12.01.99.R1 Academic Freedom, Responsibility, and Tenure

Approved September 8, 2016
Revised October 28, 2026
Next Scheduled Review: October 28, 2031

Rule Summary

This rule for academic freedom, responsibility, tenure, and promotion at East Texas A&M University (University) applies equally to current faculty members and to subsequent professional track appointees. This rule seeks to establish a spirit of cooperation, good faith, and responsibility, and to provide useful guidelines for situations not specifically described in this document. Appointment and promotion of faculty at the University are based upon the experience and academic background of the candidate, as well as the programmatic needs of the academic department.

Procedures and Responsibilities

1 ACADEMIC FREEDOM

1.1 Institutions of higher education exist for the common good. The common good 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 and to voice and publish individual conclusions concerning the significance of evidence that the faculty member considers relevant. Each faculty member must be free from the corrosive fear that others, inside or outside the academic community, because their vision may differ, may threaten the faculty member's professional career or the material benefits accruing from it.

1.2 Each faculty member is entitled to full freedom in the classroom in discussing the subject that the faculty member teaches, but a faculty member will not introduce controversial matter that has no relation to the classroom subject or teach material that is inconsistent with the approved syllabus for the course. Each faculty member is also a citizen of the nation, state, and community; and when speaking, writing, or acting as such, must be free from institutional censorship or discipline, subject to academic responsibility. In such instances, the faculty member should clearly state that the faculty member is not speaking for the University.

2 ACADEMIC RESPONSIBILITY OF FACULTY MEMBERS

The concept of academic freedom for faculty must be accompanied by an equally demanding concept of academic responsibility. Faculty members have a responsibility to the University, their profession, their students, and society at large. The rights and privileges of faculty members extended by society and protected by governing boards and administrators through written policies and procedures on academic freedom and tenure, and as further protected by the courts,

require reciprocally the assumption of certain responsibilities by faculty members. Some of those are:

2.1 The fundamental responsibilities of faculty members as teachers and scholars include maintenance of competence in their field of specialization and the exhibition of professional competence in the classroom, studio, or laboratory and in the public arena through activities such as discussions, lectures, consulting, performances, exhibitions, publications, and participation in professional organizations and meetings.

2.2 Faculty members must recognize that the public will judge their profession and the University by their statements. Hence, faculty members should at all times strive to be accurate in their statements, exercise appropriate restraint, show respect for the opinions of others, and make every effort to indicate that they are not speaking or acting for the system academic institution when they are speaking or acting as private persons.

2.3 The constitutionally protected rights of faculty members, as citizens, to freedom of expression on matters of public concern must be balanced with the interest of the state, as an employer, in promoting the efficiency of the educational services it performs through its employees. A faculty member's comments are protected even though they may be highly critical in tone or content, or erroneous, but such statements are not protected free speech if they either substantially impede the faculty member's performance of daily duties or materially and substantially interfere with the regular operation of the system academic institution, department, or college. False statements made with knowledge of their falsity or in reckless disregard of the truth are not entitled to constitutional protection, and public statements may be so without foundation as to call into question the fitness of the faculty member to perform his or her professional duties.

2.4 Faculty members should be professional in their conduct in the classroom and in relationships with students. They should maintain respect for the student and for the student's posture as a learner and should be appropriately available to students for consultation on coursework.

2.5 Faculty members have the responsibility to provide timely and adequate notice of their intention to interrupt or terminate institutional services.

3 ON CAMPUS PRESENCE OF FACULTY

3.1 Faculty members at the University are hired to be part of the academic community. This means they are to be accessible to students and participate in the academic life of the University. Accordingly, faculty members are expected to maintain a regular on-campus presence to fulfill their teaching, research, and/or service responsibilities.

3.2 Full-time faculty are expected to be physically available to conduct university business during regular hours of work (Monday thru Friday, 8:00 am to 5:00 pm) and to work a minimum of 40 hours per week.

3.3 Full-time faculty members are expected to maintain a regular physical presence on campus during the academic year, including during semesters in which they are not teaching, except while on Faculty Development Leave (see 12.99.01.R0.01). This includes but is not limited to:

3.3.1 in-person teaching and mentoring;

3.3.2 attending faculty and committee meetings;

3.3.3 attending thesis and dissertation defenses and other teaching-related duties;

3.3.4 holding reasonable office hours;

3.3.5 supervising and performing research or scholarship;

3.3.6 participating in departmental, college, and university activities; and

3.3.7 being available for student consultations and collaborations with colleagues.

