TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 60.01, **Tenure and Promotion Policy**

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSC OP) is to provide TTUHSC tenure and promotion guidelines within the HSC OP manual, as required by Section 04.02, *Regents' Rules*.

REVIEW: This HSC OP will be reviewed concurrently with and in the same manner as the review required by Section 01.07, *Regents' Rules*, provided, however, that this policy may only be revised with formal approval of the Board of Regents.

POLICY/PROCEDURE:

1. **General Considerations**.

   a. TTUHSC is a community of scholars dedicated to teaching and to the advancement of scientific knowledge through scholarship. An essential component of academic endeavor provided by faculty members who have clinical skills is participation in clinical service. Faculty members may also serve the academic community through participation in institutional governance (e.g., committee work) in addition to other activities. Some TTUHSC faculty members also make important contributions to the community in the form of their academically related public service complementary to the institutional mission. All of these contributions by faculty members will be recognized as essential to the mission of TTUHSC.

   b. A position as a faculty member at TTUHSC implies correlative responsibilities. In addition to maintaining standards of competence, particularly those relating to scholarship and teaching ability, faculty members are also responsible for maintaining objectivity and industry and cooperating in relations with colleagues and associates in the university.

2. **Academic Freedom.**

   a. Achievement of the teaching, research, patient care and service missions of TTUHSC depends upon an uninhibited search for truth and its open expression. Hence, it is essential that each faculty member be free to pursue scholarly inquiry without undue restriction, and to voice and publish individual conclusions concerning the significance of evidence that he or she considers relevant.

   b. A TTUHSC faculty member is entitled to full freedom in the classroom in discussing the subject which he or she teaches, but should refrain from introducing controversial matters which have no relation to the classroom subject. Each faculty member when speaking, writing or acting as a citizen of the nation, state and community, must be free from institutional censorship or discipline, and should make it clear that in this capacity he or she does not speak for TTUHSC. A faculty member is subject to academic responsibility as noted below in this policy.

3. **Academic Responsibility.**

   a. The concept of academic freedom for faculty members is accompanied by an equally important concept of academic responsibility. A faculty member has a responsibility to TTUHSC, his or her profession, students, and society at large. The rights of a faculty member as extended by society and protected by written policies and the law, require

reciprocally the assumption of certain responsibilities. The fundamental responsibilities of a faculty member as a teacher, scholar and/or clinician include maintaining competence in his or her field of specialization as exhibited in the classroom, clinic or laboratory, and in the public arena by such activities as discussions, lectures, consulting, publications, and participation in professional organizations and meetings.

b. Statements by a faculty member are protected even though they may be critical in tone or content. However, such statements are not protected by free speech if: they substantially impede the faculty member's performance of his or her duties; materially and substantially interfere with the regular operation of TTUHSC; or are part of a continuing pattern of expression that may destroy the harmony and morale of an academic unit. False statements made publicly with knowledge of their falsity, or in reckless disregard for the truth, are not subject to constitutional protection. Such action may call into question the fitness of the faculty member to perform his or her professional duties.

c. A faculty member should be judicious in the use of controversial material in teaching and should introduce such material only as it has a clear relationship to the subject matter. A faculty member should: be professional in his or her conduct in the classroom and in relationships with students; maintain respect for students and students' rights in the learning experience; and be reasonably available to students for consultation on course work.

4. **Tenure Perspectives.**

a. **Concept of tenure.** Academic tenure has been developed so that TTUHSC may have the benefit of the competent and honest judgment of its faculty. It thus recognizes the professional status of its faculty and assures that employment may be terminated only for cause or as noted below. The burden of proof rests upon TTUHSC when it elects to dismiss a tenured faculty member.

b. **Purposes of tenure.** The purposes of tenure are: to protect the academic freedom of the faculty member; to ensure faithful observance of the requirements of academic due process; and to retain, encourage, and promote the ablest and most promising faculty members. This policy defines the types of appointments that may lead to tenure and specifies procedures for granting tenure.

c. **Award of tenure.** Tenure may be awarded at certain ranks only after a period of probationary service. Awarding of tenure by TTUHSC will be based upon excellence of performance in the following areas relevant to faculty members' disciplines:

(1) teaching;

(2) scholarship (includes appropriate research pursuits);

(3) clinical service; and

(4) academically-related public service.

