

UNIVERSITY RULE

12.01.99.M1 University Statement on Academic Freedom, Responsibility, Tenure, and Promotion

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Rule Statement

The rules, standard administrative procedures, and guidelines for academic freedom, ethics, responsibility, tenure, and promotion at Texas A&M University apply equally to current faculty members and to subsequent appointees. These documents seek to establish a spirit of cooperation, good faith, and responsibility and to provide useful guidelines for situations not specifically described in this rule.

Official Rule

Sections include:

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10. CAFRT

1. FACULTY TITLES

- 1.1 Definition of Faculty:

- 1.1.1 In general, a faculty member as described in this document is any full-time or part-time employee of Texas A&M University with the following appointments:

- Professor, Associate Professor, Assistant Professor

- [*Adjective*] Professor, [*Adjective*] Associate Professor, [*Adjective*] Assistant Professor, such as Clinical, Adjunct, Executive, Instructional, Research, Senior, and Visiting
- Professor of the Practice, Associate Professor of the Practice, Assistant Professor of the Practice
- Senior Lecturer, Lecturer, Assistant Lecturer
- Instructor

1.1.2 A faculty member is not automatically eligible for tenure. See Section 4.1.1.

2. FACULTY EMPLOYMENT AND ANNUAL REVIEW

2.1 Written Terms of Employment:

2.1.1 All new faculty members shall be provided with an appointment letter stating the initial terms and conditions of employment. Any subsequent modifications or special understandings in regard to the appointment will be stated in writing and a copy will be given to the faculty member. All faculty members, unless the terms and conditions of their appointment letter state otherwise, are expected to engage in teaching, research or other creative contributions, and service. Some faculty members may negotiate or be assigned to make contributions to any of the three areas, teaching, service, and research or other creative contribution within the context of scholarly engagement. Scholarly engagement is defined as a collaborative and reciprocal relationship between Texas A&M University and key constituencies that involve discovery, integration, translation, and application of knowledge.

(a) Essential job functions for a position may vary depending upon the nature of the department in which the faculty member is employed, the nature of the discipline in which the faculty member holds expertise, external funding requirements attached to the position, licensing or accreditation requirements, and other circumstances. It is therefore important that essential job functions for each faculty position be listed in the initial appointment letter. For example, all of the following that are applicable should be listed: teaching responsibilities, responsibilities for advising students, independent and/or collaborative research responsibilities, engaging in patient care, committee assignments, conditions imposed by external accrediting agencies, conditions for holding a named professorship or a position that combines academic and administrative duties, and any other specific essential functions for the position in question. All appointment letters must indicate whether the appointment being offered is with tenure, tenure-accruing, or non-tenure-accruing.

(b) The initial or modified appointment letter for a faculty member with administrative duties should state the portion of the employee's salary that is associated with the administrative duties. The portion of the faculty member's salary not associated with the administrative duties shall be aligned with the salaries of other faculty with similar qualifications and

performing similar duties. The appointment letter for faculty members with administrative duties should also state that the administrative duties may be removed without cause.

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

2.1.3 Unless otherwise specified to be less in the initial or annual appointment letter, or mutually agreed upon revision thereof, tenure-accruing appointments and appointments with tenure provide employment for nine months or the equivalent.

2.1.4 All faculty members will receive an annual notification of the terms and conditions of appointment for the next fiscal year within two weeks after the Texas A&M University budget has been approved by the Board of Regents or by July 31, whichever is later. This notice shall contain the rank of appointment, tenure status, inclusive dates of employment, salary, and any special conditions. Any changes or additions to essential job conditions and functions noted in the original letter of appointment also should be included, after appropriate consultation with the faculty member. Any changes to the terms and conditions of appointment may be appealed through SAP 12.99.99.M0.01 (Faculty Grievance Procedures Not Concerning Questions of Tenure, Dismissal, or Constitutional Rights). Faculty members are obligated to fulfill the terms of employment for the following year, unless they resign prior to 30 days after receiving notification of these terms.

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

2.2.1 Tenure Track Faculty:

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

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

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

2.2.2 Academic Professional Track Faculty (non-tenure track):

Academic Professional Track Faculty are those faculty not on the tenure-track who contribute to the mission of the university in more focused ways. Normally APT faculty have a primary responsibility for teaching or research, but may also be expected to contribute in more than a single area of teaching, research or service.

