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### 3.01 ACADEMIC FREEDOM AND FACULTY RIGHTS AND RESPONSIBILITIES

A U. T. Tyler faculty member is entitled to freedom in research and in the publication of the results of that research, subject to the adequate performance of other academic duties as to Part Two Chapter XII of the Regents' Rules and Regulations. Each faculty member is also entitled to freedom in the classroom in discussing the subject being taught. As a citizen of the nation, state, and community, he/she should be free from institutional censorship or discipline, but the instructor's special position in the community imposes special obligations. The concept of academic freedom, therefore, must be accompanied by an equally demanding concept of responsibility. The faculty member should adhere closely to material relevant to the assigned course of study and should **exercise discretion in the introduction of controversial material**. The concept of professional responsibility includes recognition by the faculty member that the public will judge the profession by his/her statements. When speaking or acting as an individual, the faculty member should make it clear that he or she is not speaking or acting for U. T. Tyler or The University of Texas System. All faculty members at U. T. Tyler have the responsibility of familiarizing themselves with the Rules and Regulations of the Board of Regents of The University of Texas System, particularly with Sections 7 and 8 in Chapter III, Part One. Section 7 discusses the rights and responsibilities of faculty members as citizens and as teachers, and Section 8 describes the greater duties of institutional teaching staffs. Copies of the Regents' Rules are available in the following locations on the campus: offices of the President, Provost and Vice President for Academic Affairs, Vice President for Business Affairs, president of the Faculty Senate and in the library. The U. T. Tyler Handbook of Operating Procedures is distributed to each full-time faculty and/or administrator and is available in the library and each departmental office on campus.

### 3.02 ACADEMIC TITLES

In order to achieve consistency in the use of titles throughout the University, the following describes titles that may be used and the conditions that apply to each.

**A. Tenure and Tenure-Track Titles.** The only titles in which a person may hold tenure are Professor and Associate Professor. The only titles in which a person may accrue time toward satisfaction of the probationary period required before consideration of the award of tenure are Professor, Associate Professor and Assistant Professor. These titles are normally used only for continuing, full-time members of the faculty.

#### **B. Non-Tenure-Track Titles.**

The following academic titles may be used for persons appointed to non-tenure-track positions. Except as specified, these titles may be used for both full- and part-time appointments, shall not exceed one academic year and shall expire at the end of the

stated period without a requirement of advance notice. U. T. Tyler, at its discretion, may offer subsequent reappointments to these titles.

**(1) Lecturer and Senior Lecturer**

The title of Lecturer may be used for individuals whose primary responsibility will be teaching and whose experience and education qualify them for teaching at the university level. The title of Senior Lecturer may be used for persons with extensive teaching experience, for persons with special qualifications or for persons who assume significant responsibilities in addition to their teaching.

**(2) Visiting Professor, Visiting Associate Professor and Visiting Assistant Professor**

These titles are used only for temporary appointments of persons either visiting from another university where they hold similar ranks or who are brought to the U. T. Tyler on a trial basis. These appointments may be renewed for no more than one additional year without special approval.

**(3) Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor**

These titles may be used for qualified persons from business, industry, government, private practice or another institution of higher education who teach a course or in other ways participate in the activities of a program. Except in special circumstances, such titles should designate part-time service on the faculty and may be with or without pay.

**(4) Specialist**

This title may be used for professional individuals who will serve as practitioners in specific areas of instruction, training or supervision. Upon approval of the president, the title may carry appropriate descriptive prefixes so as to indicate the specific areas of proficiency.

**(5) Clinical Professor, Clinical Associate Professor, and Clinical Assistant Professor**

These titles may be used to designate regular part-time service on the faculty while involved in a health professions clinical experience program.

### **3.03 EVALUATION**

As a component institution of The University of Texas System, The University of Texas at Tyler is committed to maintaining a standard of excellence in all of its programs, departments and colleges. To maintain that standard, U. T. Tyler endeavors to employ and retain faculty who have clearly demonstrated the commitment and ability to be scholars, contributing to their respective disciplines through excellent teaching,

original research/creative activity, and through service to U. T. Tyler, the profession and the community.

Faculty development and improvement are essential to the maintenance of a standard of excellence. An important tool in faculty development is the assessment of faculty performance, which also provides essential information for salary, reappointment, tenure and promotion decisions. Assessment is an on-going process that starts when a faculty member is employed and continues with the annual evaluation, pre-tenure review for tenure-track faculty, evaluation for promotion and tenure, and periodic evaluation of tenured faculty. Assessment is also an important mechanism for providing feedback to individuals so they can maintain high levels of performance. Faculty have a personal responsibility to maintain or improve performance and are encouraged to participate in professional development activities.

**A. Annual Faculty Evaluation.** Written evaluations of faculty shall be conducted annually. (Regents' Rules and Regulations, Part. 1, Chapter 3, Section 37.11) This evaluation should be used for faculty development and improvement, and is an integral part of reappointment, merit salary increase, tenure, and promotion decisions. The faculty member shall provide the department chair or supervisor a summary of appropriate annual activity and a professional development plan. The chair or immediate supervisor shall conduct the written evaluation and conference with the faculty member and solicit input from students and colleagues as appropriate.

**B. Standards and Criteria for Annual Evaluation.** The annual evaluation assesses the faculty member's record of teaching, research/creative activity, service to U. T. Tyler, profession and/or community, and professional collegiality. Specifically, faculty should

- (1) demonstrate a consistent pattern of effectiveness in teaching and a commitment to lifelong improvement of teaching skills. Information concerning teaching effectiveness should be collected using multiple and flexible assessment tools.
- (2) demonstrate a substantive contribution to the body of knowledge and understanding in one's discipline. This includes a consistent and meaningful program of research/creative activity.
- (3) display evidence of a commitment to service to U. T. Tyler, the profession and/or the civic community.
- (4) demonstrate an ability and willingness to work cooperatively within the department and college and to engage in shared governance, and demonstrate high standards of professional integrity in dealing with colleagues and students.

**C. Non-Tenure Track Faculty.** Persons appointed for one academic year shall be evaluated annually, normally early in the spring semester. The evaluation should be used for decisions as to whether an offer of an additional one year appointment will be made.

**D. Periodic Performance Evaluation of Tenured Faculty.** The following constitutes the implementation at U. T. Tyler of the Regent' s Rules and Regulations concerning periodic performance evaluation of tenured faculty:

(1)

The performance of tenured faculty will be reviewed in a more comprehensive manner every six (6) years. This performance evaluation shall include, but not be limited to, a compilation of the five previous yearly reviews, combined with the sixth annual review; reasonable individual notice of at least six months of intent to review will be provided by the department chair (or equivalent). At a reasonable time prior to the review, the department chair shall give the faculty member a copy of previous annual reports, student teaching evaluations for the review period, and the results of previous annual reviews for the review period. The faculty member shall submit a resume and annual reports, and may provide any additional materials he or she wants considered.

(2) The six (6) year review will be carried out by the chair (or equivalent) of the department (or equivalent unit). Evaluation shall include review of the resume, student evaluations of teaching for the review period, annual reports for the review period, and all materials submitted by the faculty member. Upon his or her request, the faculty member will be provided with the opportunity to meet with the chair (or equivalent). The chair of the department (or equivalent) shall communicate the result of the review in writing to the faculty member, to the dean, the Provost and Vice President for Academic Affairs, and the President for review and appropriate action. If in the opinion of the chair and the dean the result of the review is satisfactory, no further action will be taken except for determining merit raises and other forms of recognition.

(3) If the result of the review is unsatisfactory, there are two possible courses of further action.

(a) If it is determined that a more intensive review of a faculty member is needed, or if the faculty member requests it, the dean, in consultation with the faculty member, shall appoint a peer committee whose members shall be representative of the school or division and who will be appointed on the basis of their objectivity and academic strength. In all schools and divisions, the committee appointed to perform the more intensive review shall be, if possible, comprised of faculty of the same or higher rank as the faculty member being reviewed. The committee may request further

information from the faculty member under review. Upon his or her request, the faculty member will be provided with the opportunity to meet with the review committee. The committee shall report its findings within six months of its being constituted. The result of the review will be communicated in writing to the faculty member, the department chair (or equivalent), the dean, Provost and Vice President for Academic Affairs, and the President for review and appropriate action.

(b) Alternately, if it is determined that a faculty member would benefit from a remedial plan, with the agreement of both parties a remediation plan, the period of which is not to exceed two years, will be developed. The purpose of the plan is to give the faculty member the opportunity to correct the deficiencies in the faculty member's performance that were identified in the evaluation. If at the end of the plan period it is the opinion of the dean that adequate progress toward correcting the deficiencies has not been made, the matter will be referred to a peer committee for further review as in (a) above.

(4) *Variances.* The six (6) year review may not be waived but may be deferred in rare circumstances when the review period will coincide with approved leave, comprehensive review for tenure or promotion, or appointment to an endowed position. No deferral of review of an active faculty member may extend beyond one year from the scheduled review. All persons holding academic tenure are subject to the six-year review including administrators such as department chairs, deans, vice presidents and the President. The procedure for review of such persons shall be determined by his or her department (or equivalent unit).

*Phase-in.* The periodic performance evaluation of tenured faculty will be phased in over six (6) years, beginning with the 1998-1999 academic year. The year in which each faculty member is first reviewed shall be determined by lot, with the following exception: a faculty member appointed with or granted tenures, after the 1992-1993 academic year shall be reviewed during the sixth year following the year in which that action becomes effective. After the initial evaluations conducted during the 1998-99 academic year, a faculty member shall have written notice of the intent to review by the chair (or equivalent) one year prior to his or her first six (6) year review during the phase-in.

(6) *Monitoring.* The Faculty Senate is charged with monitoring this performance review process and with reporting its findings annually to the faculty and the U. T. Tyler administration. If its findings warrant, the Faculty Senate may recommend revisions of the procedures for faculty

review at U. T. Tyler, the U. T. System Guidelines for Periodic Performance Evaluation of Tenured Faculty, or both.

- (7) *Grievances.* If the reviewed faculty member believes that the annual review or periodic evaluation was conducted arbitrarily, capriciously, unfairly, or with bias, then he or she may appeal to the extent authorized in the "Faculty Grievance Procedure" as provided in the Handbook of Operating Procedures to the extent consistent with Regents' Rules and Regulations.