Tenure at TTUHSC is awarded only by affirmative action by the board.

d. **Ranks eligible for tenure.** Members of the faculty with the rank of associate professor and professor only are eligible for tenure. Tenure does not apply to administrative appointments.

5. **Non-tenure Track Appointments.**

a. **Term appointment.** A term (non-tenured) appointment is written for a specific period of employment. All faculty appointees in non-tenured positions shall be given a statement in writing of the conditions and period of their employment. Term appointments may be

renewed. However, reappointment of any such position shall not create the right to a subsequent term appointment. Time served by persons in non-tenure track series cannot be used as time accrued toward tenure. Each school may select titles from the following non-tenure track appointment positions:

(1) **Non-tenure track appointments.** The following appointments may be used for full-time non-tenure track faculty members and for individuals with the appropriate professional credentials who are full-time employees of institutions holding formal affiliation agreements with TTUHSC:

(a) assistant instructor;

(b) instructor;

(c) assistant professor;

(d) associate professor; or

(e) professor.

(2) **Clinical appointments.** The following non-tenure track appointments are reserved for appointees with less than half-time appointments, i.e., less than half-time commitment to, and less than half-time compensation from, TTUHSC:

(a) clinical lecturer;

(b) clinical instructor;

(c) clinical assistant professor;

(d) clinical associate professor; or

(e) clinical professor.

(3) **Research appointments.** The following non-tenure track appointments are for full-time faculty members engaged primarily in research with incidental teaching and/or patient care responsibilities:

(a) research instructor of (title of discipline);

(b) research assistant professor of (title of discipline);

(c) research associate professor of (title of discipline); or

(d) research professor of (title of discipline).

(4) **Adjunct appointments.** The term “adjunct” may be used in conjunction with any appropriate non-tenure track title to indicate that the appointee is regularly engaged as an employee of another institution or agency. The following “adjunct” series also may be used for TTUHSC employees who may be engaged in part-time or full-time teaching and/or patient care activities in a duly authorized TTUHSC program and whose compensation is not derived from TTUHSC state-appropriated faculty budgets:

(a) adjunct instructor;

(b) adjunct assistant professor;

(c) adjunct associate professor; or

(d) adjunct professor.

(5) **Visiting appointments.** The following non-tenure track appointments are reserved for distinguished individuals who meet the criteria for appointment in senior academic ranks. Visiting appointments may be part- or full-time, but are not continuing unless approved by the dean:

(a) visiting associate professor, or

(b) visiting professor.

(6) **Faculty associate.** The faculty associate non-tenure track title may be used for persons who are employees of TTUHSC and who function in an academic support role (e.g., librarians).

(7) **Conditions of non-tenure series appointments.** Faculty appointments in the non-tenure track series shall be reviewed annually by department chairs and the dean. A written notice of non-reappointment will be issued to full-time faculty excluding adjunct and visiting no less than four months prior to August 31 of each year.

(a) After a period of five years of service in the full-time non-tenure track at the assistant professor, associate professor, or professor level, a written notice of reappointment or non-reappointment will be issued no less than one year prior to August 31 of each year.

(b) After a period of five years of service in the non-tenure track at the assistant professor level or three years at the associate professor or professor level, extended appointments not to exceed five years may be offered upon recommendation by department chair and approval of the dean.

(c) Although a reason for a decision of non-reappointment is not required, a decision not to reappoint cannot be caused by considerations violative of academic freedom or constitutionally impermissible reasons. Each faculty member is entitled to review all of his or her personnel files and to obtain a copy of the information contained therein at his or her expense. The appeal process for an alleged violation of academic freedom or constitutionally guaranteed rights in the non-reappointment process is set out in Section 10.b of this policy.

(d) The transition for the non-tenure track series to the tenure track (or vice versa) may be allowed following review and mutual agreements by the faculty member, the department chair, and the dean. Absent extraordinary circumstances which are approved by the dean, only one transfer between tracks will be allowed.

(e) A faculty member in a non-tenure appointment may be terminated for cause only during the term of the appointment as set out in Sections 11. and 12. of this policy.

(8) **Promotion of non-tenure track faculty.** Non-tenure track faculty may be eligible for promotion, in accordance with requirements and procedures provided for in each respective school's tenure and promotion operational guidelines.