2.2.2.1 An academic professional track faculty (such as Lecturer or Assistant Professor but excluding Visiting or Adjunct) who has held any faculty appointment other than Assistant Lecturer for the equivalent of 5 or more academic years of full-time service within a 7 year period shall be provided a one-year notice if it is the University's intent not to renew the appointment. This one-year notice shall also apply to Research faculty titles if clearly specified in the offer letter or a reappointment letter; otherwise, the notice period specified in section 2.2.2.4 shall apply.

2.2.2.2 A faculty member promoted to or hired at the rank of Senior Lecturer or a non-tenure track professorial title of Associate Professor or Professor (excluding Visiting or Adjunct), shall be provided a one year notice if it is the University's intent not to renew the appointment. This one-year notice shall also apply to Research faculty titles if clearly specified in the offer letter or a reappointment letter; otherwise, the notice period specified in section 2.2.2.4 shall apply.

2.2.2.3 A Clinical Assistant Professor (who has held any faculty appointment other than Assistant Lecturer for the equivalent of 5 or more academic years of full-time service within a 7 year period), Clinical Associate Professor, or Clinical Professor, whose primary faculty responsibility is human patient care, shall be provided with a two (2) month notice if it is the intent of the University not to renew the appointment. This two-month notice shall apply if clearly specified in the offer letter or a reappointment letter; otherwise, a one-year notice period shall apply.

2.2.2.4 Notice of intent not to renew all other faculty who are not on the tenure-track and who have not held an appointment stated in 2.2.2.2 or an appointment stated in 2.2.2.1 or 2.2.2.3 for the stated time period (the equivalent of 5 or more academic years of full-time service within a 7 year period) shall be given by the academic departments within a reasonable time from when the department has decided not to renew the appointment.

2.2.2.5 Any request for an exemption to either of these provisions must be based on a major programmatic revision or budgetary cutback, including a loss or significant reduction of external funding. Such a request with appropriate documentation must be submitted by a

college dean through the Provost and Executive Vice President to the President for approval.

2.3 Right of access to personnel files: Generally, faculty members are entitled under Texas law to see their personnel files and to obtain, at their own expense, a copy of the information in these files, with the exception of information concerning the privacy interests of another individual or otherwise made confidential by law.

2.4 Annual Review:

2.4.1 An annual review will be conducted in a timely fashion for all faculty members regardless of their title. The purpose of the annual review is to provide a mechanism to facilitate dialogue between the administration and faculty. The annual review provides the process to evaluate the faculty members' accomplishments in the context of departmental, college and university goals. Annual reviews are to be conducted in an environment of openness and collegiality, with an emphasis on constructive development of the individual faculty member and the institution.

2.4.2 The focus of the annual review process will vary by title and rank. For academic professional track faculty the annual review process will serve primarily as an evaluation focusing on performance and potential for reappointment and promotion. For tenured or tenure-track faculty, the annual review must take into account the fact that progress in a scholarly career is a long-term venture; therefore, a three to five year horizon may be necessary for the accurate evaluation of scholarly progress. Furthermore, an annual review process should be conducted differently depending upon the different stages of a faculty member's career.

For all non-tenured faculty (tenure-track or non-tenure track), the annual review process must also provide indication as to progress toward tenure or promotion (see 4.3.5). For tenured associate professors, the process should be used to identify the faculty member's progress toward promotion to professor. For professors and tenured associate professors the annual review should also be part of the ongoing process of communication between the faculty member and the institution in which both institutional and individual goals and programmatic directions are clarified, the contributions of the faculty member toward meeting those goals are evaluated and the development of the faculty member and the University is enhanced. In all cases, the annual review shall serve as the primary documentation for evaluation of job performance in the areas of assigned responsibility and for merit salary increases.

Annual reviews should recognize that faculty members' relative degrees of focus on teaching, research or other creative contributions, and service may change as their careers evolve. At times, it is appropriate for faculty members to contribute in a balanced way to all three facets of faculty contribution. At other times, it may be appropriate for a given faculty member to focus on research/creative contribution, and at still other times

it may be appropriate for that faculty member to focus on teaching or service.

2.4.3 Annual Review Guidelines:

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

2.4.3.1 Purpose of annual review. These include the purposes set forth in (2.4.1) and (2.4.2) as well as any department specific purposes.

2.4.3.2 Period of evaluation (may be longer than one year; see 2.4.2) and aspects of performance to be evaluated, as appropriate for each job title.

2.4.3.3 Annual Activity Report format and content.

Examples of possible content include (a) a statement of assigned duties, consistent with (or consisting of) the appointment letter or current position description; (b) a list of activities, accomplishments, and awards; (c) documentation, including such items as course syllabi, evidence of student learning, published papers or books, evidence of effectiveness in service, teaching portfolio, etc.; (d) self-evaluation in the context of the assigned duties of the faculty member and the missions of the department and University; and (e) a statement of goals (see 2.4.5.1).

