



TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

Operating Policy and Procedure

HSC OP: 60.03, **Performance Evaluation and Dismissal Procedures for Tenured and Non-Tenured Faculty**

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSC OP) is to provide the comprehensive performance evaluation of tenured faculty, annual reviews for faculty, and dismissal procedures for faculty (as provided below) at Texas Tech University Health Sciences Center (TTUHSC) consistent with the current Board of Regents' Guidelines.

REVIEW: This HSC OP will be reviewed by February 15 every even-numbered year (ENY) by the Academic Council, with any recommendations for revision forwarded to the President for approval. Any changes to this HSC OP must be approved by the Board of Regents ("Board").

POLICY/PROCEDURE:

1. General Considerations.

- a. As used in this HSC OP, the term "faculty" applies to tenured and non-tenured faculty unless otherwise specified. The term "faculty" shall not include individuals appointed pursuant to Section 5(b) of TTUHSC OP 60.01.
- b. Each academic dean or designated representative will review with the respective impaneled peer review committee the process, as provided in each school's policy, used for determining the merit of each faculty member's performance in order to ensure that performance evaluations are conducted without regard to a faculty member's sex (including pregnancy), race, color, national origin, religion, age, disability, protected veteran status, genetic information, or other protected categories, classes, or characteristics.
- c. The comprehensive performance evaluation for tenured faculty is intended to ensure continued success of the faculty member and overall value to TTUHSC. The purpose of comprehensive evaluation of faculty is to provide meaningful faculty professional development; to enhance professional skills and achieve professional goals; to demonstrate academic and professional efforts, when appropriate; to ascertain that faculty members are meeting their responsibilities to TTUHSC and the State of Texas; and to comply with Texas Education Code, 51.942, as amended or modified, and policies of the Board.
- d. The acceptance and success of comprehensive performance evaluation for tenured faculty are dependent upon a well-executed, critical process and an institutional commitment to assist and support faculty development. Thus, remediation and follow-up review for tenured faculty who would benefit from such support are essential to the success of this policy.
- e. Each school within TTUHSC shall develop and implement a review and dismissal procedure for faculty that, at a minimum, results in a Comprehensive Performance Evaluation Report and annual reviews in accordance with the requirements set forth in this policy. The review and dismissal procedures will be developed in collaboration with the provost and each school to ensure the unique requirements and procedures each school mandates for their faculty. Each School's policy and procedure is to be developed with appropriate faculty input, including consultation with and guidance from faculty governance organizations.

- f. Annual reviews for faculty follow institutional performance evaluation standards as guided by TTUHSC Human Resources and school policy.
- g. While distinct from the annual evaluation process required of all TTUHSC employees, comprehensive performance evaluations of tenured faculty may be integrated with the annual evaluation process to form a single comprehensive faculty development and evaluation process.
- h. Each academic dean or designated representative in collaboration with the provost of TTUHSC will review each tenured faculty comprehensive performance evaluation performed in the school to ensure that appraisals were properly conducted utilizing only lawful, job-related and non-discriminatory criteria.

2. **Non-Reappointment of Non-Tenured Faculty.**

- a. **Non-reappointment in non-tenure series of appointments.** Faculty appointments in the non-tenure track series shall be reviewed annually by the respective department chairs and deans. Although a reason for the decision not to reappoint is not required, a decision not to reappoint cannot be based on considerations violative of academic freedom or other legally impermissible reasons. TTUHSC will be compliant in following its established standards or prescribed procedures. A written notice of non-reappointment will be issued by the dean to faculty no less than four months prior to August 31 of each year.
- b. **Notice of non-reappointment following five years of service.** 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 by the dean no less than 12 months prior to the date of separation.

3. **Requirements of Comprehensive Performance Evaluation of Tenured Faculty.** Consistent with Texas Education Code, §51.942, as amended or modified, and HSC OP 60.01, requirements established for comprehensive performance evaluation of tenured faculty and tenured faculty receiving academic promotions at TTUHSC are as follows:

- a. **Evaluation Focus:** The evaluation process will be directed toward the professional development of the faculty member and is to include a comprehensive review of the faculty member's duties and responsibilities including teaching, research, service, administration, when applicable and, for faculty with clinical responsibilities, clinical service. The comprehensive performance evaluation shall include consideration of the faculty member's annual employment evaluation(s), the results of the review committee described below, and any other materials submitted by the faculty member. The evaluation shall also include a rating for the faculty member's compliance with TTUHSC policies and procedures, including those specific to their school.