### **3.04 PROBATIONARY PERIOD**

For tenure-track faculty, the maximum probationary period before it is mandatory to review a faculty member for tenure is six (6) academic years. Decisions to grant or deny tenure must be made no later than August 31 of the sixth year of probationary service. Candidates not approved for tenure will be notified no later than August 31 of the sixth year that the subsequent, or seventh, year will constitute the terminal year of appointment. (Regents' Rules and Regulations, Part One, Chapter III, Section 6.23, 6.8)

Because candidates may be considered for tenure at any time during the six (6) year probationary period, no credit shall be granted for faculty service at all other academic institutions prior to employment at U. T. Tyler. Consideration of an individual's tenure packet shall be made without prejudice to the number of years of probationary service.

Tenure is not granted below the rank of Associate Professor. Only full-time service in the academic rank of Instructor, Assistant Professor, Associate Professor, Professor or any combination of the above, shall be counted toward fulfillment of the required probationary period. Service in any non-tenure track faculty position may not be counted toward the probationary period. (Regents' Rules and Regulations, Part One, Chapter III, Section 6.21)

If a faculty member is initially appointed after September 1 during an academic year, the period of service from the date of appointment until the following September 1 shall not be counted toward fulfillment of the probationary period. One year of probationary service is accrued by at least nine (9) months (September 1-May 31) fulltime academic service during any academic year. Periods during which a faculty member is on leave of absence shall not be counted toward fulfillment of a required probationary period. (See, Regents' Rules and Regulations, Part 1, Chapter 3, Section 6.21, 6.241)

**A. Extension of Probationary Period.** No later than June 1 of the fifth year of tenure track service, a faculty member may request a one-year extension of the probationary period when personal circumstances may impede his or her progress toward tenure. Personal circumstances that may justify the extension include, but are not restricted to, disability or illness of the faculty member, status of the faculty member

as a principal caregiver of a preschool child; or status of the faculty member as a principal caregiver of a disabled, elderly, or ill member of the family of the faculty member. A request for an additional academic year's extension will follow the established request process, with the maximum duration of extension, whether consecutive or non-consecutive, to be two (2) academic years.

The request for an extension must be submitted to the Dean through the Department Chair. The final decision will be made by the Provost and Vice President for Academic Affairs. (Regents' Rules and Regulations, Part One, Chapter III, Section 6.242)

**B. Notice of Non-Reappointment.** A tenure track faculty member may be given notice of nonrenewal of appointment at any time during his or her probationary period. In the event of a decision not to reappoint a non-tenured faculty member, written notice will be given to the faculty member no later than March 1st of the first academic year of probationary service if the appointment expires at the end of that academic year, or not later than December 15th of the second academic year of probationary service if the appointment expires at the end of the second academic year. After two or more academic years, written notice shall be given no later than August 31st that the subsequent year will be the terminal academic year of appointment. The notice required by this Section is not applicable where termination of employment is for good cause. (Regents' Rules and Regulations, Part One, Chapter III, Section 6.3, 6.7)

**C. Pre-tenure Review.** In addition to the annual evaluation, a comprehensive review of tenure track faculty will be conducted no later than the end of the faculty member's third year of service. Although a faculty member may be given notice of nonrenewal of appointment at any time during the probationary period, the pretenure review does constitute a major assessment of the faculty member's record of achievement and progress toward tenure.

Each college shall develop written guidelines and policies for conducting the third year review.

Input of tenured faculty in the department is required. The timing of the review gives chairs and faculty a substantial period of performance on which to judge achievement and gives tenure track faculty enough time before the mandatory sixth year tenure review to address areas of deficiency. After the completion of the third year review, the Dean will forward a memorandum to the Provost and Vice President for Academic Affairs that the review has been conducted along with a summary of the recommendations by the Department.

The result of the third year review is not a commitment to grant or to deny tenure in the future. A faculty member may receive notice of nonrenewal at any time after the review regardless of the outcome of the review. Where the review concludes that progress toward tenure is unsatisfactory, non-reappointment may be warranted. In the case where nonrenewal is warranted, the faculty member will be notified no later than

August 31 of the third year that the appointment will not be renewed beyond the end of the fourth year. Tenure track faculty who are notified that the subsequent academic year will be the terminal year of appointment shall not be entitled to a statement of the reasons upon which the decision for such action is based. (Regents' Rules and Regulations, Part. One, Chapter III, Section 6.35)

### 3.05 TENURE AND PROMOTION

*(University of Texas System rules regarding tenure, promotion and termination of employment may be found in Board of Regents' Rules and Regulations, Part One, Chapter III, Section 6.)*

Decisions to grant tenure and promotion are the most critical in the professional life of the faculty member as well as U.T. Tyler. The granting of tenure not only denotes a status of continuing appointment, but is also a statement of confidence in the future achievements of the individual. The decision to grant tenure depends in part on what the candidate has achieved in teaching, research/creative activity, and service, and to a greater degree, on a pattern of performance indicative of a lifetime of continued accomplishment and productivity. Thus, the decision to grant tenure requires careful and deliberate planning by each faculty member who expects to be considered for such action, as well as responsible, objective and informed consideration by all who are involved in review and recommendations.

**A. A Collegial Process.** While promotion and tenure criteria should be viewed as guidelines for faculty development, more importantly, they are standards for a summative judgment about the individual's lifelong commitment to the U.T. Tyler and to the academic life. The recommendation to grant tenure is an acknowledgment by peers that the candidate is accepted as a life-long member of the academic community. Therefore, the tenure and promotion process is a collegial one, and the judgment of faculty colleagues and responsible administrators is required. All recommendations on promotion and tenure shall pass sequentially through the recommending levels. However, in colleges that are organized without departments, nothing in this document shall be construed as requiring a review at a level lower than the college. Likewise, in colleges that have schools, nothing in this policy shall be construed as requiring a review at a level lower than the school. For purposes of this document, department chair is synonymous with school director.

**B. Development of Criteria and Policies for Department/Schools and/or Colleges.** Because the needs and goals of each program vary widely, the level of faculty involvement in teaching, research and service, while expected, may also vary from program to program. Criteria for promotion and tenure must take these differences into account. To this end, each department/school and/or college shall develop written promotion and tenure policies of their own, setting out procedures for consideration of tenure and promotion, as well as definitions and criteria for excellence in teaching, research and creative endeavor, and service. The policy should list activities and

achievements properly associated with tenure, along with qualitative and/or quantitative standards by which they may be judged.

In developing the criteria and policies, the tenured and tenure track faculty should be consulted. The criteria must be approved by the chair, by the dean and by the Provost and Vice President for Academic Affairs. Such policies should be reviewed at least once every five years to ensure that they are consistent with U.T. Tyler's and college's expectations and reflects the variance in the responsibilities and assignments of individual faculty members. Such policies must be consistent with U.T. Tyler guidelines as well as Regents' Rules and Regulations.

**C. Standards.** There can be no simple list of accomplishment that, when achieved, guarantee that a faculty member will obtain tenure. Tenure is not a right to which a faculty member is entitled, nor is tenure granted simply as a result of a record of satisfactory annual evaluations. The standards for review are independent of the number of years of service.

To be tenured, faculty must achieve a strong record in 1) teaching and 2) research/creative activity. The faculty member further is expected to demonstrate outstanding achievement in one of these areas. The faculty member also is expected to have a satisfactory record of service to the University, profession and/or community. In addition to demonstrating quality in these traditional areas, the candidate for tenure must also demonstrate professional collegiality.

*Teaching.* To qualify for tenure, faculty members must have a consistent pattern of effectiveness in teaching. Tenure will not be granted unless the candidate is deemed to be a strong teacher and demonstrates a commitment to lifelong improvement of his or her teaching skills. Thus it is vital that information concerning teaching effectiveness, gathered from multiple and flexible assessment methods, be part of the tenure review.

*Research/Creative Activity.* The purpose of research/creative activity is to make a substantive contribution to the body of knowledge and understanding in one's discipline. For tenure to be granted, a faculty member must have established a strong, consistent, and progressive program of research/creative activity and must evidence a commitment to continue making contributions throughout his or her career.

*Service.* To qualify for tenure, the candidate must display evidence of commitment to service to the University and to the profession and/or the civic community.

*Collegiality.* U.T. Tyler defends the concept of academic freedom, which assures each faculty member the freedom to criticize and advocate changes in existing theories, beliefs, programs, and policies, and guarantees faculty the right to support any colleague whose academic freedom is threatened. Collegiality is a professional, not personal, criterion relating to the performance of duties within a department. Collegiality should not be confused with sociability, likability or conformity to certain views. Instead

collegiality addresses such issues as the faculty member's compatibility with department missions and goals, an ability and willingness to work cooperatively within the department and college, a willingness to engage in shared governance, and a high standard of professional integrity in dealing with colleagues and students on a professional and personal level.

The University subscribes to the following description of collegiality from the American Association of University Professors (AAUP) statement on professional ethics:

*As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas, professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.*

**D. Appointment and Promotion.** While the weight of the decision to grant tenure rests on a pattern of performance indicative of a lifetime of continued accomplishment and productivity, the decision to appoint a faculty member to a rank or to promote a faculty member from one rank to the next and is a recognition of the faculty member's accomplishments to date. The recommendation for the tenure of an assistant professor normally shall be concurrent with the recommendation for promotion to associate professor. However, a recommendation for promotion does not require a recommendation for tenure. Recommendation for promotion and tenure must be voted separately.

**E. Criteria for Promotion.** The same criteria that apply to promotion to a given rank will also apply for initial appointment to that rank. These criteria recognize three broad areas of academic activity: teaching, research/creative activity, and service.

*Assistant Professor:* Appointment or promotion (from instructor) to the rank of Assistant Professor normally requires that individuals hold the highest earned degree or its equivalent appropriate to their discipline. Appointment to this rank is made on the judgment that the individual has the potential for an award of tenure within the maximum six-year period. Evidence of potential for excellence in scholarship and teaching is required.

*Associate Professor:* Appointment or promotion to the rank of Associate Professor is recognition that the faculty member has a clearly defined record of strong teaching and research/creative activity, a commitment to continued growth in teaching and research/creative activity and a commitment to responsible and conscientious participation in service activities.

*Professor:* Appointment or promotion to the rank of Professor is recognition of demonstrated achievement and distinction over the span of a faculty member's academic career in teaching and research/creative activity. Distinction requires evidence, through peer recognition, of a strong reputation beyond U. T. Tyler in either research/creative activity or teaching. The faculty member must also have actively participated in professional service and been actively involved in department, college and university affairs.

