

Faculty Senate Meeting Minutes – May 5, 2020

Senators Present: Hisham Al-Bataineh, Matthew Alexander, Rudolf Bohm, Lucy Camacho, Jieming Chen, Maribel Gonzalez-Garcia, Jeff Glick, James Glusing, Kelly Hall, Simona Hodis, Michael Houf, Kendra Huff, Patricia Huskin, Robert Kowalsky, Ya-Wen Liang, Steven Lukefahr, Tanner Machado, Lifford McLauchlan, Craig A. Meyer, Kyle Milsap, Richard Miller, Mais Najim, Ryan Paul, Larry Peel, Humberto Perotto, William Procasky, Christine Radcliff, Kathleen Rees, Chika Rosenbaum, Alex Sanchez-Behar, Nick J. Sciallo, Hui Shen, Ari Sherris, Amber Shipherd, Ramiro Torres, Alinna Umphreys, Maria Velez-Hernandez, Subbarao Yelisetti, Teresa Young

Senators Absent: Patrick Mills, Velda Soydas

Call to Order and Quorum Call.

This meeting of the Faculty Senate was held and recorded online through Blackboard Collaborate due to COVID-19 social distancing requirements. A recording of this meeting and a PDF version of the slideshow can be found on the [Faculty Senate Website](#) under the heading [Digital Faculty Senate Meetings](#).

At 3:30 p.m. President Sherris asked the parliamentarian, Patricia Huskin, if enough members were present for a quorum. Senator Huskin replied in the affirmative.

I. **Approval of Minutes from April 2020 Faculty Senate Meeting.**

President Sherris asked for approval of the previous meeting minutes. Senator Rees motioned; Senator Chen seconded. Minutes were approved.

II. **Presentations**

a) **Provost Allen Rasmussen**

i) **SACSCOC 5th year report for reaffirmation**

AVP Jaya Goswami is our SACS representative. This will be our 5th year report. Dr. Goswami will receive a list of questions to address from SACSCOC. Many areas on campus may be asked for responses, depending on the questions asked. She will give a presentation about this in September.

ii) **Strategic Plan**

President Hussey will name a committee in the Fall to assist with drafting a 5 year strategic plan. He will be asking the Faculty Senate for recommendations on who should serve on this committee.

iii) **NASH faculty development – (ACUE)**

The A&M System put in a proposal that was funded by the National Association of System Heads (NASH) and the Association of College and University Educators (ACUE). AVP Jaya Goswami and Dr. Shannon Baker are our leads for this grant. This grant will pay for 30 faculty to go through a faculty development program. The program will last about a 1 year and include a small stipend. They are working on putting the criteria together that will then be sent out to all faculty. The goal is to

have 30 faculty go through the program. The program will focus on improving their teaching. They then want to start developing a cohort here at TAMUK to start working with other faculty as we go forward. It will have a national certification for teaching development and teaching improvement. Dr. Goswami and Dr. Baker have asked if they can focus on Core Curriculum faculty first, since that is where the funding came from. This is not just a one-time program, it will continue throughout the year.

iv) **Virtual Commencement Thank You's**

If you have the opportunity, please film a 15 second video wishing the class of 2020 good luck. Please send them to Adriana Garza in MarComm. Over 50% of the graduating class submitted a slide for the virtual graduation, which shows just how important this ceremony is to the students.

III. **Report of Officers**

a) **Senator Radcliff**

i) **University Emergency Management Team**

This team meets every Thursday. Over 300 students are taking advantage of the free lunch program. There will be a virtual commencement this semester and MARCOM will hold different events during the week leading up to commencement. As of April 23rd there were still 216 students registered in the dorms. Enterprise Risk Management group is trying to obtain masks, sanitizer to prepare for Fall.

ii) **Provost Search Committee report** (*see handout*)

As of last week President Hussey conducted video interviews with 4 finalists. He intends to invite no fewer than 2 and perhaps all 4 candidates to campus. He is hopeful we will be able to conduct on-campus interviews beginning the first week of June. Additional information was provided in an email from President Hussey that was sent just prior to the start of our meeting.

b) **Senate President Sherris**

President Hussey and I met four times (April 10th, 23rd, and 27th as well as on May 4th). April 10 and May 4th were private conversation. The April 23rd and 27th conversations with President Hussey were not private. The April 23rd meeting included Provost Rasmussen and FS President-elect Chen, the latter at my request to strengthen the continuity in these conversations, to increase opportunities for alternative perspectives, and a rich interaction of viewpoints. The meeting on April 27th, included all of the above discussants and all members of the Executive Committee. First I will share from my private phone conversations and then the major topics from all four conversations. In the private phone conversations President Hussey pointed out the need to make major decisions over the summer because of COVID-19 that impact the entire university.