Comprehensive evaluation under this policy does not preclude other evaluations of faculty and appropriate actions as may be necessary or authorized under applicable policies.

- b. **Evaluation Schedule:** Evaluations under this policy shall be conducted once every 5 years after the date the faculty member is granted tenure.

In the event that the post-tenure review supports continuation of tenure, tenure will be renewed formally in the following academic year.

In the event the post-tenure review process does not support the continuation of tenure, a one (1) year remediation period may be granted upon recommendation of the dean and approval of the provost. If granted, the faculty will be re-evaluated prior to the end of the remediation period.

Periods when a faculty member is on leave are not counted in calculating when the evaluation is required. The evaluation may not be waived for any faculty member, but may be deferred when the evaluation coincides with comprehensive review for granting of tenure, promotion, or appointment to an endowed position. No deferral of the evaluation of an active faculty member may extend beyond six (6) years.

In the case of tenured faculty member whose primary appointment is that of an administrative position, these individuals serve at the discretion of their administrative supervisors, respectively, in accordance with other applicable policies. Accordingly, individuals with such appointments are subject to comprehensive evaluation within six (6) years of the date of return to active faculty service.

- c. **Materials Submitted by Faculty Member:** The faculty member being evaluated shall submit or arrange for the submission of a resume or curriculum vitae, a summary statement of professional accomplishments, annual reports, and teaching evaluations. The faculty member may submit additional materials that the faculty member deems appropriate.
- d. **Evaluation Procedure:** The Evaluation Report required under this policy shall be completed not more than one year from the date that written notice of intent to review is provided to the individual faculty member.
 - (1) **Notice:** Notice shall be given at least six (6) months prior to the date of commencement of the evaluation and shall include:
 - (a) Date by which the faculty member must submit all materials and to whom;
 - (b) Time period covered by the evaluation;
 - (c) Expected time period after submission of materials by which a meeting shall be scheduled with the peer review committee, i.e., within ____ months/weeks; and
 - (d) Anticipated date by which the final Evaluation Report with recommendations shall be completed.
 - (2) **Review Committee:** The faculty member shall have an opportunity to meet with a review committee made up of TTUHSC tenured faculty peers as well as other committee members as impaneled by each respective School. Committee members shall consider all materials submitted by the faculty member and may make observation visits as the committee deems appropriate. The committee's written findings and recommendations shall be contained in the Evaluation Report.
 - (3) **Dean and Provost's Review and Approval:** After the review committee has provided its findings and recommendations, the Comprehensive Performance Evaluation Report shall be compiled in writing and distributed for review and appropriate action to the dean. The dean shall review the Evaluation Report and shall transmit it along with his or her own recommendations to the provost. Once the provost has completed his/her evaluation and a decision is rendered, the report will be forwarded to the faculty member, department chair, and dean. The final decision on tenure renewal will be forwarded to the President for notification.

In the case of re-evaluation under a remediation period, the faculty member, in consultation with the faculty member's dean, shall establish a faculty development plan. At the end of the remediation period, the dean, in consultation with the provost, will assess evidence of improvement over the year and take appropriate administrative action regarding tenure renewal.

4. **Actions Based on Comprehensive Performance Evaluation Report for Tenured Faculty.**

- a. The tenured faculty member may challenge the Comprehensive Performance Evaluation Report according to each school's review procedure, as referenced in Section 1.e. of this policy.
- b. The Comprehensive Performance Evaluation Report may be used:

- (1) To determine salary recommendations, award nominations, or other forms of recognition commensurate with exceptional performance;
- (2) To design remediation and follow-up review for individuals in need of institutional support assistance, such as mentoring and counseling ineffective teaching, research, service, and, as applicable, administrative or clinical responsibilities;
- (3) To undertake appropriate disciplinary action if incompetency, neglect of duty or other good cause is determined to be present; and/or
- (4) For termination in accordance with dismissal proceedings provided herein below.