**F. Consideration of Tenure and Promotion.** Because the tenure and promotion process is a collegial one, the judgment of both faculty colleagues and responsible administrators is required. There should be no recommendation regarding tenure without formal consultation with the tenured faculty of the department/school and/or college in which the faculty member will hold rank. To that end, each department/school and/or college shall adopt procedures governing the consideration of faculty member seeking tenure and promotion. At minimum, such procedures shall include the following:

- (1) All cases for promotion and/or tenure shall pass sequentially through the recommendation levels as described below.
  - (2) Faculty eligible to vote are those of higher rank than the faculty member being considered for promotion and those with tenure in the case of a faculty member being consideration for tenure. Where there are fewer than three eligible faculty in a department, the dean, in consultation with the candidate, will select eligible faculty from similar or related departments.
- (3) The tenured faculty of the department shall vote by secret ballot on the tenure of the faculty member being considered. The outcome of the vote and the vote count shall be recorded.
  - (4) A college committee of tenured faculty shall vote by secret ballot on the tenure of a faculty member being considered. The outcome of the vote and the vote count shall be recorded.
- (5) The appropriate administrator at each level of review shall inform the faculty member in writing of the vote or recommendation before the file is sent forward to the next level.
- (6) No person shall serve as a voting member of any tenure/promotion committee during an academic year in which he or she is under consideration for tenure and/or promotion, nor shall any individual make a vote or recommendation on his or her promotion or tenure nomination.

- (7) Voting members shall leave the room during deliberations on a faculty member with whom they share a significant personal or professional relationship and shall abstain from voting or making a recommendation concerning that faculty member.

**G. Tenure and Promotion Process.** The tenure and promotion decision-making process begins with the faculty member being considered and ends with the President. A faculty member should consult the dean regarding the timetable for the process.

*Faculty Responsibility.* It is the responsibility of all faculty to be aware of departmental, college, U. T. Tyler and U. T. System rules and regulations regarding tenure and promotion. The faculty member who is to be considered begins compiling his or her files in the summer. The documentation of professional accomplishments shall be submitted in accordance with the criteria, standards and guidelines established by the department and/or college.

At no time after the deadline for submission of the materials may additional materials to be used in the review process be placed into or withdrawn from the file without the permission of the dean.

A faculty member being reviewed may withdraw from further consideration for tenure and/or promotion at any point in the process by submitting to the dean a written request for withdrawal. Withdrawal from consideration of tenure in the sixth year of the probation period may be done only by formal resignation, which is effective no later than the end of the subsequent, or seventh, year.

*Departmental Recommendation.* The departmental recommendation for or against tenure is the responsibility of the tenured faculty. For all cases of tenure and/or promotion that are reviewed at the departmental level, there shall be a recommendation and a record of votes of faculty qualified to participate. That recommendation and vote shall be forwarded to the department chair.

*Department Chair.* The vote of the qualified faculty in the department is advisory to the department chair. After making an independent judgment on the tenure and/or promotion, the chair shall submit his or her recommendation and written summary to the chair of the college committee. The department chair will notify the affected faculty member if his or her recommendation differs from that of the department faculty. In cases where the chair's recommendation and that of a departmental faculty differ, the faculty may submit a dissenting report to the college committee.

*College Committee.* Committee members shall individually review the file of the faculty member being reviewed, taking into consideration the departmental criteria and guidelines for tenure and/or promotion. The recommendation of the members and a vote count are recorded and forwarded by the committee chair to the dean along with

the file of the faculty member and the department chair's recommendation and summary.

Committee members shall leave the room during deliberations on a faculty member with whom they share a significant personal or professional relationship and shall abstain from voting on or making a recommendation concerning that faculty member.

*Dean.* The dean, after review of the faculty member's file and, if appropriate, consultation with the department faculty, department chair and college committee, prepares his or her recommendation. Before submitting the recommendation to the Provost and Vice President for Academic Affairs, the Dean will notify the affected faculty member of his or her recommendation and provide him or her a copy of the college committee's recommendations.

*Provost and Vice President for Academic Affairs.* After review of all materials and consultation with the dean and any other appropriate individuals or groups, the Provost and Vice President for Academic Affairs will prepare his or her recommendation regarding tenure and/or promotion. The Provost and Vice President for Academic Affairs will notify the candidate of his or her recommendation. The Provost and Vice President for Academic Affairs' recommendation, along with all previous recommendations, shall be forwarded to the President.

*President.* After review of all recommendations, the President will prepare his or her recommendation regarding tenure and/or promotion. The President will notify the affected faculty member of his or her recommendation and provide the candidate an opportunity, within two weeks of notice, to discuss the recommendation. Recommendations for tenure are then forwarded to the U. T. System for appropriate review and required action.

### **3.06 TERMINATION**

**A. Non-Reappointment of Non-Tenured Tenure-Track Faculty.** In the event of a decision not to reappoint a nontenured faculty tenure track member, written notice will be as stated in 3.04 (B).

Non-tenured faculty tenure track members who are notified that they will not be reappointed or who are notified that the subsequent academic year will be the terminal year of appointment shall not be entitled to a statement of the reasons upon which the decision for such action is based. Such decisions are subject to review only under the procedure of Regents' Rules and Regulations, Part One, Chapter III, Sec. 6.35.

**B. Termination for Cause.** Dismissal of a tenured faculty member or of a nontenured faculty member for good cause shown before the expiration of the faculty member's contract will be in accordance with Part One, Chapter III, Section 6.3 of the Regents' Rules and Regulations.

**C. Faculty Hearing Panel.** The purpose of the Faculty Hearing Panel is to provide the President of the University with a standing committee from which he/she may choose to select a hearing tribunal required by Part One, Chapter III, Sec. 6.3 of Regents' Rules and Regulations. The following guidelines govern the nomination and election of members of the Faculty Hearing Panel.

(1) Each September the President of the Faculty Senate shall issue a memorandum to every full-time faculty member calling for written nominations.

(2) Each full-time faculty member (including deans, division directors, and department chairs) may make up to three nominations per tenure track academic rank.

Each full-time faculty member (excluding deans, division directors, department chairs, and members of the Faculty Affairs Committee) is eligible for membership on the Faculty Hearing Panel. When a member of the panel is promoted in rank, the position to which the member was elected at the previous rank becomes vacant, and the faculty member is eligible for nomination to serve as a member of the panel at the higher rank.

(3)

(4) The president of the Faculty Senate shall receive nominations no later than September 30 of each academic year and verify the nominee's eligibility and willingness to serve on the Faculty Hearing Panel.

(5) The Panel shall be composed of four professors, four associate professors, and four assistant professors.

(6) Each October the President of the Faculty Senate shall conduct an election for the purpose of electing six of the twelve (12) members of the Faculty Hearing Panel to serve two (2) year terms. Additional members of the panel shall be elected as senior members serving one (1) year terms to fill vacated positions when members of the panel are promoted in rank or resign from the faculty.

(7) The election of the members of the Faculty Hearing Panel shall be by a secret ballot.

(8) Each full-time faculty member (including deans, division directors, and department chairs) is eligible to vote for two (2) nominees at each rank plus additional nominees at each rank corresponding to the number of vacant senior positions due to faculty promotions and resignations.

- (9) Polling of the votes cast shall be by the president of the Faculty Senate and the chair of the Faculty Affairs Committee. At each rank the two (2) nominees receiving the highest numbers of votes shall be elected as junior members serving two (2) year terms, and the nominees receiving the next highest numbers of votes shall be elected as senior members serving one (1) year terms. Ties are to be resolved by the president of the Faculty Senate and the chair of the Faculty Affairs Committee.
- (10) Notification of the Faculty Hearing Panel election results shall be by letter from the president of the Faculty Senate to all of the nominees. Upon notification of the results of the election, the president of the Faculty Senate shall call the members of the Panel together for the purpose of electing a chair. The president of the Faculty Senate shall notify the President of U. T. Tyler of the chair and the membership of the Panel.

### **3.07 RECRUITMENT AND APPOINTMENT—FULL-TIME FACULTY**

The following procedures should be used in recruiting and appointing full-time faculty, both tenure track and non tenure-earning.

- (1) Approval to initiate a search must be obtained in writing and in advance from the dean and from the Provost and Vice President for Academic Affairs.
- (2) A search committee composed primarily of faculty shall be appointed by the department chair and/or dean as appropriate.
- (3) The search committee is responsible for preparing the position description and determining the placement of advertisements and distribution of the announcement. The announcement must describe at a minimum the position rank, duties, required and/or preferred qualifications, starting date of the appointment, materials to be provided by applicants, the date that review of applications will begin and the name and the address of the person to whom applications and nominations should be sent. The committee must give specific consideration to methods by which the position can be made known to members of under-represented groups.
- (4) All applications should be kept in a location that is secure but accessible to faculty, such as a departmental office.
- (5) The committee should narrow the list of applicants to a small number of preferred candidates. Those candidates should be informed that they are under serious consideration, be informed that the committee will be contacting references, and asked to provide any additional information that the committee may wish.

(6) The committee submits a list of preferably three candidates to the chair and/or dean for approval to invite to campus for interviews.

(7) On-campus interviews are to be scheduled by the committee in consultation with the chair and/or dean, and interviews should include an oral presentation by the candidate and meetings with the search committee, faculty, students, the chair, the dean, and the Office of Human Resources. If the appointment is to be above the rank of assistant professor the candidate should also meet with the Provost and Vice President for Academic Affairs.

(8) The search committee submits through channels to the dean its recommendations following processes to be established by each college. The search committee shall not conduct negotiations about salary, rank or other conditions of employment with candidates.

(9) The dean shall write a letter of offer which is to be sent, along with a curriculum vitae and the *Equal Opportunity Compliance Form*, to the Provost and Vice President for Academic Affairs for approval and mailing. The letter of offer should have a place for the candidate to sign indicating acceptance of the offer.

(10) The signed acceptance should be returned to the dean and copies sent to the Provost and Vice President for Academic and to the Office of Human Resources.

### **3.08 PART-TIME FACULTY**

**A. Recruitment.** The need for part-time faculty is often not known until the completion of the registration process. Whenever feasible, however, part-time faculty positions should be posted at least locally to ensure that all qualified applicants have an equal opportunity for employment.

**B. Appointment.** Upon appointment or within a short period of time thereafter, current application forms, curriculum vitae, and original transcripts should be maintained in the appropriate college.

**C. Orientation.** Part-time faculty appointed for the first time and those whose lapse in employment exceed one year should have a formal orientation session with the appropriate department chair. The orientation should include specification of duties, responsibilities, rights, and a description of support services.

**D. Salary.** Part-time faculty salaries are generally set by the appropriate college or school and take into account such factors as education, experience, market, course assignment, number of courses taught and distance to be traveled.

**E. Benefits.** Part-time faculty may participate in some staff benefits including the opportunity to purchase

employee parking permits, admission to special events at

reduced or no charge, and the use of the library. However, part-time faculty who are not "regular employees" (defined as an employee who works 20 hours or more per week for a period of at least 4 ½ months) do not qualify for benefits provided to full-time, regular employees, i.e. vacation/sick leave, health/life/disability insurance, retirement programs, and bookstore discounts.