As everyone here knows, the Faculty Senate year includes only eight regular meetings of the Faculty Senate (6 more after this one). The Faculty Senate typically does not meet in June, July, August or January. However, given the uncertainty and precarity disrupting our lives as a result of the coronavirus pandemic and the need for emergency decisions, Article II, Section 8(b) of the Faculty constitution will be invoked when necessary, and I quote, "Special meetings of the Faculty Senate may be called...by the President of the Faculty Senate. The General Faculty shall be notified of special meetings at least one week prior to such meetings." I trust that Senators will make every effort to attend these online meetings unless in geographic areas where there is little to no Internet connectivity and where some of us do our field research. At the very least, of course, we require a quorum, which is 24 Senators.

As I am sure you all know, on Thursday April 30th, A&M Chancellor John Sharp announced that all 11 A&M universities will re-open their campuses

(<https://www.texastribune.org/2020/04/30/texas-am-tech-universities-reopen-fall-football/>).

On Friday, I emailed the following question to President Hussey

- Will there be facilities on campus for student, faculty and staff to be tested for COVID-19, contact traced for COVID-19, and monitored for changes in body temperature, and--in the case of students--quarantined if the need arises?
- How will students who come from the states mentioned in Governor Abbot's executive order (27 April) be quarantined upon arrival and where on campus? How will their quarantine be monitored and by what group or whom?
- Are local hospitals and local pharmacies being notified that a student body of approximately 6,000 students will be returning to campus? Is the university seeking answers from these facilities about how to acquire thermometers, disposable gloves, masks, and hand sanitizer when few pharmacies and area hospitals have them for sale?
- Will faculty, staff, and students over the age of 65, with or without underlying conditions, be strongly encouraged to work/study from home, as a recent (27 April) executive order from Gov. Abbott states and will this not be held against them in any annual or post-tenure review or course grade?
- Will the university provide masks, disposable gloves, and marked floors in corridors for pacing/controlling movement, as well as exit and entry points into buildings, particularly important during change of face-to-face classes when corridors become crowded?
- Will all meetings continue to be online rather than face to face to minimize contact?
- Will any faculty, staff or student who does not want to put themselves at risk be able to work/study online?

President Hussey assured me on May 4 that the highest decision making body of the university will address these questions with the best scientific evidence and with the goal of keeping the safety and health of students, faculty and staff as its number one priority when campus opens in the fall.

Faculty Annual Review

The President would like the policies on annual review and post-tenure review to be more clearly and easily defined in the faculty handbook. The recently produced form (the one generating heat and controversy) and the form in the handbook have to be analyzed in terms of system policies. Some questions that such an ad-hoc committee would address are:

1. How would performance benchmarks in areas of evaluation (i.e., teaching, service, research, scholarship, and the arts, professional development) vary in an annual review as opposed to a post-tenure review?
2. Should benchmarks vary across academic disciplines?
3. Would a written short-term improvement plan vary in length of time granted to show improvement in different areas of concern (research, teaching, service, professional development)?

COVID-19

COVID-19 Lectures and professors have the option to request of their Chairs an extension on their next annual performance review because of COVID-19. Professors entering post-tenure review also have this option; they must also go through their chairs.

Plans are being made and will continue to be made through the summer concerning the modes or scenarios and duration of instruction. It is hoped that by July 15 a decision will be made, but that date is not a fixed date. If students are returned to campus as currently is indicated by Chancellor Sharp (on April 30th) for some or all of their classes face-to-face individual physical distancing and the utilization of physical space such as classrooms, lecture and recital halls, labs, studios, library stacks and small group study carrels, may have to be regulated differently as well as the flows of students, faculty, and administrators in our corridors.

The President noted that students have been surveyed by Hanover Research Center for Higher Education <https://www.hanoverresearch.com/higher-ed-covid-19-resource-center/> and have shown they appreciate the hard work of faculty, staff and administration at this difficult time, but they want to come back to campus. Figuring out how to do that in the safest and healthiest way possible is going to require flexibility and there will most likely be ambiguity.

In terms of working towards enrollment and retention: Dr. Croft's office is already conducting online recruitment and organizing online student orientation. Faculty are encouraged to work with Deans and Chairs to welcome our students for instance in webinar or video messaging formats. Summer enrollment looks promising if we get all the students to show up. Webinar programs for undergraduate recruitment have already rolled out. Recruitment in H.S. is being done online and are encouraging.

