations pursuant to subparagraph 8.2.1 and convey its findings and recommendations pursuant to subparagraph
8.2.2 of System Policy 12.01.

6.97.9 The hearing shall be closed unless the affected faculty member requests that it be open.

6.107.10 If the President proposes termination of the faculty member's appointment, the process outlined in subparagraphs 8.2.3 through 8.2.5 of System Policy 12.01 shall be followed.

7.8. TENURE, FINANCIAL EXIGENCY AND PHASING OUT OF PROGRAMS

7.18.1 Cases of bona Cases of bona fide financial exigency or reduction or discontinuance of institutional programs based on educational considerations shall follow the definitions and procedures outlined in subparagraphs 9.1 through 9.3 of System Policy 12.01. When faculty dismissals are contemplated on grounds of financial exigency or program termination or reduction, the Provost and appropriate college dean should facilitate early, careful, and meaningful sharing of information and views with appropriate faculty representatives on the reasons indicating the need to terminate programs. Recommendations from such faculty representatives shall be sought on alternatives available to the institution to ensure continuation of a strong academic program and to minimize the losses sustained by affected students and faculty members.

7.28.2 A faculty member selected for termination shall be given an opportunity to respond in a hearing before a Faculty Hearing Committee. If the faculty member desires to request a hearing, the faculty member shall notify the Provost in writing within fifteen (15) business days of the date on which the faculty member was given a written notice of the decision to terminate on the basis of a bona fide financial exigency or the phasing out of an institutional program necessitating a reduction in staff. A faculty member who notifies the Provost in writing within the time prescribed is entitled to a hearing as provided in this section. Requests presented after the 15th business day shall be denied as untimely. If the faculty member does not request a hearing within the time prescribed, the administration shall take the appropriate action and notify the faculty member in writing.

7.38.3 If the faculty member requests a hearing, the Provost will select eight (8) faculty members to serve on a Faculty Hearing Committee and six (6) alternates in rank order (i.e., first alternate, second alternate, etc.) from the faculty pool (Section 4). Each member of the Faculty Hearing Committee shall be subject to challenge for cause by the faculty member and the administration. Each side shall be allowed a maximum of three challenges. The President of the Faculty Senate will determine the validity of the challenges. If a faculty member believes that they are unable to serve on the Faculty Hearing Committee, a written request to be recused must be submitted to the President of the Faculty Senate and Provost.

The request must specify the reason(s) for the recusal. The President of the Faculty Senate will determine the validity of the request. Members removed due to challenge or recusal will be replaced by

the alternates in designated order, and those replacements will be subject to challenge so long as challenges remain. Normally, the Faculty Hearing Committee should be designated no later than fifteen (15) business days after the Provost has received the request for a hearing. The committee shall elect its own chairperson and other such officers as it deems necessary. The chairperson shall retain the right of discussion at all times and will vote only in the case of a tie. Control of committee proceedings shall be retained by the chair. Normally, the Faculty Hearing Committee should schedule a hearing within twenty (20) business days after their appointment by the Provost.

~~7.4~~8.4 After reviewing the Faculty Hearing Committee's findings, the President will make a decision about the termination.

D R A F T Academic Affairs AOP 21: Faculty Grievances, Appeals, and Dismissals

Approved XXX XX, 20XX

Procedure Statement

This document describes procedures to be followed in the event that a faculty member files a grievance or tenure appeal, or is designated for dismissal.

Reason for Procedure

This document supplements System Policy *12.01, Academic Freedom Responsibility and Tenure*, on topics such as faculty grievance, and faculty dismissals for cause, non-renewal of non-tenured track faculty at the end of a term contract, financial exigency, and the phasing out of programs.

Procedures and Responsibilities

NON-RENEWAL OF NON-TENURED TENURE TRACK FACULTY AT END OF TERM CONTRACT

1.1 Paragraph 7 of System Policy 12.01 addresses Non-renewal of Non-tenured Tenure Track Faculty at the End of a Term Contract. A system academic institution is not required to give a non-tenured faculty member a reason for a decision not to reappoint for another contract term or to provide a hearing. Generally, all faculty members are entitled under Texas law to see their personnel files and to obtain a copy of the information in these files at their own expense.

1.2 A faculty member has a right to present a grievance, in person, to the Provost and Vice President for Academic Affairs on an issue related to the non-renewal *or termination* of the faculty member's employment at the institution. If a faculty member desires to present a grievance, the faculty member shall notify the Provost in writing not later than the 10th business day after the faculty member receives notice of the non-renewal *or termination*. Grievances presented after the 10th business day shall be denied as untimely.

~~1.1~~1.3 As part of the regular committee appointment cycle, the Faculty Senate will designate a pool of twenty-four tenured faculty members with representatives

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from each college [add: and appropriate diversity with regard to the campus' gender and ethnicity] that reflect the diversity of the TAMUK faculty. This group will be subject to appointment by the Provost or President of the University to preliminary review committees, advisory committees, grievance committees or hearing committees. The committee members will serve staggered terms of three years. [delete: so that 8 members rotate off every year]

~~1.2~~1.4 A non-tenured faculty member may appeal a decision not to reappoint, but only on the basis that the decision was made in violation of the academic freedom of the individual, for an illegal reason, or inadequate consideration of the record of professional achievement. For purposes of this procedure, an illegal reason is defined as a decision based on race, sex, age, sexual orientation, gender identity, national origin, religion, creed, color, or disability unrelated to the performance of duties; or made in retaliation for the faculty member's exercise of protected First Amendment rights. If a faculty member desires to appeal, the faculty member shall notify the Provost in writing of the intent to appeal and the basis of the appeal not later than ~~the 20th business day~~ 30 calendar days after the faculty member receives written notice of the decision not to reappoint. Appeals presented after the 20th business day shall be denied as untimely.

~~1.3~~1.5 Upon receipt of an appeal from the faculty member, the Provost will organize a Preliminary Review Committee to conduct a preliminary review.

~~1.3.1~~1.5.1 The Provost will select five faculty members to serve on the Preliminary Review Committee, plus four alternate members designated in rank order (first alternate, second alternate, etc.) from the faculty pool (Paragraph 1.1). Each member of the Preliminary Review Committee shall be subject to challenge for cause by the faculty member and the administration. Each side shall be allowed a maximum of two challenges. The President of the Faculty Senate will determine the validity of the challenges. If a faculty member believes that he or she is unable to serve on the Preliminary Review Committee, a written request to be recused must be submitted to the President of the Faculty Senate and Provost. The request must specify the reason(s) for the recusal. The President of the Faculty Senate will determine the validity of the request, considering such factors as hardship on the faculty member or bias that may affect the faculty member's judgement regarding the case. Members removed due to challenge or recusal will be replaced by the alternates in designated order, and those replacements will be subject to challenge so long as challenges remain. Alternate members who do not serve on the Preliminary Review Committee will be eligible for selection to the Hearing Committee should such a committee be necessary.