**F. Rights and Responsibilities.** Part-time faculty have the same right to academic freedom as full-time faculty. This includes the right to utilize reasonable styles of teaching and classroom management. Part-time faculty should also be provided, whenever possible, secretarial support and office space. Part-time faculty employed on a regular basis should be considered for salary increases commensurate with their performance and the availability of funds. To the extent that funds are available, part-time faculty may be allowed to participate in faculty development activities other than faculty development leaves as appropriate. Part-time faculty have many of the same responsibilities as full-time faculty including: (a) keeping accurate and current records, (b) submitting required reports in a timely manner, (c) being available for students conferences, (d) adhering to course content as prescribed by syllabus, (e) obtaining prior approval for deviations from class or final examination schedule, and (f) securing approval for absences and making provisions for appropriate substitute coverage.

**G. Supervision.** Part-time faculty are closely supervised during the first semester of appointment by the academic department chair or designee. Supervision beyond the first semester of appointment is provided as appropriate.

**H. Evaluation.** Each part-time faculty member shall be evaluated each semester of appointment. The evaluation shall serve as one consideration in making determinations regarding reappointment. The department chair or immediate supervisor shall conduct the evaluation. The part-time faculty member shall provide the chair or supervisor appropriate materials to be used in the evaluation. The chair shall solicit input from students and colleagues as appropriate.

**I. Reappointment.** Part-time faculty typically are appointed for one semester only. Appointment for a semester constitutes no guarantee, promise or expectation of any appointment or reappointment in the future. If it is to the benefit of U. T. Tyler, parttime faculty may be offered reappointment. Recommendations for reappointment will be considered based upon instructional requirements within the department, favorable evaluation, and availability of funds. Because the need for reappointment of part-time faculty is often not known until the completion of the registration period, early offers of reappointment may not be possible. Department chairs, however, should make an effort to offer potential part-time faculty reappointment as soon as possible.

### **3.09 FACULTY DUTIES AND WORKLOADS**

In general, the duties of faculty members in The University of Texas System are summarized in Part One, Chapter III, Sec. 8 of the Regents' Rules and Regulations:

- (1) Teaching in the classroom, laboratory, seminar, or ward.
- (2) Studying, investigating, discovering, and creating.
- (3) Performing curricular tasks auxiliary to teaching and research, e.g., serving on faculty committees, attending to administrative and disciplinary tasks, promoting diligence and honest work in the student body.
- (4) Influencing beneficially students and citizens in various extracurricular ways.

Performance as a teacher, as a scholar, as an administrator, and as an individual is valued greatly by any university, for in these four (4) ways its work is chiefly done.

All the above duties are inherent in decisions regarding the nature and life of the University and all are taken into account in the promotion, tenure, and salary levels of faculty members. However, the duties specified under **Item (1)** are a matter of special concern by the Board of Regents and the State Legislature, in large part because these duties provide the principal basis for the funding of the academic activities of U. T. Tyler. Therefore, the U. T. System enunciates a minimum faculty teaching requirement that quantifies the minimum faculty obligation for participation in the instructional effort.

No two institutions in the U. T. System (and, indeed, no two teaching units within a particular institution) are alike in the teaching load required of individual faculty to meet student needs within the funds appropriated by the Legislature. It is the right and responsibility of U. T. Tyler to require teaching in excess of the minimum where such teaching is necessary to meet the obligations to students and to operate effectively within the resources available to U. T. Tyler.

It is further the responsibility of every administrator and of the faculty of U. T. Tyler to ensure that all of the responsibilities noted in **Items (2), (3) and (4)** as quoted above are carried out and that those responsibilities are as fairly distributed among the members of the faculty as possible.

Teaching assistants shall be used only when given proper guidance and supervision to ensure quality instruction. The minimum faculty teaching load established below does not apply to graduate teaching assistants.

### **3.10 MINIMUM FACULTY TEACHING LOAD**

Each person paid full time from the appropriations item "Faculty Salaries" shall teach a minimum load equivalent to of 18 semester credit hours of instruction in organized undergraduate classes each academic year with adjustments permitted for the teaching load

equivalencies listed below.

**A. Adjustments.**

(1) One (1) semester credit hour of graduate instruction is equal to one and one-half (1-1/2) semester credit hours of undergraduate instruction.

(2) Instruction of regularly scheduled laboratory and clinical courses, physical activity courses, studio art, studio music instruction, and primary music performance organizations such as ensembles and marching bands shall provide teaching load credit at the rate of one (1) semester hour of teaching load credit for each one and one-half (1-1/2) contact hours of instruction per week per long term semester.

Supervision of student teachers, clinical supervision, and intern supervision, shall be credited such that twelve (12) total student semester credit hours taught is equivalent to one (1) semester credit hour of teaching load credit.

(3)

(4) Supervision of student practicum and individual instruction courses such as honors programs and individual research projects shall provide teaching load credit at the rate of one-tenth (1/10) semester hour of teaching load credit for each student semester hour of undergraduate instruction and one-fifth (1/5) semester hour of teaching load credit for each student semester hour of graduate instruction per long-term semester. In no case will individual instruction in a single course generate more teaching load credits than if the course were taught as a regularly scheduled, organized course.

(5) Supervision of graduate thesis is provided teaching load credit only to the chair of the thesis or dissertation committee and at the rate of one semester hour of teaching load credit for each six (6) total student semester hours of thesis research credit and at the rate of one (1) semester hour of teaching load credit for each three (3) total student semester hours of dissertation credit.

(6) A faculty member who coordinates several sections of a single course shall be given one (1) semester hour of teaching load credit for each six (6) sections coordinated up to a maximum of three (3) semester hours of teaching load credit.

Credit may be proportionally increased for teaching a large class, which requires extensive grading or evaluation of students' work by the faculty member, according to the following weight factors:

(7)

Class Size	Weight Factor
59 or less	1.0
60- 69	1.1
70- 79	1.2
80- 89	1.3
90- 99	1.4
100- 124	1.5
125- 149	1.6
150- 174	1.7
175- 199	1.8
200- 249	1.9
250 or more	2.0

(8) Credit for teaching may be granted for a faculty member who is head of a department or head of a comparable administrative unit up to a maximum of six semester hours of teaching load credit. When justified by department/unit head and approved by the Provost, an additional three hours of teaching load credit may be given to faculty members who provide nonteaching academic services to the unit head, but in no case will the total for departmental administration, including the head, exceed nine (9) teaching load credits.

(9) At the discretion of the head of the department or comparable unit, and upon approval of the Provost, up to three (3) semester hours of teaching load credit may be given for each of two (2) semesters to newly-appointed faculty members during the first year of employment for the purpose of developing instructional materials for the courses he or she will teach.

(10) When more than one faculty member participates in the instruction in a single course, the teaching load credit is proportioned according to the effort expended. Also, when a faculty member is paid partially from a source of funds other than the "Faculty Salaries" line item, the minimum teaching workload shall be proportioned to the percentage of salary paid from the appropriations item "Faculty Salaries".

**B. Exceptions.**

A reduced teaching load may be granted temporarily if classes do not materialize because of insufficient enrollment and when additional classes cannot be assigned to the faculty member. This

(1)

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exception may be granted for only two (2) consecutive long term semesters for any particular faculty member.

- (2) Limited faculty teaching load credit may be granted by the President with approval of the Provost and Vice President for Academic Affairs for major academic advising responsibilities, for preparing major documents in the fulfillment of programmatic needs or accreditation requirements, or for duties performed in the best interest of the institution's instructional programs. Teaching load credit granted for such purposes is limited to 1% of the total semester credit hours taught at U. t. Tyler during the comparable (fall or spring) semester in the previous year.

### **3.11 SUMMER APPOINTMENTS**

Faculty appointments for summer terms are made on the basis of institutional and program needs. Teaching opportunities cannot be assured to all faculty desiring summer employment due to generally lower enrollment during the summer terms. Faculty should not assume they will be offered summer teaching appointments unless specifically notified by the dean or department chair that such opportunities will be available.

### **3.12 GRADUATE TEACHING APPOINTMENTS**

Ordinarily, only full-time faculty members who hold a terminal degree in the discipline to be taught may teach graduate-level courses. Part-time faculty members with doctoral degrees in the discipline to be taught or with unique experience in the field may teach graduate courses provided they have undergone a complete orientation to the requirements of the degree program and the university/school/departmental procedures regarding graduate study and have been approved to teach such courses by the appropriate college dean(s). Exceptions may be granted for those full-time or part-time faculty members whose credentials do not meet primary university standards, but who have appropriate expertise and/or experience to teach at that level.

### **3.13 EMERITUS FACULTY**

The Emeritus Committee, a committee designated for that purpose by the Faculty Senate, makes recommendations to the President regarding award of the titles of "professor emeritus" and "associate professor emeritus". They may be conferred upon professors and associate professors, respectively. Emeritus titles connote distinguished and honorable service to U. T. Tyler. The appointments may be made only upon approval by the President and the Board of Regents after retirement and are for life.

**A. Criteria.** Because selectivity is implied in the awarding of the emeritus title, it shall be made only upon recommendation of the Emeritus Committee. Candidates for faculty emeritus titles must meet the following criteria:

- (1) Retired or will retire by the beginning of the next academic year when emeritus status is to be conferred.
- (2) Completed a minimum of ten (10) years of service on the faculty of U. T. Tyler.
- (3) Attained the academic rank of associate professor or professor.
- (5) Been nominated by at least three full-time, tenured faculty members.
- (4) Demonstrated good character and sustained quality in academic accomplishments and university service.

**B. Selection.** The process for the selection of nominations for faculty emeritus titles is as follows:

- (1) During the fall semester of each year, the Faculty Senate President, in consultation with the Immediate Past President, appoints members to the Emeritus Committee.
  - (a) The President-elect of the Faculty Senate chairs the committee and also represents her/his own College.
  - (b) The other members (one per College) must be, if feasible, tenured faculty members who have a long connection with UT Tyler and hold no administrative position above the department chair.
- (2) During February of each year, the Faculty Senate President invites the tenured members of the faculty to submit nominations for emeritus/emerita designation and informs the faculty about the criteria that must be met.
- (3) During March of each year, the committee will meet only if the chair has received three or more nominations by full-time, tenured faculty members for at least one candidate whose retirement was within the previous five years.
- (4) The committee must bear in mind that this is an extraordinary honor to be bestowed upon a worthy former colleague and not an “expected” recognition.
- (5) While persons being considered may have had administrative experience, the committee’s deliberations are to be based on the nominees’ teaching,

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research, and service accomplishments. These qualifications should be addressed in the letter of invitation written by the Faculty Senate President to the members of the faculty referred to in item 2 above.