Questions on the table: When we have multiple section do we combine them into a single class if we are required to use large classrooms for COVID-19 in order to reduce the number of

classes and exploit our largest rooms? This will have to go into planning between faculty leadership and the provosts office. This format may not work well with all faculty. Discussions and lectures or extended class hours to Saturdays and going from 7am till 10pm or so. Nothing is decided yet. People are thinking aloud.

BUDGET

The Budget at the University is approx.. 50% formula funding from the state legislature; and approximately 50% is from tuition and fees; since 2016 enrollment has been slack at the undergraduate level and declining at the graduate level; last year both declined such that 2019 looks like 2014 in terms of enrollment.

We are in a flexible hiring freeze. No position can be filled unless the president allows it. Each VP that has a position opening has to bring it forward, in the case of the colleges, the Provost brings position openings forward to the President. The Provost brings forward data on how many students are in the relevant area; and how many faculty are in the relevant area before the President agrees to fill a position. Dr. Hussey is of the view it protect people in current positions to continue the flexible freeze policy.

FORMULA FUNDING is 50% of our operating budget.

Dr. Hussey reports that Chancellor Sharp is concerned that formula funding may be ordered to be returned to the state from all public universities and all state agencies because of state budget deficits from COVID-19. This concern stems from a precedent set in 2008 when the legislature asked for formula funding to be returned.

BUDGET CUTS

On the topic of budget cuts, in 2019 each VP returned 5% of their budget—Colleges did not do that; another 2% this year--colleges not impacted; the colleges prepared budgets for the Fall from 0% - 9% decline in each college budget. This decline was based on enrollment changes which drive part of the funding model and drove those budget cuts; those percentages are ½ of the actual decline in headcount and in weighted student credit hours. The breakdown of what the colleges have been asked to return going into this year is as follows : of course 0% and 9% at the two ends, leaving three other colleges to return 2%, 3.5%, and 4%. The President did not name the colleges.

The President pointed out that an increase in enrollment over the summer, the fall, next spring—will drive up formula funding; if it continues to slide, it will impact the next fiscal year.

The President said that the Coronavirus Aid, Relief, and Economic Security Act also called the CARES Act grants TAMUK 7.08 million dollars; 3.5 million is mandated to be given directly to students who request the money and have described in writing the COVID-19 disruption in their education to get it; a committee will be assigned to determine the amount of money to grant

each student; we have one year to spend all of it; about 25% will be used to pay students impacted this spring; 15-20% will be used to pay students impacted this summer; and the remainder will be used for students impacted in the Fall. You have to be enrolled the semester to receive the dollars as they are paid out.

System has to accept the plan...it was just submitted. It will work on first-come-first-serve basis; when money runs out that was allocated for each of the three periods, no more will be given out for that period. DACA, International, and online students will not receive any of the CARES act money according to U.S. Education Secretary Betsy DeVos.

There are no instructions on how to use the remainder of the 7.08 million dollars; we already are in debt one million by having given students credits for housing and food allowance; The president also pointed out that once bills are settled up, students who graduate will get a cash payment for the credits they do not use. The credits may explain why students will be here this summer; other costs encountered as well, but it will be summer or fall before we learn how the remainder of the CARES Act money might be used and have a better understanding of what COVID-19 has cost the university.

The A&M System recently mandated...

That the university is required to answer how it will handle a 10% budget reduction. The A&M system wants more specific language for fiscal year 22 and 23. We might not do what we say, but the university may have to outline specifics. The President calls this a heads up since these are all public documents.

Finally, in terms of overall policy approaches vis-à-vis budgeting a university with 5 colleges...

The President believes that budgeting has historically often not promoted growth within and across our colleges; another way to say that is declines or increases in enrollment did not have an effect on college budgets. He is changing that. Thank you.

Respectfully yours, Ari Sherris.

- i) **Master Plan Search Committee: Cancelled because of COVID-19 (Ari Sherris)**
- ii) **OIR SPRING ENROLLMENT UPDATE: SPRING 2020 Student Enrollment Excluding Dual-enrollment: Grand Total: 5,936 students**
- iii) **Senate Reports**

Q: Senator Young – has there been any discussion about sanitizing classrooms?

A: we will make sure to raise this question again, but President Sherris is pretty sure that the EMT is working with the outsourced company that cleans campus to add this additional level of cleaning.

Q: Senator Hall – Provost did not accept the recommendation for digital signature pages for theses and dissertations. Is there a way to influence President Hussey to influence the Provost, who declined the motion? If DocuSign can be used for masters level comps, why the same process would not be used for doctoral level students.