6. **Tenure Track Appointments.**

a. Time served on the tenure track in the assistant professor, associate professor and professor ranks shall count as probationary time toward the award of tenure. (See also

Section 7. of this policy.) Tenure may be awarded only at the associate professor and professor ranks.

b. **Tenure track appointments**

(1) assistant professor;
(2) associate professor; or
(3) professor.

c. **Tenured appointment.** A tenured appointment assures the right of the faculty member to a continuing academic position of employment. The tenured faculty member is subject to possible adjustments regarding salary, administrative position, employment duties, and campus location.

d. **Probationary appointment.** Probationary appointees serve in a faculty status leading to the possible awarding of tenure. A probationary appointee is reappointed after appropriate review each academic year unless given appropriate written notice (as noted in Section 10.a of this policy). Such appointees are subject to possible adjustment duties, and campus location.

e. **Academic appointment.** Only persons with full-time appointments are eligible for tenure. Tenure applies to full-time faculty including those full-time faculty with nine month appointments. Although tenure does not apply to administrative positions, faculty members holding administrative positions may be tenured in their respective academic units.

f. **Continuous full-time appointment.** Tenure applies to continuous full-time appointment in the academic units which have the authority to initiate tenure recommendations. The following rules govern the effect of a leave of absence upon the maximum probationary period:

(1) leave for four months or less during an academic year shall be included in the maximum probationary period; and

(2) continuous leave for more than four months shall cause that entire academic year to be excluded from the maximum probationary period unless that faculty member was on a sabbatical or the equivalent of a Fulbright Fellowship performing scholarly activities.

g. **Joint appointment.**

(1) A faculty member who holds a 50/50 percent of effort joint appointment in two TTUHSC academic units may be awarded tenure in the joint position. If one of the units refuses to recommend tenure upon expiration of the probationary period and issues timely written notice, tenure shall not be awarded unless the faculty member is given full-time employment in the academic unit that elects to recommend tenure.

(2) In a joint appointment other than 50/50 percent of effort, tenure may be awarded only in the unit where an appointment greater than 50 percent is held. That unit then must be prepared to absorb the remainder of the faculty member's appointment if the faculty member relinquishes, or is asked to relinquish, the part of the appointment that is less than 50 percent.

h. **Restructuring of Academic Units.** If a department or other academic unit is merged or otherwise reorganized, the tenured faculty member in the academic unit affected shall not lose his or her tenure appointment(s) solely because of such reorganization.

7. **Probationary period.**

a. The maximum probationary period for admission to tenure is the same for all tenure-eligible ranks. Before the end of the seven-year probationary period at TTUHSC, an untenured assistant professor, associate professor, or professor must be notified in writing either that tenure has been awarded or that the appointment will not be renewed at the end of the eighth year.

b. Requests for early action may be appropriate if a faculty member's accomplishments are exceptional. Each school will establish criteria for awarding tenure before the end of the maximum probationary period.

c. Previous full-time service with the rank of assistant professor or higher, or comparable status in institutions of higher learning, may be counted toward the awarding of tenure. The dean's letter of appointment shall state whether, and to what extent, time served at another institution will be applied to the probationary period.

d. The president, at the request of the dean, may recommend that the board award 'appointment with tenure' to accommodate the recruitment of senior faculty who have been granted tenure by universities or institutions of higher learning that are at levels comparable to TTUHSC. The qualifications of candidates for appointment with tenure will be reviewed in accordance with school tenure and promotion policies, standards and guidelines, as well as Section 9. of this policy.

e. Occasionally, faculty will experience extraordinary circumstances during their appointment that result in the need to interrupt the probationary period, so that the number of years considered as part of the probationary period are not consecutive. Staying of the probationary period will not jeopardize or adversely affect the faculty member in the tenure review. Guidelines for requests to stay the probationary period are provided in Section 8. of this policy.

f. Computing years of credit toward tenure. In computing probationary periods for tenure, the effective date of each appointment shall be September 1 of the calendar year in which the appointment is made. A common tenure anniversary date of August 31 for all tenure-eligible academic appointments shall apply. (See Section 6.f. of this policy, for computing periods of leave without pay.)

8. **Extension of tenure track probationary period.**

a. A TTUHSC faculty member may request an extension of his or her maximum probationary period in order to accommodate the faculty member faced with extraordinary circumstances. This period of time is expressly not a leave of absence, but rather is a defined period during which expectations for faculty performance are adjusted to reflect a faculty member's past or current circumstances. The expectations and responsibilities during this period will be defined in writing by the department chair and approved by the dean.

b. The maximum extension that may be granted a faculty member is three years, regardless of the combination of circumstances. A faculty member who is granted an extension of the probationary period will be judged and evaluated on the same basis and by the same standards as though there had been no extension.