~~1.3.2~~1.5.2 The Preliminary Review Committee will select its own chairperson. The Committee will conduct a preliminary review of the allegations, pursuant to paragraph 7.4 of System Policy 12.01 to determine whether the faculty member has established a prima facie case. The Committee's proceedings may be informal. Representatives of

Commented [MG3]: Suggested addition

Commented [EJ4]: I'm proposing this change so that it matches the other deadlines in the document (they all use calendar days)

administration, including an attorney from the Office of the General Counsel, may attend the proceedings as observers. The chairperson shall retain the right of discussion at all times. [add: All five Committee members (including the chairperson) vote; ~~any abstention will count as a vote against the appellant~~abstentions are not accepted. The Preliminary Review Committee's findings shall be conveyed in writing to the Provost and to the faculty member.]

~~1.4~~1.6 If the Preliminary Review Committee determines that the allegations do establish a prima facie case, the Provost will proceed with arrangements for a formal evidentiary hearing by the deadlines provided in paragraph 7.5 of System Policy 12.01, which is normally within sixty (60) calendar days of the date the Committee is notified of the appeal. The University will provide staff support to schedule and hold a hearing.

~~1.4.1~~1.6.1 The Provost will select seven [delete: eight] faculty members to serve on a Hearing Committee and five [delete: six] alternates in rank order (i.e., first alternate, second alternate, etc.) from the faculty pool. At least 2 members of the Hearing Committee must represent a minority gender. The Hearing Committee will be a separate and distinct body from the Preliminary Review Committee described above. Each member of the Hearing Committee shall be subject to challenge for cause by the faculty member and the administration. Each side shall be allowed a maximum of three challenges. The President of the Faculty Senate will determine the validity of the challenges. If a faculty member believes that he or she is unable to serve on the Hearing Committee, a written request to be recused must be submitted to the President of the Faculty Senate and Provost. The request must specify the reason(s) for the recusal. The President of the Faculty Senate will determine the validity of the request considering such factors as hardship on the faculty member or bias that may affect the faculty member's judgement regarding the case. Members removed due to challenge or recusal will be replaced by the alternates in designated order, and those replacements will be subject to challenge so long as challenges remain. The committee will select its own chairperson and other such officers as it deems necessary.

~~1.4.2~~1.6.2 Both the faculty member and the administration have the right of representation at the hearing, as well as the right to confront and question witnesses, and if a witness cannot appear, the right to the name and any written statements made by the witness.

~~1.4.3~~1.6.3 The faculty member shall present: (1) a brief of the specific basis for the allegations; (2) exhibits (documents) supporting the allegations; and (3) a list of witnesses, including a short statement of the anticipated testimony of each witness, to the Chair of the Hearing Committee and to the

Commented [EJ5]: This is something that President Tallant has expressed a desire to implement, even at the department level. He is concerned that "abstentions" are being abused. I don't know if it's practical to add at the departmental level; something to consider. But maybe it makes sense in this situation? Abstentions seem frustrating on a committee of this importance.

Commented [MG6]: 1/3 of the committee membership was initially proposed; however, 1/3 of 7 is 2.3, which doesn't make sense. Therefore the number 2 instead of 1/3 is proposed.

administration's representative at least thirty calendar days before the date of the formal hearing.

~~1.4.4~~1.6.4 The Committee will set rules for the proceedings and notify the appellant and the dean of the rules prior to the hearing. Control of the Committee proceedings shall be retained by the chairperson. A record of the proceedings shall be prepared. The hearing will be closed to the public unless the appellant requests that it be open.

~~1.4.5~~1.6.5 [add: The appellant must inform the administration of their decisions on whether to bring counsel to the hearing~~,~~ and whether the meeting will be open or closed to the public 30 calendar days prior to the hearing.]

Commented [EJ7]: Should this be moved up to be placed below 1.4.2? That would seem to make more sense….

~~1.4.6~~1.6.6 The findings of the Hearing Committee shall be limited to determining whether the decision not to renew the appointment was made in violation of the faculty member's academic freedom, or for an illegal reason, or without adequate consideration of the faculty member's record of professional achievement, depending on the basis of the faculty member's appeal.

~~1.4.7~~1.6.7 In deliberating, the Hearing Committee should allow oral arguments and/or written briefs by the dean or his or her representatives and by the faculty member or his or her designated representatives. The chair shall retain the right of discussion at all times. [add: All Committee members (including the chairperson) vote; any abstention will count as a vote against the appellant.]

Commented [EJ8]: I definitely don't like this; an abstention should not count against the appellant. I'd rather eliminate the possibility of abstentions and require a yes or no vote.

~~1.4.8~~1.6.8 The Hearing Committee's findings and recommendations shall be conveyed by the Committee chairperson, in writing, to the Provost and to the faculty member within fifteen calendar days of the completion of the evidentiary hearing.

~~1.4.9~~1.6.9 The Provost will review the recommendations of the Hearing Committee and will make a decision for or against the appellant. The Provost's decision is final, [add: except in the instance when the Provost decides to support the appellant for tenure in the final year of probation. In that instance the decision to tenure the faculty member would not take effect unless ratified by both the University President and the Board of Regents.]

2. DISMISSAL FOR CAUSE HEARINGS

2.1 In hearings regarding the dismissal of a tenured faculty member or the dismissal of a probationary faculty member whose term appointment has not expired at the time of dismissal, the burden of proof is on the institution to establish by a

preponderance of the evidence for the existence of good cause for dismissal. The President has delegated authority for oversight of the logistics of pre-termination hearings to the Provost.

2.2 The Provost shall notify the faculty member in writing of the charges constituting cause for dismissal and the opportunity for a fair and impartial hearing by a faculty hearing committee. A tenured faculty member subject to termination on the basis of a post-tenure review shall also be notified of the opportunity for referral of the matter to a non-binding alternative dispute resolution process. If the faculty member desires to appeal the termination, the faculty member shall notify the Provost in writing not later than the 10th business day after the date the faculty member receives the notice of termination. A faculty member who notifies the Provost in writing within the time prescribed is entitled to a hearing as provided in this section. Appeals presented after the 10th business day shall be denied as untimely. If the faculty member does not present an appeal within the time prescribed, the administration shall take the appropriate action and notify the faculty member in writing.

2.3 If a hearing is necessary, the faculty member shall have the right to: (1) be represented by a representative of the faculty member's choice; (2) hear the evidence on which the charges are based; (3) present evidence; and (4) cross-examine each adverse witness and if a witness cannot appear, the right to the name of the witness and any written statements made by the witness. The administration shall also have the right to representation.

2.4 The Provost will select seven [delete: eight] faculty members to serve on a Hearing Committee and five [delete: six] alternates in rank order (i.e., first alternate, second alternate, etc.) from the faculty pool. At least 2 members of the Hearing Committee must represent a minority gender. Each member of the Hearing Committee shall be subject to challenge for cause by the faculty member and the administration. Each side shall be allowed a maximum of three challenges. The President of the Faculty Senate will determine the validity of the challenges. If a faculty member believes that they are unable to serve on the Hearing Committee, a written request to be recused must be submitted to the President of the Faculty Senate and Provost. The request must specify the reason(s) for the recusal. The President of the Faculty Senate will determine the validity of the request, considering such factors as hardship on the faculty member or bias that may affect the faculty member's judgement regarding the case. Members removed due to challenge or recusal will be replaced by the alternates in designated order, and those replacements will be subject to challenge so long as challenges remain. The committee shall elect its own chairperson and other such officers as it deems necessary, and the chairperson shall retain the right of discussion at all times. Control of committee proceedings shall be retained by the chairperson. A

Commented [MG9]: 1/3 of the committee membership was initially proposed; however, 1/3 of 7 is 2.3, which doesn't make sense. Therefore the number 2 instead of 1/3 is proposed.

recording of the hearing will be made. [add: All Committee members (including the chairperson) vote; any abstention will count as a vote against the appellant.]

