

## Procedure 12.01.99.R0.01

# Academic Freedom, Tenure, Promotion and Post Tenure Review

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## Procedure Statement

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The institutional procedures for implementing tenure at the Texas A&M University-Commerce (hereafter referred to as A&M-Commerce) are mainly based on The Texas A&M University System (hereafter referred to as A&M System) Policies stated above, as revised and approved by the A&M System Board of Regents.

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## Reason for Procedure

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A&M-Commerce recognizes and appreciates the diversity of faculty roles and responsibilities within the university. This diversity adds richness and depth to the educational programs of the university and the support that the university provides to the region, state and nation. The university must be responsive to the variety of these contributions in the evaluation of faculty for promotion and/or tenure. The promotion and tenure guidelines are focused upon the successful recruitment, development and evaluation of faculty.

To ensure a fair and balanced university-wide approach to promotion and tenure decisions, all academic colleges and departments must have a written statement that describes the standards for annual performance, tenure and promotion. The criteria must contain a progression of expectations to ensure that candidates for annual performance evaluation, promotion, and tenure are fully aware of those standards by which their contributions shall be evaluated in the decision process. Each college and department shall establish its own criteria that are consistent with university procedure, but all college and school procedures must address the performance standards established in the A&M Commerce Procedure 12.01.99.R0.01 section 1.6 entitled Annual Review of Faculty Performance and all must be approved by the Provost and Vice President for Academic Affairs (hereafter referred to as Provost).

A&M Commerce is an Affirmative Action/Equal Opportunity Institution. In accordance with federal and state law, A&M University System policy, and university rules and procedures, no promotion or tenure decision shall be influenced by bias on the basis of race, sex, color, national origin, religion, age, veteran status or disability.

The procedures for academic freedom, ethics, responsibility, tenure, and promotion at A&M-Commerce apply equally to current faculty members and to subsequent appointees. These procedures seek 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 A&M-Commerce are based upon the experience and academic background of the candidate as well as the programmatic needs of the academic department.

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## **Procedures and Responsibilities**

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### EMPLOYMENT OF FACULTY

#### 1.1 Definition of Faculty and Tenure

- 1.1.1 In general, a faculty member, to whom the academic freedoms and responsibilities described in this document pertain, is any full-time or part-time employee of A&M-Commerce with an appointment as Instructor, Assistant Professor, Associate Professor, or Professor, an Adjunct Instructor, a Lecturer, a Senior Lecturer, and Professional Track Faculty at any rank. All initial appointments at A&M-Commerce are probationary, except those provided for as exceptions (see subsection 1.4).
- 1.1.2 A faculty member is not automatically eligible for tenure. (see Section 3.1.1).
- 1.1.3 The acquisition of tenure represents a critical milestone in an academic career. Faculty who are in tenure-track positions should conduct their activities in such a way to prepare for this significant achievement.
- 1.1.4 To be awarded tenure at A&M-Commerce, a faculty member must display excellence in teaching and a strong commitment to the intellectual growth of students, a high level of achievement in scholarly and/or creative contributions to the academic discipline as evidenced by external (outside of the department) peer evaluations, a record of quality service to the university, the profession and community, and an attitude of professionalism and collegiality that contributes to the professional reputation of the faculty member as well as the university.
- 1.1.5 Tenure entitles a faculty member to continue in an academic position unless dismissed for good cause (as defined by A&M System Policy 12.01, section 4.3) or financial exigency (System 12.01, section 9 and this Procedure, section 1.5). Tenured faculty members who remain in good standing enjoy those privileges customarily associated with tenure including an expectation of continued employment, appropriate compensation, a suitable office and work space, the development and teaching of classes in the academic discipline, service as a principal investigator and engagement in research and/or creative scholarly activity, participation in faculty governance, using professional expertise in the service of the university, the profession, the nation and/or the community, and representing themselves as tenured faculty members at A&M-Commerce.

1.1.6 Tenure shall not be construed as creating a property interest in any attributes of the faculty position beyond the faculty member's regular annual salary (System Policy 12.01, section 4).

1.1.7 The award of tenure must be accompanied by an equally demanding concept of academic responsibility (System Policy 12.01, Section 2). Tenured faculty members shall be expected to maintain competence in their field of specialization and to exhibit professional competence in the classroom and in the public arena through activities such as discussions, lectures, consulting, publications, creative accomplishments, and participation in professional organizations and meetings.

## 1.2 Academic Professional Track Faculty

The creation of the ranks of Assistant Professional Track Faculty, Associate Professional Track Faculty, or Senior Professional Track Faculty is to provide a means of securing and retaining faculty who bring to the institution excellence in teaching, research, and service. This would include faculty whose position is in applied or clinical settings (see A&M-Commerce Procedure 12.01.99.R0.06: Appointment, Reappointment, and Promotion of Non-Tenure-Track and Clinical Faculty as Lecturers and Senior Lecturers). These individuals provide a specific professional skill to the institution, faculty staff and students. In creating these new ranks the institution is acknowledging that their skills are an essential part to the overall success of the institution and its mission.

1.2.1 Assistant Professional Track Faculty. This is the entry-level rank appointment that normally requires the completion of the terminal degree in a disciplinary area related to the position responsibilities. Promotion criteria include excellence in teaching for faculty with teaching responsibilities, or excellence in research or service, as appropriate for other appointments. Overall superior performance and potential for development are also expected as criteria for promotion.

1.2.2 Associate Professional Track Faculty. Appointment to this rank ordinarily requires the appropriate terminal degree. It also requires significant experience related to the position responsibilities. Individuals holding the rank of Assistant Professional Track Faculty are eligible to be considered for promotion to the rank of Associate Professional Track Faculty after at least five years as an Assistant Professional Track Faculty. (Evaluation of faculty and their promotion to Associate rank will be based on A&M-Commerce Procedure 12.01.99.R0.06)

1.2.3 Senior Academic Professional Track. Appointment to this rank ordinarily requires the appropriate terminal degree and a record of sustained excellent performance in all areas of appointment. Individuals holding the rank of Associate Professional Track Faculty are eligible to be considered for promotion to the rank of Senior Professional Track Faculty after at least five years as an Associate Professional Track Faculty. (Evaluation of faculty and their promotion to Senior rank will be based on A&M-Commerce Procedure 12.01.99.R0.06)

## 1.3 Eligibility for Promotion and Tenure

- 1.3.1 Tenure consideration is available only for faculty employed in tenure-track faculty lines, i.e., the faculty ranks of Assistant Professor, Associate Professor, or Professor.
- 1.3.2 Professional Track and Clinical Faculty are eligible for promotion within their tracks and are ineligible for tenure.
- 1.3.3 Part-time, term contract and temporary faculty members are not eligible for promotion or tenure nor are faculty members holding the rank of Adjunct Instructor.
- 1.3.4 With the approval of the Provost and the President, up to three years of exemplary service in a tenure-track faculty line at another four-year, regionally accredited academic institution may be counted toward the required years of experience in rank if the credit toward promotion and/or tenure is agreed upon at the time of employment and specified in the original employment contract.
- 1.3.5 Time served as a part-time, term-contract or temporary faculty member shall not count as credit toward tenure if at some point the faculty member is appointed to a tenure-track position based on the A&M-Commerce Procedure 12.02.99.R0.01.
- 1.3.6 A faculty member without credit toward tenure at the time of employment who was originally employed at the rank of Assistant Professor shall make application for tenure at the beginning of the sixth academic year at A&M-Commerce. An untenured Associate Professor or (full) Professor who was originally employed without credit toward tenure shall make application for tenure at the beginning of the sixth academic year at A&M-Commerce. However, each tenure-track faculty without credit toward tenure shall be subjected to comprehensive reviews based on criteria developed by each department and approved by the college dean and Provost, including contribution and progress made toward tenure during third, fourth, and fifth years.
- 1.3.7 A faculty member may apply for early promotion and tenure consideration, but individuals seeking early consideration shall be expected to demonstrate significantly higher levels of achievement in Instructional Responsibilities, Intellectual Contributions, and Professional Service than the standard for promotion and tenure to the academic rank that is sought. If a faculty member is denied tenure a second time, the faculty member will not be allowed another opportunity for application.
- 1.3.8 A tenure-track faculty member who was employed with credit toward tenure may choose to seek election to tenure and/or promotion at the time specified by the terms of his/her original appointment. However, for reasons of extenuating circumstances, a tenure-track faculty member with credit toward tenure may delay the promotion and/or tenure application. (See section 3.3).

- 1.3.9 At A&M-Commerce, the award of tenure to faculty holding the rank of Assistant Professor is linked to the recommendation for promotion to the rank of Associate Professor. Assistant Professors who do not qualify for promotion to the rank of Associate Professor will not be recommended for tenure.
- 1.3.10 A senior faculty member holding a tenured academic rank at another regionally accredited academic institution, a senior executive with a major non-academic institution, or an individual who is offered an academic administrative position based on previous academic experience, may be employed at an advanced academic rank and may be recommended for tenure at the time of employment. This decision, which bypasses the procedures outlined in this document, must be approved by the President and the A&M University System Chancellor.
- 1.3.11 Although administrative responsibilities can be taken into consideration, they are not a substitute for exemplary accomplishment in any faculty performance category.
- 1.3.12 The supervisor of the faculty member's administrative or non-instruction assignment is responsible for evaluating the faculty member's performance for that work. The evaluations of performance for administrative or non-instructional assignments should be included with the department head's evaluations in the Promotion and Tenure Portfolio.

#### 1.4 Employment Contract

##### 1.4.1 Faculty Appointment.

All new faculty members shall 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, will be stated in writing and a copy will be 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 is employed, the nature of the discipline 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 client care, committee assignments, conditions imposed by external accrediting agencies, and any special circumstances such as 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 offered is with tenure, tenure-accruing, or non-tenure-accruing.

##### 1.4.2 Appointment of Professional Track and Clinical Faculty.

All new professional track and clinical faculty members shall 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. The appointment letter shall explicitly indicate the necessary teaching, research and/or service requirements expected of the professional track and clinical faculty member. 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 client 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 that the appointment is non-tenure track.

1.4.2.1 Professional track and clinical faculty member appointments may be made for a period not to exceed five years. If during the course of an existing appointment, the institution chooses to extend the duration of an existing appointment, each extension may not exceed five years.

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

1.4.2.3 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. This provision should be included in all letters of appointment and annual reviews.

1.4.3 If the appointment is tenure-track, the appointment letter will indicate the length of the period of probationary service at A&M-Commerce and state the credit agreed upon for appropriate service at other institutions. The specific probationary period does not, however, constitute the term of the initial appointment. All appointments during the probationary period are for a fixed term of one year or less and are subject to renewal or non-renewal each year of the probationary period.