5. **Non-reappointment of Faculty.**

- a. **Notice of non-reappointment of tenure track faculty.** Although a reason for the decision not to reappoint tenure-track probationary faculty is not required, a decision not to reappoint cannot be based on considerations violative of academic freedom or other legally impermissible reasons. TTUHSC will be compliant in following its established standards or prescribed procedures. Except under conditions relating to the dismissal of faculty noted in Section 6 below, deans shall give written notice of non-reappointment of non-tenured faculty members on tenure track probationary appointments 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 four months before the end of two years of service;
- (2) at least nine months for those with more than two years of service.

Notwithstanding the above provisions, notice of non-reappointment may be given at any time prior to the notice deadline.

- b. **Appeal of non-reappointment for non-tenured faculty (non-tenure track and tenure track).** TTUHSC is not required to give any non-tenured faculty members a reason for the decision to not reappoint. However, faculty members are entitled to review their personnel files and to obtain a copy of the information contained therein at their expense.

If non-tenured faculty members allege that the decision not to reappoint them is caused by considerations violative of academic freedom, legally 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) Faculty members shall submit in writing, and with specificity, allegations of improper non-reappointment, as outlined above, and request a hearing within fifteen (15) TTUHSC business days of receipt of the notice of non-reappointment. Faculty members shall submit the allegations and request for hearing to the dean, the department chair, and the chair of the School Hearing Committee.
- (2) A hearing will be initiated 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 7.i-k of this policy. Under these procedural guidelines, the panel of the School Hearing Committee will select a chair and may request *pro bono* legal counsel or legal counsel from the Office of General Counsel. Legal counsel may advise the hearing panel 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 hearing panel 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 hearing panel facts that establish the non-reappointment was improper, as outlined 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 hearing panel shall deliver the findings, recommendations, and minority opinions, if any, to the dean.
- (5) Upon receipt of the hearing panel's findings and recommendations, and within ten (10) TTUHSC business days thereof, the dean shall submit these documents, along with his or her findings and recommendations, to the provost and president and to the faculty member.
- (6) The president shall review the findings and recommendations and within ten (10) TTUHSC business days of receipt of the dean's recommendation make a decision. The president's decision will be stated in writing and communicated to the dean and the faculty member. The decision of the president shall be final.

6. **Grounds for Dismissal of Tenured and Non-Tenured Faculty.**

- a. **Dismissal.** Dismissal of all faculty members, whether tenured or non-tenured, before the expiration of the stated period of their appointment, except by resignation or retirement, will be for cause only, as per the procedures below. Faculty members are entitled to review their personnel files and to obtain a copy of the information contained therein at their expense.
- b. **Cause for dismissal.** As provided by System Regulation 07.07(5)(a), and in accordance with Texas Education Code 51.942, examples of cause for dismissal of appointment of faculty members include, but shall not be limited to, the following:
 - (1) Exhibited professional incompetence;
 - (2) Continually or repeatedly failed to perform duties or meet professional responsibilities of the faculty member's position;
 - (3) Engaged in conduct involving moral turpitude that adversely affects the institution or the faculty member's performance of duties or meeting of responsibilities;
 - (4) Violated laws or university system or institution policies substantially related to the performance of the faculty member's duties;
 - (5) Been convicted of a crime affecting the fitness of the faculty member to engage in teaching, research, service, outreach, or administration;
 - (6) Engaged in unprofessional conduct that adversely affects the institution or the faculty member's performance of duties or meeting of responsibilities;
 - (7) Falsified the faculty member's academic credentials;
 - (8) For tenured faculty, failure to pass comprehensive performance evaluation or failure to successfully complete any post-tenure professional development program; and/or
 - (9) There is other good cause as defined in TTUHSC's policies;

7. **Procedures in Dismissal 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 a panel of the School Hearing Committee when notice of cause and request for dismissal has been received by the faculty member and the dean.

In each case, the procedure for dismissal will be determined by an equitable procedure, affording protection to the rights of the individual and to the interests of TTUHSC. For cases involving Serious Misconduct, the Summary Dismissal procedures set forth in Section 8, below, will govern.