A: President Sherris and President-Elect Chen, will be meeting with President Hussey tomorrow and will bring this up again.

Q: Senator Bohm – do we know how the CARES money that does not go to students will be distributed?

A: President Sherris said that he is not sure since there is no longer a budget council. Senator Radcliff also mentioned that in the EMT meeting that everything that is purchased in response to COVID-19 is being tracked, and she thinks that some of the CARES money will be used to reimburse the University for those costs.

iv) **Covid-19 Emergency Grade Policy – Senator Jeffrey Glick**

Senator Glick agreed to be a go between for the Faculty Senate and MarComm to ensure that any and all questions that faculty have are submitted to and answered on the University's COVID-19 site.

- Frequently Asked Questions on grading policy (see <https://www.tamuk.edu/coronavirus/index.html> and <https://www.tamuk.edu/coronavirus/FAQ.html>) is an evolving resource
- Students and faculty can ask questions directly by emailing javelinahelp@tamuk.edu
- If the faculty senate would like additional questions answered or would like to see the answers revised or clarified, Jeff Glick can serve as the intermediary between FS, the Provost's office and MarComm.

IV. Old Business

V. Standing Committee Reports

a) Committee on Committees

The Committee elected Senator Amber Shipherd, College of Education & Human Performance to act as Chair. Committee members are contacting current (2019-2020 AY) committee members on committees reporting to the senate to determine which committee seats will need to be filled beginning fall 2020.

b) Election Committee

The committee elected Senator Christine Radcliff, Library to act as Chair.

c) Resolution and By-laws/Handbook Committee

The committee elected Senator Rudolf Bohm, Chemistry to act as Chair. The committee initiated discussion on a resolution to restrict individuals speaking on behalf of Faculty Senate with a few points being key: the administration should not use this as a means to bypass consideration of key changes that are circumscribed as responsibility of the faculty senate; executives and executive committee should not be led into making decisions that require the consent of the Faculty Senate body.

VI. Reports from Committees Reporting to the Senate

a) Administrator Evaluation Committee

The survey was distributed from April 1-15th this year. We are not sure how many faculty received the survey, but we think the number was around 368. Only 672/4698 surveys were completed, resulting in a 14% completion rate. There are quite a few things that Senator Radcliff learned this year, that she will be sure to pass along to next year's committee.

b) Annual Faculty Lecture Committee

There was only one applicant this year, and the committee agreed to send that person forward as the nominee. The procedure for this was changed this year to solicit nominations in the Spring, so that applicants had more time to prepare a thorough application. There are two parts to the application, one part completed by the faculty nominee and the other part completed by the University President. The application is not due until the Fall, at which time Senate President Sherris will be notified of the name of the nominee.

c) Faculty Benefits Committee – no report

d) Faculty Evaluation Committee – no report

e) Piper Award Committee – no report

f) Policy Revision Committee (*see handout*)

The committee was charged with review of proposed changes to **Academic Operating Procedure 1: Academic Freedom, Responsibility and Tenure (AOP1)**. They had an initial meeting Thursday April 30, 2020 to review proposed changes made by the Office of the Provost. Committee report in preparation for submission to Faculty Senate, hopefully before the requested feedback date of May 20, 2020 from the Office of the Provost.

There were three motions presented and approved by the committee:

- Motion to change AOP1: As per AOP1 Section 4: REVIEW BY FACULTY PEERS IN APPEALS OF ADMINISTRATIVE DECISIONS: As part of the regular committee appointment cycle, the Faculty Senate will designate a pool of thirty (30) tenured faculty members with representatives from each of the colleges. This replaces the pool number of 24.

- Motion: Hearing committee letter goes to the President with a courtesy copy to the Provost.
- Motion: It is currently not recommended to make any other additional proposed revisions to AOP1.

There were also two additional requests from the committee:

- That proposed changes to Academic Operating Procedure 1: Academic Freedom, Responsibility and Tenure sent to the committee for review be shared with Faculty Senators
- This request is forwarded to Faculty Senate leadership for electronic distribution to the Senate membership

g) Handbook Committee Taskforce – no report

VII. New Business

a) Motion 1 – Dr. Jieming Chen, President-elect

That a senate ad-hoc committee be appointed to study workload differences and similarities between TAMUK and similar institutions in terms of university size and Carnegie research classification

Senator Chen motioned, and Senator McLaughlan seconded to open discussion.