1.4.4 Unless otherwise specified in the appointment letter, or mutually agreed upon revision thereof, tenure-accruing appointments and appointments with tenure guarantee employment for nine months or the equivalent.

1.4.5 All faculty members will receive an annual notification of the terms and conditions of appointment for the next fiscal year after the A&M-Commerce budget has been

approved by the Board of Regents. This notice shall contain the rank of appointment, tenure status, inclusive dates of employment, salary, and any special conditions. Any changes or additions to essential job functions noted in the original letter of appointment also should be included, after appropriate consultation with the faculty member. Any changes to the terms and conditions of appointment may be appealed through the A&M-Commerce Procedure 12.01.99.R0.02. Faculty members are obligated to fulfill the terms of employment for the following year, unless they resign prior to 30 days after receiving notification of these terms.

## 1.5 Termination of Employment

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

### 1.5.1 Tenure Track

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

1.5.1.2 Not later than December 15 of the second year of probationary service, if the appointment expires at the end of that year; or, if the appointment terminates during an academic year, at least six months in advance of its termination; and

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

1.5.2 Good Cause for dismissal of a faculty member with tenure will relate directly and substantially to the performance of professional duties, and may include, but shall not be limited to the following:

1.5.2.1 professional incompetence;

1.5.2.2 continuing or repeated failure to perform duties or meet responsibilities to A&M-Commerce or to students or associates;

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

1.5.2.4 moral turpitude adversely affecting the performance of duties or the meeting of responsibilities to A&M-Commerce or to students or associates;

1.5.2.5 violation of system policies, system regulations, A&M-Commerce rules, or laws substantially related to performance of faculty duties;

1.5.2.6 bona fide financial exigency or the phasing out of institutional programs requiring reduction of faculty (see A&M System policy 12.01 subsection 9).

### 1.5.3 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 and improper conduct in teaching, research, or service. Notification shall be given in writing and shall 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 in writing to the Provost. The Provost will forward the appeal to the appropriate Committee. The investigation process is not stayed by an appeal. The appeal should be completed within five (5) business days of the receipt of the appeal. 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.

### 1.5.4 Faculty Member with Tenure Dismissal for Cause

The following applies to a faculty member who has tenure or whose term appointment has not expired.

1.5.4.1 A bona fide effort by appropriate administrative officers and/or other appropriate persons/committees shall strive to achieve a satisfactory resolution of difficulties through preliminary inquiry, discussion or confidential mediation.

1.5.4.2 Should these efforts fail to achieve a satisfactory resolution and should the difficulties be considered by the administration to be serious enough to warrant dismissal, the faculty member will be afforded the opportunity for a hearing that meets the requirements set forth in Section 1.5.8 of this procedure.

1.5.4.3 Unless a faculty member is summarily dismissed pursuant to Section 1.5.8., a faculty member may be reassigned or suspended during the pendency of termination proceedings; however, suspension of the faculty member 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 might be materially and substantially disruptive of the regular operations of A&M-Commerce. Any such suspensions should be with pay and with appropriate provisions for useful duties including appropriate access to classrooms, laboratories, libraries and other facilities.

1.5.4.4 In any of these proceedings the faculty member and the administration shall have the right to representation.

## 1.5.5 Non-Renewal of Non-Tenured Tenure Track Faculty at End of Term Contract.

1.5.5.1 A&M-Commerce is not required to give a non-tenured faculty member a reason for a decision not to reappoint for another contract term or to provide a hearing.

1.5.5.2 A non-tenured faculty member may present, in person, a grievance to the President over non-renewal of the faculty member's employment at A&M-Commerce. The President may designate an individual within the A&M-Commerce's administration to hear the faculty member's grievance.

1.5.5.3 A non-tenured 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 or for an illegal reason or for inadequate consideration of the faculty member's record of professional achievement. For purposes of this section, an illegal reason is defined as a decision based on race, sex, age, national origin, religion, creed, color, or disability unrelated to the performance of duties; or made in retaliation for the faculty member's exercise of protected First Amendment rights. Such an appeal must be filed within twenty (20) business days of the date on which the faculty member was given written notice of non-reappointment.

1.5.5.4 A&M-Commerce will provide a preliminary consideration within fifteen (15) business days of the faculty member's notice of appeal of the allegations 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, for an illegal reason, 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 shall be dismissed and the decision not to reappoint shall stand. If the committee determines that the allegations do establish a prima facie case, the matter shall be referred for an evidentiary hearing under established A&M-Commerce 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 1.5.2. may have occurred.

1.5.5.5 In any evidentiary hearing, the burden of proving that the decision was made in violation of academic freedom or for an illegal reason, or without adequate consideration of the faculty member's record of professional achievement, shall rest with the faculty member. The burden of proof must be met by a preponderance of 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. A&M-Commerce shall provide staff support to schedule and hold a hearing. If the appeal is filed before March 1, the hearing shall be scheduled within sixty (60) calendar 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 fifteen (15) calendar 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 shall complete its report within fifteen (15) calendar days of completion of the hearing. The importance of conducting the hearing in a prompt manner shall guide A&M-Commerce and the hearing committee. Hearing committee members' departments shall assist, as needed, to accommodate the scheduling of the hearing.

#### 1.5.6 Professional Track

1.5.6.1 Professional track and clinical faculty may have appointments of variable length; however, professional track and clinical faculty members whose contracts have not expired may be dismissed for cause on the same basis that tenured faculty may be dismissed for cause under A&M System Policy 12.01, subsection 4.3.

1.5.6.2 A&M -Commerce will follow System Policy 12.01, subsection 6, when dismissing a professional track or clinical faculty member for cause.

1.5.6.3 Professional track and clinical faculty members may be placed on administrative leave pending investigation as described in System Policy 12.01, Subsection 5.

1.5.6.4 Professional track and clinical faculty are subject to the provisions of system Policy 12.01, Section 9, relating to financial exigency or termination or reduction of existing programs, and may be dismissed subject to this policy.

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

#### 1.5.8 Dismissal for Cause Hearings

##### 1.5.8.1 Summary Dismissal

A&M-Commerce procedures for the summary dismissal of faculty for specified causes:

- (1) A&M-Commerce will provide the faculty member with notice of charges;
- (2) the faculty member has an opportunity to respond to an administrator within twenty (20) business days prior to dismissal;

- (3) the faculty member will have an opportunity for a post-termination evidentiary hearing appealing the dismissal. Post termination appeals shall embody the elements set forth in Section 1.5.8.2.

#### 1.5.8.2 Pre-termination Hearing

Unless summary dismissal procedures are invoked, A&M-Commerce will provide a faculty member to be dismissed for cause with notice of the charges and an opportunity for a fair and impartial hearing by a faculty committee. A faculty member requesting a hearing shall submit a notice of appeal to A&M-Commerce's President within ten (10) business days of receipt of the notice of termination. The President shall notify the hearing committee within five (5) business days of the date the appeal has been filed. A&M-Commerce shall provide staff support to schedule a hearing. The hearing committee shall schedule a hearing date within sixty (60) calendar days of the notice of appeal. The chair of the hearing committee may extend the time for completing the hearing fifteen (15) calendar days for good cause shown. The committee shall complete its report within fifteen (15) calendar days of the completing of the hearing. The importance of conducting the hearing in a prompt manner shall guide A&M-Commerce and the hearing committee. Hearing committee member's departments shall assist as needed to accommodate the scheduling of the hearing. The hearing committee shall formulate explicit findings with respect to each of the grounds for removal presented and shall recommend whether or not, in its judgment, there is good cause for dismissal. The burden of proof is on A&M-Commerce to establish by a preponderance of evidence the existence of good cause for dismissal.

- 1.5.8.3 The committee's findings and recommendation whether or not, in its judgment, there is good cause for dismissal shall be conveyed in writing to the President and to the faculty member.
- 1.5.8.4 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 A&M-Commerce shall be delivered to the A&M Chancellor who shall carry 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 A&M-Commerce and the faculty member an opportunity to present their arguments and take questions from the Chancellor. The Chancellor shall have a maximum of forty-five (45) days in which to conduct the review. Upon completion of the review, the Chancellor shall make a final determination as to the dismissal.
- 1.5.8.5 In the event that the review identifies information which is probative of the dismissal and which was not made available to the faculty review committee and/or the President, the Chancellor may return the matter to

A&M-Commerce's President. Upon return to the President, the hearing committee shall have fifteen (15) calendar days in which to conduct a follow-up hearing to evaluate the new information and render its recommendation. The President will then review its recommendation and take action as appropriate following the guidelines in Section 1.5.8.4.

1.5.8.6 A faculty member's termination from employment shall be effective as determined by the Chancellor, upon a finding by him/her, pursuant to these procedures, that there is good cause for the faculty member's dismissal.

#### 1.5.9 Tenure, Financial Exigency and Phasing Out of Programs

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 (see System Policy 12.01 subsection 9).

### 1.6 Annual Review

1.6.1 An annual review will be conducted in a timely fashion as per A&M-Commerce Procedures 12.01.99.R0.02 for all faculty members at the rank of Assistant Professional Track, Associate Professional Track, Senior Academic Professional Track, Lecturer, Senior Lecturer, Instructor, Assistant Professor, Associate Professor, and Professor. The purpose of the annual review is to provide a mechanism to facilitate dialogue between the administration and faculty. Annual review provides valuable information to the department head about the faculty members' accomplishments and to the faculty members with regard to the department head's assessment of their progress in the discipline and in the context of department goals. Annual reviews are to be conducted in an environment of openness and collegiality, with an emphasis on constructive development of the individual faculty member and the institution.

1.6.2 The focus of the annual review process will vary from rank to rank. For professional track and clinical faculty of all ranks, the annual review process will serve primarily as an evaluation focusing on performance, review of requirements established in the initial letter of appointment and any additional requirements added during the annual review. For tenured or tenure-track faculty, the annual review must take into account the fact that progress in a scholarly career is a long-term venture; therefore, a three to five year horizon may be as "pre-tenure reviews" necessary for the accurate evaluation of scholarly progress. Furthermore, an annual review process should be conducted differentially depending upon the different stages of a faculty member's career. For tenure-track assistant professors, the annual review process must also provide indication as to progress toward tenure and promotion (see 3.3). For tenured associate professors, the process should be used to identify the faculty member's progress toward the requisite stature for promotion to professor. For professors, annual review should be part of the ongoing process of communication between the faculty member and the institution in which both institutional and individual goals and programmatic directions are clarified, the contributions of the faculty member toward meeting those goals are evaluated

and the development of the faculty member and the university is enhanced. In all cases, the annual review shall serve as the primary documentation for evaluation of job performance in the areas of assigned responsibility and for merit salary increases.