(1) **Parenting a new child.** An untenured, tenure-track faculty member who becomes the parent of a child by birth or adoption during the probationary period for tenure may request a one year extension of his or her maximum probationary period to provide time to adjust to the demands of parenting newborn or adopted children. An application for a second consecutive extension may be submitted prior to completion of the first extension.

(2) **Requests for extension.** Requests for extension of the probationary period

must be submitted as soon as possible after birth or adoption. If both parents are employed in an eligible position at TTUHSC, each of them may request an extension of the probationary period for each birth or adoption that adds a child or children to their family.

(3) **Other extraordinary circumstances.** When faced with extraordinary circumstances an untenured, tenure-track faculty member may request an extension of up to three years of the maximum probationary period for reasons beyond the faculty member's control that deprive him or her of reasonable opportunity to demonstrate his or her ability and potential as a faculty member. Examples of extraordinary circumstances include, but are not limited to, care for a seriously ill child or family member, physical disaster affecting research materials, and exceptional institutional responsibilities.

(4) **Procedure for requesting an extension.** Individual schools will develop criteria for consideration of requests for extension of the maximum probationary period. School procedural guidelines will require, at a minimum, that such requests be submitted in writing through the department chair to the dean for approval.

9. **Tenure and promotion decision process.**

a. **Criteria and standards.** The criteria and areas of performance to be considered in the tenure and promotion decision processes are teaching, scholarship, clinical service, and academically-related public service. Individual schools will develop standards of performance excellence in each of these areas. These standards should also describe the relative importance of each performance category, along with the related criteria for award of tenure or receipt of promotion.

b. **Guidelines.** Individual schools will develop and publish written policies that translate tenure and promotion standards into guidelines that are appropriate to their disciplines. It shall be the responsibility of the dean: to assure appropriate faculty participation in the development of these standards and guidelines; to approve school tenure and promotion policies; and to monitor their application. Deans shall review these guidelines periodically and consider appropriate recommendations from the faculty, according to the bylaws of each school.

c. **Information regarding criteria, standards, and guidelines.** It is the joint responsibility of the department chair, dean, and faculty member to ensure that he or she is provided in writing the tenure and promotion criteria, standards, and guidelines of the school and the department in which appointment has been made.

d. **Procedure for review of qualifications for tenure and promotion.** Primary responsibility for evaluation of the academic qualifications of candidates for tenure and /or promotion rests with the faculty.

(1) Where applicable, six sequential steps in the tenure and/or promotion review process are as follows:

(a) peer review by tenured faculty members in the department for consideration of tenure;

(b) peer review by faculty members of higher academic rank in the department for consideration of promotion;

(c) review by the department chair;

(d) review by the school's committee charged with tenure and promotion;

(e) review by the dean; and

(f) review by the president.

(2) In conducting reviews at the department level, all tenured faculty shall have an opportunity to vote on a tenure recommendation. Likewise, in conducting reviews at the department level, all faculty of higher academic rank shall have an opportunity to vote on a promotion recommendation. However, no faculty member currently or previously related by blood or marriage may participate in the tenure and/or promotion evaluation process of any such relative. The department chair is responsible for making an independent tenure or promotion recommendation in writing to the dean. The summary of the vote by appropriate faculty of the department (or of any special review committee) is to be forwarded with the department chair's recommendation to the school tenure and promotion committee, along with appropriate documentation in the tenure or promotion dossier.

(3) Each school within TTUHSC will have a committee responsible for tenure and promotion, the composition of which will be outlined in the school's respective bylaws. The school tenure and promotion committee will review recommendations for tenure and/or promotion in terms of department and school standards. Each school tenure and promotion committee will forward its recommendations to the dean who will be responsible for reviewing and recommending appropriate action on all tenure and/or promotion recommendations emanating from the school. These recommendations, with accompanying documentation in the tenure and/or promotion dossier, will be forwarded to the president. The final recommendations on tenure and/or promotion will then be made by the president and forwarded to the board.

A faculty member may be granted tenure and/or promotion only by formal action of the board.

e. **Discrimination.** All tenure and/or promotion considerations and recommendations rest upon objective requirements in relationship to the ability of the faculty member to perform effectively his or her responsibilities in teaching, scholarship, clinical service, and academically-related public service. Such considerations and recommendations are to be made without regard to race, religion, sex, age, national origin, marital status, physical disabilities, or other protected class which do not obstruct professional performance.