Commented [EJ10]: Same concern regarding abstentions, noted above

2.5 The Hearing Committee shall schedule a hearing pursuant to paragraph 8.2.1 of System Policy 12.01, the Hearing Committee shall set a time for the hearing that will allow the faculty member a reasonable time to prepare a defense to the charges made and shall notify the faculty member and the administration of the time and place of the hearing. The administration's witness list, including a short statement of the anticipated testimony of each witness, and a copy of the administration's exhibits shall be provided by the administration to the Hearing Committee and the faculty member at least fifteen business days before the hearing. The faculty member's witness list, including a short statement of the anticipated testimony of each witness, and a copy of the faculty member's exhibits shall be provided by the faculty member to the Hearing Committee and the administration at least ten business days before the hearing. Witnesses may be added at a later date for good cause as determined by the Hearing Committee.

2.6 A faculty member may be reassigned or suspended during the pendency of termination proceedings.

2.7 The Hearing Committee shall formulate explicit findings and recommendations and convey its findings and recommendations to the President pursuant to subparagraph 8.2.2 of System Policy 12.01.

2.8 The hearing shall be closed unless the affected faculty member requests that it be open.

2.9 If the President proposes termination of the faculty member's appointment, the process outlined in subparagraphs 8.2.3 through 8.2.5 of System Policy 12.01 shall be followed.

3. FINANCIAL EXIGENCY AND PHASING OUT PROGRAMS

3.1 When faculty dismissals are contemplated on grounds of financial exigency or program termination or reduction, the Provost and appropriate college dean should facilitate early, careful, and meaningful sharing of information and views with appropriate faculty representatives on the reasons indicating the need to terminate programs. Recommendations from such faculty representatives shall be sought on alternatives available to the institution to ensure continuation of a strong academic program and to minimize the losses sustained by affected students and faculty members.

3.1.1 A faculty member selected for termination shall be given an opportunity to respond in a hearing before a Faculty Hearing Committee. If the faculty

member desires to request a hearing, the faculty member shall notify the Provost in writing within fifteen business days of the date on which the faculty member was given a written notice of the decision to terminate on the basis of a bona fide financial exigency or the phasing out of an institutional program necessitating a reduction in staff. A faculty member who notifies the Provost in writing within the time prescribed is entitled to a hearing as provided in this section. Requests presented after the 15th business day shall be denied as untimely. If the faculty member does not request a hearing within the time prescribed, the administration shall take the appropriate action and notify the faculty member in writing.

3.1.2 If the faculty member requests a hearing, the Provost will select seven [delete: eight] faculty members to serve on a Faculty Hearing Committee and five [delete; six] alternates in rank order (i.e., first alternate, second alternate, etc.) from the faculty pool. At least 2 members of the Hearing Committee must represent a minority gender. Each member of the Faculty Hearing Committee shall be subject to challenge for cause by the faculty member and the administration. Each side shall be allowed a maximum of three challenges. The President of the Faculty Senate will determine the validity of the challenges. If a faculty member believes that they are unable to serve on the Faculty Hearing Committee, a written request to be recused must be submitted to the President of the Faculty Senate and Provost. The request must specify the reason(s) for the recusal. The President of the Faculty Senate will determine the validity of the request, considering such factors as hardship on the faculty member or bias that may affect the faculty member's judgement regarding the case. Members removed due to challenge or recusal will be replaced by the alternates in designated order, and those replacements will be subject to challenge so long as challenges remain. Normally, the Faculty Hearing Committee should be designated no later than fifteen business days after the Provost has received the request for a hearing. Normally, the Faculty Hearing Committee should schedule a hearing within twenty business days after their appointment by the Provost.

Commented [EJ11]: This past summer, we actually exhausted the entire alternate list. Duane suggested a clause at this point to address what to do under those circumstances. (Basically, the Faculty Senate President works with Academic Affairs to determine faculty who are eligible for service, and on campus, especially if its during the summer)

Commented [MG12]: 1/3 of the committee membership was initially proposed; however, 1/3 of 7 is 2.3, which doesn't make sense. Therefore the number 2 instead of 1/3 is proposed.

3.1.3 The committee shall elect its own chairperson and other such officers as it deems necessary. The chairperson shall retain the right of discussion at all times. Control of committee proceedings shall be retained by the chairperson. [add:All Committee members (including the chairperson) vote; any abstention will count as a vote against the faculty member.]

Commented [EJ13]: Same abstention concern

3.2 After reviewing the Faculty Hearing Committee's findings, the President will make a decision for or against termination.

4. [add:FACULTY GRIEVANCE

4.1 Faculty grievances are heard in accordance with the Texas A&M University-Kingsville Faculty Handbook Policy B.9. (For details regarding grievance hearings not specified in this SOP, see Faculty Handbook Policy B.9).

4.2 The President of Senate will select five (5) faculty members to serve on the Faculty Grievance Committee, plus four (4) alternate members designated in rank order (first alternate, second alternate, etc.) from the faculty pool (paragraph 1.1). At least 2 members of the Hearing Committee must represent a minority gender. Each member of the grievance committee shall be subject to challenge for cause by the grievant and the respondent(s). Each side shall be allowed a maximum of two challenges. The President will determine the validity of the challenges. If a faculty member believes that she/he is unable to serve on the Grievance Committee, a written request must be submitted to the President. The request must specify reason(s) for the recusal. The President will determine the validity of the request. Members removed due to challenge or recusal will be replaced by alternates in designated order, and those replacements will be subject to challenge so long as challenges remain. The Committee shall elect is own chairperson.

Commented [MG14]: 1/3 of the committee membership was initially proposed; however, 1/3 of 5 is 1.6, which doesn't make sense. Therefore the number 2 instead of 1/3 is proposed.

5. ABSENT COMMITTEE MEMBERS

5.1 The potential exists for one or more committee members assigned to the hearings described in this AOP to be absent, without prior notice, for illness or other unforeseeable reasons. If the timing of a committee member's absence does not allow for activation of an alternate committee member, the hearings described in this SOP can proceed if at least three committee members are present.

5.2 If either of the opposing parties for a hearing specifically request that full committee membership be present for the hearing, the hearing can be rescheduled.]

Related Statutes, Policies, or Requirements

System Policy 12.01 Academic Freedom, Responsibility and Tenure

Contact Office

Office of Academic Affairs
361-593-3106

TEXAS A&M UNIVERSITY-KINGSVILLE
FACULTY HANDBOOK

Provost and Vice President for Academic Affairs

NovemberSeptember 20197

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B.2.7 Proficiency in Spoken English

Teaching personnel must have the ability to speak English clearly and to be easily understood by the students. Therefore, the following practices must be followed:

1. An oral presentation before a student and/or faculty group will be part of the interview process for all candidates for teaching positions. This will allow some opportunity for an initial assessment of the candidate's abilities in spoken English.