1.6.3 To ensure consistency over time, each department shall publish its annual review procedure. Annual review procedures for the department shall be approved by the respective college dean before publication and shall be reviewed by the Provost for consistency with this section. The creation and modification of this document should be a product of joint deliberation by faculty members and the department head. If there is no need for department specific guidelines, a college-wide document, developed jointly by faculty and dean and reviewed by the Provost, is sufficient. The annual review procedure document must include the following elements:

1.6.3.1 Purpose of annual review. These include the purposes set forth in (1.6.1) and (1.6.2) as well as any department specific purposes.

1.6.3.2 Period of evaluation (may be longer than one year; see 1.6.2.) and aspects of performance to be evaluated, as appropriate for each job title.

1.6.3.3 Annual Activity Report format and content. Examples of possible content include (a) a statement of assigned duties, consistent with (or consisting of) the appointment letter or current position description (1.4.); (b) a list of activities, accomplishments, and awards; (c) documentation, including such items as course syllabi, evidence of student learning, published papers or books, evidence of effectiveness in service, teaching portfolio, etc.; (d) self-evaluation in the context of the assigned duties of the faculty member and the missions of the department and University; and (e) a statement of goals (see 1.6.5.1.).

1.6.3.4 Basis for evaluation. All sources of information to be used for the evaluation must be specified. The following are examples of possible sources of information: (a) Annual activity report (required as a source); (b) personal observation by evaluator; (c) discussions with colleagues, students, and/or others; (d) student evaluations of teaching; (e) peer evaluations of teaching [note that the standard end-of-semester student evaluations of teaching must not be the only instrument used in determining teaching quality and effectiveness]; (f) published departmental criteria for tenure and promotion; and (g) published departmental annual evaluation procedures.

1.6.3.5 Timeline and procedures for evaluation. These must be consistent with sections 2.2.1., 1.6.5.2., 1.6.5.3., and 1.6.5.4.

1.6.3.6 Complaint procedure if annual review fails to follow published guidelines (generally, letter to college dean with copy to the Provost).

- 1.6.4 Department heads with faculty who have budgeted joint appointments will collaborate with the heads of the appropriate units to develop accurate annual reports. In all cases there should be one department where more than 50% of the appointment is located; the Head of that department is responsible for the final evaluation. Input will be sought from heads of departments in which a faculty member holds non-budgeted appointments.
- 1.6.5 The exact form of the annual review may be determined by the college, but must include the following components.
- 1.6.5.1 Faculty member's report of previous activities. The report should be focused on the immediately previous academic or calendar year, but should allow a faculty member to point out the status of long-term projects and set the context in which annual activities have occurred. The report must incorporate teaching, research, and service. Faculty members should state their short-term and long-term goals.
- 1.6.5.2 A written document stating the department head's evaluation and expectations. The department head will write an evaluation for the year in a memorandum or in the annual report document transmitted to the faculty member. The faculty member indicates receipt by signing a copy of the document. This memorandum, and/or the annual report and any related documents, will be entered into the faculty member's departmental personnel file. Moreover, this memorandum and/or annual report shall also include a statement on expectations for the next year in teaching, research and service.
- 1.6.5.3 Meeting between the department head and the faculty member will be an annual opportunity for a personal meeting to discuss the written review and expectations for the coming year if either party believes it is needed. In some cases, there may be the need for more frequent meetings at the request of the department head or faculty member.
- 1.6.5.4 Performance Assessment. In assessing performance and determining salary increases, the weights given to teaching, scholarly and creative activities and service shall be consistent with the expectations as determined in 1.6.5.2 and 1.6.5.3 above and with the overall contributions of the faculty member to the multiple missions of the department and university. For example, persons with solely teaching responsibilities who attain excellence in all aspects of teaching should receive comparable merit to persons with multiple responsibilities who attain excellence.

## 2. ACADEMIC FREEDOM, ETHICS AND RESPONSIBILITY

### 2.1 Academic Freedom

- 2.1.1 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 faculty members be free to pursue scholarly inquiry without undue restriction, and to voice and publish individual conclusions concerning the significance of evidence that they consider relevant. Each faculty member must be free from the corrosive fear that others inside or outside the university community, because their views may differ, may threaten his or her professional career or the material benefits accruing from it.

2.1.2 Each faculty member is entitled to full freedom in the classroom in discussing the subject being taught. Within the bounds of professional behavior, faculty members also have full freedom to express disagreement with other members of the university community. Although a faculty member observes the regulations of the institution, he or she maintains the right to criticize and seek revision. Faculty members also are citizens of the nation, state, and community; therefore, when speaking, writing, or acting outside the classroom, they must be free from institutional censorship or discipline. On such occasions faculty members should clearly state that he or she is not speaking for A&M-Commerce.

## 2.2 Academic Ethics and Responsibility

For faculty members, the notion of academic freedom is linked to the equally demanding concept of academic ethics and responsibility. As a faculty member, a person assumes certain ethical obligations and responsibilities to students, to fellow faculty members, to the institution, to the profession, and to society at large. Some of these are listed below:

2.2.1 Faculty members have ethical obligations and responsibilities to the students of A&M-Commerce.

2.2.1.1 Faculty members should foster scholarly values in students, including academic honesty, the free pursuit of learning, and the exercise of academic freedom.

2.2.1.2 Faculty members should act professionally in the classroom and in other academic relationships with students. Faculty members should exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. Faculty members are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter that has no relation to their subject.

2.2.1.3 Faculty members should maintain respect for students and evaluate them on the merit of their academic performance. Faculty members should be available at reasonable intervals to students for consultation on course work.

2.2.1.4 Faculty members shall not engage in any exploitation, harassment, or illegal discriminatory treatment of students.

2.2.2 Faculty members have ethical obligations and responsibilities to other members of the university community.

- 2.2.2.1 Faculty members shall neither harass nor exploit any member of the university community.
  - 2.2.2.2 Faculty members shall respect and defend the free inquiry of associates. In the exchange of criticism and ideas, faculty members show due respect for the opinions of others.
  - 2.2.2.3 Faculty members shall acknowledge the academic contributions of others, strive to be objective in their professional judgment of colleagues, and accept their share of faculty responsibilities for contributing to the governance of the institution.
- 2.2.3 Faculty members have ethical obligations and responsibilities to A&M-Commerce as an institution.
- 2.2.3.1 A faculty member's comments regarding matters of public concern are protected even though they may be highly critical in tone or content, or even erroneous. The constitutionally protected rights of faculty members, as citizens, to freedom of expression on matters of public concern cannot be abridged. Faculty members, like all citizens, are liable for all actions that are not constitutionally protected.
  - 2.2.3.2 Faculty members should recognize that their primary responsibilities are to the institution as they determine the amount (if any) and character of work done outside of the institution. Such outside work shall be consistent with A&M-Commerce regulations. Although faculty members may follow subsidiary interests, these must never compromise their freedom and willingness to draw intellectually honest conclusions.
  - 2.2.3.3 When considering the interruption or termination of their service, faculty members should take into account the effect of their decision upon the institution and give due notice of their intentions.
- 2.2.4 Faculty members have ethical obligations and responsibilities to their profession and deriving from their membership in the professorate. The fundamental responsibilities of a faculty member as a teacher and scholar include maintenance of competence in his or her field of specialization and exhibition of such professional competence in the classroom, studio, or laboratory and in the public arena by such activities as discussions, lectures, consulting, performances, exhibitions, publications, or participation in professional organizations and meetings.
- 2.2.5 Faculty members have ethical obligations and responsibilities to the public. The demonstration of professional integrity by a faculty member includes recognition that the society at large will judge the profession as well as the institution by his or her statements and behavior. Therefore, academic research and scholarship must be carried out under the highest standards of honesty and integrity. The faculty member should strive to be accurate, to exercise appropriate restraint, to be willing

to listen to and show respect to members of the society at large expressing different opinions, and to avoid creating the impression that the faculty member speaks or acts for the college or the University when speaking or acting as a private person.

### 3. TENURE AND PROMOTION

#### 3.1 Eligibility for Tenure

- 3.1.1 The granting of tenure shall follow procedures specified in the A&M System Policies 12.01 and 12.02. To be eligible to receive tenure, a faculty member generally should be an employee of A&M -Commerce who holds academic rank as assistant professor, associate professor, or professor.
- 3.1.2 Faculty members who hold joint appointments with other state, federal, or private agencies or with two or more parts of the A&M System may or may not be entitled to tenure, depending upon the nature of their duties and the terms of the written agreement of their appointments.
- 3.1.3 Administrative personnel, such as department heads and deans, who hold academic rank in addition to their administrative titles, retain their tenured status as faculty members, but administrative positions per se are not subject to tenure. The members of university administration holding tenure in an academic department shall be subjected to the Post-Tenure Review process within six years after returning to a full-time faculty position (see Section 5 below).

#### 3.2 Tenure Policy

- 3.2.1 Tenure means the entitlement of a faculty member to continue in the academic position held unless dismissed for good cause. Tenure is based on the need to protect academic freedom and is irrevocable except as specified in Section 1,5.
- 3.2.2 Tenure is obtained only by the affirmative action of the Board of Regents.
- 3.2.3 Faculty members awarded tenure at other institutions in A&M University System or any other institution have no claim to tenure at A&M -Commerce.
- 3.2.4 Except when otherwise specified in the initial appointment letter, or a mutually agreed upon revision thereof, a tenured faculty member is guaranteed nine months of full-time employment or the equivalent. (See Section 1.4.).

#### 3.3 Tenure System Components

- 3.3.1 The probationary period for a tenure-track faculty member shall not exceed seven (7) years of full-time service, beginning with appointment to the rank of instructor or a higher tenure-eligible rank. Under extenuating circumstances, the probationary period at A&M-Commerce may be extended with the written concurrence of the faculty member involved, the department head, college dean, and the Provost. The probationary period may include appropriate full-time service at other institutions

of higher education. If a faculty member has served a term of probationary service at one or more institutions, the probationary period at A&M -Commerce may be for fewer than seven (7) years. In such cases, however, the person's total probationary period in the academic profession may be extended beyond seven years.

3.3.2 In most circumstances, assistant professors at A&M-Commerce will be evaluated for promotion to associate professor and for tenure concurrently and will not be awarded one without the other. Exceptions to this rule must be justified.

3.3.3 Persons whose initial appointment to the A&M-Commerce faculty is at the rank of associate professor or professor are eligible for tenure upon appointment.