4 WRITTEN TERMS OF EMPLOYMENT

4.1 All new faculty members must be provided with an appointment letter stating the initial terms and conditions of employment. Any subsequent modifications or special understandings in regard to the appointment, which may be made on an annual basis, should be stated in writing and a copy given to the faculty member. All faculty members, unless the terms and conditions of their appointment letter state otherwise, are expected to engage in teaching, scholarship, and service. Essential job functions for a position may vary depending upon the nature of the department in which the faculty member holds expertise, external funding requirements attached to the position, licensing or accreditation requirements, and other circumstances. It is therefore important that essential job functions for each faculty position be listed in the initial appointment letter. For example, all of the following that are applicable should be listed: teaching responsibilities, responsibilities for advising students, independent and/or collaborative research responsibilities, engaging in patient care, committee assignments, conditions imposed by external accrediting agencies, conditions for holding a named professorship or endowed chair, or a position that combines academic and administrative duties, and any other specific essential functions for the position in question. All appointment letters must indicate whether the appointment being offered is with tenure, tenure track, or non-tenure track.

4.2 The appointment letter for a faculty member with administrative duties must state the portion of the faculty member's salary that is associated with the administrative duties. The portion of the faculty member's salary not associated with the administrative duties must not exceed the salaries of other faculty with similar qualifications and performing similar duties. The appointment letter for faculty members with administrative duties must also state that the administrative duties may be removed without cause.

4.3 The University will notify faculty members annually, in writing, of their salary. Any other changes or additions to the appointment should also be included.

4.4 Faculty members are expected to fulfill the terms and conditions of employment for the following year unless they resign prior to 30 calendar days after receiving notice of the terms.

4.5 An annual performance review will be conducted for all faculty members regardless of their title in accordance with University Procedure 12.99.99.R0.13. The purpose of the annual performance review is to facilitate dialogue between the administration and faculty and provide a process to evaluate each faculty member's accomplishments in the context of departmental, college, university, and system goals. An unsatisfactory rating in any one area (e.g., teaching effectiveness, research, creative activities and other scholarly endeavors, or service) requires the implementation of a written short-term development plan for the faculty member, including performance improvement benchmarks.

4.6 Generally, all faculty members are entitled under Texas law to see their personnel files and to obtain a copy of the information in these files at their own expense.

5 TENURE POLICY

Tenure means the entitlement of faculty members to continue in their academic positions unless dismissed for good cause. Tenured faculty who remain in good standing will continue to enjoy those privileges customarily associated with tenure, including an expectation of continuing employment, appropriate compensation, a suitable office and workspace, serving as a principal investigator and conducting research, teaching classes, participating in faculty governance, and representing oneself as a tenured faculty member at the University. However, tenure will not be construed as creating a property interest in any attributes of the faculty position beyond the faculty member's regular annual salary.

5.1 Beginning with appointment to a tenure-track position, the probationary period for a faculty member must not exceed seven years. This period may include appropriate full-time service at other institutions of higher education, even if the inclusion of such service extends the total probationary period in the academic profession beyond the normal maximum of seven years. However, any credit for prior service included within the seven-year probationary period must be agreed upon in writing at the time of employment. The probationary period may be extended by one year as described in University Rule 12.01.01.R1, *Implementing Faculty Tenure and Promotion.* Such extensions must be based on extraordinary circumstances and require written concurrence by the faculty member, department head, dean, and President or designee. A person who is a member of the U.S. National Academy of Sciences and/or the U.S. National Academy of Engineering and/or the U.S. National Academy of Medicine at the time of employment by the University will be eligible for tenure upon arrival and must be presented to the system Board of Regents (board) for its consideration, and a grant of tenure to such faculty member will not be subject to a probationary period. Tenure is granted only by the affirmative action of the system board upon recommendation of the President. At the conclusion of the probationary period, unless appropriately informed otherwise, the faculty member will not have tenure. Prior to the beginning of the last year of the probationary period, the University must notify the faculty member in writing of a decision regarding the granting or denial of tenure. The failure by the University to so notify will not be construed as a grant of de facto tenure. If the decision is not to award tenure, the faculty member is entitled to serve for two additional long semesters following the term or semester in which the notice is received.