2. All faculty and instructional staff must provide information on country of origin, academic training history, or other evidence of English proficiency to their respective department chairs.

B.2.7.1 Exemptions to the Above

1. A review of personnel files illustrating long academic training in the United States; history of employment within the United States; or any other suitable evidence may allow exemption. Chairs and deans can determine exemptions by review of personnel files, or

2. The individual's first language is English and his or her country of origin has English as its official language, or

3. Prior evaluation reflects that the individual has experienced no cited difficulties regarding his or her language proficiency with his or her students over the years.

B.3 Annual Evaluation of Faculty

Because the many disciplines that form the academic program at Texas A&M University-Kingsville differ in their forms of scholarship, teaching and service/professional development, it is recommended that the new process begin with departments outlining the expectations within their discipline for scholarship, teaching and service. Faculty are key to creating expectations that reflect the nature of their discipline. Therefore, the expectations must be determined by a committee of faculty in the department. These expectations should reflect faculty members' career stage and type of appointment, as well as other concerns outlined below. These criteria will be forwarded for approval to the College Dean and Provost. Upon approval, all individuals involved in the promotion, tenure, and post-tenure review process must refer to the departmental expectations in framing their recommendations. Once approved, the guidelines must be referenced in letters of hire so that departmental standards are clear. Departments will set expectations regarding scholarship, teaching and service. For example, if service is an important part of what faculty members in a particular department need to do, then that should be reflected in the departmental guidelines, and respected by all individual involved in promotion, tenure, or post-tenure review.

B.3.1 Evaluation Procedure

Each college and department is responsible for implementing established university procedures for evaluation including student evaluation of instruction. The major purpose of evaluating faculty by

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peers and students is to improve faculty performance. The results of such evaluation may be used along with other information in decisions regarding retention, promotion, *post-tenure review*, and discretionary salary increases.

Early in each spring semester department chairs will hold an evaluation conference with individual faculty members. Each spring semester department chairs and deans will review and complete the annual evaluation for individual faculty members.

When advising faculty of the outcomes of yearly performance evaluations, department chairs do so in a written narrative explicitly communicating the rationales underlying the assessment outcome. These written narratives clearly describe the faculty member's positive contributions as well as any areas of professional performance that should be more fully developed.

The written narratives serve as guides as faculty members strive toward achievement of their professional goals. In the written narrative, chairs and deans can suggest specific actions that faculty can take to achieve performance objectives.

Faculty members are to have sufficient opportunity for input into the initial, formative, and final process resulting in the written narrative.

Faculty being evaluated and chairs meet together and have verbal discussion concerning the faculty member's performance during the past year and their short and long-term career objectives. Performance objectives ("Proposed Activities") for the coming year are to be collaboratively established.

Finally, faculty and chairs through open dialogue, attempt to reach consensus that the narrative fairly represents the faculty member's performance during the past year and that suggestions for improving the faculty member's performance during the present evaluation period are both realistic and equitable.

If consensus is reached, the narrative evaluation will be signed by the faculty member and the department chair. If consensus is not reached, faculty members have the opportunity to respond in writing to the chair. If resolution is not reached, the faculty member may present his/her case to the dean. The Faculty member's response will be incorporated into the narrative evaluation.

B.3.1.1. Recommendation

It is recommended that departmental guidelines require the following:

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a) The annual evaluations should be based on the requirements for promotion and tenure and include a paragraph indicating progress towards P&T, and address areas that need improvement. After tenure, annual evaluations should provide evidence of progress towards successful post-tenure review.

b) Cooperation with colleagues, engagement in professional conduct, and the display of professional ethical behavior will be considered.

c) Opportunities for Professional Growth and Service are not equally available to junior and senior faculty. New faculty often engage in professional growth but are less likely to provide service beyond the department. A weighting system should be employed that recognizes individual differences in engagement in professional development and service.

d) The amount of scholarly activity expected should be balanced with the faculty member's teaching load and service obligations, and clearly articulated in the annual review of faculty performance.

e) Departments will publish a rubric whereby the 7-point score used by the university to summarize performance (Texas A&M University-Kingsville summary of annual evaluation of faculty; which can be found at the University website) will be calculated. An individual faculty member's appointment and assignment will be taken into consideration in the award of the numeric score of each category.

f) Peer-review committees within the department (or involving members from a 'related field' for small Departments) may be employed as a part of the annual review process so that the feedback to tenure-track faculty does not come solely from the department chair, but also from those colleagues likely to serve on the faculty member's promotion and tenure or post-tenure review committee. The nature of the peer review process is to be determined by faculty committee (see B.3 for committee composition) of the department and will vary as a function of department size and discipline. Departments using peer review committees must, before the process begins, address issues regarding peer review committee formation, activity documentation, and utilization of deliverables in the evaluation process. For example, a department could create a three-person evaluation committee for each faculty member with one person chosen by the faculty member, one person chosen by the chair, and one person serving on each committee to insure consistency.

g) The annual evaluation process must include a face-to-face meeting between the department chair and the faculty member being evaluated.

h) Flexibility in scaling should be provided to all faculty. For example, Full Professors may want to redirect their programs, or time, in order to engage in more service and less scholarship. Alternatively, new faculty may need to restrict the amount of time spent on service until their research agenda is firmly established. However, in determining the

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relative weight of the criteria, allowing a zero in research or service should not be allowed for any faculty member regardless of appointment.

i) Electronic portfolios are recommended for the review process and materials readily available online should not be reproduced in the faculty member's portfolio bur rather referenced in a way that provides easy access, for example URLs for published journal articles.

B.3.2 Department Chair Training

Department Chair Training in using the evaluation system will be needed and should be arranged by the Council of Chairs as to how and when to implement the training.

B.3.3 Communication of Evaluation Outcome

The point systems must not be used as the sole communication of faculty evaluation outcome. Focus on what is important for the tenure and promotion process, or post-tenure review, if relevant, may assist in better communication and understanding between junior faculty, their colleagues, and the chair. The faculty member should be able to leave the face-to-face meeting knowing specifically where they are doing well, and where to improve or make changes before the evaluation is over. These issues then need to be addressed and reiterated in the Chair's annual letter written to the faculty member after the annual evaluation meeting is done and reviewed prior to the subsequent annual evaluation.

B.3.4 Evaluation timeline

The process/timeline of conducting the annual evaluation of faculty should be consistent across the university. The timeline for annual faculty evaluation is spring of every academic year.