Q: Senator Velez-Hernandez – Do we have access to the information from the previous investigations, so that the committee does not start from scratch?

A: Senator Chen believes that other investigations have only looked at institutions of similar size to TAMUK not including the Carnegie classification. The Carnegie classification is the part that he really wants to focus on this time, to see if TAMUK faculty are doing too much or too little teaching, research, service work to help us have data to back up any requests for teaching or research load changes.

Q: Senator Hall – what would be the result (deliverable) and how would we process that deliverable?

A: Senator Chen responded that he does not know, but that this is the first step to finding out if we are doing too much or too little in the areas of teaching, research and service.

Comment: Senator Glusing – Collecting data is good, but we should set a time for action so as not to look like we are asking for more money in the midst of COVID-19 when budgets are being cut.

Comment: Senator Miller said that this is different enough from the other study done three years ago that just focused on other schools within the A&M System.

President Sherris called for vote, Senator Liang seconded. The motion passed with a vote count of 34 yes, 0 no, 1 abstain.

b) Motion 2 – Dr. Kelly Hall, CEHP Senator at Large

That a senate ad-hoc committee be appointed to investigate the differences and similarities between TAMUK and similar institutions in terms of administrative size (e.g., number, ratio, salary).

Senator Sherris motioned, and Senator McLauchlan seconded to open discussion.

Q: Senator Huff – which part of administration are you referring to? Upper level administrators, or the administrative wing which includes staff workers, registrars, etc? Across the board or individuals with six figure salaries and higher?

A: Senator Hall responded that it would look at positions of Assistant Vice President and higher.

Q: Senator Rees – if this motion passes would there be interest in looking at administrative positions that deal exclusively with faculty? For example, which institutions have a Dean of Faculty, or a VP for Faculty within the Provost office, and which institutions have a Faculty Ombudsmen?

A: Senator Hall responded that this was not the lens she intended with this motion. She believes that you may find out that type of information from this, but that she feels it should be a separate study.

President Sherris called for vote, Senator Huff seconded. The motion passed with a vote count of 32 yes, 1 no, 0 abstain.

VIII. Announcements

President Sherris shared the following reminders:

- Please email all motions and resolutions to FacultySenateOfficers@tamuk.edu no later than Tuesday, August 18, 2020, 5:00 pm CDT if you would like the Executive Committee to add them to the Tuesday, August 25, 2020 Faculty Senate Agenda.
- Our Fall 2020 Faculty Senate meeting is scheduled for Tuesday, September 1, 2020 from 3:30 pm – 5:00 pm and it will be online.
- Senators may raise motions and resolutions from the floor rather than submit them to the EC, but should have them ready in writing as in the format on earlier slides for this meeting to save time.

IX. Adjournment

At 4:56pm a motion to adjourn was made by Senate President Sherris and seconded by Senator Meyer, motion was passed.

Respectfully Submitted,

Christine Radcliff

Faculty Senate Secretary, 2020-2021

President's Message to Faculty- May 2020

Adriana L Garza <adriana.garza@tamuk.edu>

Tue 5/5/2020 3:02 PM

To: Faculty <Faculty@tamuk.edu>; Academic Deans <AcademicDeans@tamuk.edu>; Academic Department Chairs <AcademicDepartmentChairs@tamuk.edu>

Message from President Mark A. Hussey



TEXAS A&M UNIVERSITY
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As we approach the end of the spring semester I want to once again thank the faculty for everything that you have done this semester. I know that most of you did not intend to teach your courses remotely this spring, let alone shift to a new modality mid-way through the semester, but you did it and did it well. Please know that the students that I have visited with have told me that while their initial transition to a virtual environment was difficult, things quickly improved throughout the semester and that they are appreciative of the sacrifices that each of you made to allow them to complete their courses on time.

Summer and Fall 2020

As you know we will be offering all classes remotely this summer, before transitioning to face-to-face instruction this fall. I know that you each have questions about what returning to face-to-face instruction might look like as well as what the university is doing to ensure the health and safety of its faculty, staff and students. Here is a partial list of discussions that are underway. Please know that many of these are in the early stages and may change depending upon local, state and national conditions.