3.3.4 Faculty Review:

3.3.4.1 Each department shall review the performance of all faculty members on an annual basis. Each faculty member shall be advised in writing of the results of this review. The purpose of regular reviews is to provide a candid evaluation of the individual's achievements so that both the individual and A&M-Commerce may benefit by improved performance or by the encouragement to continue exemplary performance.

3.3.4.2 For faculty subject to a probationary period of seven (7) years at A&M - Commerce, third-year, fourth year, and fifth year reviews are mandatory as parts of the "pre-tenure process." This evaluation will familiarize the faculty member with the tenure process and ensure that the faculty member understands the expectations of those entities that will ultimately be responsible for the tenure decision. This review should mimic the tenure review process as closely as possible; the pre-tenure reviews would include dossier items contributed by the candidate and internal letters of recommendation, and would be reviewed at the department and college levels by appropriate faculty committees as well as the department head and college dean.

### 3.4 Tenure and Promotion Criteria

3.4.1 Categories of Performance:

3.4.1.1 Teaching: This category includes, among other things, classroom and laboratory instruction; development of new courses, laboratories, and teaching methods; publication of instructional materials, and supervision of graduate students.

3.4.1.2 Scholarly Activity: Creation and dissemination of new knowledge or other creative activities: For most disciplines, this category consists of research and publication, grants and contracts. For some disciplines, however, it may include other forms of creative activity. Technology, fiction, poetry, painting, music, and sculpture are examples.

3.4.1.3 Service: This includes service to the institution, to students, colleagues, department, college, and the university--as well as service beyond the campus. Examples of the latter include service to professional societies, research organizations, governmental agencies, the local community, and the public at large.

### 3.4.2 College Criteria:

3.4.2.1 The faculty and administrators of each college shall jointly develop written guidelines describing the evaluation criteria employed in the unit.

3.4.2.2 Both the guidelines and the evaluation process itself shall pay due regard to the difficulties inherent in quantifying academic performance. (See Section 3.3) The guidelines shall be periodically reviewed and approved by the Provost. In those units in which the goals and objectives of departments differ significantly, departments should also have written evaluation guidelines. Continuity in performance criteria and in the application thereof is essential. Therefore, criteria should be changed only after careful and thorough joint deliberation by faculty members and administrators in the unit.

3.4.2.3 The guidelines shall include:

- (1) Criteria that are employed to judge the level of performance of faculty in each category of performance.
- (2) The standard level of performance required in each category of performance in order to be awarded tenure. Achieving the standard level does not ensure tenure.
- (3) The standard level of performance required in each category of performance for appointment or promotion to each rank. Achieving the standard level does not ensure appointment or promotion.
- (4) A description of the procedures employed in evaluation of faculty for tenure and promotion.

3.4.2.4 University, college, and department guidelines shall be given to all faculty members as appropriate. New faculty members shall receive the guidelines along with a statement of any special conditions or expectations related to their employment when they join the A&M-Commerce faculty. Such guidelines shall support the adequate evaluation and reward of a faculty member's interdisciplinary responsibilities.

### 3.4.3 University Criteria:

In addition to the criteria developed in the college, the minimum requirements to be met by individuals being considered for tenure or promotion are:

3.4.3.1 Assistant Professor: Faculty members holding a tenure-accruing appointment with the rank of Instructor may be promoted to the rank of Assistant Professor upon the receipt of the terminal degree.

3.4.3.2 Associate Professor:

To achieve the rank of associate professor, the faculty member will demonstrate:

- (1) a distinguished level of accomplishment as measured against the contributions of others in the field;
- (2) professional conduct conducive to a collegial work environment and standards of professional integrity that will advance the interests of A&M -Commerce;
- (3) an area of specialization germane to the programs of A&M -Commerce, one not currently represented on the tenured faculty, or one that provides desired reinforcement in an area of priority; and
- (4) evidence indicating a commitment to maintaining the level of competence in teaching and research expected of a tenured faculty member.

3.4.3.3 Professor:

To achieve the rank of professor, the faculty member will demonstrate exemplary accomplishments in the following:

- (1) continuing accomplishment in teaching;
- (2) continuing accomplishment and some measure of national recognition in research or another form of creative activity; and
- (3) evidence of valuable professional service. Normally a minimum of 5 years of service at the regional or national level.

### 3.5 Tenure and Promotion Evaluation

3.5.1 Categories of Performance (section 3.4.1.) Faculty should submit detailed information on teaching, RSCA, and service (see Appendix I.)

3.5.2 In most cases, the judgments of professionals in the faculty member's field provide the best and most reliable basis for making sound decisions about tenure and promotion. Consequently, the level of accomplishment and potential relative to disciplinary norms and standards as judged by peer review should be the heart of the tenure and promotion process. Accomplishments that are not subject to peer

review generally should not be a major consideration in tenure and promotion evaluations.

3.5.3 In evaluating a faculty member considered for tenure, the appropriate faculty committees and academic administrators shall give adequate consideration to the faculty member's professional performance. Adequate consideration of a tenure case consists of a conscientious review, seeks out and considers all available evidence bearing on the relevant performance of the faculty member, and assumes that the various academic units follow their approved procedural guidelines during the tenure and promotion review process (see 3.4.2 and 3.4.3). Such consideration should be based upon adequate deliberation over the evidence in light of relevant standards and exclusive of improper standards. An improper standard is any criterion not related to the professional performance of the faculty member. The evaluation of a tenure case should constitute a bona fide exercise of professional academic judgment.

3.5.4 Exceptions to the normal requirements for tenure and promotion may sometimes be warranted.

### 3.6 Review Process for Tenure and Promotion to the Rank of Associate Professor or Professor

#### 3.6.1 Departmental Promotion and Tenure Process

3.6.1.1 The faculty member considered for tenure and/or promotion will work with the department head or designated committee to develop a complete Portfolio. No additions, deletions or corrections may be made to a faculty member's Promotion and Tenure Portfolio by the faculty member under review after the official copy of the portfolio has been submitted to the department head.

3.6.1.2 The Portfolio must be presented to the department head by the prescribed deadline and the department head must make the portfolio available for review by all tenured departmental faculty who shall serve as the Departmental Tenure and Promotion Committee and evaluate the candidate's academic accomplishments.

3.6.1.3 In conducting tenure and/or promotion reviews, department heads shall draw upon the advice and counsel of the tenured faculty as well as other appropriate sources. When the review has been completed, the department head will transmit the tenure and/or promotion recommendations of both the head and the faculty committee to the dean of the college for review.

3.6.1.4 The department head shall convene the committee, supervise the election of a chair from the membership, and carefully review the committee charge and procedures with its members. After reviewing the committee's charge, the department head shall leave the room and shall not participate in the

deliberations of the committee unless asked by the committee to explain aspects of past annual performance reviews.

- 3.6.1.5 The department head shall provide each tenured faculty member in the department with an evaluation form for each faculty member being considered for promotion and/or tenure. Each committee member shall discuss the accomplishments of each candidate and, after discussion, independently rate the performance of each candidate in each category based upon the established departmental standards for teaching, scholarship and service.
  - 3.6.1.6 If the department has less than three tenured faculty members, the department head shall designate additional tenured faculty from other departments whose academic specialization closely resembles that of the candidate for tenure to attend the meeting to assure a minimum of three tenured faculty members. If the department of the candidate for tenure contains no tenured faculty, non-tenured faculty members are also included in the process. However, non-tenured members will serve to provide expert information on disciplinary standards and departmental expectations, but they do not complete advisory opinion forms. Non-tenured faculty do not have to be present for the entire meeting, if the department head deems it advisable for them to be absent for some portion of the discussion.
  - 3.6.1.7 A yes or no vote on tenure shall complete the voting process. A candidate must receive a majority of affirmative votes to be recommended for tenure to the next level of the process.
  - 3.6.1.8 The department head shall include a form that summarizes the departmental committee's rating of the candidate for each evaluation category in the Promotion and Tenure Portfolio of each candidate.
  - 3.6.1.9 The department head shall submit the Promotion and Tenure Portfolio of each applicant for promotion and/or tenure to the college dean regardless of the positive or negative recommendation.
  - 3.6.1.10 The department head shall write a letter of recommendation for each candidate to the College Promotion and Tenure Committee. The letter of recommendation for each candidate shall summarize the evaluations of teaching, scholarship, and service provided by the tenured departmental faculty and shall contain the department head's independent evaluation of the candidate's performance in each evaluation category.
  - 3.6.1.11 The department head shall include this letter of recommendation in Section I of the candidate's Promotion and Tenure Portfolio regardless of positive or negative recommendation that may be included.
- 3.6.2 If the faculty member being considered has a joint appointment funded in two or more departments, the department in which the faculty member is administratively

located (ad loc) has the responsibility to ensure that the review process is conducted in accordance with the regular promotion and tenure procedures of the relevant departments. If the departments are in the same college, the ad loc department is responsible for forwarding the appropriate documents to the dean's office. If different colleges are involved, then each department is responsible for forwarding the appropriate documents to its dean's office.

### 3.6.3 College Promotion and Tenure Process

3.6.3.1 In conducting tenure and/or promotion reviews, the college dean shall draw upon the advice and counsel of a college-wide tenure and promotion committee (see 3.6.4).

3.6.3.2 The college dean shall convene the first meeting of the College Promotion and Tenure Committee, supervise the election of a chair from the membership, and carefully review the committee charge and procedures with its members. After reviewing the committee's charge, the College Dean shall leave the room and shall not participate in the deliberations of the committee unless asked to provide specific information to the committee.

3.6.3.3 The College Promotion and Tenure Committee shall review the Promotion and Tenure Portfolios of each candidate. After thorough discussion of the strengths and weaknesses of each candidate, each member of the College Tenure and Promotion Committee shall vote on the eligibility of each candidate and the committee chair shall record the results of the vote.

3.6.3.4 The review of candidates shall be based on the approved departmental criteria in teaching, RSCA and service.

3.6.3.5 The dean shall provide each faculty member on the committee with an evaluation form for each faculty member being considered for promotion and/or tenure. Each committee member shall discuss the accomplishments of each candidate and, after discussion, independently rate the performance of each candidate in each category. The rating terminology described in the Annual Review of Faculty Performance shall be used in rating the contributions of each candidate for tenure and/or promotion.

3.6.3.6 A yes or no vote on tenure, if required, shall complete the voting process. A candidate must receive a majority of affirmative votes to be recommended for tenure. Upon the completion of its review of the candidate's portfolio, the committee's recommendation shall be forwarded to the next level of the process.

3.6.3.7 The College Promotion and Tenure Committee shall tabulate the votes for each candidate and shall use the results of the vote to make a recommendation to the college dean. The committee chair shall present the recommendation of the committee to the college dean in written form. The

written recommendation shall summarize the rationale for the committee's recommendation. The college dean may call the committee together to obtain more information about the perceptions of the committee regarding one or more of the candidates.