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

5.2.1 not later than March 1st 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;

5.2.2 not later than December 15th 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; and

5.2.3 at least 12 months before the expiration of a probationary appointment after two or more years with the system academic institution.

5.3 Good cause for dismissal of a faculty member relates directly and substantially to the performance of professional duties and may include, but not be limited to, the following:

5.3.1 professional incompetence;

5.3.2 continuing or repeated failure to perform duties or meet responsibilities to the University, or to students or associates;

5.3.3 failure to successfully complete a post-tenure review professional development program;

5.3.4 moral turpitude adversely affecting the performance of duties or the meeting of responsibilities to the University, or to students or associates;

5.3.5 violation of system policies, system regulations, University rules, University procedures, or laws substantially related to the performance of faculty duties;

5.3.6 conviction of a crime related to the fitness of a faculty member to engage in teaching, research, service/outreach, and/or administration;

5.3.7 unprofessional conduct adversely affecting to a material and substantial degree the performance of duties or the meeting of responsibilities to the University, or to students or associates;

5.3.8 falsification of academic credentials;

5.3.9 bona fide financial exigency or the phasing out of institutional programs requiring reduction of faculty (see Section 9);

5.3.10 the reduction or discontinuance of institutional programs based on educational considerations and requiring the termination of faculty members (see Section 9); or

5.3.11 a finding of sexual harassment or other serious misconduct, in accordance with system policy.

5.4 A faculty member who is found responsible for sexual harassment or other serious misconduct may be summarily dismissed or suspended without pay pending dismissal in

accordance with the procedures outlined in Section 9.2. A faculty member may be dismissed for other reasons, as outlined in Section 5.3, after the faculty member has received notice of the cause for dismissal and an opportunity for a hearing in accordance with the procedures set forth in Section 9.3. Non-tenure track faculty may present a grievance in accordance with Section 7.5.

6 ADMINISTRATIVE LEAVE

Faculty members may be placed on administrative leave with pay by the faculty member's dean, with the concurrence of the Provost pending an investigation into matters pertaining to the faculty member's job performance, including but not limited to, fiscal matters, improper conduct in teaching, research, or service, or an allegation of misconduct pursuant to University Rule *08.01.01.R2, Civil Rights Compliance*. Notification will be given in writing and include the reasons for placing the faculty member on administrative leave with pay and the terms of the leave. A faculty member placed on administrative leave with pay may appeal the decision by submitting an appeal in writing. The Provost conducts the appeal and may appoint a person or persons to assist the Provost in the appeal. The investigation process is not stayed by an appeal. The appeal should be completed within five business days of receipt. This provision is distinct from suspension during the pendency of termination proceedings. Placing a faculty member on administrative leave with pay is justified to aid in an investigation or if the welfare of the faculty member or that of students, colleagues, or other institutional employees is threatened by continuance, or if the continued presence of the faculty member would be disruptive of the regular operations of the University. Any such leave should be accompanied by appropriate provisions for useful duties, including access to classrooms, laboratories, libraries, and other facilities. A tenured faculty member who has been placed on administrative leave with pay will be entitled to his or her regular annual salary.

7 NON-TENURE TRACK FACULTY

7.1 This section does not apply to Professional Track Faculty with multi-year appointments. (*See* University Procedure 12.07.99.R0.01, *Full-Time Non-Tenure Track Faculty*).

7.2 Appointments of non-tenure track faculty should be in writing and include specific beginning and ending dates for the appointment and clearly state that there is no implied guarantee or promise of future employment.

7.3 The University is not required to provide, and does not provide, a non-tenure-track faculty member with a reason for a decision not to reappoint or with a hearing opportunity. Non-tenure track faculty members may appeal a termination only when that termination is prior to the expiration of terms as described in the employment letter as described in System Policy *12.07, Fixed Term Academic Professional Track Faculty*.

7.4 A non-tenure track faculty member whose appointment is not renewed may present a grievance in person to their dean or designee regarding the non-reappointment within 10 business days of receipt of the notice of non-reappointment. The dean or designee considers the grievance and renders a final decision in writing regarding the grievance within 10 business days of the presentation of the grievance.

7.5 A non-tenure track faculty member who is dismissed for cause before the end of the term may present a grievance in person to the Provost or designee regarding the dismissal

within 10 business days of receipt of the notice of dismissal. The Provost or designee considers the grievance and renders a final decision in writing regarding the grievance within 10 business days of the presentation of the grievance.