(6) All deliberations of the committee are strictly confidential. Written, secret ballots are used, counted by the committee, and then destroyed. No copies of the committee's files are retained. No report of the results is made except as described in item 8 below.

(7) The decision to recommend in favor of emeritus/emerita status must be unanimous among members of the committee.

(8) The chair of the committee forwards to the President of the University a confidentially written recommendation in favor of granting emeritus/emerita status. If the committee is divided or does not recommend emeritus/emerita status, no written communication of the matter is forwarded.

(9) Appointments are subject to approval by the President and final approval by the Board of Regents of The University of Texas System.

**C. Privileges.** Emeritus designees will be afforded the following privileges:

(1) Membership (without vote) in the general faculty and in the college and department faculties in which membership was held at the time of retirement.

(2) Eligibility to serve on graduate committees, subject to the approval of the Provost and Vice President for Academic Affairs and the academic dean.

(3) Listing in the faculty directory and in the appropriate college catalog.

(4) Office space, when available, and with the approval of the chair of the department, the dean of the school, and the President.

(5) Use of the campus mail services.

(6) A faculty identification card denoting previous academic rank and the emeritus title.

(7) Faculty library privileges.

### **3.14 SUBSTITUTE INSTRUCTORS**

In order to insure proper coverage of classes, each faculty member is responsible for making arrangements for a substitute carrying on his or her usual duties through appropriate administrative channels when an absence is made necessary by illness, emergency or a university approved function. The substitute instructor must be approved by the department chair and/or dean. If the faculty member is unable to arrange for a substitute, he/she must notify the department chair of the impending absence. Approval of a substitute instructor does not preclude the necessity for the faculty member to complete the appropriate forms required by law of all employees with regard to an absence from duty.

### **3.15 FACULTY OFFICE HOURS**

Each faculty member is to schedule a minimum of three (3) regular office hours per week, Monday through Friday, and be available for student conference at other times by appointment. In scheduling office hours, faculty members should give consideration to their availability to students who attend classes only in the evenings. The schedule of hours shall be posted outside the faculty office doors. Faculty schedule cards showing the teaching schedule and office hours shall be filled out by faculty members at the beginning of each semester and turned in to the appropriate academic dean.

### **3.16 GENERAL FACULTY MEETINGS**

A general faculty meeting shall be held at least once per year, normally prior to the beginning of each fall semester. Other faculty meetings may be scheduled during the course of the year as needed to accomplish the work of U. T. Tyler.

### **3.17 LENGTH OF COURSES**

A semester (fall or spring) shall normally include 15 weeks of instruction plus one week for final exams. An organized lecture course shall consist of 750 minutes of instruction per credit hour, summer sessions shall normally consist of at least 5 ½ weeks of instruction, registration and final exams and conform to the 750 minutes of instruction standard. Courses may be offered on a schedule different from that above provided they conform to the following criteria:

(1) All shortened courses shall consist of the same number of class contact hours as similar courses offered in a regular session or summer session. Courses shall also have the same objectives, requirements, and quality of instruction as regular length courses.

(2) Students may not carry more courses at one time in a shortened format than will give them total credit for more than one semester credit hour per week of instruction.

(3) No three-credit hour course shall consist of fewer than nine days of classes offered over not less than three weeks.

(4) Requirements for three-hour courses apply proportionately to courses of other credit hour value.

### **3.18 CONTINUING EDUCATION**

Continuing Education and Professional Development activities are coordinated within each college. The dean of each college is responsible for establishing specific policies governing the offering of non-credit courses in that unit.

U. T. Tyler is committed to serving the community needs through non-credit community service/continuing education courses appropriate to the University role and scope. Student fees and faculty compensation for such courses are established on an individual basis based upon the length of the course and other factors.

### **3.19 ADVANCED DEGREES**

The following University of Texas System guidelines concern work toward an advanced degree by faculty members.

- A. A faculty member (tenured or not) may pursue an advanced degree in a component institution of the U. T. System other than the one at which he or she is employed or at another institution outside of the U. T. System. Such course work for a full-time faculty member must be approved by the head of the faculty member's department and the appropriate dean or deans and the chief administrative officer of the institution.
- B. A non-tenured faculty member who wishes to pursue an advanced degree on his or her home campus must be recommended by the head of the department in which the faculty member is employed, and the recommendation must be approved by the appropriate dean or deans and the President of the institution.
- C. A tenured faculty member should not normally pursue an advanced degree on the faculty member's home campus.
- D. Depending upon the amount of course work carried by the faculty member (student), adjustments in salary may be made as deemed appropriate by the head of the institution in which the faculty member is employed. Any

paid faculty development leave for such a purpose should be paid from faculty salaries as permitted under legislative appropriations or from nonState funds.

- E. In view of the need for self-improvement and increased interdisciplinary education, there should be no prohibition against faculty members taking course work that is not to be applied toward a degree.
- F. The amount of course work allowed a full-time faculty member is normally not more than one course during the work day without advanced approval of the immediate supervisor.

The guidelines may be modified for an individual institution upon recommendation by the Chief Administrative Officer and review and administrative approval by the appropriate Executive Vice Chancellor.

### **3.20 TEST OF SPOKEN ENGLISH**

The Test of Spoken English will be used as the standard for acceptable proficiency in using English for faculty whose native language is not English.

### **3.21 ACCEPTANCE OF MONEY FROM STUDENTS**

A full-time member of the faculty may not accept pay for extra instruction or teaching of students registered at U. T. Tyler.

With written approval of the Provost and Vice President for Academic Affairs, staff, teaching assistants and part-time instructional employees may accept pay from students for extra-class instruction or coaching but only in courses or sections of courses with which they have no instructional connection.

### **3.22 ELIMINATION OF POSITIONS OR PROGRAMS**

The President has the responsibility for determining when to eliminate occupied academic positions, or abandon academic programs or both, subject to approval by the Executive Vice Chancellor for Academic Affairs. The decision of the President and the implementation of that decision shall be subject to the procedural requirements as contained in Regents' Rules and Regulations, Part One, Chapter III, Sec. 6. (11). When such reductions are necessary as a result of financial exigency, the procedures to be followed are as contained in Regents' Rules and Regulations, Part One Chapter III, Sec. 6 (12).

### **3.23 INTERNATIONAL PROGRAMS**

The University sponsors a travel-study program combining carefully designed on-campus courses and travel experiences to specific foreign countries. Faculty members and students interested in this program should inquire at the Office of the Provost and Vice President for Academic Affairs or contact the chair of the Intercultural Affairs and International Studies Committee.

### **3.24 COURSE SYLLABI**

A syllabus is to be prepared by for each course taught each semester. A current copy of each syllabus is to be filed in the office of the academic dean of the college. Deans are responsible for assuring that all syllabi are reviewed each academic year for appropriate updating.

### **3.25 FINAL EXAMINATIONS**

Each semester the Registrar prepares a final examination schedule which is included in the Schedule of Classes. Normally, all examinations are to be administered as scheduled. However, if unusual circumstances require that special arrangements be made for an individual student or class, the dean of the appropriate college may authorize an exception to the schedule after consultation with the faculty member involved.

Faculty members are required to maintain student final examination papers for a minimum of three months following the examination date.

### **3.26 ACADEMIC PROGRAM EVALUATION**

Each academic unit shall implement its unit effectiveness plan annually to determine its quality and effectiveness in achieving unit goals and in supporting the mission of U. T. Tyler. Programs undergoing external review for accreditation purposes shall incorporate that review into the unit effectiveness plan.

Each academic unit' s end-of-year report shall be forwarded to the Office of Institutional Research, summarizing the changes, activities, strengths and weaknesses related to degree and non-degree programs. Faculty, staff, student, graduate and community input shall be considered in the preparation of the report, as indicated in the Unit Effectiveness Plan.

To assist the units in preparation of this report, the Office of Institutional Research shall assist with statistical information related to courses, faculty, students, and other pertinent data.

Where warranted by an evaluation of the annual effectiveness plans a more formal program review utilizing external reviewers may be conducted at the request of the President, Provost and Vice President for Academic Affairs or dean of the college.

### **3.27 CENTERS**

**A. Purpose.** A center may be established when the best interest of the University will be served by providing a vehicle for bringing together personnel and resources for achieving a specific objective involved with the mission of the University. The operation of a center should be well integrated into the academic objectives of a department(s) or college(s) or enhance the academic programs of the University.

**B. Procedure for Creation of Centers.** A proposal for establishing a center may originate within a department, a college, or within a combination of departments or colleges. Such a proposal should be submitted through the appropriate academic dean, or deans, to the Council of Deans. The Council of Deans shall make its recommendation for approval or disapproval to the Provost and Vice President for Academic Affairs who will make a recommendation to the President.

Approval by the President of the University is a prerequisite to the establishment of a center. At such time as approval is granted, a statement will be provided to all appropriate persons delineating specific details of administrative structure and mode of operation of the center.

**C. Funding of Centers.** No direct budgetary support for centers shall be provided from appropriated funds of the University unless specifically appropriated by the Legislature for that purpose. There shall usually be no reduction in teaching loads for center personnel from general university funds. Reduction in teaching loads with salary support from center funds or from other outside sources may be appropriate. Department chairs and deans should give careful attention to the ramifications of tenure-earning appointments supported by outside funds. Existence of a center shall not be justification for additional space, financing or personnel from regular university funds.

Outside funds will be set up in a separate account. Grant applications should be presented through regular administrative channels.

**D. Administration of Centers.** The chain of reporting shall be established at the time a center is approved. If the center is entirely within one department and one college, the chain shall be the normal one through the department chair and dean.

Interdepartmental centers within a college shall report through the dean. The dean may require reporting through a department.

If a center encompasses an element of more than one college the reporting shall be through the Provost and Vice President for Academic Affairs who may require reporting through the deans.



The director of a center shall be appointed by the dean(s) or Vice President after consultation with appropriate faculty and administrative officials.

Any significant modification of the structure or operation of a center must have the same administrative approval as originally required for the creation of the center.

**E. Termination of Centers.** The Council of Deans shall periodically review the performance of each center and recommend to the President the continuation, modification, or abolition of each center. Final decision in regard to action to be taken is the prerogative of the President.

### **3.28 FACULTY SENATE**

#### **CONSTITUTION**

##### **ARTICLE I NAME**

The name of this organization shall be The University of Texas at Tyler Faculty Senate, hereafter referred to as the Faculty Senate.