3.6.3.8 The college dean shall provide for each candidate a letter that records the vote of the College Promotion and Tenure Committee for and against tenure and/or promotion. This letter must include the dean's recommendation for or against promotion. This letter shall be placed in Section I of a candidate's Promotion and Tenure Portfolio. A copy of this letter shall be sent to the candidate.

3.6.3.9 If the dean recommends against tenure and/or promotion and that recommendation is contrary to the department head's recommendation, the dean shall inform the department head and faculty member of the reasons for the recommendation. The department may then resubmit the case for further consideration. Any reconsideration, however, must be based upon either (a) new evidence that is not already contained within the dossier, or (b) substantial and entirely new arguments that were not made in the first presentation. If the case is resubmitted, it shall be reviewed by the dean and the college-wide tenure and promotion committee before a final recommendation concerning tenure and/or promotion is forwarded to the Provost.

3.6.3.10 The dean will present his or her recommendation and the college's recommendation to the Provost for review. This review and recommendation process will continue through the President of the university and the Chancellor of the System to the Board of Regents, which holds sole authority to confer tenure.

#### 3.6.4 College Tenure and Promotion Advisory Committee

3.6.4.1 Each college will have a Tenure and Promotion Advisory Committee. The committees function each year to review all requests for tenure and promotion. The committee structure and election process is described below.

3.6.4.2 Members will be elected by a vote of tenured and tenure-track faculty in each college for a three year staggered term. Only full-time tenured faculty, holding the rank of associate professor or above, are eligible to serve. Not eligible are department heads, assistant deans, and deans. Each college may have up to but no more than seven members. Membership to the Tenure and Promotion Advisory Committee will be determined by policy set by each College. In addition, each college will elect two alternates. No faculty member who is being considered for promotion in rank shall, at that time, be eligible to serve on the College Promotion and Tenure Advisory Committee.

- 3.6.4.3 Deans of the respective colleges will conduct an annual election of committee members. Election results will be available prior to September 30. In the case of a permanent vacancy due to an unexpired term or a temporary vacancy for some other reason, such vacancy will be filled by the first alternate. If a second vacancy occurs, such vacancy will be filled by the second alternate. After election results are known, a meeting shall be convened by the college dean. At the meeting, committee members will elect a chair.
- 3.6.4.4 Members will be elected at-large from their respective colleges, except that no department shall have more than one representative on the committee at any time. If a candidate is being considered for tenure and/or promotion whose department has no representative on the committee, the department head, in consultation with the candidate, will appoint a nonvoting representative to the committee from the candidate's department. If no one in the department meets the criteria for appointment, the selection will be made from qualified faculty members within the college. A department head is not eligible to serve as the nonvoting representative.
- 3.6.4.5 A member of the College Tenure and Promotion Advisory Committee is eligible to serve no more than two consecutive three-year terms.

### 3.6.5 University Promotion and Tenure Process

- 3.6.5.1 The University Promotion and Tenure Committee shall consist of the dean of the College of Arts and Sciences, the dean of the College of Education and Human Services, the dean of the College of Business and Engineering Technology, and the dean for Graduate School and Research. The Provost shall serve as nonvoting chair of the committee.
- 3.6.5.2 The Provost shall call the first meeting of the University Promotion and Tenure Committee and shall carefully review the committee charges and procedures with its members.
- 3.6.5.3 The Provost shall make all faculty Promotion and Tenure Portfolios available to all members of the University Promotion and Tenure Committee, but the paper copies of portfolios shall not leave the confines of the Provost's office suite.
- 3.6.5.4 After thoroughly reviewing all Promotion and Tenure Portfolios, the University Promotion and Tenure Committee shall meet to discuss the credentials and eligibility of each candidate.
- 3.6.5.5 The University Promotion and Tenure Committee must carefully consider the academic record (see Section 3.5.3. as appropriate for the definition of the period to be considered) of each candidate in each evaluation category: teaching, RSCA, and service. For promotion and/or tenure, the committee

must judge a faculty member's contributions and vote yes or no on promotion and tenure.

3.6.5.6 The review of candidates shall be based on the approved and published departmental criteria in teaching, RSCA and service.

3.6.5.7 The Provost shall provide for each candidate a letter that includes the committee's recommendation for or against promotion and/or tenure. This letter should record the committee's vote and should summarize in general terms the committee's rationale for the vote. This letter shall be placed in Section I of a candidate's Promotion and Tenure Portfolio

### 3.6.6 Administrative Promotion and Tenure Process

3.6.6.1 The Provost shall review all Promotion and Tenure Portfolios and shall render an individual recommendation on each candidate for promotion and/or tenure. The recommendation shall be included in Section I of the candidate's portfolio.

3.6.6.2 In addition to a thorough review of each candidate's academic credentials, the Provost shall carefully review future academic needs and the availability of financial resources as a part of the evaluation process regarding each promotion and/or tenure decision. In making the recommendation to the President, the Provost may recommend against promotion and/or tenure on the basis of future academic needs and/or availability of resources.

3.6.6.3 The Provost shall provide for each candidate a letter that includes the Provost's recommendation for or against promotion and/or tenure. This letter can record and summarize in general terms the Provost's rationale for the recommendation. This letter shall be placed in Section I of a candidate's Promotion and Tenure Portfolio.

3.6.6.4 The Provost shall forward all Promotion and Tenure Portfolios to the President.

3.6.6.5 The President shall review all portfolios and shall submit recommendations to the A&M System Chancellor. The President shall inform the Provost of his or her recommendations to the Chancellor.

3.6.6.6 The Provost shall notify each candidate regarding the recommendation that shall be made to the Chancellor.

3.6.6.7 The Chancellor and the Board of Regents shall make the final determinations concerning promotion and/or tenure.

3.6.7 Withdrawal of a candidate for promotion and/or tenure. A candidate may withdraw from consideration at any point during the process.

3.6.7.1 To withdraw from consideration for promotion and/or tenure, a candidate must submit a written and signed declaration of that decision to the Provost. The statement shall become part of the faculty member's file in the Office of Academic Affairs.

3.6.7.2 Faculty members under consideration for tenure who withdraw during the final year of their probationary period shall be provided a letter of non-reappointment that complies with the criteria in Section 1.5.3.

### 3.7 Notification Process for Tenure and Promotion to the Rank of Associate Professor and Professor

3.7.1 A faculty member shall be advised of the recommendation for or against tenure and/or promotion at each level of review. In the event of a negative tenure and/or promotion decision, the faculty member is entitled upon request to a written statement of the reasons that contributed to the decision.

3.7.2 The official decision by the Board of Regents regarding the granting of tenure to and/or the promotion of a faculty member will be conveyed in writing to the faculty member as soon as possible after the Board of Regents has officially acted on the University's tenure and/or promotion recommendation.

3.7.3 If requested by the faculty member, a written statement of reasons (see 3.6 above) will be provided by the administrator at the first level at which there was a negative recommendation after the Board of Regents has ruled on the University's tenure and/or promotion recommendations.

### 3.8 Rights of Non-tenured and Professional Track Faculty Members

3.8.1 A decision to dismiss a non-tenured or Professional Track faculty member prior to the expiration of an appointment, a decision not to reappoint a non-tenured or professional track and clinical faculty member, and a decision not to grant tenure to a non-tenured faculty member shall be based upon adequate consideration (see sections 1.5.4 and 1.5.5.) of the individual's professional performance and shall not be made in violation of academic freedom or as a form of illegal discrimination.

### 3.9 The Schedule for the Third Year Mandatory Review and Promotion and Tenure review process shall conform as closely as possible to the following dates.

3.9.1 May 1. The Provost shall notify all faculty regarding their need to prepare Promotion and Tenure Portfolios, as appropriate..

3.9.2 May 15. The Provost shall hold an open meeting to answer questions regarding promotion and tenure processes.

3.9.3 September 15. Candidates for promotion and/or tenure shall submit their complete Promotion and Tenure Portfolios to their department heads on or before this deadline.

- 3.9.4 October 15. The department head shall submit the summary of the departmental evaluations and his/her recommendations to the college dean. When the department head submits the recommendations to the college dean, the department head also shall provide a copy of that recommendation to each candidate. Each candidate who receives a negative recommendation shall be provided a written statement offering general reasons for such a decision.
- 3.9.5 November 15. The college dean shall submit the recommendations of the College Promotion and Tenure Committee along with his/her recommendation to the Provost. When the college dean submits the recommendations to the Provost, the college dean also shall provide each candidate a copy of that recommendation. The college dean shall provide each candidate who receives a negative vote a written statement offering general reasons for such a decision.
- 3.9.6 December 15. The Chair of the University Promotion and Tenure Committee shall submit the committee's recommendations to the Provost. When the Chair of the University Promotion and Tenure Committee submits the recommendations of the Committee to the Provost, the chair of the University Promotion and Tenure Committee also shall provide each candidate a copy of that recommendation. The chair shall provide each candidate who receives a negative vote a written statement offering general reasons for such a decision.
- 3.9.7 January 10. On or before this date, the Provost shall forward his/her recommendations to the President on all final tenure and/or promotion decisions. The Provost shall also provide each candidate a letter that includes the Provost's recommendation for or against promotion and/or tenure.
- 3.9.8 February 10. The President shall inform the Provost of his/her recommendations to the Chancellor.
- 3.9.9 February 20. On or before this date, the Provost shall inform each candidate of the President's recommendation to the Chancellor. The Provost shall provide each candidate who receives a negative recommendation a written statement offering general reasons for such a recommendation.
- 3.9.10 March. The Board of Regents of the A&M University System usually considers promotion and tenure recommendations at the March Board of Regents Meeting. As soon as the final decision for promotion and/or tenure is rendered by the Board of Regents, the President shall notify each candidate of the Board's decision.
- 3.9.11 Failure of any party to provide notice or take the actions indicated above within the prescribed time limits does not operate to grant tenure or promotion.
- 3.10 Written Notice of Non-Reappointment, or of Intention Not to Reappoint a Faculty Member

- 3.10.1 Notification of non-reappointment must be sent no later than March 1 of the first academic year of probationary service, or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination. The faculty member's appointment would terminate at the end of the Spring Semester.
- 3.10.2 Notification of non-reappointment must be sent no later than December 15 of the second year of probationary service if the appointment expires at the end of that academic year, or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
- 3.10.3 Notification of non-reappointment must be sent at least twelve months before the expiration of a probationary appointment after two or more years of service as a faculty member.