10. **Non-reappointment of faculty on tenure-track probationary appointment.**

a. **Notice of non-reappointment.** Except under conditions relating to the dismissal of faculty noted in Section 11., notice of non-reappointment of non-tenured faculty members on tenure track probationary appointments shall be given in writing in accordance with the following schedule. For computing the period of employment, the effective date of each appointment shall be September 1 of the calendar year in which the appointment is made.

(1) at least three months before the end of the first 12 months of service;

(2) at least six months before the end of the first 24 months of service; or

(3) at least nine months for those with more than 24 months of service.

Notwithstanding the above provisions, notice of non-reappointment may be given with the commencement of the current appointment.

b. **Appeal of non-reappointment.** TTUHSC is not required to give a non-tenured faculty member a reason for a decision of non-reappointment. However, each faculty member is entitled to review all of his or her personnel file and, at his or her expense to obtain a copy of the information contained therein.

If a non-tenured faculty member alleges that a decision not to reappoint him or her is caused by considerations violative of academic freedom, for constitutionally impermissible reasons, or for significant noncompliance with TTUHSC's established standards or prescribed procedures, the allegation shall be given consideration in accordance with the following procedures:

(1) The faculty member shall submit in writing, and with specificity, allegation(s) of improper non-reappointment, as outlined above, and request a hearing within twenty (20) TTUHSC business days of receipt of the notice of non-reappointment. The faculty member shall submit the allegations and request for hearing to the dean, the department chair, and the chair of the School of Hearing Committee.

(2) A hearing will be conducted by the School Hearing Committee as soon as possible after receipt of written, specific allegations. The hearing will be conducted in accordance with guidelines and procedures provided in Section 12.i-k of this policy. Under these procedural guidelines, the School Hearing Committee will select a chair and may request *pro bono* legal counsel or legal counsel from the Office of General Counsel. The legal counsel may advise the School Hearing Committee but may not vote. The faculty member shall have the right to appear in person with legal counsel retained by the individual. Failure on the part of the faculty member to use an attorney or other representative at the hearing shall not preclude the School Hearing Committee from using legal counsel or other assistance from the Office of General Counsel. An audio recording of the proceedings shall be made and delivered to the dean, and a copy of the audio recording will be made available to the faculty member. The record will be transcribed only on the request of either the faculty member or the dean and at the expense of the requesting party.

(3) The faculty member shall have the burden of proving to the School Hearing Committee facts that establish the non-reappointment was improper, as outlined in 10.b., above. The procedure shall be investigatory and non-adversarial in nature.

(4) Within ten (10) TTUHSC business days of conclusion of the hearing, the chair of the School Hearing Committee shall deliver the findings, recommendations, and minority opinions, if any, to the dean.

(5) Upon receipt of the School Hearing Committee's findings and recommendations, the dean shall submit same, along with his or her recommendations, to the president and to the faculty member within ten (10) TTUHSC business days.

(6) The president shall review the findings and recommendations and make a decision. The president's decision will be stated in writing and communicated to the dean and the faculty member within ten (10) TTUHSC business days of receipt of the dean's recommendation. The decision of the president shall be final.

11. **Grounds for dismissal of tenured faculty and termination of non-tenured faculty during their appointment.**

a. **Dismissal and Termination.** Dismissal of a tenured faculty member and termination of all other faculty members before the expiration of the stated period of their appointment (except by resignation or retirement) will be for cause only.

b. **Cause for dismissal or termination or appointment.** Examples of cause for dismissal or termination of appointment of a faculty member include, but shall not be limited to, the following:

(1) professional incompetence;

(2) neglect of professional responsibilities;

(3) moral turpitude adversely affecting the performance of duties or the meeting of responsibilities to the school, or to students or associates;

(4) mental or physical disability of a continuing nature adversely affecting the performance of duties or the meeting of responsibilities to the school, or to students or associates that cannot be reasonably accommodated; and

(5) unprofessional conduct adversely affecting the performance of duties or the meeting of responsibilities to the school, or to students or associates.

12. **Procedures in dismissal or termination of appointment cases.** Due process as set forth in this policy statement embodies a course of proceedings in line with rules and principles generally recognized in the academic community. Among these is the right of a tenured faculty member, and a non-tenured faculty member during the term of his or her appointment, to request and be granted a hearing before the School Hearing Committee, when notice of cause and request for dismissal or termination of appointment has been received by the faculty member and the dean.