- With regard to testing, contact-tracing, etc. the Texas A&M System is working with health care experts to determine the best approach for System universities. I anticipate that most, if not all, Texas A&M System universities will pursue a similar plan tailored to the unique issues of each campus.
- Greater physical distancing in classrooms. The provost and registrar are working with deans and department chairs to develop preliminary ideas to achieve greater physical distancing and reduced contact entering and exiting classrooms.
- Since we do not know what challenges COVID-19 might present next year, very preliminary discussions are underway to consider altering the sequencing of classes (e.g. 5, 8 or 10 week classes) similar to summer sessions to allow the completion of face-to-face classes in as short a time as possible, the ability to simultaneously offer courses in both a virtual and face-to-face environment, etc.
- Please know that faculty who have concerns about teaching face-to-face will be able to offer their classes in a virtual environment this fall. For those planning to offer classes virtually, I would encourage you to sign up for training that will be offered by Distance Learning and Instructional Technology (DLIT) in May, June and August.
- We are working to acquire additional masks, hand-sanitizer, thermometers, etc. and are also working with SSC to ensure that proper classroom and other facility sanitation procedures are in place.

Budget Preparations

While we hope the impact of COVID-19 on the local, Texas and national economies will be short-lived, it is anticipated that it will negatively impact university funding-either through declines in enrollment, declines in state revenue or both. Please know that we are working to minimize future impacts to our programs. Here is a partial list of cost savings that we have implemented to date in preparation for a potential budget shortfall, although others may follow.

- Stopped or delayed several renovation and/or construction projects.
- Reduced the budgets of the president's and all vice president's offices.
- Delayed awarding a contract to develop a new campus master plan.
- Implemented a flexible hiring freeze to meet projected budget shortfalls.

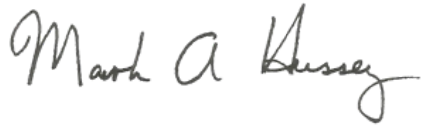
Provost and Vice President for Academic Affairs Search

I also wanted to provide you with an update on the search for the Provost and Vice President for Academic Affairs. As you may know, prior to COVID-19 it was my plan to complete the on-campus visits by mid-April and to have a new provost in place by July. Unfortunately, local, state and national guidance in response to COVID-19 has delayed and complicated these visits.

Currently the campus visits for the provost position are being scheduled between June 1 and 10. Information about each candidate will be made public as soon as possible but no later than the week of May 18. Please know that I will do everything possible to ensure that faculty, staff and students are able to interact safely with each candidate either face-to-face or remotely and are able to provide feedback following their visits. In my opinion, this is too important of a search for us to delay any longer than absolutely necessary.

In closing, I want to again express my sincere appreciation for all that you have done this year. As you know, we are in uncharted waters as we collectively deal with the impact that COVID-19 is having on our university, community and Javelina family. Please

know that both I and my entire administrative team are working daily to seek the best science based approach to ensure the health and safety of our faculty, staff, and students when we return to face-to-face instruction in August.

A handwritten signature in black ink that reads "Mark A. Hussey". The signature is written in a cursive, flowing style.

Mark A. Hussey
President, Texas A&M University-Kingsville

Academic Operating Procedure 1



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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 five (5) business days of being notified of the leave. Appeals presented after the 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 15 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~~ may present a grievance to an administrator related to the non-~~renewal or~~ 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 ~~ADMINISTRATIVE~~ ADMINISTRATIVE DECISIONS

At the beginning of each Fall semester, every College will conduct elections for tenured faculty members to be appointed to the Faculty Appeals Advisory Committee and Faculty Appeals Hearing Committee referenced in this Procedure. Each College will ~~and~~ forward the names to the Faculty Senate by September 1. The number of tenured faculty members to be elected from each College are as follows: Arts & Sciences: 5; Engineering: 4; Education & Human Performance: 3; Agriculture: 3; Business: 2. The Faculty Senate will place the elected faculty members in the Advisory Committee, Hearing Committee, or as alternates. The committee members will serve ~~staggered terms so that eight (8) members rotate off every year~~ one-year terms and cannot serve on their department and college tenure and promotion committees during the same term. The Faculty Appeals Advisory Committee will consist of three faculty members, plus two alternates in designated order. The Faculty Appeals Hearing Committee will consist of 7 faculty members, plus four alternates in designated order.

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Commented [JSG1]: Necessary deadline so that departments and Colleges can form their P&T committees thereafter.

Commented [JSG2]: This is a new proposal. Colleges now will elect members to the two committees; the number elected from each college is specified based on number of faculty. Colleges will provide the list of elected faculty to the Faculty Senate; the Senate will place them in either the Advisory or Formal Hearing Committee or as alternates in each committee.

Commented [JSG3]: This is a new proposal. (Previously the term was 3 years.) Also, someone who has voted on the dept or college committee should not be on an advisory or hearing committee. As it is currently, it is possible to do so.