7.6 However, if a grievance or appeal related to the nonrenewal or dismissal of a non-tenure track faculty member includes an allegation(s) that the decision was based on discrimination, the Provost, dean, or designee promptly reports the allegation(s) to the designated office in accordance with University Rule 08.01.01.R2, *Civil Rights Compliance*.

7.7 Any allegation(s) of discrimination will be exclusively adjudicated in accordance with the procedures outlined in System Regulation 08.01.01. The grievance or appeal processes in this section are not stayed pending conclusion of the investigation, decision, and appeal processes outlined in University Rule 08.01.01.R2, *Civil Rights Compliance*.

8 NON-RENEWAL OF NON-TENURED TENURE TRACK FACULTY AT END OF AN APPOINTMENT TERM

8.1 The University is not required to provide, and does not provide, a non-tenure-track faculty member with a reason for a decision not to reappoint or with a hearing opportunity.

8.2 A non-tenured tenure track faculty member may present, in person, a grievance over non-renewal of the faculty member's employment, including that the decision was made in retaliation for the faculty member's exercise of protected First Amendment rights. All grievances and appeals will follow University Procedure 32.01.01.R0.01, *Grievance and Appeal Process for Faculty Members.*

8.3 In the alternative to a grievance in accordance with Section 8.2, a non-tenured tenure track faculty member may appeal a decision not to reappoint on the basis that the decision was made in violation of the academic freedom of the individual and/or for inadequate consideration of the faculty member's record of professional achievement. Such an appeal must be filed within 20 business days of the date on which the faculty member was given written notice of non-reappointment.

8.4 However, if a grievance or appeal related to the nonrenewal of a non-tenured tenure track faculty member includes an allegation(s) that the decision was based on discrimination, the President or designee promptly reports the allegation(s) to the designated office in accordance with University Rule 08.01.01.R2, *Civil Rights Compliance*.

8.5 Any allegation(s) of discrimination will be exclusively adjudicated in accordance with the procedures outlined in System Regulation 08.01.01. The grievance or appeal processes in this section are not stayed pending conclusion of the investigation, decision, and appeal processes outlined in University Rule 08.01.01.R2, *Civil Rights Compliance*.

8.6 Within 15 business days of the faculty member's notice of appeal, the allegations will be reviewed by a faculty committee to determine whether the faculty member has established a prima facie case that the decision was made in violation of the faculty member's academic freedom, or without adequate consideration of the faculty member's record of professional achievement. If the preliminary review committee determines that the faculty member has not alleged a prima facie case, the allegations will be dismissed, and the decision not to

reappoint stands. If the committee determines that the allegations do establish a prima facie case, the matter is referred for an evidentiary hearing under established university procedures. A prima facie case for purposes of this section means that the faculty member's evidence, alone and un-rebutted, would establish that a violation as defined in Section 8.3 may have occurred.

8.7 In any evidentiary hearing, the burden of proving that the decision was made in violation of academic freedom 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 by a preponderance of the evidence; i.e., that which is more convincing, more credible, and of greater weight than contrary evidence. Both the faculty member and the administration have the right of representation at this hearing. The University will provide staff support to schedule and hold a hearing. If the appeal is filed before March 1st, the hearing must be completed within 40 business days from the date the committee chair is notified of the appeal; the chair of the hearing committee may extend the time for completing the hearing by an additional 10 business days for good cause shown. If more than one appeal is filed in a given year, some appeals may be delayed until the first full academic term following the notice of appeal. The committee will complete its report within 10 business days of the completion of the hearing. The importance of conducting the hearing in a prompt manner guides the system academic institution and the hearing committee. Hearing committee members' departments assist as needed to accommodate the scheduling of the hearing.

9 DISMISSAL FOR CAUSE

9.1 Procedures. Dismissal for cause procedures described in Section 9.1 apply only to a faculty member who has tenure, a non-tenured tenure track faculty member, or a fixed-term professional track faculty member under System Policy 12.07 whose term appointment has not expired at the time of the dismissal.

9.1.1 A bona fide effort by appropriate administrative officers and/or other persons or committees should be made to achieve a satisfactory resolution of performance and/or misconduct issues through preliminary inquiry, discussion or confidential mediation. During these proceedings, a faculty member has the right to an advisor, who may attend any meetings with the faculty member, but may communicate only with the faculty member. The advisor is not permitted to serve as an advocate for the faculty member in these preliminary proceedings.