In each case, the procedure for dismissal or termination of appointment will be determined by an equitable procedure, affording protection to the rights of the individual and to the interests of TTUHSC.

a. A faculty member shall not be dismissed until he or she has received written notice of the cause for dismissal or termination of appointment and, except as specified below, only after a reasonable opportunity for a hearing, which shall meet the established procedures of due process as set forth herein and in which the school shall bear the burden of showing cause for dismissal or termination of appointment.

b. The faculty member will receive his or her salary until conclusion of the dismissal or termination procedures and may continue the performance of his or her duties for that period unless the individual's welfare or that of the school, in the opinion of the dean, requires that a leave of absence be issued. A faculty member's salary and benefits may be discontinued, on written recommendation of the dean and approval by the president, in cases of job abandonment, loss of professional license to practice, loss of clinical credentials, or similar instances where the faculty member, either by choice or as the result of official actions, becomes prohibited from fulfilling the conditions of his or her employment.

c. In cases where the respondent faculty member admits his or her conduct constitutes cause, or does not choose to have a hearing, he or she may offer in writing his or her resignation.

d. Failure to appeal the dismissal or termination of appointment, or to submit one's resignation, within twenty (20) TTUHSC business days of receipt of written notice as set forth above will relieve TTUHSC of any further obligation to pay a faculty member's salary and benefits, effective immediately, and completes the dismissal or termination of appointment process. The dean shall notify the faculty member in writing of this action.

e. The School Hearing Committee shall be charged with hearing cases of dismissal of tenured faculty or termination of non-tenured faculty during their term of appointment. The composition and method of selection of said committees will be set forth in the faculty bylaws of each school.

f. Before the filing of formal dismissal or termination charges by the dean, a reasonable effort shall be made to mediate and conciliate differences, where appropriate. Upon written notification by the dean of a request for dismissal or termination, the chair of the School Hearing Committee shall appoint a mediation team within fifteen (15) TTUHSC business days comprised of two faculty members, neither of whom serves in the same

department as the faculty member recommended for dismissal or termination, who are not on the School Hearing Committee, and who are acceptable to both parties. If no mediators are found acceptable within fifteen (15) TTUHSC business days, mediation will be deemed not feasible and the matter will be referred back to the dean. In this case, the dean will determine whether formal charges should issue to dismiss or terminate the faculty member for cause.

If a mediation team is accepted, it shall attempt to reach a mutually acceptable resolution between the dean and faculty member in a thorough, confidential, equitable, and expeditious manner, and report the outcome of the mediation to the president within fifteen (15) TTUHSC business days of the first day of the mediation. If conciliation is not achieved, the dean shall determine whether formal charges should issue to dismiss or terminate the faculty member for cause.

g. In all cases where formal dismissal or termination charges issue, the faculty member will be informed in writing of the charges. The charges will be considered by the School Hearing Committee unless the faculty member offers his or her resignation as set out in Section 12.c. of this policy, or the faculty member fails to cooperate in advancing the appeal, per Section 12.d. of this policy.

h. Upon receipt of formal dismissal or termination charges, the faculty member shall also be notified in writing of his or her right to a hearing and shall be given twenty (20) TTUHSC business days from the date of receipt of such notice to submit a request for a hearing before the School Hearing Committee to the dean and the chair of the School Hearing Committee. Upon receipt of the request, the chair of the School Hearing Committee as set out in each school's bylaws to begin consideration of the formal charges as soon as possible.

i. The School Hearing Committee will select a chair and may, if it chooses, request *pro bono* legal counsel from the Office of General Counsel. The legal counsel will advise the School Hearing Committee, but may not vote. If the School Hearing Committee retains *pro bona* legal counsel from outside the Office of the General Counsel, the School Hearing Committee may consult with the Office of General Counsel regarding technical questions not directly bearing on the merits of the case, if the committee considers such consultation appropriate and helpful.

j. In every dismissal or termination hearing, the faculty member shall have the right to appear in person with legal counsel retained by the individual, or other representative of his or her choice, and to confront and cross-examine witnesses. The faculty member shall have the right to testify, but may not be required to do so, and may introduce in his or her behalf all evidence, written or oral, which he or she considers to be relevant or material to the case. TTUHSC shall also have the right to legal counsel from the Office of General Counsel in the preparation and presentation of charges and have the same rights in the hearing as those accorded to the faculty member. Failure on the part of the faculty member to utilize an attorney or other representative at the hearing shall not preclude the School Hearing Committee from utilizing *pro bono* legal counsel or other assistance from the Office of General Counsel.