### 3.11 Withdrawal Procedure

- 3.11.1 To withdraw from consideration for promotion and/or tenure, a candidate must submit a written and signed declaration of that decision to the Provost. The statement shall become part of the faculty member's file in the Office of Academic Affairs.
- 3.11.2. Faculty members under consideration for tenure who withdraw during the final year of their probationary period shall be provided a letter of non-reappointment that complies with the criteria in Section 3.10.

## 4. APPEAL PROCESS FOR PROMOTION AND/OR TENURE

- 4.1 Any candidate for promotion and/or tenure may appeal a negative decision if the negative decision is reached at any level in the university promotion and tenure process through advisory and hearing committees as stated in the Section 6 of this procedure. There is no appeal of a decision by the Board of Regents.
- 4.2 After receiving notice of a negative decision, a candidate may appeal the decision by submitting a letter of appeal. Unless a candidate withdraws from consideration for promotion and/or tenure (Section 6.3), a candidate for promotion and/or tenure shall receive consideration at all levels of the university promotion and tenure process.
  - 4.2.1 The letter of appeal, which may not exceed two pages in length, must describe the basis for the appeal and must be submitted within five (5) working days of the date on the notice of a negative decision.
  - 4.2.2 As appropriate, based on the source of the negative decision, the letter of appeal must be addressed to the department head (for negative decisions at the departmental level) or the college dean (for negative decisions at the college level) who shall review the applicant's portfolio and meet with the candidate to discuss the appeal. A decision shall be rendered on the matter and the candidate shall be informed of the decision by letter within five (5) working days of the meeting with

the candidate. A copy of the decision letter shall be placed in the applicant's portfolio.

- 4.2.3 If a department head or a college dean decides that the decision at his/her level of responsibility is incorrect, he/she must forward a written explanation for their decision to the next level of review. The letter must be incorporated into the candidate's Promotion and Tenure Portfolio (see Section 3.9 Evaluation Timelines).
- 4.2.4 If the candidate is not satisfied with the decision of the University Promotion and Tenure Committee, the candidate may appeal to the Provost. The Provost shall review the applicant's portfolio and meet with the applicant to discuss the appeal. The Provost shall render a decision on the appeal and shall inform the applicant of his/her decision by letter.
- 4.2.5 If the candidate is not satisfied with the recommendation of the Provost, the candidate may appeal to the President. If appealing the decision of the Provost, the candidate must ask the Provost to forward the original letter of appeal to the President. The President shall review the applicant's portfolio and meet with the applicant to discuss the appeal. The President shall render a decision on the appeal and shall inform the applicant of his/her decision by letter.
- 4.2.6 There are no other avenues for appeal in the university.

## 5. POST TENURE REVIEW (PTR)

### 5.1 Introduction

- 5.1.1 The quality of a university's teaching, research and public service depends on the quality and expertise of the faculty. Therefore, it is in the best interest of the university to invest in faculty development and to encourage and facilitate an environment in which academic pursuits can flourish. The post tenure review process shall be in the constructive spirit of faculty development without intruding on the academic freedom of the faculty.
- 5.1.2 The faculty members of A&M-Commerce shall measure their performance against a high standard of excellence in teaching, research or other scholarly and creative activities (RSCA) and service. This standard is maintained by hiring highly qualified professionals and by conducting annual reviews of performance. Departments hire professionals whose credentials and achievements clearly indicate their ability and potential to make professional contributions in a changing environment. Tenure is granted to each faculty member by carefully assessing, over a period of time, contributions to teaching, RSCA and service. Faculty members are reviewed on an annual basis to ensure their continued effectiveness and development.

## 5.2 The PTR Process

Post tenure review at A&M-Commerce applies to tenured faculty members and relies on the annual review of performance based on the A&M System and A&M-Commerce criteria indicated above. Colleges will develop plans for initial implementation in FY10-11.

### 5.2.1 Annual Review

5.2.1.1 As specified in A&M-Commerce's Annual Evaluation of Faculty Procedure (12.01.99.R0.02, annual reviews of performance are conducted for all faculty members (tenured and untenured); reviews provide written evaluations of performance in teaching, RSCA and service; and they result in a written statement of goals commensurate with faculty rank, tenure status and seniority. Individual faculty plans for achievement are developed annually from department criteria for teaching, RSCA and service.

5.2.1.2 Even when a faculty member receives commendable or satisfactory ratings, the department head and/or college dean can make recommendations for improvements needed for particular areas, when needed for a desirable performance or for a continuous development. In that sense, annual evaluation of tenured faculty should be treated as an on-going 'post-tenure review' of the tenured faculty.

5.2.1.3 If a faculty member receives ratings of minimal or unsatisfactory performance, the department head and the faculty member will develop on an ongoing basis formative recommendations in the following year's plan to help the faculty member overcome deficiencies or shortcomings in teaching, RSCA or service.

### 5.2.2 PTR Steps

According to the A&M System's Policy 12.06, the post tenure evaluations of tenured faculty "shall occur no more often than once every year, but not less than every six years after the date of the award of tenure." The six-year review process shall consist of two steps as stated below. A timeline for this process is indicated at the end of this procedure.

### 5.2.3 Sixth-Year Professional Review.

5.2.3.1 A professional review will be conducted for every tenured faculty at least every sixth year after receiving tenure, or at least every sixth year after the first post tenure review. The department head will inform the faculty member of the required review and the procedures to be followed. A faculty member can be exempt from review upon recommendation of the department head and approval of the college dean when substantive mitigating circumstances exist, including, but not limited to, a faculty

member's serious illness and/or letter of intent to retire within the upcoming academic year.

5.2.3.2 Faculty members who are reassigned to administrative assignments, such as department head, assistant dean, or director of a program, shall be evaluated for PTR on the basis of the faculty role portion only.

5.2.3.3 The professional review will be conducted by an Ad Hoc Review Committee (AHRC) composed of three tenured faculty members, one of whom shall be appointed by the college dean, one by the department head and one by the faculty member to be reviewed. The committee may include faculty from one's own department or from other departments, colleges or universities.

5.2.3.4 Within one month of the date of notification of the professional review, the faculty member will prepare and submit a portfolio, based on the Service Report Form given in Appendix I, which includes all documents, materials and statements which the faculty member deems relevant and necessary covering all work and accomplishments during the past five years. All materials submitted by the faculty member shall remain in the portfolio. Although review portfolios may differ, each will include the annual evaluations during the past five years; a current curriculum vita; and evidence of performance in teaching, RSCA and service.

5.2.3.5 The department head will add copies of the department faculty evaluation plans during the past five years and any other pertinent information to the portfolio. The faculty member has the right to review and respond in writing to additions to the portfolio, with the written response being included in the portfolio. Materials may be added at any time during the review process.

5.2.3.6 The professional review will occur within one month after the faculty member submits the initial portfolio. It will be based on the faculty member's specific role and responsibilities, as outlined in the faculty member's annual plan for achievement (goals) during the immediate past five years. As a matter of due process, the faculty member shall have the right to meet with the review committee (AHRC) prior to its final recommendation. The AHRC will specifically elaborate its findings in writing and will provide copies to the faculty member and department head. The department head will forward them to the college dean, along with his/her own recommendation. The dean will add his/her recommendation and forward the report and recommendations to the Provost. If there is consensus among the AHRC, department head, and college dean that the faculty member's performance is satisfactory, the Provost may rule that the post tenure review cease and so notify the faculty member and the department head.

5.2.4 Timeline for the PTR

The faculty member shall be notified by October 1<sup>st</sup> of the year the PTR is conducted. The appointment of the AHRC should be completed by October 15<sup>th</sup>, and the review portfolio should be submitted no later than November 1 of the review year. The review of performance is completed by the AHRD, department head, and college dean and is forwarded to the Provost by February 1<sup>st</sup>.

#### 5.2.5 The Professional Development Plan (PDP) and Its Completion.

5.2.5.1 The PDP is an agreement indicating how specific deficiencies in a faculty member's performance (as indicated by the review committee) will be remedied. If the Provost decides that there are elements of unsatisfactory performance in a faculty member's review, he/she will recommend to the President that the faculty member in question develop a PDP to overcome deficiencies within a period of two years.

5.2.5.2 The department head, in consultation with AHRC, will help the faculty member finalize the PDP. The PDP will be approved by the dean.

5.2.5.3 Although each PDP is tailored to individual circumstances, the plan will: (a) identify specific deficiencies found by the committee; (b) define specific goals to remedy the deficiencies; (c) outline the activities to achieve the goals; (d) set timelines for accomplishing the activities; (e) indicate the criteria for assessment of progress; and (f) identify any institutional resources necessary to support the plan, up to the level available to other faculty. The plan will be initiated within one month after receiving the AHRC's report of deficiencies.

5.2.5.4 The faculty member and department head will meet a minimum of one time each semester to review the faculty member's progress toward remedying the identified deficiencies. After each meeting, the department head will send a progress report to the faculty member, college dean and AHRC. The faculty member under review shall be provided copies of reviews of progress on the PDP by the AHRC and its findings shall be forwarded to the dean along with the report of the department head.

5.2.5.5 When the objectives of the PDP have been met, or no later than two years after initiating the plan, the department head will make a final report (including an overall rating for the period of the plan) to the faculty member, review committee and dean. The overall rating will be inclusive of teaching, RSCA and service.

5.2.5.6 If after two years of the plan's implementation, the faculty member has not shown improvement in the identified deficiency areas and has not achieved an overall satisfactory rating, dismissal procedures may be initiated in accord with the System Policy 12.01 and A&M-Commerce Procedure 12.01.99.R0.01. An extension of no more than one year may be granted by the college dean upon the recommendation of the department head under

unusual circumstances. The university administration shall bear the burden of proof for establishing the cause for dismissal of faculty.

#### 5.2.6 Appeal.

If a faculty member believes that the provisions of this procedure are unfairly applied, a grievance can be filed under the provisions of the System Policy 12.01 and A&M-Commerce Procedure 12.01.99.R0.01.

## 6. DUE PROCESS PROCEDURE

### 6.1 Peer Review

6.1.1 Any faculty member who has a grievance, which cannot be resolved by reasoned discussion within the normal administrative channels of the university, is entitled to have this grievance reviewed by an elected committee of peers. Depending on the nature of the grievance, the reviewing body will either be the Advisory Committee or the Hearing Committee.

6.1.2 The Hearing Committee will review cases involving:

6.1.2.1 Dismissal of a tenured faculty member (including financial exigency);

6.1.2.2 Dismissal of a probationary faculty member with an unexpired appointment extending beyond the date of dismissal;

6.1.2.3 Referrals from the Advisory Committee concerning non-reappointment of probationary faculty members as described in Section e, parts (2) and (3) below.