~~Each faculty member, whether tenured, tenure-track, or full-time lecturer, is evaluated yearly. The faculty member is individually evaluated, according to a procedure developed by the faculty, by the appropriate department chair and reviewed by the college dean. Factors considered in the total evaluation procedure include (1) Teaching Performance, (2) Research and Scholarly Activities, (3) Professional Growth and Activities, and (4) Service. A College may choose to combine evaluation areas 3 and 4 into a single evaluation item (Professional Growth and Service) and so have only three evaluation areas. Specific weightings for the various performance factors for individual faculty members will be established in consensus between the faculty member and his or her department chair and/or dean. Ranges of obligation for each evaluation area may range between 0-100 percent. Written narratives are part of the evaluation process and are used when advising faculty of the outcomes of their yearly performance evaluations. The definition of research and appropriate scholarly activities at this institution can be found in Appendix II.~~

These guidelines for promotion in rank are the results of the cooperative efforts of the administration and the Faculty Senate. They represent an implementation of the general principle that peer judgment should be an important element in determining who will be promoted to a higher rank. The guidelines are divided into five headings: (1) principles, (2) minimum qualifications, (3) procedures, (4) composition of promotion committees, and (5) deadlines.

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Each faculty member, whether tenured, tenure-track, or full-time lecturer, is evaluated yearly. The faculty member is individually evaluated, according to a procedure developed by the faculty, by the appropriate department chair and reviewed by the college dean. Factors considered in the total evaluation procedure include (1) Teaching Performance, (2) Research and Scholarly Activities, (3) Professional Growth and Activities, and (4) Service. A College may choose to combine evaluation areas 3 and 4 into a single evaluation item (Professional Growth and Service) and so have only three evaluation areas. Specific weightings for the various performance factors for individual faculty members will be established in consensus between the faculty member and his or her department chair and/or dean. Ranges of obligation for each evaluation area may range between 0-100 percent. Written narratives are part of the evaluation process and are used when advising faculty of the outcomes of their yearly performance evaluations. The definition of research and appropriate scholarly activities at this institution can be found in Appendix II.

Each college and department is responsible for implementing established university procedures for evaluation including student evaluation of instruction. The major purpose of evaluating faculty by peers and students is to improve faculty performance. The results of such evaluation may be used along with other information in decisions regarding retention, promotion, and discretionary salary increases.

Early in each spring semester department chairs will hold an evaluation conference with individual faculty members. Each spring semester department chairs and deans will review and complete the annual evaluation for individual faculty members.

When advising faculty of the outcomes of yearly performance evaluations, department chairs do so in a written narrative explicitly communicating the rationales underlying the assessment outcome. These written narratives clearly describe the faculty member's positive contributions as well as any areas of professional performance that should be more fully developed.

The written narratives serve as guides as faculty members strive toward achievement of their professional goals. In the written narrative, chairs and deans can suggest specific actions that faculty can take to achieve performance objectives.

Faculty members are to have sufficient opportunity for input into the initial, formative, and final process resulting in the written narrative.

Faculty being evaluated and chairs meet together and have verbal discussion concerning the faculty member's performance during the past year and their short and long-term career objectives. Performance objectives ("Proposed Activities") for the coming year are to be collaboratively established.

Finally, faculty and chairs, through open dialogue, attempt to reach consensus that the narrative fairly represents the faculty member's performance during the past year and that suggestions for improving the faculty member's performance during the present evaluation period are both realistic and equitable.

If consensus is reached, the narrative evaluation will be signed by the faculty member and the department chair. If consensus is not reached, faculty members have the opportunity to respond in writing to the chair. If resolution is not reached, the faculty member may present his/her case to the dean. The faculty member's response will be incorporated into the narrative evaluation.

the library committee will consist of all tenured faculty members above the rank of the person(s) going for promotion (with a minimum membership of two members), with the exception of one tenured full professor assigned by the Library Director to the University Committee. If there are two separate ranks involved in a single year, only those tenured faculty members above the rank of the person being considered will be able to vote. In instances in which there are insufficient persons of the proper rank to form committees, the Library Director will solicit membership from tenured faculty members of the appropriate rank within the academic colleges. On the transmittal sheet, the Library Director will signify approval/not approval and sign on the line for "dean."

~~B.20.5~~B.4.5 Appeals - Promotion Appeals Process

Negative recommendations by the departmental promotion committee, chair, dean, college promotion and tenure committee, or Provost may be appealed to the University Appeals Committee.

University Appeals Committee: All appeals will be considered by a University Appeals Committee, which will consist of persons of full professorial rank appointed by the Faculty Senate in the fall semester. The University Appeals Committee will be composed of a representative from each tenure-granting college who has not served during that year on a promotion committee. The committee chair will be chosen by a secret ballot vote of all committee members present. The University Appeals Committee will review the appeal, make a recommendation to the President of the University, notify the candidate of its action and place a summary report in the candidate's promotion file.

All appeals to the University Appeals Committee must be made in writing to the Provost and Vice President for Academic Affairs no later than five working days after the candidate has been notified (in writing) of the recommendation of the Provost and Vice President for Academic Affairs. The University Appeals Committee will consider all appeals during an interim period between the recommendation of the Provost and Vice President for Academic Affairs and the presentation of promotion materials to the President of the University. After the Provost's recommendations, no further administrative action will take place until the President reviews the University Appeals Committee's recommendation.

~~B.21~~B.5 Tenure

Tenure means assurance to an experienced, ranked faculty member that he or she may expect to continue in his or her academic position unless adequate cause for dismissal is demonstrated, following established procedures of due process. (See Section B.8 on severance.)

There are occasions when it is desirable to offer a prospective administrator or faculty member a tenured faculty position. With respect to administrators, it should be remembered that tenure does not apply to their administrative positions.

When there is a possibility that a prospective administrator or faculty member will be offered tenure on hire, advertising should clearly indicate that candidates must possess academic records of demonstrably superior quality to justify immediate tenure; otherwise, in ordinary circumstances, the dean or Provost will request from the department chair(s) of the department(s) closely related to the expertise of the candidate(s), an opinion as to the tenurability of the finalists for the position. Faculty participating in the review should focus on the person's qualifications and record of performance in his/her discipline.

~~B.21.1~~B.5.1 Appointments—Tenured and Probationary (Tenure Track)

All assistant professor, associate professor and full professor faculty appointments are of two kinds: probationary or tenured. The probationary period for a faculty member shall not exceed seven years. This period may, as stated in the letter of appointment, include

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appropriate full-time service in all institutions of higher education. In general, a maximum of two years of credit towards tenure may be considered. If credit for tenure is granted for service that was performed at TAMU-K in a non-tenure track full-time position, such as visiting faculty member, the professional accomplishments from that non-tenure track position, such as papers published, may be recognized towards the requirements for tenure as specified in the tenure-track appointment letter. Should it occur that appointments do not specify the faculty member's tenure status, it is the duty of the faculty member concerned to inquire about his/her status. The University shall without delay give the faculty member the required notice of tenure status.

When advising tenure-track faculty of recommendations to renew probationary contracts, Tenure Committees, deans and chairs should do so in a written narrative explicitly communicating the basis for the decision. This written narrative should clearly delineate each expectation for tenure within a specific college and whether or not the faculty member is fulfilling the expectations; therefore, the written evaluation should serve as a guideline for developing professional performance in preparation for tenure consideration. For retention/tenure-track recommendations in all colleges at Texas A&M University-Kingsville, written evaluations should begin in the first year of every tenure-track faculty member's employment and continue in each consecutive year until the tenure-decision year. The President is the final decision on reappointment.