##### **ARTICLE II PURPOSE**

The Faculty Senate of U.T. Tyler provides a systematic means for effective participation of the faculty in the affairs of the university in the following areas: general academic policies and welfare, student life and activities, requirements of admission and graduation, honors and scholastic performance generally, approval of candidates for degrees, and faculty rules of procedure. The Faculty Senate also provides adequate channels for the administration of U.T. Tyler to seek the judgment and counsel of the faculty about matters of mutual concern.

##### **ARTICLE III AUTHORITY**

The Faculty Senate shall act on the authority delegated to it by the Board of Regents Rules and Regulations, Part One, Chapter IV, Section 2 and applicable provisions of the U. T. Tyler Handbook of Operating Procedures. Any action or decision reached by the Faculty Senate shall be subject to the approval of the President of the University, the Executive Vice Chancellor for Academic Affairs and the Board of Regents when appropriate.

In addition to changes directed by the President, amendments to the *Handbook of Operating Procedures* shall be sent to the President of the University for review and approval before submission to the System for approval. The Faculty Senate will be given the the opportunity to review and comment on all additions and revisions of the

*Handbook of Operating Procedures* pertaining to general academic faculty policies and welfare and faculty rules before any additions or revisions are processed for incorporation into the *Handbook of Operating Procedures*.

## ARTICLE IV MEMBERSHIP AND COMPOSITION

### Section 1 - Membership Classes

The membership of the Faculty Senate shall be divided into two classes: Ex Officio (non-voting) and elected (voting) members.

- a. Voting members shall be elected from full-time faculty who teach a minimum of half-time. Deans and higher administrative officials are not eligible for election as voting members.
- b. From the faculty eligible for selection as voting members, each college shall also designate **the appropriate number of alternate senator(s) as (a) voting member(s) in the absence of a/an elected senator(s).**
- c. Non-voting ex-officio members shall be named at the discretion of the Faculty Senate from among persons not presently serving as elected members.

### Section 2 - Apportionment

**The number of elected senators shall be determined by the number of full time faculty in each college in the fall of each academic semester. The apportionment of senators will be as follows:**

Full-time faculty	Elected Senate representation
1-40	2 voting members and 1 alternate
41-60	3 voting members and 1 alternate
61-80	4 voting members and 2 alternates
81-100	5 voting members and 3 alternates

### Section 3 - Elections

Faculty Senate elections shall be held in April of each year. **Newly elected senator(s) from each college shall serve a two-year term.**

#### **Section 4 – Vacancy**

In case of death, resignation, or incapacity of any member of the Faculty Senate, a special election shall be held to fill the vacancy for the unexpired term.

## **ARTICLE V OFFICERS**

The elected officers of the Faculty Senate shall be the president, president-elect, and secretary. The president shall appoint a parliamentarian to assist in conducting the business of the meeting.

## **ARTICLE VI ELECTION OF OFFICERS AND TERMS OF OFFICE**

### **Section 1**

The newly elected member-at-large shall be the president-elect of the Faculty Senate, beginning a three-year commitment of serving as president-elect, president, and in the third year, past president. Prior to the close of the spring semester the duly elected members of the Faculty Senate for the next academic year shall have an organizational meeting and elect a secretary.

### **Section 2**

The term of office for the Faculty Senate officers shall be one year.

### **Section 3**

In case of vacancy of an office, the Faculty Senate shall fill such vacancy for the unexpired term.

## **ARTICLE VII COMMITTEES**

### **Section 1 – Standing Committees**

The standing committees of the Faculty Senate shall be:

- Executive Committee
- Committee on Committees
- Academic Affairs Committee
- Business Affairs Committee
- Faculty Affairs Committee
- Student Affairs Committee
- University Affairs Committee

The Faculty Senate president is charged with submitting to each committee the issues and problems deemed appropriate.

## **Section 2 – Committee Chairs**

The chair of each committee shall be an elected member of the Faculty Senate.

## **Section 3 – Ad Hoc Committees**

When directed by the Faculty Senate, the president shall appoint ad hoc committees, the membership of which must be approved by the Faculty Senate by majority vote.

### **ARTICLE VIII MEETINGS**

#### **Section 1**

The Faculty Senate shall meet at least once each month during the academic year, beginning in September, and at such other times as the president of the senate or a majority of the senate deems necessary.

#### **Section 2**

A majority of the duly elected members shall constitute a quorum.

### **ARTICLE IX AMENDMENTS**

#### **Section 1**

The constitution may be amended by the presentation of the proposed amendment in writing at a meeting of the senate. The proposed amendment shall be voted on at the next meeting of the senate and must secure the approval of a two-thirds majority of the senate.

#### **Section 2**

An affirmative vote of a majority of those eligible for membership as voting members in the Faculty Senate must be secured to amend the constitution.

#### **Section 3**

No amendment to this constitution shall become effective until approved

by the President of the University and the Office of the Chancellor.

## BY-LAWS

### I

## RULES

The business of the Faculty Senate shall be conducted in accordance with the most current issue of Robert's *Rules of Order*.

### II

## ELECTIONS

### A. Members

#### 1. At-Large Senator

In April of each year, the president of the Faculty Senate shall solicit nominations and conduct the election of one junior senator from the tenured faculty eligible for selection as voting members. This individual, elected by faculty eligible for membership as voting members in the Faculty Senate, will assume the position of president-elect of the Faculty Senate the first year, president the second year, and past president the third year of the three-year term.

#### 2. College Senators

Following election of the at-large senator, each college shall elect a(the) junior senator(s) and alternate(s) senator(s).

### B. Officers

Following the election of the college senators but prior to the close of the spring semester, the president-elect shall call a meeting of the Faculty Senate for the next academic year to elect the incoming secretary from among the voting members. A secret, written ballot shall be used.

### III

## DUTIES OF OFFICERS

### A. President

The duties of the president shall be

1. to preside at all meetings,

2. to appoint ad hoc committees with the approval of the Faculty Senate,
3. to chair the Executive Committee,

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4. to conduct the election of the at-large members of the Faculty Senate,
5. to conduct the election of the Hearing Committee,
6. to represent the Faculty Senate on the University' s Academic Council and University Council,
7. to serve as a member of the U.T. System Faculty Advisory Council, and
8. to serve as a member of the Texas Council of Faculty Senates.

**B. President-Elect**

The duties of the president-elect shall be

1. to fulfill the duties of the president in the absence of the president,
2. to chair the Committee on Committees,
3. to conduct the election of Faculty Senate officers,
4. to serve as a member of the Texas Council of Faculty Senates, and
5. to serve as the designated alternate to the U.T System Faculty Advisory Council.

**C. Past President**

The duties of the past president shall be

1. to fulfill the duties of the president in the absence of the president and the president-elect,
2. to represent the Faculty Senate on the University' s Academic Council and University Council
3. to serve as a member of the U.T. System Faculty Advisory Council, and
4. to serve as the designated alternate to the Texas Council of Faculty Senates.

**D. Secretary**

The duties of the secretary shall be

1. to record and maintain the minutes of the Faculty Senate;
2. to compile and maintain a list of faculty eligible for voting membership;
3. to compile and maintain a list of the members of the Faculty Senate and to record those present and those absent at every meeting;
4. to present copies of the minutes to the members of the Faculty Senate, the president of the university, the executive vice chancellor for academic affairs, the library, and the Texas Council of Faculty Senates; and
5. to prepare a summary report of matters discussed and actions taken to be

distributed to all members of the faculty.

## **IV PROCEDURES**

### **A. Meetings**

Written notice, including an agenda, shall be given to all members of the Faculty Senate in advance of all regular and called meetings. If a senator wishes to call a meeting, the

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senator should inform the president of the Faculty Senate, in writing. The president shall then poll each senate member and, if a majority agree, a meeting shall be called.

## **B. Agenda**

Items may be placed on the agenda by any member of the Faculty Senate and, through the president or Executive Committee, by any member of the university community. The agenda shall be distributed to the members of the Faculty Senate and posted in public places prior to the meeting.

## **C. Attendance**

Although meetings of the Faculty Senate are open to members of the university community, a member of the Faculty Senate may request that some items of business be conducted in executive session.

## **D. Initiation of Action**

Though resolutions may be initiated and acted upon by members of the Faculty Senate only, members of the university community are encouraged to bring proposals and measures to the attention of the Faculty Senate and to comment on proposed Faculty Senate initiatives.

## **E. Designation of Proxy for College Senators**

If a senator and alternate from a college cannot attend a Faculty Senate meeting, the senator shall designate another member of that college, by written statement, to be a voting proxy for that meeting.

# **V FACULTY SENATE COMMITTEES**

## **A. Executive Committee**

1. Membership. The president, president elect, secretary, and past president shall constitute the membership of this committee.
2. Function. This committee shall be empowered to conduct Faculty Senate business on an emergency basis between regular meetings of the Faculty Senate.

## **B. Committee on Committees**

1. **Membership.** The president, president-elect, and junior senators shall constitute the membership of this committee.
2. **Function.** Between the election of Faculty Senate officers and the beginning of the fall semester this committee shall recommend to the Faculty Senate the membership of all standing Faculty Senate committees and to the president of the university the membership of all standing university committees.

## **C. Other Committees**

1. **The Academic Affairs Committee** shall be empowered to consider matters related to the responsibilities of the Office of Provost and Vice President for Academic Affairs.
2. **The Business Affairs Committee** shall be empowered to consider matters related to the responsibilities of the Office of Vice President for Business Affairs.
3. **The Faculty Affairs Committee** shall be empowered to consider faculty-related policy and benefit issues not included in the charges of the other Faculty Senate committees.
4. **The Student Affairs Committee** shall be empowered to consider matters related to the responsibilities of the Office of Dean of Student Affairs.
5. **The University Affairs Committee** shall be empowered to consider matters related to university governance; the promotion of university-wide coordination, communication, and cooperation; and university external affairs.

## **VI FACULTY REFERENDUM**

A proposal may be presented to the faculty at large for approval when at least two-thirds of the attending members of the Faculty Senate request a referendum. To approve the referendum, an affirmative vote of a majority of the faculty eligible for voting shall be required.

## **VII AMENDMENT**

These by-laws may be amended by a majority vote of the Faculty Senate and approval by the president of the university and the executive vice chancellor for academic affairs.

### 3.29 LEAVE OF ABSENCE WITHOUT PAY

With the interest of the institution being given first consideration and for good cause, leaves of absence without pay may be granted for a period within the term of appointment of a member of the faculty consistent with Regents' Rules and Regulations, Part One, Chapter III, Sec. 16.

**A. Length of the Leave.** The maximum period for which a leave of absence will be granted is the end of the fiscal year in which the leave begins. In the case of faculty, the date for return to duty will generally coincide with the beginning of the next semester, following the period of absence.