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

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

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Commented [JSG4]: Included this since even full time lecturers have this option. (Per OGC)

4.2 All full-time non-tenured faculty members have the right to present a grievance, in person, to the Provost and Vice President for Academic Affairs over non-renewal or termination of the faculty member's employment at the institution. Such grievances are heard by the Provost and not a faculty committee. The grievance process may be used to address a faculty appeal that is untimely filed. ~~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.~~

Commented [JSG5]: The terminology here (grievance vs. appeal) and time frame (10th vs 20th business day) may be confusing. However, that's how System Policy 12.01 states it.

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Commented [JSG6]: Does this need to be included? This was a clarification point made by OGC.

Commented [JSG7]: Clarification provided by OGC.

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Commented [JSG8]: This needed to be removed since System Policy 12.01, in accordance with state law, does not impose a deadline. A faculty member who does not file an appeal in a timely manner still has the statutorily required grievance process available. (Per OGC)

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4.3 A non-tenured faculty member may appeal a decision ~~not to reappoint~~ of nonrenewal or termination of the faculty member's employment at the institution. The appeal is authorized only if 1) it is filed in a timely manner, within 20 business days of the date on which the faculty member was given written notice of nonrenewal or termination decision, after which time it will be deemed untimely and 2) it alleges, 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. Such as ~~The~~ 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.~~

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5.3

4.45.4 Upon receipt of an appeal from the faculty member, the Provost will ~~select five faculty members to serve on an Advisory Committee, plus four (4) alternate members designated in rank order (first alternate, second alternate, etc.) from the faculty pool (Section 4) inform the Faculty Appeals Advisory Committee of the appeal.~~ Each member of the ~~Advisory Committee~~ shall be subject to challenge for cause by the faculty member and the administration. Each side shall be allowed ~~one a maximum of two challenges.~~ The President of the Faculty Senate will determine the validity of the challenge(s). ~~If a faculty member believes that he or she is unable to serve on the 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.

Commented [JSG9]: Note – this is a new proposal. In the past, each side was allowed two challenges. The size of the committee is smaller, with this proposal.

5.5 The Faculty Appeals 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~~ have occurred. ~~The Faculty Appeals Advisory Committee's determination shall be conveyed in writing to the Provost and to the faculty member within ten business days of the notification to the committee. The Advisory Committee's proceedings may be informal and flexible.~~

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Commented [JSG10]: System policy says "within 15 business days" so we're OK with 10.

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Commented [JSG11]: This is not required by System Policy and may be removed.

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Commented [JSG12]: System Policy 12.01, 7.5

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Commented [JSG14]: This is a new proposal, considering the proposed smaller size of the committee.

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4.5 ~~Representatives of the administration, including an attorney from the Office of the General Counsel, may attend the proceedings as observers.~~

5.6 If the Faculty Appeals 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 formal hearing by the deadlines provided in subparagraph 7.5 of System Policy 12.01. ~~The hearing must be scheduled within 60 calendar days from the date the Faculty Appeals Hearing Committee is notified of the appeal, and inform the Hearing Committee.~~ 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 Faculty Appeals 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~~ 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 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. ~~Both the faculty member and the administration have the right of representation at the hearing, as well as the right to question witnesses, and if a witness cannot appear, the right to the name of the witness and any written statements made by the witness. In deliberating, the Faculty Appeals Hearing Committee should allow oral arguments and/or written briefs by the dean or his or her administration or designated representatives and by the faculty member or his or her designated representatives. The hearing shall be closed unless the affected faculty member~~

requests that it be open. A transcribed record of the proceedings shall be prepared.

4.6

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5.7 In the formal hearing, the burden of proving that the decision 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, rests with the faculty member. The burden of proof must be met with a preponderance of the evidence, i.e., that which is more convincing, more credible, and of greater weight than contrary evidence. 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 Faculty Appeals Hearing Committee and to the administration's representative at least fifteen business days before the date of the formal hearing. The administration may also present their documents and a list of witnesses, including a short statement of the anticipated testimony of each witness, to the Chair of the Faculty Appeals Hearing Committee at least fifteen business days before the date of the formal hearing.

Commented [JSG16]: This is a new proposal, giving the committee three weeks to review materials.

4.7 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.

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

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4.9 ~~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.~~

Commented [JSG17]: This is already stated in Section 5.6

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4.10 The findings of the Faculty Appeals Hearing Committee shall be limited to determining whether the decision ~~not to renew the appointment of nonrenewal or termination~~ was made on the basis of the faculty member's appeal, namely: 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 President regarding possible solutions.~~

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4.11.9 ~~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 Faculty Appeals Hearing Committee's findings and recommendation shall be conveyed in writing to the President, Provost, the Dean, and the faculty member within 15 calendar days of the completion of the hearing, pursuant to System Policy 12.01, subparagraph 7.5.~~

Commented [JSG18]: The President has been added to the list since now he/she will be the final decision maker.