~~B.21.2~~B.5.2 Locus of Tenure

The locus of tenure is in an academic department or the library within the University. Assignment of tenured faculty will normally be to academic departments, but tenured faculty may by mutual consent be assigned to other non-faculty responsibilities in a non-tenured status. Also by mutual consent of the faculty member and a new department, the locus of a faculty member's tenure can be transferred from one academic department to another academic department.

~~B.21.3~~B.5.3 Procedure for Tenure and Renewal Consideration

1. Tenure is granted only by the affirmative action of the Board of Regents upon positive recommendation of the President. See *Texas A&M System Policy 12.01-Academic Freedom, Responsibility and Tenure*, paragraph 4.1.

2. The Chair and Dean will provide all Departmental and College Tenure Committee members, respectively, with a copy of the sections of the *Faculty Handbook* that pertain to procedures for awarding tenure along with written instructions directing the Committee members to review and follow the procedures.

3. The criteria used in judging whether a faculty member shall be granted tenure, continued on probationary status, or receive notice of terminal appointment, shall include those factors specified under "Faculty Evaluation" in this handbook: (a) Teaching Performance, (b) Research and Scholarly Activities, (c) Professional Growth and Activities, and (d) Service. See *Texas A&M System Policy 12.02-Institutional Procedures for Implementing Tenure* for further details regarding criteria for tenure.

~~3.~~

4. Each probationary faculty member will be responsible for developing an annual report and/or submitting the tenure package to his or her immediate administrative supervisor, i.e., department chair, library director, or college dean. (Faculty members holding concurrent appointments in two or more departments or colleges will be evaluated by the department and college where tenure, if awarded, will be held. Those units will consider input from the other unit leader[s].)

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5. Each tenure track member will undergo annual performance reviews for tenure continuation in their 1st, 2nd, 3rd, and 5th years of actual and credited service. These reviews, based on the annual report submitted by the faculty member to his/her department chair, will be performed by the Departmental Tenure Committee (formed as described in paragraph 8), the Department Chair, the College Tenure Committee (formed as described in paragraph 10), and the College Dean. Whether or not to renew a faculty member on tenure track is decided by the college dean. The dean will notify the faculty member of reappointment or non-reappointment. The dean will also inform the candidate of the vote count and any recommendations from the departmental and college committees and from the department chair. Faculty members should be notified promptly. No rights are accrued by the faculty member as a result of the University failing to notify him/her.

6. In the 4th year, in lieu of the annual performance review, all tenure-track faculty members shall receive a comprehensive review to determine progress toward meeting all tenure requirements in the tenure-track appointment. In accord with TAMUS Policy 12.01, if a tenure-track faculty member is not progressing adequately toward the requirements for tenure, action should be taken to non-renew the contract of the individual.

   The faculty member should undergo the 4th year tenure review during the 4th year of actual and credited service. Example A: Faculty member A comes to TAMU-K and receives one year credit toward tenure for previous teaching. Faculty member A will undergo the 4th year tenure review in the third year of service at TAMU-K. Example B: Faculty member B comes to TAMU-K and receives two years credit toward tenure for previous teaching. Faculty member B will undergo the 4th year tenure review in the second year of service at TAMU-K.

   As with the 1st, 2nd, 3rd and 5th years, the 4th year reviews will be performed by the Departmental Tenure Committee, the Department Chair, the College Tenure Committee, and the College Dean. Whether or not to renew a faculty member on tenure track is decided by the college dean. The dean will notify the faculty member of reappointment or non-reappointment. The dean will also inform the candidate of the vote count and any recommendations from the departmental and college committees and from the department chair.

7. The tenure recommendation will be made during the 6th year of total allowed probationary service. The evaluation period is from the date of appointment to the tenure-track position to the date the faculty member submits his/her materials for review. The tenure-track faculty member being considered for tenure must follow guidelines and timelines set by the Provost's office. The faculty member must submit the tenure package to his/her department chair. Details regarding the tenure package can be found at: Promotion, Tenure & Post-Tenure Review Webpage

8. The department chair will call a meeting of all tenured faculty in his or her department as necessary to consider tenure and continuation recommendations of tenure-track probationary faculty. This committee will constitute the Departmental Tenure Committee. The committee chair will be chosen by a secret ballot vote of all committee members present. The dates for these faculty evaluations for continuation of tenure track are set each year by the Provost. For faculty who are being considered for tenure beginning with the next academic year, the department will complete its evaluation process in time to meet any deadline set by the Provost. Copies of the tenure package will be circulated to

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each tenured faculty member at the meeting. Discussions will be held in closed sessions. A secret ballot will be taken regarding tenure status of each faculty member concerned. The department chair is prohibited from serving or voting on the departmental committee and is prohibited from meeting with the department committee except for purposes of convening the committee and distributing copies of procedures from the Faculty Handbook.

Exceptions may be made in cases in which (1) there is no department organization, or (2) departments do not have sufficient personnel to function effectively in this manner. In such cases evaluation will be conducted by the college-level committee in the first case, and on the department chair level (if possible) in the second case. However, if a department has as few as one tenured faculty member, that member may exercise the right to be the sole member of the Departmental Tenure Committee.

The ballot on which committee members vote on candidates for tenure or continuation will provide for three alternatives: For, Against, and Abstain. The Committee will forward the results of their vote and a narrative to the department chair.

9. The department chair will forward the results of the above ballots, along with his/her recommendations, to the college dean. The department chair will provide to the dean a written narrative regarding his/her recommendation.

10. The dean of the college will arrange for the formation of the College Tenure and Promotion Committee. The Committee will consist of at least one tenured faculty member from each department. The College Committee will consist of a minimum of five members. The committee chair will be chosen by a secret ballot vote of all committee members present. This Committee reviews the tenure files and meets as a committee and discusses all of the files. In the event that an individual serves on both the department and college committees, that individual can vote on a candidate at only one level. A secret ballot will be taken by members of the College Committee with the options: For, Against, and Abstain. The voting results will be forwarded to the dean of the college. Written narratives will be provided by the College Committee chair to the college dean.

11. For continuation on tenure track, the decision whether or not to reappoint is made by the college dean. For the 6th year evaluation for tenure, the college dean will forward the results of all ballots, along with his or her recommendations and narratives, to the Provost and Vice President for Academic Affairs.

12. During the 6th year review, the Provost and Vice President for Academic Affairs will review all materials and forward the recommendations, including his or her own, to the President of the University. The President of the University will then review the tenure file materials and forward only his/her positive recommendations regarding the awarding of tenure to the Chancellor and the Board of Regents. The President will notify the faculty member in writing of his/her decision. Only positive recommendations for tenure will be forwarded by the President to the Board of Regents. Tenure is granted only by an affirmative vote of the Board of Regents.

~~12.~~13. Faculty may appeal the decision of non-renewal and/or file a grievance according to appropriate standard operating procedures located at: Academic Affairs Standard Operating Procedures.

~~B.21.4~~B.5.4 Post-Tenure Review

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officially acknowledge substantial or chronic deficits in performance; develop a specific professional development plan by which to remedy deficiencies; and monitor progress toward achievement of the professional development plan.