Except in unusual circumstances, such as military service, reasons of health, continued graduate study, and public service or other activity that reflects credit on the institution and enhances an individual's ability to make subsequent contributions to the institution, a second consecutive year of leave will not be granted.

Except in very unusual circumstances a third consecutive leave of absence for one year will not be granted.

**B. Approval.** Leaves of absence for a first year or portion thereof or a second consecutive year's leave may be granted by the president. Leaves of absence for a third consecutive year must have the approval of the Executive Vice Chancellor for Academic Affairs.

**C. Eligibility for Subsequent Leave.** After a return to duty of one year, the leave-of-absence privilege will again be available, subject to the conditions above.

### 3.30 FACULTY GRIEVANCE PROCEDURE

It is important to collegiality that problems arising out of administrative decisions or actions affecting the academic standing or conditions of employment of members of the faculty be reviewed and resolved in a fair, efficient and equitable manner.

- (1) The Faculty Grievance Procedure is intended to provide an effective process for the review and equitable resolution of contentions by a faculty member that an administrative decision or action affecting the faculty member has not been made in substantial compliance with established University criteria or procedures; that there is no rational basis for the decision or action; or that the decision or action was based upon criteria that are unlawful under the state or federal constitution, laws or court decisions. All faculty are entitled to present a grievance pursuant to this Procedure.

## **A. Policy.**

- (2) Each faculty member may express a grievance through the following procedure with the assurance of timely and thorough consideration. Grievants utilizing the grievance procedure in good faith shall not be subject to retaliation related to the filing of a grievance.
- (3) The grievance procedure described replaces all other formal departmental, college or University grievance procedures except those related to matters to which this procedure does not apply, as listed in B.(2). A faculty member has the right of self-representation at any step in the grievance procedure and/or may choose to present a grievance through legal counsel or personal representative at any stage of the procedure.

**B. Issues Subject to Grievance Procedures.**

- (1) The primary purposes of the Faculty Grievance Procedure are to protect academic freedom and promote academic responsibility. The Faculty Grievance Procedure is available for review of complaints related to an administrative decision or action that affects a faculty member and relates to wages; hours of work; working conditions; merit salary increase; promotion; assignment or reassignment of duties; the denial or withdrawal of a University benefit or privilege; assignment of University facilities, University equipment or support staff; or a reduction in salary or rank.
- (2) The Faculty Grievance Procedure does not apply to
  - (a) Evaluations of a faculty member's professional performance made by a faculty member, faculty committee or administrator acting pursuant to University policy or procedures unless such evaluations are made in violation of the policy set forth in A.(1).
  - (b) Adverse actions or decisions that result from procedures provided for in Sections 6.3 (termination for cause), Section 6.(11) (program abandonment) or Subsection 6.(12) (reductions due to financial exigency) of Chapter III, Part One of the Rules and Regulations of the Board of Regents of The University of Texas System.
  - (c) Decisions that are reviewable pursuant to Subdivision 6.35 (non-reappointment of tenure track faculty) of Chapter III, Part One of the Rules and Regulations of the Board of Regents of The University of Texas System.
  - (d) Actions or decisions described in Section B(1) that are reviewable pursuant to procedures provided by the University's Handbook of Operating Procedures or the Rules and Regulations of the Board of Regents of The University of Texas System.

### **C. Faculty Grievance Panel.**

- (1) In order to be eligible to serve as a member of a Grievance Panel a faculty member must
  - (a) be a full-time member of the faculty with the rank of Assistant Professor or above,
  - (b) not be appointed to an administrative position of department chair or above,
  - (c) not be a member of the Faculty Affairs Committee of the Faculty Senate, and
  - (d) not be a faculty member of the same department as the faculty member who files a grievance.
- (2) The Faculty Grievance Panel (hereafter Panel) shall consist of five faculty members, no fewer than three of whom shall be tenured. Four members shall be chosen by the Faculty Affairs Committee as required by drawing names one at a time, at random, from the twelve (12) members of the Hearing Committee as described in the section entitled "Hearing Committee" in the Handbook of Operating Procedures. If, during the drawing process, two (2) untenured faculty members are already on the list any further untenured faculty member drawn shall be replaced by another name drawn at random. After selecting four members in this manner, the Faculty Senate President shall appoint the fifth member from the remaining tenured faculty of the Hearing Committee to serve as the Chairperson of the Panel. The President of the Faculty Senate shall notify the members of the Panel and the parties to the grievance that the Panel has been selected.
- (B) Each party to the grievance may challenge the impartiality of any member of the Panel. A challenge for impartiality must be in writing and must state the facts upon which the challenge is based. The challenged member shall be the sole judge of whether he/she is capable of considering the evidence and determining the facts with impartiality.
- (4) When a member of a Panel determines that he/she is not capable of considering the evidence and determining the facts with impartiality, he/she may be excused, and the vacancy will be filled in the same manner as the original appointment.

### **D. Grievance Procedure--General**

- (1) The grievant may elect to take one of two (2) courses of action in the grievance process.

- (a) The faculty member may request that a mediator assist parties in reaching an acceptable settlement, or
- (b) The faculty member may present his or her concerns in writing to the administrator responsible for the action that is the subject of the grievance.

## (2) Mediation

- (a) The Faculty Senate Executive Committee will be charged with the appointment of a mediator who is a tenured member of the faculty but not a current member of the Faculty Senate, the Faculty Affairs Committee or the University Hearing Committee. The mediator will serve for a term of one year.
- (b) When a grievance is referred to a mediator, the mediator shall have a period of no more than ten (10) work days to assist the parties in reaching an acceptable settlement. The mediator shall report the results of the mediation to the Chairperson of the Faculty Affairs Committee. If a settlement acceptable to the parties has not been reached, the grievant may proceed with the formal grievance procedure as described in D.(3).

## (3) Formal Grievance Procedure

- (a) A faculty member affected by a grievable decision or action may request the administrator who made the decision or took the action that is the subject of the grievance for a written explanation of the reasons for the decision or action within ninety (90) days after the date he or she knew or reasonably should have known of the decision or action. The request must be in writing, must include the faculty member's specific questions and concerns, and must state the resolution or relief sought. The administrator must respond in writing within ten (10) work days, either stating the reasons for the questioned decision or action and explaining the procedures, standards and criteria used or providing an opinion that the matter at issue is not grievable under this policy. It is expected that the majority of grievances will be resolved at this stage.
- (b) If the response of the administrator responsible for the grievable decision or action does not result in a satisfactory resolution of the matter, the faculty member may, within ten (10) work days of being notified of the decision, appeal the administrator's decision to the next higher level of administration in the same manner as specified in D.(3).(a) until it has been reviewed by the Provost and Vice President for Academic Affairs. A response shall be provided in writing to the faculty member within ten (10) work days at each level of appeal.

- (c) The faculty member may elect to appeal the decision of the Provost and Vice President for Academic Affairs to the President of the University or may proceed to initiate a request for Grievance Hearing pursuant to Section E. The appeal to the President must be made within ten (10) work days after the decision of the Provost and Vice President for Academic Affairs. The decision of the President of the University will be final and the faculty member will not be entitled to further pursue the Grievance Procedure with respect to the decision or action that is the subject of this grievance process.
- (d) Except as provided in Section E, if no appeal has been made within ten (10) work days from the response at the last administrative level, the decision of the administrator at that level will stand and no further appeals shall be available and no further formal grievance will be processed.

#### **E. Pre-Hearing Procedures.**

- A faculty member who is unwilling to accept the decision made by the Provost and Vice President for Academic Affairs in the grievance process may initiate the Grievance Hearing Procedure within thirty (30) days after receiving the written response required by Section D.(3).(b) by notifying the Chairperson of the Faculty Affairs Committee in writing of the request for a hearing.
- (1) A faculty member who is unwilling to accept the decision made by the Provost and Vice President for Academic Affairs in the grievance process may initiate the Grievance Hearing Procedure within thirty (30) days after receiving the written response required by Section D.(3).(b) by notifying the Chairperson of the Faculty Affairs Committee in writing of the request for a hearing.
  - (2) The Faculty Grievance Panel is selected and the involved parties are notified as required in Section C.(2).
  - (3) The Faculty Affairs Committee may, at its discretion and with the consent of all parties, consolidate the grievances of two (2) or more faculty members who make allegations of the same type against the same administrator and who petition the Faculty Affairs Committee to have their individual grievances heard by the same Panel. In such situations the Panel shall make separate findings and recommendations regarding the grievance of each faculty member.
  - (4) After receiving notification of the final constitution of the Panel, the faculty member has five (5) work days in which to file the following documents with the Chairperson of the Panel:
    - (a) The faculty member's written request to the administrators pursuant to Sections D.(3).(a) and D.(3).(b).
    - (b) The written response of the administrators under Sections D.(3).(a) and D.(3).(b).
    - (c) A written statement of specific factual allegations that the faculty member contends establish that the contested decision or action

- (i) was not made in substantial compliance with established University criteria or procedures,
    - (ii) has no rational basis, or
    - (iii) was based upon criteria that are unlawful under the state or federal constitution, laws, or court decisions.
  - (d) Notice of whether the faculty member will be represented by legal counsel or a personal representative in the Formal Grievance Procedure with the name and address of such person.
- (5)
- On the basis of the material filed by the faculty member pursuant to Section E.(4), the Panel shall determine and notify the faculty member within ten (10) working days whether the decision or action is reviewable under this Procedure. Unless the Panel determines that the subject of the decision or action is covered by this Procedure and that the facts alleged by the faculty member, if proven by credible evidence, support a conclusion that the decision or action (a) was not made in substantial compliance with established University criteria or procedures, or (b) has no rational basis, or (c) was based upon criteria that are unlawful under the state or federal constitution, laws, or court decisions, the Panel shall dismiss the grievance. Four members of the five member panel may decide to dismiss the grievance. Such dismissal decision shall be transmitted in writing to the faculty member and shall conclude the Faculty Grievance Procedure. A decision by the Panel to hear the faculty member's grievance shall be transmitted to the faculty member in writing. Copies of the document filed pursuant to Section E.(4) shall be forwarded by the Chairperson of the Panel to the administrator who made the decision or took the action that is the subject of the grievance. The faculty member may then begin to request documents from the administration pursuant to Section E.(12) of this Procedure.
- (6) After a formal grievance is filed, members of the Grievance Panel shall refrain from contact with the parties regarding the subject matter of the grievance. Questions regarding procedures of the hearing should be in writing and addressed to the Chairperson of the Panel.
  - (7) The Chairperson of the Panel will schedule the grievance hearing at the earliest practical date. The Chairperson will notify the parties to the grievance of the date, time, and place for the hearing at least ten (10) work days prior to the hearing date.
  - (8) The date for the grievance hearing may be postponed only for good cause. Requests for postponement must be in writing addressed to the Chairperson of the Panel and shall state the reasons for the requested postponement. If the Chairperson determines that there is good cause for postponement a new hearing date shall be selected and the parties to the grievance notified.