- a. **Written notice.** A faculty member shall not be dismissed until he or she has received written notice of the cause for dismissal 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.
- b. **Salary and duties.** The faculty member will receive his or her salary until conclusion of the dismissal 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, benefits, and duties may be discontinued, on written recommendation of the dean and approval by the president, in cases of job abandonment, loss of professional license/certification 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. **Resignation.** 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 resign.
- d. **Lapse of deadline.** Failure to appeal the dismissal, or to submit one's resignation, within fifteen (15) 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 process. The dean shall notify the faculty member in writing of this action.
- e. **School Hearing Committee and Hearing Panel.** The School Hearing Committee shall be charged with initiating a hearing in cases of dismissal of tenured faculty or non-tenured faculty during their term of appointment. The composition and method of selecting a School Hearing Committee panel will be set forth in each school's policies.
- f. **Mediation.** Before the filing of formal dismissal 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, and within fifteen (15) TTUHSC business days, the chair of the School Hearing Committee shall appoint a mediation team comprised of two faculty members, neither of whom serves in the same department as the faculty member recommended for dismissal, 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 the faculty member for cause.

If a mediation team is acceptable, it shall attempt to reach a mutually acceptable resolution between the dean and faculty member in a thorough, confidential, equitable, and expeditious manner. The mediation team shall 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 the faculty member for cause.

- g. **Formal dismissal charges.** In all cases where formal dismissal charges issue, the faculty member will be informed in writing of the charges. The charges will be considered by the panel of the School Hearing Committee unless the faculty member resigns, 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. **Right to hearing.** Upon receipt of formal dismissal charges, the faculty member shall also be notified in writing of his or her right to a hearing and shall be given fifteen (15) TTUHSC business days from the date of receipt of such notice to submit to the dean and the chair of the School Hearing Committee a request for a hearing before the panel of the School Hearing Committee. Upon receipt of the request, the chair of the School Hearing Committee, will take the necessary measures to address the formal charges as soon as possible.
- i. **Hearing panel.** The panel of the School Hearing Committee will select a chair and may, if it chooses, request *pro bono* legal counsel from the Office of General Counsel. Legal counsel will advise the School Hearing Committee, but may not vote. If the panel of the School Hearing Committee retains *pro bono* legal counsel from outside the Office of the General Counsel, it may consult with the Office of General Counsel regarding technical questions not directly bearing on the merits of the case.
- j. **Representatives at hearing.** In a dismissal hearing, the faculty member shall have the right to appear in person with legal counsel retained by the individual, or 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 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 panel of the School Hearing Committee from utilizing *pro bono* legal counsel or other assistance from the Office of General Counsel.
- k. **Procedural aspects.** 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. **Recording.** An audio recording of the proceedings shall be made and delivered by the dean to the president of TTUHSC, and a copy of the 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. **Findings of hearing panel.** The nature of the hearing or review of the formal dismissal 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. 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. **Dean's review.** 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 provost and president.

- o. **President's review in dismissal of non-tenured faculty.** In the case of dismissal of a non-tenured faculty member, the president shall review the School Hearing Committee's findings and recommendations and the dean's recommendations 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. **President's review in dismissal of tenured faculty.** In the case of a dismissal of a tenured faculty member, the president shall transmit the findings and recommendations of the panel of the School Hearing Committee and the dean's recommendations, along with his or her recommendations, to the faculty member, dean 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, salary and benefits shall cease, unless such has been discontinued previously for any reason referenced hereinabove.
- q. **President's right to extend time periods or intervene.** The president shall have the prerogative of extending any of the time periods specified above if, in his or her opinion, it is in the best interest of TTUHSC or the faculty member. The president shall have the right to intervene when, in his or her judgment, the proceedings are not progressing in a timely manner.
- r. **Suspension of faculty.** The procedures for dismissal 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 it 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 this section.

Optionally to the foregoing process, a tenured faculty member subject to termination on the basis of a comprehensive performance evaluation pursuant to this policy must be given the opportunity for referral of the matter to a nonbinding alternative dispute resolution process, described in Chapter 154 of the Civil Practice and Remedies Code, as required by Texas Education Code Section 51.942. Or, if both the faculty member and TTUHSC agree within a reasonable time period not to exceed twenty (20) business days, another type of alternative dispute resolution.