3.1.2 The professional review will be conducted by an *ad hoc* review committee (hereafter referred to as the review committee), unless the faculty member requests that it be conducted by the department chair. The three member *ad hoc* faculty review committee will be appointed by the dean, in consultation with the department chair and faculty member to be reviewed. When appropriate, the committee membership may include faculty from other departments, colleges, or universities.

3.1.3 The faculty member to be reviewed will prepare a review dossier by providing all documents, materials, and statements he or she deems relevant and necessary for the review within one month of notification of professional review. All materials submitted by the faculty member are to be included in the dossier. Although review dossiers will differ, the dossier will include at minimum current curriculum vitae, a teaching portfolio (for faculty with teaching responsibilities), and a statement on current research, scholarship, or creative work.

3.1.4 The department chair will add to the dossier any further materials he or she deems necessary or relevant. The faculty member has the right to review and respond in writing to any materials added by the department chair with the written response included in the dossier. In addition, the faculty member has the right to add any materials at any time during the review process. Additions of any kind made to the dossier after the faculty member has submitted the dossier to the department chair will be added to a section at the end of the dossier, entitled "Materials Added." All such additions shall have the date of addition clearly posted on the initial page of the addition.

3.1.5 The professional review will be made in a timely fashion (normally less than three months after the faculty member under review submits the initial dossier). The professional review will result in one of two possible outcomes:

3.1.5.1 Some deficiencies are identified but are determined not to be substantial or chronic. The review committee specifically elaborates the deficiencies in writing and a copy is provided to the faculty member, the department chair, and the dean.

3.1.5.2 Substantial or chronic deficiencies are identified. The review committee specifically elaborates the deficiencies in writing and a copy is provided to the faculty member, department chair, and dean. The faculty

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member, review committee, and department chair shall then work together to draw up a professional development plan (see section 4) acceptable to the dean.

4. THE PROFESSIONAL DEVELOPMENT PLAN

4.1 The Professional Development Plan shall indicate how specific deficiencies in a faculty member's performance (as measured against stated college and departmental criteria developed under the provision of this process) will be remedied. The plan will grow out of collaboration between the faculty member, the review committee, the department head and the dean, and should reflect the mutual aspirations of the faculty member, the department, and the college. The plan will be formulated with the assistance of and in consultation with the faculty member. It is the faculty member's obligation to assist in the development of a meaningful and effective plan and to make a good faith effort to implement the plan adopted. Although each professional development plan is tailored to individual circumstances, the plan will:

4.1.1 identify specific deficiencies to be addressed;

4.1.2 define specific goals or outcomes necessary to remedy the deficiencies;

4.1.3 outline the activities to be undertaken to achieve the necessary outcomes;

4.1.4 set timelines for accomplishing the activities and achieving intermediate and ultimate outcomes;

4.1.5 indicate the criteria for assessment in annual reviews of progress in the plan;

4.1.6 identify institutional resources to be committed in support of the plan.

4.2 Assessment. The faculty member and department head will meet annually to review the faculty member's progress toward remedying deficiencies. A progress report will be forwarded to the dean. Further evaluation of the faculty member's performance within the regular faculty performance evaluation process (e.g. annual reviews) may draw upon the faculty member's progress in achieving the goals set out in the professional development plan.

4.3 Completion of the Plan. When the objectives of the plan have been met or the agreed timeline exceeded, or in any case, no later than three years after the start of the development plan, the department head shall make a final report to the faculty member and dean. The successful completion of the development plan is the positive outcome to which all faculty and administrators involved in the process must be committed. The re-engagement of faculty talents and energies reflects a success for the entire University community. If, after consulting with the review committee, the department head and dean agree that the faculty member has failed to meet the goals of the professional development plan and that the deficiencies in the completion of the plan separately constitute good cause for dismissal under applicable tenure policies, dismissal proceedings may be initiated under applicable

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and approved through appropriate administrative channels.

4. The provisions concerning promotion in rank as it relates to full retirement (prior to full retirement, see B.4.1.8a) do not normally apply to this program.

~~B.22.3~~B.6.3 Full Retirement

See Section E.1.2.

~~B.23~~B.7 Salary, Rank, and Summer Employment

~~B.23.1~~B.7.1 Notification of Salary and Rank

Because the University depends on the Legislature for appropriations, no specific deadlines can be established by which a faculty member can be notified of his or her salary for the ensuing year. Faculty members are encouraged to talk with their department head or dean and are free to discuss with the President or the Provost and Vice President for Academic Affairs their salary and rank expectations for the following year.

~~B.23.2~~B.7.2 Summer Employment

Faculty members are not guaranteed employment during the summer sessions. Nonetheless, a significant number of faculty have the opportunity to teach during the summer based upon student enrollments, department and/or college needs, and budgetary considerations. Summer compensation is based on funding availability and is specified in the Summer School Compensation Policy at http://www.tamuk.edu/academicaffairs/summer_intersession_pay.html.

~~B.23.3~~B.7.3 Salary Policy on Administrators Holding Tenured Faculty Positions

~~B.23.3.1~~B.7.3.1 Individuals Promoted from Faculty to Administrative Positions

Administrative salaries will be negotiated by the President and Provost and Vice President for Academic Affairs. If the individual returns to the faculty, the individual's faculty salary will be his/her faculty salary at the time of the initial administrative appointment, plus the total dollar raise amount accrued during the administrative appointment.

~~B.23.3.2~~B.7.3.2 Individuals Hired from Outside

For individuals hired from outside the university, administrative salaries will be negotiated by the President and Provost. A corresponding faculty salary for administrators who carry faculty rank will be negotiated at the time of hiring. If the individual assumes full-time faculty responsibilities, the individual's faculty salary will be calculated at his/her faculty salary at the time of initial administrative appointment, plus the total dollar raise amount accrued during the administrative appointment.

~~B.24~~B.8 Severance

~~B.24.1~~B.8.1 Dismissals, Non-Reappointments, and Terminations

Refer to *Texas A&M System Policy 12.01-Academic Freedom, Responsibility and Tenure* and TAMUK Academic Affairs Standard Operating Procedures at http://www.tamuk.edu/academicaffairs/Standard%20Operating%20Procedures.html

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~~B.24.2~~B.8.2 Resignation of Faculty Member

Any faculty member who does not intend to return to his or her position for the following year is expected to submit his or her resignation in writing prior to May 15. To resign to accept another position after May 15 is considered unprofessional on the part of the

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must be approved by the dean and the Provost and Vice President for Academic Affairs.

Often opportunities present themselves to faculty and staff to utilize their expertise in situations outside their job. Faculty members receiving release time for programmatic reasons will not be considered for overload, off-campus teaching assignments. Employees generally can accept extra paying responsibilities if they are temporary, unrelated to their normal duties, and outside their regular work hours. Permission to perform outside employment can be obtained only through submission of the Faculty Outside Employment and Consulting Application and Approval Form. Exempt staff (administrative, professional) such as directors, deans, vice presidents, etc., on twelve-month contracts cannot receive extra compensation for extra assignments such as teaching, etc.