- (9) At least five (5) work days prior to the date for the hearing, the parties to the grievance shall each furnish the other the names of the witnesses that they intend to have testify; a summary of their expected testimony; and a copy of each document, record, or exhibit that they intend to offer as evidence at the hearing.
- (10) A faculty member has the right of self-representation at any step in the Grievance Hearing Procedure and may choose to present a grievance through legal counsel or personal representative. If and only if the faculty member is represented by legal counsel during the Grievance Hearing Procedure, the University administrator will be represented by the Office of General Counsel of The University of Texas System.
- (11) The parties to the grievance shall be responsible for notifying the witnesses who will testify on their behalf of the date, time, and place for the hearing.
- (12) Upon written request and in accordance with the Texas Public Information Act, the University shall provide a faculty member with copies of University documents that the faculty member intends to offer as evidence in the hearing before the Panel unless such documents contain information that is made confidential by statute or court order.
- (13) University employees who are requested to be witnesses at a grievance hearing are encouraged by the University to testify regarding matters within their personal knowledge.

#### **F. Formal Grievance Hearing Procedures.**

- (1) The Chairperson of the Faculty Grievance Panel shall preside at the hearing and has final authority with respect to all proceedings before the Panel, including the responsibility for ensuring that the grievance hearing is conducted in accordance with this Procedure and that the parties to the grievance, their legal counsel or personal representative, and witnesses conduct themselves in an orderly manner. The Chairperson should begin the hearing by briefly outlining the hearing procedures and informing the parties that all procedural questions and all objections regarding testimony and exhibits are to be directed to and ruled upon by the Chairperson.
  - (2) All proceedings before the Grievance Panel will be recorded by the University. This recording, the documents filed by the faculty member pursuant to Section G.(1), and documents and exhibits admitted into evidence during the hearing shall be the official record of the grievance hearing. The parties to the grievance may have access to the official record and will be furnished a copy at cost.
- (3) The hearing will be closed to everyone except the parties to the grievance, their legal counsel or personal representatives, the Faculty Grievance Panel,

witnesses while giving testimony and the person operating the recording equipment.

- (4) Witnesses should testify from personal knowledge and without regard to what other witnesses may say. Therefore, the Chairperson will require all potential witnesses except the parties to the grievance to leave the hearing room until such time as they are called to testify. Witnesses called by one party may be cross-examined by the other party. The Chairperson and members of the Grievance Panel may ask questions of a witness after the parties have concluded their examinations.
- (5) In all cases, the faculty member shall have the burden of proof.
- (6) After the hearing has been called to order by the Chairperson, the hearing shall proceed as follows:
  - (a) The faculty member, legal counsel or personal representative may make a brief statement explaining the basis for the grievance and what he or she contends that the evidence will show.
  - (b) The administration or legal counsel may make a brief statement explaining the basis for the challenged decision or action and what he or she contends that the evidence will show.
  - (c) The faculty member, legal counsel or personal representative may call witnesses to testify and may offer documentary evidence.
  - (d) After witnesses and evidence have been presented by the faculty member, the administrator or legal counsel may call witnesses to testify and may offer documentary evidence.
  - (e) Each party may call witnesses or offer documentary evidence in rebuttal to the testimony of witnesses or documentary evidence of the other party.
  - (f)

After the presentation of evidence has been concluded by both parties, each party may make a brief statement that summarizes the evidence that was admitted and the conclusion(s) that the Grievance Panel is requested to reach on the basis of that evidence. As the party with the burden of proof, the faculty member has the right to address the Panel first and may also make a closing statement after the statement of the administrator. The Chairperson shall determine the appropriate time limit for the statement by each party and shall require that the time limit be observed.

- (g) The Chairperson will adjourn the hearing and, upon the basis of the evidence admitted at the hearing, the Panel will make a written report of its findings and recommendations to the President of the University within

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ten (10) work days after the hearing is adjourned. The findings and recommendations of the Panel shall be limited to the issues contained in the documents filed by the faculty member pursuant to Section E.(4).(a). The Panel may submit majority and minority findings and recommendations as appropriate.

- (h) Although the Panel is constrained to act within the rules contained in this Faculty Grievance Procedure, the Panel is expected to report, by a memorandum to the President of the University and the President of the Faculty Senate that is separate from its written grievance report to the President of the University, issues arising from grievances that are not adequately or appropriately addressed by the applicable University rules.
- (7) Each member of the Faculty Grievance Panel is required to be in attendance throughout the hearing. After the hearing has begun, any member who is unable to continue in attendance because of illness or extenuating circumstances shall not participate further in the hearing or other proceedings under this Procedure. Provided at least three Panel members continue to serve, the proceedings under this Procedure shall continue to completion.
- (8) The Chairperson must rule upon objections that are made to the admissibility of evidence offered by the parties.
- (a) In order to be admissible, the documents or testimony offered must be relevant to issues that are to be decided by the Panel. Generally, evidence is relevant if it tends to prove or disprove a fact that is at issue. There must be some logical connection between the offered evidence and a fact that is in dispute. Upon objection, evidence that is not relevant should be excluded.
  - (b) Testimony of a witness should be based upon statements of the parties personally heard or events personally observed by the witness. Fundamental fairness requires that a witness offered by a party be subject to cross-examination by the other party in order to determine whether the witness is testifying from personal knowledge and to test the credibility of the witness. If the knowledge of a witness regarding statements attributable to a person or the occurrence of an event is based upon what the witness has read or has been told by someone rather than what the witness personally heard or observed, testimony of the witness should be excluded upon objection. Written or recorded testimony of a witness will not be admitted except by agreement of the parties to the grievance.
  - (c) University records and correspondence of University administrators produced in the ordinary course of business shall be admissible, subject to objections as to relevancy.

- (d) Evidence that is admissible but is merely cumulative of evidence already in the record should be excluded by the Chairperson upon objection or upon determination by the Chairperson that additional evidence of the same nature as that already admitted is merely repetitious. It is within the discretion of the Chairperson to determine when further testimony on an issue becomes a waste of time.
  - (e) It is the responsibility of the Panel to make fair and impartial findings and recommendations to the President of the University. When irrelevant evidence is offered without objection, the Panel should recognize it as such and disregard it in its deliberations.
- (9) As the party with the burden of proof, the faculty member has the burden of going forward with the evidence at the grievance hearing and has the burden of proving by the greater weight of the credible evidence that (a) the decision or action that is the subject of the grievance was not made in substantial compliance with established University criteria or procedures; or (b) that there is no rational basis for the decision or action; or (c) that the decision or action was based upon criteria that are unlawful under the state or federal constitution, laws, or court decisions.
- (a) Failure to comply with established University criteria or procedures will not be considered substantial if the administrator who made the decision or took the action in question proves by the greater weight of the credible evidence that the same decision or action would have resulted even if the omitted criteria or procedure had been applied or followed.
  - (b) In determining whether a decision or action is without a rational basis, the Panel may not concern itself with whether the decision or action is wise or whether the Panel agrees with the decision or action. The greater weight of the credible evidence must show that the decision or action is arbitrary and irrational. If reasonable minds could differ as to whether the basis given by the administrator supports the decision or action, it is not arbitrary and irrational.
  - (c) A decision or action is based upon criteria that are unlawful if the greater weight of the credible evidence demonstrates that the decision or action was made because of the faculty member's race, religion, national origin, disability, sex, age, veteran status, protected speech activity, protected right of association or other basis that may be prohibited by the state or federal constitution, laws or court decisions.
- (10) The Faculty Grievance Panel is the sole judge of the credibility of a witness. A witness is credible when he or she is believable. In determining the credibility of a witness the Panel may consider the demeanor of the witness, the opportunity of the witness to observe events or to acquire personal knowledge that is the

subject of the testimony, any interest that the witness may have in the determination of the issues or any other factor that is relevant to whether the witness is believable.

- (11) Facts at issue may be proven by direct or indirect evidence. Direct evidence is testimony by a witness who saw the events occur or who heard words spoken that establish the fact in question. Indirect evidence includes testimony of a witness who saw events occur or who heard words spoken that establish a collateral fact or circumstance from which the fact at issue may be logically inferred from common knowledge or experience.

#### **G. Review and Decision of the President of the University.**

- (1) The findings and recommendation of the Faculty Grievance Panel (majority and minority if appropriate), the tape recording of the grievance hearing, the documentary evidence admitted during the grievance hearing, and the documents filed by the faculty member to initiate the Formal Grievance Procedure shall constitute the record of the grievance hearing and will be forwarded to the President of the University by the Chairperson of the Panel within ten (10) work days after the grievance hearing is adjourned.
- (2) The President of the University will review the record and the findings and recommendations of the Panel. Based upon the official record, the President of the University may approve such findings and recommendations, may make modifications, or may make different findings and conclusions. Within 20 work days after receipt of the record of the grievance hearing and the findings and recommendations of the Panel, the President of the University will make findings of fact based upon the record and render a decision on the issue(s) that are the subject of the grievance hearing. The decision of the President of the University is final and will be delivered to the parties to the grievance, the Chairperson of the Faculty Grievance Panel, the Chairperson of the Faculty Affairs Committee, the President of the Faculty Senate, the dean of the school and the Provost and Vice President for Academic Affairs.

#### **H. General Provisions/Definitions.**

- (1) Any time limit provided for in this Procedure may be extended for no more than ten (10) work days by written agreement of the parties to the grievance filed with the appropriate Chairperson at least two (2) work days prior to the expiration of the applicable time limit.
- (2) If a faculty member who has filed a grievance fails to pursue the grievance to the next appropriate step within the time limit prescribed by this Procedure or fails to file a written agreement extending the time for taking such action, the faculty member shall be presumed to have accepted the decision that has been made at the previous stage of the Procedure.

- (3) A faculty member who does not receive a response to a grievance within the time limit prescribed by this Procedure or within an agreed extension to such time limit, may proceed to pursue his or her grievance to the next step of the Procedure.
- (4) Resort to this Procedure does not prevent a faculty member from pursuing the issues of his or her grievance in any non-University proceeding. However, if a faculty member seeks resolution of the issues in a non-University forum, he or she shall not be entitled to file a grievance under this Procedure or to pursue a grievance under this Procedure that was filed prior to presenting such issues to a non-University forum for resolution.
- (5) The term "work day" means a day on which classes or examinations are scheduled on the official academic calendar of the University. The term "day" means a calendar day.