6.1.3 The Advisory Committee will review cases involving:

6.1.3.1 Non-reappointment of a probationary faculty member when violation of academic freedom is alleged;

6.1.3.2 Non-reappointment of a probationary faculty member on alleged grounds of discrimination involving race, sex, age, religion, national origin, or any other category protected by federal regulation;

6.1.3.3 All other grievances not previously identified.

The grievance procedures of the Advisory and Hearing Committees are described in detail in section 6.4. The structures and duties of these two bodies are given below.

### 6.2 Advisory Committee

6.2.1. The Advisory Committee will be a standing committee of the faculty composed of six full-time members, all of who currently hold tenure status at A&M-Commerce

and devote one-half or more of their time to teaching and/or research. Membership on the committee shall be for three year staggered terms, with two vacancies to be filled each year. For a particular hearing, each member shall be subject to challenge for cause, the remaining members to rule on the challenge. Also, any members may disqualify themselves before the hearing begins. The annual vacancies will be filled as follows:

- 6.2.2 During the period September 1-10 the Office of the Provost will issue a written call for nominations, allowing at least one week for nominations to be completed. Any full-time faculty member is entitled to nominate for the Advisory Committee.
- 6.2.3 These nominations will be tabulated in the Office of the Provost, and the six names (plus ties, if any) of those receiving the most votes and who meet the stated qualifications will be placed on a ballot and submitted to all full-time faculty for a vote. At least one week will be allowed for return of the ballots.
- 6.2.4 The two candidates receiving the most votes will be declared elected. (In case of a tie, the winner(s) will be determined by lot.) The candidate receiving the third largest number of votes will be declared first alternate, and the candidate receiving the fourth largest number of votes will be declared second alternate. The names of the two winners and the two alternates will be made public no later than September 30th, with the two elected members to begin their terms on October 1, these terms to expire exactly three years later.
- 6.2.5 In the case of a permanent vacancy due to an unexpired term or a temporary vacancy for some other reason, such vacancy will be filled by the first alternate. If a second vacancy occurs, such vacancy will be filled by the second alternate. Any additional vacancies will be filled by appointments of the committee itself.
- 6.2.6 A member of the Advisory Committee is eligible to serve no more than two consecutive three-year terms. Eligibility to serve again is restored after at least one year off the committee. Faculty members may not hold simultaneous membership on the Hearing Committee.
- 6.2.7 The committee proceedings will be in accordance with its own organization and procedural rules. A majority of members shall be a quorum. The chairperson, who retains full rights of discussion and voting, is elected by the committee members themselves. Within fourteen calendar days of a completed hearing, the Advisory Committee will send a report of its proceedings and its recommendations to 1) the President in cases involving non-reappointment of probationary faculty and 2) the Provost in all other cases.

### 6.3 Hearing Committee

- 6.3.1 The Hearing Committee will be a standing committee of the faculty composed of fifteen full-time members, all of whom currently hold tenure status at A&M-Commerce and devote one-half or more of their time to teaching and/or research. Membership on the committee shall be for three year staggered terms, with five

vacancies to be filled each year. For a particular hearing each member shall be subject to challenge for cause, the remaining members to rule on the challenge. Also, any members may disqualify themselves before the hearing begins. The annual vacancies will be filled as follows:

6.3.1.1 During the period September 1-10 the Office of the Provost will issue a written call for nominations, allowing at least one week for nominations to be completed. Any full-time faculty member is entitled to nominate for the Hearing Committee

6.3.1.2 These nominations will be tabulated in the Office of the Provost, and the ten names (plus ties, if any) of those receiving the most votes and who meet the stated qualifications will be placed on a ballot and submitted to all full-time faculty for a vote. At least one week will be allowed for return of the ballots.

6.3.1.3 The five candidates receiving the most votes will be declared elected. (In case of a tie, the winner[s] will be determined by lot.) The candidate receiving the sixth largest number of votes will be declared first alternate, and the candidate receiving the seventh largest number of votes will be declared second alternate. The names of the five winners and the two alternates will be made public no later than September 30, with the five elected members to begin their terms on October 1, these terms to expire exactly three years later.

6.3.2. In the case of a permanent vacancy due to an unexpired term or a temporary vacancy for some other reason, such vacancy will be filled by the first alternate. If a second vacancy occurs, such vacancy will be filled by the second alternate. Any additional vacancies will be filled by appointments of the committee itself.

6.3.3 A member of the Hearing Committee is eligible to serve no more than two consecutive three-year terms. Eligibility to serve again is restored after at least one year off the committee. Faculty members may not hold simultaneous membership on the Advisory Committee.

6.3.4 The committee proceedings will be in accordance with its own organization and procedural rules. A majority of members shall be a quorum. The chairperson, who retains full rights of discussion and voting, is elected by the committee members themselves.

## 6.4 Faculty Rights

6.4.1 All members of the faculty, whether tenured or probationary, are entitled to exercise academic freedom and their rights as citizens. In all cases of grievance, except in dismissal or non-reappointment, probationary and tenured faculty have the same rights. In grievances involving dismissal or non-reappointment, the following are the respective rights of tenured and probationary faculty.

6.4.2 Dismissal of tenured faculty: If the faculty member challenges the dismissal, the burden of proof is on the university to show adequate cause for the dismissal. Adequate cause is any cause listed in the System Policy 12.01.

6.4.3 Termination or non-reappointment of probationary faculty.

6.4.3.1 If a probationary faculty member has been dismissed with an unexpired appointment extending beyond the period of the proposed dismissal, the burden of proof is on the university to show cause for the dismissal.

6.4.3.2 If a probationary faculty member is given a notice of non-reappointment, and the faculty member alleges discrimination or a violation of academic freedom, the burden of proof is on the faculty member.

6.4.3.3 Neither the Advisory Committee nor the Hearing Committee will hear a case of non-reappointment of a probationary faculty member unless there is allegation of either discrimination or a violation of academic freedom.

## 6.5 Grievance Procedures

6.5.1 Grievances other than dismissal or non-reappointment.

Every effort should be made to resolve grievances by reasoned discussion and negotiation. If at all possible, the resolution of grievances should be accomplished within the normal administrative structure of the university. Should an equitable and mutually acceptable resolution of a faculty grievance not be achieved within the normal administrative channels, the faculty member has a right to a fair hearing before an elected committee of peers, namely the Advisory Committee. Such grievances will be resolved by the following procedure:

6.5.1.1 A faculty member with a grievance should request, in writing, a personal conference with the appropriate administrative officer, usually the department head. This request should be informal, with the grievance explored in depth and discussed rationally by all parties concerned. If a mutually acceptable resolution of the grievance is not achieved, the faculty member will be given, within fourteen calendar days, a personal conference with the administrative officer at the next administrative level.

6.5.1.2 This procedure will be repeated until the grievance is resolved or reaches the vice-presidential level. If no acceptable resolution of the grievance is achieved at this level within fourteen calendar days, faculty members will have the right to have the matter considered by the Advisory Committee. The faculty member will have fourteen calendar days to request this review. All pertinent materials will be forwarded to the committee at this time.

6.5.1.3 Within thirty calendar days (or as soon thereafter as possible) of receiving a faculty grievance, the Advisory Committee will be convened by its chairperson. The committee will hear all allegations made by the faculty

member. It may request the presence of any involved parties as well as any additional information it deems necessary to fully explore the problem.

6.5.1.4 The committee will do its utmost to bring about a mutually acceptable resolution of the grievance. Should it not be possible to do so, the committee will submit to the President a full report of its efforts to effect reconciliation as well as its recommendation. A copy of this report will simultaneously be sent to the faculty member. Any formal votes taken by the committee will be by secret ballot. If not all members concur in the final committee recommendation, this fact will be noted in the report to the president. Furthermore, any committee member who desires may submit personal comments on the final committee recommendation.

6.5.1.5 If the President does not concur with the committee's recommendation, this fact will be communicated in writing to the committee within thirty calendar days of receipt of the report, accompanied by the president's rationale. The committee will review this response and may reply in writing to the President within fourteen calendar days. At any time after receiving the committee's initial recommendation, either the president or the committee can request a joint meeting to discuss the case.

6.5.1.6 Unless there are extenuating circumstances, the President will take final action on the grievance: 1) within thirty calendar days after receiving the committee's initial recommendation if the president and the committee concur in the matter; 2) otherwise, within fourteen calendar days of the committee's final response to the president.

6.5.2 Grievances involving non-reappointment of a probationary faculty member when violation of academic freedom, discrimination or a procedural violation is alleged. A probationary faculty member who has been notified of non-reappointment and who alleges a prima facie case of violation of academic freedom or discrimination will follow the procedure outlined below.

6.5.2.1 Within thirty calendar days after receiving written notice of non-reappointment, a written statement will be presented by the faculty member explaining in detail the grounds on which violation of academic freedom or discrimination is alleged. This statement and any supporting materials will be submitted by the faculty member to the chairperson of the Advisory Committee and to the President of the university.

6.5.2.2 The chairperson of the Advisory Committee will distribute copies of this statement and all supporting materials to each member of the committee. as expeditiously as possible. Within thirty calendar days (or as soon thereafter as possible), the chairperson will convene the Advisory Committee to hear, in person, the allegations of the probationary faculty member. The committee may request the presence of any involved parties, including a representative of the administration, as well as any additional information it deems necessary, in order to fully explore the problem. After careful review

of the information submitted, the committee will reach one of two decisions: 1) enough evidence has been presented in support of the faculty member's allegations to warrant presentation of the case before the Hearing Committee; or 2) not enough evidence has been presented to further investigate allegations of violation of academic freedom or discrimination. In this latter case the committee will so notify the faculty member and the president, and no further action will be taken.

- 6.5.2.3 Recommendation that the case be heard by the Hearing Committee in no way indicates that a violation of academic freedom, discrimination or a procedural violation has occurred. The burden of proof still rests with the faculty member.
- 6.5.2.4 If the Advisory Committee finds that the case should go to the Hearing Committee, it will so notify the faculty member, the president, and the chairperson of the Hearing Committee.
- 6.5.2.5 The Hearing Committee will convene to hear the case (independently of the findings and conclusions of the Advisory Committee) within thirty calendar days (or as soon thereafter as possible) after its referral from the Advisory Committee. The chairperson of the Hearing Committee will notify, in writing, the faculty member and the president of the exact time and place of the meeting. Such notification must be made at least fourteen calendar days before the meeting occurs. Accompanying the letter of notification will be a description of all procedural rights to be accorded to the faculty member in the hearing. These include: an advisor of the faculty member's own choosing to act as counsel; the right to a complete taped recording or transcript of the proceedings; the right to question witnesses; the opportunity to be confronted by all adverse witnesses; and, if a witness cannot appear, the right to the name and any relevant statement of the witness.
- 6.5.2.6 There will be no suspension of the faculty member from ordinary duties during the proceedings unless the welfare of the university or the faculty member is involved. Any such suspension should be with pay and with appropriate provisions for useful duties whenever possible.
- 6.5.2.7 In deliberating, the committee will allow oral arguments and/or written briefs by all parties concerned.
- 6.5.2.8 If the Hearing Committee finds that no violation of academic freedom or discrimination has occurred, it will so notify the faculty member and the president, and no further action will be taken.
- 6.5.2.9 Should the Hearing Committee find that a violation of academic freedom or discrimination has occurred, it will recommend in its report to the President that the faculty member be reappointed without prejudice. A copy of this report will simultaneously be sent to the faculty member.