9.1.2 Should these efforts fail to achieve a satisfactory resolution, the administration initiates a dismissal for cause or summary dismissal.

9.1.3 Unless a faculty member is summarily dismissed in accordance with the procedures outlined in Section 9.2, a faculty member may be reassigned or suspended with pay during the pendency of dismissal proceedings; however, suspension with pay is justified only if the welfare of the faculty member or that of students, colleagues or other institutional employees is threatened by continuance, or if the continued presence of the faculty member would be materially and substantially disruptive of the regular operations of the system academic institution. A suspension with pay should be with appropriate provisions for useful duties including appropriate access to classrooms, laboratories, libraries and other facilities.

9.2 Summary Dismissal or Suspended without Pay Pending Dismissal

9.2.1 A tenured faculty member may be subject to summary dismissal or suspension without pay pending dismissal if the stated cause for dismissal is a finding of serious misconduct that has been substantiated by an investigation conducted in accordance with system policy. Serious misconduct includes, but is not limited to, sexual harassment, scientific misconduct, fraud, and violence or threat of violence in the workplace.

9.2.2 A non-tenured faculty member whose term appointment has not expired may be subject to summary dismissal or suspension without pay pending dismissal for good cause.

9.2.3 Prior to summary dismissal or suspension without pay pending dismissal, a faculty member will be provided with written notice of the charges, an explanation of the evidence, and an opportunity to respond to an administrator. A faculty member who is summarily dismissed or suspended without pay pending dismissal also has an opportunity for a post-termination evidentiary hearing appealing the dismissal in accordance with the procedures outlined in Section 9.3.

9.2.4 The faculty member and the administration each have the independent right to representation in this process.

9.2.5 The President or designee will hear the faculty member's response to the charge and will determine whether to proceed with the summary dismissal or suspension without pay pending dismissal.

9.3 Hearing

9.3.1 A faculty member who is summarily dismissed or suspended without pay pending dismissal after the process described in Section 9.2 or a faculty member who receives a notice of dismissal for other reasons outlined in Section 4.3 may submit a notice of appeal to the President or designee within 10 business days of receipt of the notice of dismissal. The President or designee must notify the appropriate hearing committee within five business days of the date the appeal has been filed. The University will provide staff support to schedule a hearing. The hearing process and committee selection is outlined in 32.01.01.R0.01.

9.3.2 However, if an appeal includes an allegation(s) that the decision was based on discrimination, the President or designee promptly reports the allegation(s) to the designated office in accordance with University Rule 08.01.01.R2, *Civil Rights Compliance*.

9.3.3 Any allegation(s) of discrimination will be exclusively adjudicated in accordance with the procedures outlined in University Rule 08.01.01.R2, *Civil Rights Compliance*. The appeal hearing process in this section is not stayed pending conclusion of the investigation, decision and appeal processes outlined in University Rule 08.01.01.R2, *Civil Rights Compliance*.

9.3.4 The hearing committee must promptly schedule a hearing to be completed within 40 business days of being notified by the President or designee. The chair of the hearing committee may extend the time for completing the hearing 10 business days for good cause shown or longer for extenuating circumstances caused by the administration. The University and the hearing committee will conduct the hearing in a prompt manner. Hearing committee members' departments assist as needed to accommodate the scheduling of the hearing. The burden of proof is on the University to establish by a preponderance of the evidence the existence of good cause for dismissal and/or suspension without pay pending dismissal. The proceedings will be steno graphically transcribed and copies made available to either party upon request.

9.3.5 The faculty member and the administration each have the independent right to representation.

9.3.6 The hearing committee must complete its report within 10 business days of the completion of the hearing. The hearing committee formulates explicit findings with respect to each of the grounds for dismissal and/or suspension without pay pending dismissal presented and recommends whether or not, in its judgment, there is good cause for dismissal and/or suspension without pay pending dismissal. The committee's findings and recommendations must be conveyed in writing to the President and to the faculty member.

9.3.7 If the faculty member's appointment is proposed to be terminated by the President, the full report of the hearing committee, the record of the hearing, the President's recommendation, and other relevant documentation available to both the faculty member and the University will be delivered to the chancellor, or designee, who carries out a review of the documentation. In the event that the chancellor identifies the need for information not contained in the documentation, the chancellor may choose to give the University and the faculty member an opportunity to present their arguments and take questions from the chancellor. The chancellor has a maximum of 20 business days in which to conduct the review. Upon completion of the review, the chancellor makes a final determination as to the dismissal and/or suspension without pay pending dismissal.