k. The parties shall make any objections, substantive or procedural, deemed relevant during the course of the hearing, although neither the Texas Rules of Civil Procedure nor the Texas Rules of Evidence shall apply to the hearing.

l. An audio recording of the proceedings shall be made and delivered by the dean to the president of TTUHSC, and a copy of this audio recording shall be made available to the faculty member. The record will be transcribed only on the request of either the faculty member or the president at the expense of the requesting party.

m. The nature of the hearing or review of the formal dismissal or termination charges shall be investigatory and non-adversarial. The panel of the School Hearing Committee, by majority of its membership, shall make written findings on the material facts on each

charge and make specific recommendations with regard to each of the charges, as well as general recommendations concerning dismissal or termination. The panel of the School Hearing Committee, by majority of its membership, may make any supplementary suggestions it deems proper concerning disposition of the case. If minority findings, recommendations, or suggestions are made, they shall be similarly treated.

n. The chair of the panel of the School Hearing Committee shall deliver the written findings, recommendations, and suggestions to the dean within seven (7) TTUHSC business days of the hearing. The dean shall review the committee's findings and recommendations and, within seven (7) TTUHSC business days, shall transmit them along with his or her own recommendations to the president of TTUHSC.

o. In the case of a termination of appointment of a non-tenured faculty member, the president shall review the School Hearing Committee's findings and recommendations and the dean's recommendation and make a decision. The president's decision will be stated in writing and communicated to the faculty member and the dean within ten (10) TTUHSC business days of receipt of the recommendations of the School Hearing Committee and the dean. The decision of the president shall be final.

p. In the case of a dismissal of a tenured faculty member, the president shall transmit the findings and recommendations of the School Hearing Committee and the dean's recommendations, along with his or her recommendations, to the faculty member and to the board for its consideration. The board, by a majority of its total membership, shall take final action. The decision of the board will be stated in writing and communicated to the president, who will communicate it to the dean. The president shall also notify the faculty member in writing of the board's decision. The decision of the board shall be final. Once the board acts to dismiss, payment of salary shall cease, unless such salary has been discontinued previously for any reason referenced hereinabove.

q. The president of TTUHSC shall have the prerogative of extending any of the time periods specified above when such is in his or her opinion in the best interest of TTUHSC or the faculty member, and shall have the right to intervene, when in his or her judgment, the proceedings are not progressing in a timely manner.

r. The procedures for dismissal or termination of appointment described in the foregoing paragraphs of this section do not negate the right of the president to suspend the faculty member from all or some duties, when the president reasonably believes such to be in the best interest of the institution. The suspension with pay shall be without appeal and shall continue until such time as the suspended faculty member has been accorded the procedural rights described in the foregoing paragraphs of this section.

13. **Financial exigency, phasing out, or reorganization of programs.**

a. The board has sole authority to declare financial exigency. When faculty dismissals are contemplated on grounds of financial exigency, program termination or reduction, or reorganization of academic units, there should be timely notice as reasonably early as possible, with affected faculty having an opportunity to address the matter with the dean. Recommendations from the faculty will be sought by the dean on alternatives available to the school to ensure continuation of a strong academic program and to minimize the losses sustained by affected students and faculty members. In cases of bona fide financial exigency, or the phasing out of programs requiring reduction of faculty, the faculty members involved shall be given opportunities for appointment in related areas of the school (or TTUHSC) provided they are qualified professionally to serve in such areas, and provided such positions are available.

14. **Implementation.**

a. This policy is to be implemented immediately upon approval by the board. Faculty members in tenure track probationary status at the time of this approval will have the option of electing the tenure and promotion decision process of either the tenure policy

that was in effect when they were appointed or that was in effect at the time of application for tenure. All faculty members are subject to all other provisions and procedures of this revised tenure policy upon its approval by the board. Faculty members who have been awarded tenure at TTUHSC shall continue under this policy. This policy shall not be applied in derogation of any faculty member's contract rights. It is not the intent of this policy to operate in derogation of any substantive benefit earned by a tenured faculty member under a previous TTUHSC tenure policy.