2.4.3.4 Basis for evaluation:

2.4.3.4.1 All sources of information to be used for the evaluation must be specified. In addition to required student evaluations of teaching, the following are examples of other possible sources of information: (a) Annual activity report (required as a source); (b) personal observation by evaluator; (c) discussions with colleagues, students, and/or others; (d) peer evaluations of teaching; (e) and others. Multiple sources of information for teaching quality and effectiveness, not just student evaluations, should be used.

2.4.3.4.2 Department and college guidelines should allow the teaching, research or other creative contributions, and service loads to vary across faculty members. The teaching component shall not be less than those mandated by

System Policy 12.01, and service contributions should be no less than 10% of the total effort of any faculty member. Service contributions normally include service to the department, college or university, or the profession.

2.4.3.4.3 Department and college guidelines may define the extent to which distributions for teaching, research or other creative contributions, and service are weighed for merit-raise considerations.

2.4.3.4.4 Contributions of faculty members through scholarly engagement (defined in 4.4.1.2) should be acknowledged in the review process, and valued equally with scholarship that is conducted in other contexts and directed at other outcomes. Annual reviews should also afford faculty members opportunity to be recognized for contributions to diversity, internationalization/globalization, interdisciplinary collaboration, and multidisciplinary collaboration. Multidisciplinary and interdisciplinary contributions should be valued equally with disciplinary contributions.

2.4.3.4.5 Annual reviews should include an informed judgment by the administrator of the extent to which the faculty member complies with applicable rules, policies, and procedures. No faculty member may receive an overall satisfactory rating if she or he is out of compliance with System Regulation 33.05.02, which addresses required training.

2.4.3.5 Complaint procedure if annual review fails to follow published guidelines:

A faculty member who believes that his or her annual review process did not comply with the department published annual review guidelines, or in their absence those published by the college, may file a complaint in writing addressed to the dean of the college with a copy to the Dean of Faculties. The dean of the college will review and decide on the merits of the complaint. The decision of the dean of the college may be appealed to the Dean of Faculties.

2.4.3.6 There is no formal grievance or appeal regarding the substance of an annual review.

2.4.4 Department heads with faculty who have budgeted joint appointments will collaborate with the heads of the appropriate units to develop accurate annual reviews. In all cases there should be one department where more than 50% of the appointment is located or where the faculty and department heads have agreed the administrative responsibility of annual evaluation is located; the head of that department is responsible for the final evaluation.

Input will be sought from heads of departments in which a faculty member holds non-budgeted appointments.

2.4.5 The annual review process:

The exact form of the annual review may differ from college to college, or even from department to department within a college, but must include the following components.

2.4.5.1 Faculty member's report of previous activities. The report should be focused on the immediately previous academic or calendar year, but should allow a faculty member to point out the status of long-term projects and set the context in which annual activities have occurred. The report should incorporate teaching, research or other creative activities, and service as appropriate. Faculty members should state their short-term and long-term goals.

2.4.5.2 A written document stating the department head's evaluation and expectations. The department head will write an evaluation for the year in a memorandum or in the annual review document transmitted to the faculty member. The faculty member indicates receipt by signing a copy of the document and should be allowed to provide written comments for the file if they so choose. A faculty member refusing to sign the receipt of the document will be noted in the file. This memorandum, and/or the annual review and any related documents, will be placed in the faculty member's departmental personnel file. Moreover, this memorandum and/or annual review shall also include a statement on expectations for the next year in teaching, research or other creative activities, and service.

2.4.5.3 Meeting between the department head and the faculty member. There will be an annual opportunity for a personal meeting to discuss the written review and expectations for the coming year if either party believes it is needed. In some cases, there may be the need for more frequent meetings at the request of the department head or faculty member.

2.4.5.4 Performance Assessment. In assessing performance, the weights given to teaching, research or other creative activities, and service shall be consistent with the expectations of the individual's appointment, the annual review, and with the overall contributions of the faculty member to the multiple missions of the department and University.

3. ACADEMIC FREEDOM, ETHICS AND RESPONSIBILITY

3.1 Academic Freedom: Institutions of higher education exist for the common good. The common good depends upon an uninhibited search for truth and its open expression. Hence, it is essential that faculty members be free to pursue scholarly

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

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

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

3.2.1 Faculty members have ethical obligations and responsibilities to the students of Texas A&M University.

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

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

3.2.1.3 Faculty members should maintain respect for the student and for the student's role as a learner. Faculty members should evaluate students on the true merit of their academic performance. Faculty members should be available at reasonable intervals to students for consultation on course work.