9.3.8 In the event that the review identifies information that is probative of the dismissal, and that was not made available to the faculty review committee and/or the President, the chancellor may return the matter to the President. Upon return to the President, the hearing committee has 10 business days in which to conduct a follow-up hearing to evaluate the new information and render its findings and recommendations. The President then reviews the hearing committee's findings and recommendations and takes action as appropriate following the guidelines in Section 9.3.5.

9.3.9 A faculty member's termination from employment will be effective as determined by the chancellor, upon a finding by the chancellor, pursuant to these procedures, that there is good cause for the faculty member's dismissal. This decision is final.

10 TENURE, FINANCIAL EXIGENCY, AND TERMINATION OR REDUCTION OF PROGRAMS

10.1 Cases of bona fide financial exigency or the reduction or discontinuance of an institutional program based on educational considerations may permit exceptions to tenure regulations.

10.2 Definitions

10.2.1 Bona fide financial exigency means a pressing need to reorder the nature and magnitude of financial obligations in such a way as to restore or preserve the financial stability of the University. A bona fide financial exigency may exist without the entire university being affected.

10.2.2 Financial stability means the ability of the University to provide from current income the funds necessary to meet current expenses, including current debt payments and sound reserves, without invading or depleting capital.

10.2.3 Evidence of financial exigency may include but is not limited to, substantially declining enrollments, substantial revenue cutbacks, and substantial ongoing operating budget deficits.

10.2.4 Educational considerations that could result in the reduction or discontinuance of a program may include, but are not limited to:

10.2.4.1 a substantial decrease in program enrollment;

10.2.4.2 the need to shift substantial resources to other programs; or

10.2.4.3 a substantial modification or redirection of a unit's mission.

10.3 Administration

10.3.1 When the President believes that a state of bona fide financial exigency exists, the President informs the chancellor. If the chancellor concurs with this assessment, the chancellor informs the board. If the board finds that such conditions exist, a state of bona fide financial exigency will exist within the University.

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

10.3.3 Faculty members who are being considered for termination on the basis of a bona fide financial exigency or a program termination or reduction will be given opportunities for appointment in related areas at the University provided:

10.3.3.1 they are qualified professionally to teach in those areas;

10.3.3.2 positions are available; and

10.3.3.3 the affected dean and department head or director concur.

10.3.4 Any tenured faculty member or faculty member whose term appointment has not expired, who is selected for termination on the basis of a bona fide financial exigency or a program termination or reduction necessitating a reduction in staff, the Provost's Office will provide the following information:

10.3.4.1 a written statement of the basis for the initial decision to lay off;

10.3.4.2 a description of the manner in which the initial decision was made; and

10.3.4.3 information and data upon which the decision makers relied.

10.3.5 The faculty member selected for termination will be given an opportunity to respond in a hearing before an appropriate faculty committee. The hearing process and committee selection is outlined in 32.01.01.R0.1. In this hearing, the burden of proof rests with the University to demonstrate by some credible evidence that a bona fide financial exigency exists or that educational considerations led to the reduction or discontinuance of a program. Within 25 business days, the faculty committee formulates findings whether or not, in its judgment, a bona fide financial exigency exists or that educational considerations led to the reduction or discontinuance of a program. The faculty committee's findings and recommendations, if any, must be conveyed in writing to the President, and the faculty member.

10.3.6 Any faculty member reassigned to another position or terminated has the right to reappointment to their previous position if it is re-established within two calendar years.

Related Statutes, Policies, or Requirements

Tex. Educ. Code § 51.942

System Regulation *12.01.01, Institutional Rules for Implementing Tenure*

System Policy *12.06, Post-Tenure Review of Faculty and Teaching Effectiveness*

System Policy *12.07, Fixed Term Academic Professional Track Faculty*

University Rule *08.01.01.R2, Civil Rights Compliance*

University Rule *12.01.01.R1, Implementing Faculty Tenure and Promotion*

University Procedure *12.06.99.R0.02, Post-Tenure Review for Faculty*

University Procedure *12.07.99.R0.01, Full-Time Non-Tenure Track Faculty*

University Procedure *12.99.99.R0.01 Annual Evaluation of Faculty*

University Procedure *32.01.01.R0.01, Grievance and Appeal Process for Faculty Members*

Contact Office

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