- 8. **Summary Dismissal Process due to Serious Misconduct.** As provided under TTU System Regulation 07.07 and in accordance with Texas Education Code 51.942, a faculty member, with or without tenure, may be subject to summary dismissal - and tenure revocation if the faculty member is tenured - if there is a substantiated finding of "Serious Misconduct"
 - a. Serious Misconduct includes, but is not limited to a finding of:
 - (1) Sexual misconduct;
 - (2) Egregious scientific/research misconduct;
 - (3) Fraud;
 - (4) Violence or threat of violence in the workplace (means a written, verbal, electronic, or behavioral message that, either explicitly or implicitly, communicates the intent to inflict, or cause to be inflicted, physical harm to persons or property);
 - (5) Falsification of a faculty member's academic credentials; or
 - (6) Conviction of a crime affecting the fitness of the faculty member to engage in teaching, research, service, outreach, or administration.

- b. A faculty member who is subject to summary dismissal may be suspended with or without pay during the summary dismissal proceeding.
- c. Prior to summary dismissal, a faculty member will be provided with:
 - (1) written notice of the allegation(s) against the faculty member (including description of evidence), plus copies of non-confidential or non-privileged investigative reports, with appropriate redactions, that are available to TTUHSC at the time of written notice; *and*
 - (2) an opportunity for the faculty member to respond in a hearing ("Hearing") overseen by a TTUHSC-designated Administrative Summary Dismissal Panel:
 - (a) The Administrative Summary Dismissal Panel will consist of an odd number of panel members, with no fewer than three and no more than seven, the total number and composition as determined and chosen by the provost..
 - (b) The Hearing, to be conducted by the Administrative Summary Dismissal Panel, will take place no earlier than **ten (10) TTUHSC business days** of faculty member's receipt of notice. During the Hearing, TTUHSC has the burden of proof.
 - (c) The faculty member shall have the right to appear in person with legal counsel, retained by the individual. During the Hearing, legal counsel may advise and consult with the faculty member, but only the faculty member shall have the right to address the panel and confront and cross-examine witnesses.
- d. The Administrative Summary Dismissal Panel will render a decision by majority vote via secret ballot and will make a written determination within ten **(10) TTUHSC business days** of the Hearing regarding whether the faculty member will be subject to summary dismissal. This determination shall promptly be provided to the faculty member and the president.
 - (1) If the faculty member is determined to be subject to summary dismissal, the written determination will indicate the effective date of dismissal and outline the opportunity for post-determination appeal.
 - (2) If a suspension without pay has not already been imposed, a summary dismissal determination by the Administrative Summary Dismissal Panel will result in an immediate suspension without pay.
 - (3) The written determination will include the detailed basis for the decision.
 - (4) If the faculty member wishes to appeal a determination of summary dismissal, the faculty member will have **ten (10) TTUHSC business days** from the date of receipt of the written determination to appeal the determination to the president.
 - (a) If no appeal is filed, the president will summarily dismiss the faculty member as of the effective date specified in the written determination issued by the Administrative Summary Dismissal Panel.
 - (b) If an appeal is filed, the president will render a final decision regarding the matter within **fifteen (15) TTUHSC business days** after receipt of the faculty member's appeal. The president's decision shall be final.
- e. A faculty member's receipt of any notification required by this section shall be the day on which an email was sent to the faculty member's TTUHSC assigned email address.

9. **Financial Exigency, Phasing Out, or Reorganization of Programs.**

- a. **Financial exigency.** The Board has sole authority to declare financial exigency. When faculty dismissals are contemplated on grounds of financial exigency, there should be timely notice as reasonably early as possible. In cases of financial exigency, 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.
- b. **Phasing out, or reorganization of programs.** When faculty dismissals are contemplated on grounds of 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 regarding 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 the phasing out of programs requiring reduction in the number 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.

10. **Implementation.**

- a. This policy applies to all faculty members as provided herein. Any amendments to this policy are to be implemented immediately upon approval by the Board. All faculty members are subject to all other provisions and procedures of any amendments to this policy upon approval by the Board. Faculty members who have been awarded tenure at TTUHSC shall continue under this policy, as amended. This policy supersedes any faculty members' contract rights.