- 6.5.2.10 If the President does not concur with the committee's recommendation, this fact will be communicated in writing to the Hearing Committee within fourteen calendar days of receipt of the report, accompanied by the president's rationale. The committee will review this response and may reply in writing to the president within fourteen calendar days. At any time after receiving the committee's initial recommendation, either the President or the committee can request a joint meeting to discuss the case.
- 6.5.2.11 Unless there are extenuating circumstances, the President will take final action on the matter: 1) within thirty calendar days after receiving the committee's initial recommendation if the president and the committee concur in the matter; otherwise, 2) within fourteen calendar days of the committee's final response to the president. The president shall transmit the full report of the Hearing Committee, along with his/her recommendation, to the Chancellor.
- 6.5.2.12 If the committee recommends that the faculty member be reappointed but the President does not concur, the faculty member may request in writing (within fourteen calendar days after receiving the president's decision) that the case be reviewed in accord with the A&M System Board of Regents Academic Freedom, Responsibility and Tenure Policy 12.01.
- 6.5.3 Grievances involving dismissal of a tenured faculty member or dismissal of a probationary faculty member with an unexpired appointment extending beyond the date of dismissal. A faculty member contesting a dismissal after a grant of tenure or during an unexpired probationary appointment will follow the procedure outlined below.
- 6.5.3.1 Within thirty calendar days of receiving formal notice of dismissal, the faculty member will submit in writing to the chairperson of the Hearing Committee a request to convene the committee. The faculty member will also send a copy of this letter to the Office of the President.
- 6.5.3.2 Within fourteen calendar days the Office of the Provost will provide to the faculty member a detailed written statement of the reason(s) for dismissal, the names of any adverse witnesses to be called or cited, and the nature of their testimonies. A copy of this same information will simultaneously be provided to the chairperson of the Hearing Committee.
- 6.5.3.3 The Hearing Committee will convene to hear the case no earlier than thirty calendar days and within forty-five calendar days (or as soon thereafter as possible) of receiving the information described above. The chairperson of the committee will notify, in writing, the faculty member and the president of the exact time and place of the meeting. Such notification must be made at least fourteen calendar days before the meeting occurs. Accompanying the letter of notification will be a description of all procedural rights to be accorded the faculty member in the hearing. These include: an advisor of

the faculty member's own choosing to act as counsel; the right to a complete taped recording or transcript of the proceedings; the right to question witnesses; the opportunity to be confronted by all adverse witnesses; and, if a witness cannot appear, the right to the name and any relevant statement of the witness. Any evidence deemed appropriate by the faculty member may be presented at the hearing.

- 6.5.3.4 There will be no suspension of the faculty member from ordinary duties during the proceedings unless the welfare of the university or the faculty member is involved. Any such suspension should be with pay and with appropriate provision for useful duties whenever possible.
- 6.5.3.5 In deliberating, the committee will allow oral arguments and/or written briefs by all parties concerned.
- 6.5.3.6 The committee, after a careful and thorough review of all the evidence, will issue a recommendation. All votes taken in formulating the recommendation will be by secret ballot with the chairperson as teller. The vote count of the final recommendation will be recorded as part of the report. If the final vote should end in a tie, this will be considered a vote in favor of the faculty member. Any committee member who desires may submit personal comments on the final committee recommendation.
- 6.5.3.7 The full committee recommendation, together with any comments by individual committee members, will be transmitted in writing without delay to the President and to the faculty member involved.
- 6.5.3.8 If the committee finds for the faculty member and the President concurs with this finding, the faculty member will be reinstated. The president will transmit a report of the action to the Chancellor for informational purposes.
- 6.5.3.9 If the committee finds against the faculty member, no further action will be taken. The president will transmit a copy of the committee's final report to the Chancellor. The faculty member may request in writing within fourteen calendar days that the case be reviewed by the A&M System Board of Regents. If the board decides to review the case, its review will be based on the record of the Hearing Committee, accompanied by, at the board's discretion, the opportunity for oral and/or written arguments by the principals or their representatives, in accord with A&M System Policy 12.01.
- 6.5.3.10 If the committee finds for the faculty member and the President disagrees with this finding, the faculty member will be notified in writing by the President. A copy of the committee's report and the President's rationale for disagreement will be transmitted by the President to the Chancellor.

6.5.3.11 The appeal process described above may be terminated at any time at the discretion of the faculty member involved, provided such notification is made in writing to the chairperson of the Hearing Committee.

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## **Related Statutes, Policies, or Requirements**

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System Policy [12.01 Academic Freedom, Responsibility, and Tenure](#)

System Policy [12.02 Institutional Procedures for Implementing Tenure](#)

System Policy [12.03 Faculty Academic Workload and Reporting Requirements](#)

System Policy [12.06 Post-Tenure Review of Faculty and Teaching Effectiveness](#)

System Policy [12.07 Fixed Term Academic Professional Track Faculty](#)

University Procedure [12.01.99.R0.02 Annual Evaluation of Faculty](#)

University Procedure [12.01.99.R0.06 Appointment, Reappointment, and Promotion of Non-Tenure-Track and Clinical Faculty](#)

University Procedure [12.02.99.R0.01 Convert Non-Tenure Track Appointments to Tenure-Track Appointments](#)

University Procedure [12.02.99.R0.02 Transfer of Tenure and Rank Between Academic Departments](#)

This procedure supersedes:

University Procedure [12.01.99.R0.01 Academic Freedom, Tenure, and Responsibility](#)

University Procedure [12.01.99.R0.03 Faculty Promotion](#)

University Procedure [12.06.99.R0.01 Post Tenure Review](#)

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## Appendix

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### APPENDIX I

#### FACULTY SERVICE REPORT FORM

#### TEXAS A&M UNIVERSITY-COMMERCE

(Month, Year) through (Month, Year)

Faculty members will use the general format that follows in providing evidence of their professional performance in order to provide input and facilitate decisions made about the pre-tenure-review, tenure review, promotion, and post-tenure review. The Faculty Service Report will be reviewed and evaluated by the department, the Department Dead, the College Dean, the College Advisory Committee, Provost, and the President.

**Provide to your department head by the stated deadline:**

1. A report of your professional performance, and
2. An updated vita.

**Purpose for the Report:**

1. Pre-Tenure Review (3<sup>rd</sup> year, 4<sup>th</sup> year; or 5<sup>th</sup> year)
2. Tenure Review
3. Promotion
4. Post-Tenure Review

Name \_\_\_\_\_ Highest Degree Held \_\_\_\_\_

Present rank \_\_\_\_\_

Number of years in present rank (including current academic year) \_\_\_\_\_

Tenured \_\_\_\_ Yes \_\_\_\_ No; If yes, since when? \_\_\_\_\_

Number of years teaching experience:

At Texas A&M University-Commerce \_\_\_\_\_  
(include current academic year)

At other universities/colleges: \_\_\_\_\_

## **Assigned Duties:**

Provide a statement of assigned duties, with approximate portion of time designated for (1) teaching, (2) research or other scholarly and creative activities, (3) service, and (4) other assignments.

State your accomplishments in the following areas:

### **I. TEACHING**

**A. Courses Taught.** List undergraduate and graduate courses taught by term and location.

#### **B. Teaching Effectiveness.**

1. **Course Syllabi.** Provide a syllabus for each course taught during the past year in an appendix to your report. The syllabus should include objectives, grading procedures, various writing and reading assignments, etc.
2. **Pedagogical Approaches.** Indicate examples of especially innovative and/or effective teaching techniques.
3. **Student Evaluations.** Provide a summary of data on student evaluations of all courses taught during the past two years.
4. **Other Evidence of Teaching Effectiveness.** Examples may include but are not limited to teaching portfolios, videos of class presentations, etc.

### **II. RESEARCH OR OTHER SCHOLARLY AND CREATIVE ACTIVITIES**

**A. Research and Grants:** Identify all funded (amount) and non-funded research activities at A&M-Commerce.

**B. Scholarly Publications:** (List refereed and non-refereed articles separately.)

1. Give full bibliographic references to books, articles, and monographs published.
2. Identify works in progress; provide tentative title, publisher, and publication date.

**C. Creative Activity:** Describe creative activities engaged in during the period of this report but not published. Give specific details for activity in creative fields, i.e., dates and locations of juried art shows, music recitals, concerts, etc.

**D. Evidence of Other Scholarly and Creative Activities:** Describe the amount and type of scholarship in professional activities, e.g., speeches (including papers presented), critical discussants, workshop presentations, and media appearances. Include the date, subject, and location of these activities.

### **III. SERVICE**

#### **A. Service to the University, College, and Department:**

1. List your service to the University, college, and department. You should include a statement indicating evidence of productivity and involvement.
2. Describe and document involvement in the development of courses and/or programs for the preparation of professionals.

**B. Service to and Evidence of Involvement in the Community:** Describe the amount and type of your involvement in professionally related community service activities. Include the date, type of service, and location of these activities.

**C. Service to and Evidence of Membership and Involvement in Professional Associations:** List your membership in professional associations (including offices held) and describe the amount and type of your involvement.

#### **IV. PROFESSIONAL DEVELOPMENT AND RECOGNITION**

**A. Professional Development:** Identify activities engaged in to further your professional development, i.e., attendance at off-campus learned and professional conferences, workshops, additional course work, etc. Include special earned certificates as C.P.A., Registered Professional Engineer, etc.; indicate dates awarded.

**B. Recognition:** List honors and awards received; indicate whether each was for teaching, research or other scholarly and creative activities, or service. Indicate dates and categories (international, national, or regional).

#### **V. ADDITIONAL INFORMATION**

Individuals who feel that the Faculty Service Report does not adequately reflect their responsibilities are encouraged to supplement the report with additional information.

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#### **Contact Office**

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Provost and VP for Academic Affairs  
903-886-5514