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Commented [JSG19]: Moved to 5.6 for better organization of information.

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

Commented [JSG20]: This is a proposed change. It used to be Provost, but now the Hearing Committee makes a recommendation to the President, who makes the final decision.

4.13.10 The President will review the recommendations of the Faculty Appeals Hearing Committee and will make a decision. The President's decision is final.

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5.6 DISMISSAL FOR CAUSE OF FACULTY WITH TENURE OR WITH UNEXPIRED TERM APPOINTMENTS

5.6.1 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.

~~5.26.2~~ 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.

~~5.36.3~~ 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.

~~5.46.4~~ As provided in Section 51.942 of the Texas Education Code, ~~a, 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. 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.

~~5.56.5~~ In any dismissal proceedings the faculty member and the administration shall have the right to representation.

~~6.7~~ DISMISSAL FOR CAUSE HEARINGS

~~6.17.1~~ 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.

~~6.27.2~~ 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.

~~6.37.3~~ 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; [audio and written accounts of the hearing will be prepared](#).

~~6.47.4~~ The Provost will ~~select eight (8) faculty members to serve on a~~ [Faculty Appeal Hearing Committee](#) ~~of the faculty member's appeal~~. Each member of the [Faculty Appeal 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~~ [two](#) challenges. The President of the Faculty Senate will determine the validity of the challenges. Members removed due to challenge or recusal will be replaced by the alternates in designated order. 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 chair.

~~6.57.5~~ The [Faculty Appeal Hearing Committee](#) shall schedule a hearing pursuant to subparagraph 8.2.2~~4~~ of System Policy 12.01.

~~6.67.6~~ Subject to subparagraph 8.2.1 of System Policy 12.01, the [Faculty Appeal 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 [Faculty Appeal 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 [Faculty Appeal 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 [Faculty Appeal Hearing Committee](#). [Audio and written accounts of the hearing shall be prepared](#). The [Faculty Appeal Hearing Committee](#) shall formulate explicit convey its findings and recommendations pursuant to subparagraph 8.2.1 and convey its findings and recommendations to the President and the faculty member within 10 business days of the completion of the hearing, pursuant to subparagraph 8.2.42 of System Policy 12.01.

Commented [JSG21]: Note: The same Faculty Appeal Hearing Committee now hears appeals for P&T denials, dismissal for cause, dismissals for financial exigency, etc. – sections 5, 7, and 8.

~~6.7~~ A faculty member may be reassigned or suspended during the pendency of termination proceedings pursuant to subparagraph 6.3 of System Policy 12.01.

~~6.8~~ 7.7 The hearing shall be closed unless the faculty member requests that it be open.

~~6.9~~ 7.8 A faculty member may be reassigned or suspended during the pendency of termination proceedings pursuant to subparagraph 6.3 of System Policy 12.01.

~~6.10~~

~~6.11~~ 7.9 If the President proposes termination of the faculty member's appointment, the process outlined in subparagraphs 8.2.53 through 8.2.57 of System Policy 12.01 shall be followed.

~~7.8~~ TENURE, FINANCIAL EXIGENCY AND PHASING OUT OF PROGRAMS

~~7.1~~ 8.1 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 for dismissals. 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.

~~7.2~~ 8.2 A faculty member selected for ~~termination-dismissal~~ shall be given an opportunity to respond in a hearing before a Faculty- Appeal Hearing Committee. In this hearing, the burden of proof rests with the institution to demonstrate that a bona fide financial emergency exists or that educational considerations led to the reduction or discontinuance of a program. 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.

~~7.3~~ 8.3 If the faculty member requests a hearing, the Provost will inform the Faculty Appeal Hearing Committee referenced in Section 4, within fifteen (15) business days after the receipt of the request for a hearing. Each member of the Faculty- Appeal Hearing 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 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. The committee shall elect its own chairperson. The chairperson shall retain the right of discussion at all times. The Faculty- Appeal Hearing Committee should schedule a hearing within twenty (20) business days after their being informed by the Provost. The Committee's

findings and recommendation(s) must be conveyed in writing to the President and the faculty member within ten business days of the completion of the hearing.

[7.48.4](#) After reviewing the Faculty- [Appeal](#) Hearing Committee's findings, the President will make a decision about the dismissal.