C.2.3.1.3 Teaching Program Development
Involvement in development of the teaching program by preparation of new course material, new teaching methods, and classroom or laboratory material or major curriculum development may be considered for release time as determined by the chair, academic dean and Provost and Vice President for Academic Affairs, but will not exceed 3 semester credit hours.

C.2.3.2 Administrative Assignments and Other Professional Assignments
Department Administration. Department chairs receive 6 hours of release time during long semesters and are eligible for 1.5 months administrator pay during the summer.

Supervision of Graduate Teaching Assistants. See Procedure 12.03.99.K1.01.

C.2.3.3 Research (See Appendix II)
See also Section G, Research.

C.2.3.4 Committee Assignments
Chair, Faculty Senate. The Chair of the Faculty Senate will receive a three hour teaching load reduction each long semester.

Chair, major university or college committee. If the nature of the assignment is such that the demands on the time of the chair will be excessive, a three hour teaching load reduction may be granted during a long semester as determined by the appropriate academic dean and the Provost and Vice President for Academic Affairs.

C.2.3.5 Other Assignments Directly Related to the Teaching Function
Assignments as approved by the appropriate academic dean and the Provost and Vice President for Academic Affairs. Teaching load reductions will be determined by the nature of the assignment.

C.3 Overload - Temporary Teaching [Edit in Progress]

In accordance with system policy, the appropriate compensation for a temporary teaching overload is a corresponding reduction in the faculty member's teaching load in a subsequent semester. There should be very few instances when such an adjustment cannot be made in this manner. Courses scheduled after normal class hours are treated as part of a faculty member's regular teaching load and should not, by virtue of the schedule alone, be considered as "overload."

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consultation with the faculty member's immediate supervisor and/or department chair. Three days' emergency leave shall be granted in the event of death in the family of the faculty member or spouse. Under unusual circumstances the faculty member may request additional emergency leave.

C.9.2 Leaves Without Pay

Faculty members may request and receive leave without pay, generally for one academic semester, for compelling reasons associated with professional development and/or research activities, or for medical reasons. Extended leaves may be negotiated with the University administration.

Recommendations for such leave are to be made through the appropriate chair and academic dean, and forwarded to the Provost and Vice President for Academic Affairs who makes a final recommendation to the President for approval.

C.9.3 Family, Maternity, and Medical Leave

Eligible employees may be granted up to 12 workweeks of leave during a fiscal year for one or more specified family and medical emergencies, including maternity leave. All eligible paid leave must be used before the employee can take unpaid leave.

An eligible employee who takes Family, Maternity, and Medical Leave is entitled to be restored to the same position that the employee held when the leave started, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. For complete details see *Texas A&M System Regulation 31.03.05-Family and Medical Leave*.

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C.10 Teaching the Classes of Faculty on Leave

The University recognizes the difficulty of faculty having to teach the classes of a colleague who is on leave for more than several days. University policy is to hire (when possible) someone to replace the faculty member on leave or ask a colleague to assume the responsibility and provide fair compensation or release time in a following fall or spring semester. ("Fair compensation" is defined as the amount paid for the current continuing education course rate for equivalent hours or appropriate fraction thereof.) If this is not possible, overload teaching salary shall be provided for the persons involved. If the leave extends beyond two weeks, the compensation shall be retroactive to the first day missed. After a faculty member has been absent for two weeks, the dean of the college involved shall analyze the situation carefully in consultation with the department faculty and develop a written plan for distributing the absent faculty member's academic responsibilities.

C.11 Faculty Development Leave

The continuing professional growth of the faculty is essential for the intellectual vitality of a university. Therefore, to assist faculty members in improving performance, the faculty development program will operate according to the guidelines of TAMU-K Rule 12.99.01.K1 and *Texas A&M System Regulation 12.99.01-Faculty Development Leave*.

C.12 Fee Scholarships for Faculty Attending Texas A&M University-Kingsville

Full-time faculty members who enroll in credit courses at Texas A&M University-Kingsville during the Fall and/or Spring Semesters can obtain a loan for fees. The loan will be forgiven if all criteria are met. For Rule 31.99.01.K1 and the tuition assistance scholarship form, see the following websites: TAMU-K Employee Tuition Assistance Fee Wavier Form

C.13 Annual Faculty Lecture

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Through the cooperation of the administration and the Faculty Senate, the University has established a series of annual faculty lectures, given in the spring and open to the university

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E.2.8 The Javelina Alumni Association of Texas A&M University-Kingsville

Faculty members are encouraged to join the very active Alumni Association which assists the University in recruiting students, obtaining student scholarship funds, and enhancing the University's image and reputation. The Association also funds annual faculty awards for excellence in teaching and in research.

E.2.9 Texas A&M University-Kingsville Women's Club

The University Women's Club extends membership to any woman faculty member, woman administrator, woman contracted staff member, active or retired, and any spouse or hostess of the above mentioned or widow who was eligible at the time of the death of her husband. Honorary membership shall be extended to the wife of any past or present president of the university. The club has two business and three social meetings per year to promote social fellowship within the University circle and interaction between the University and the community.

E.2.10 Around Javelina Nation~~"The Hog eWeekly"~~

Around Javelina Nation~~"The Hog eWeekly"~~ is a weekly digest of campus news and announcements, coordinated through the Office of Marketing and Communications. Faculty members are encouraged to send newsworthy items and announcements to the editor for inclusion in this publication and others published by Marketing and Communications. Newsworthy items include faculty presentations or awards, nomination deadlines for academic honors, research projects, student achievements or activities, notices of upcoming events, etc.

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F. PROFESSIONAL ORGANIZATIONS

F.1 American Association of University Professors

There have been members of the American Association of University Professors at Texas A&M University-Kingsville since 1945. In May 1972, faculty members of the University organized a local chapter of the AAUP, the nation's largest, most active and prestigious organization representing the interests of faculty. The organization provides advice and service to individual faculty and faculty groups. Liability insurance is available to members. Faculty interested in joining AAUP should contact the national AAUP Office: AAUP Webpage.

F.2 Texas Association of College Teachers

In 1956, faculty members at Texas A&M University-Kingsville created a local chapter of TACT. Through its publications, TACT informs its membership on the current state of higher education in Texas. TACT maintains a lobbyist in Austin to advocate issues of interest to faculty and higher education. Legal protection is provided through TACT's professional liability insurance and its Academic Freedom and Defense Fund. Faculty, administrators, librarians, counselors and research personnel are eligible for membership. Those interested in joining TACT should contact the organization's website: TACT Webpage.

F.3 Texas Faculty Association

The local chapter of the Texas Faculty Association (TFA) was organized on February 11, 1987. In the spring of 1988, the Texas Faculty Association voted to affiliate with TSTA/NEA. The purposes of the organization are as follows: to unite all faculty members and educational professionals into a single organization; to advance the tenure system; to place collegial faculty participation in governance among its highest priorities; to help develop and support appropriate legislation and public policy concerning higher education; to provide forums through publications and meetings for faculty to exchange ideas, develop policies and plan programs; to provide assistance in resolution of grievances through institutional channels and mediation when appropriate and to offer legal services for members; to work cooperatively with teachers in the primary and secondary schools and their associations in recognition that higher education cannot prosper in isolation from the educational system as a whole. Active membership is open to all

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