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

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

3.2.2.1 Faculty members shall neither harass nor exploit any member of the university community.

- 3.2.2.2 Faculty members shall respect and defend the free inquiry of associates. In the exchange of criticism and ideas, faculty members shall show due respect for the opinions of others.
- 3.2.2.3 Faculty members shall acknowledge the academic contributions of others, strive to be objective in their professional judgment of colleagues, and accept their share of faculty responsibilities for contributing to the governance of the institution.
- 3.2.3 Faculty members have ethical obligations and responsibilities to Texas A&M University as an institution.
 - 3.2.3.1 A faculty member's comments regarding matters of public concern are protected even though they may be highly critical in tone or content, or even erroneous. The constitutionally protected rights of faculty members, as citizens, to freedom of expression on matters of public concern cannot be abridged. Faculty members, like all citizens, are responsible for all actions that are not constitutionally protected.
 - 3.2.3.2 Faculty members should recognize that their primary responsibilities are to the institution as they determine the amount (if any) and character of work done outside of the institution. Such outside work shall be consistent with System and University requirements. Although faculty members may follow subsidiary interests, these must never compromise their freedom and willingness to draw intellectually honest conclusions.
 - 3.2.3.3 When considering the interruption or termination of their service, faculty members should take into account the effect of their decision upon the institution and give due notice of their intentions.
- 3.2.4 Faculty members have ethical obligations and responsibilities to their profession and deriving from their membership in the professorate. The fundamental responsibilities of a faculty member as a teacher and scholar include maintenance of competence in his or her field of specialization and exhibition of such professional competence in the classroom, studio, library, or laboratory and in the public arena by such activities as discussions, lectures, consulting, publications, or participation in professional organizations and meetings.
- 3.2.5 Faculty members have ethical obligations and responsibilities to the public. The demonstration of professional integrity by a faculty member includes recognition that the society at large will judge the profession as well as the institution by his or her statements and behavior. Therefore, the faculty member should strive to be accurate, to exercise appropriate restraint, to be willing to listen to and show respect to members of the society at large who express different opinions, and to avoid creating the impression that the

faculty member speaks or acts for the college or the University when speaking or acting as a private person.

4. PROMOTION OR TENURE

4.1 Eligibility for Tenure:

- 4.1.1 To be eligible to receive tenure, a faculty member generally should be an employee of Texas A&M University who holds academic rank as associate professor, or professor.
- 4.1.2 Faculty members who hold joint appointments with other state, federal, or private agencies or with two or more members of The Texas A&M University System may or may not be entitled to tenure, depending upon the nature of their duties and the terms of the written appointments. Normally, all individuals whose service accrues credit toward tenure and those who are already tenured receive on the average at least one-third of their salary from Texas A&M University.
- 4.1.3 Faculty with administrative appointments, such as department heads, deans, provost, vice presidents and president, who hold academic rank in addition to their administrative titles retain their tenured status as faculty members, but administrative titles and appointments per se are not subject to tenure.

4.2 Tenure Policy:

- 4.2.1 Tenure means the entitlement of a faculty member to continue in the academic position held unless dismissed for good cause. Tenure is based on the need to protect academic freedom and is irrevocable except as specified in Section 6.
- 4.2.2 Tenure is obtained only by the affirmative action of the Board of Regents.
- 4.2.3 Faculty members awarded tenure by other members in The Texas A&M University System or any other institution have no claim to tenure at Texas A&M University.
- 4.2.4 Except when otherwise specified to be less in the initial appointment letter, or a mutually agreed upon revision thereof, a tenured faculty member is guaranteed nine months of full-time employment or the equivalent (See Section 2.1.3).

4.3 Tenure System Components:

- 4.3.1 The probationary period for a faculty member shall not exceed seven years of full-time service, beginning with appointment to the rank of instructor or a higher tenure-eligible rank. Under extenuating circumstances, the probationary period at Texas A&M University may be extended with the written concurrence of the faculty member involved, the department head, dean, and the Dean of Faculties. The probationary period may include

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

4.3.2 Faculty members holding tenure-accruing appointments in a library will be evaluated for tenure based on the policies of the library as approved by the Dean of Faculties.

4.3.3 Assistant professors at Texas A&M University will be evaluated for promotion to associate professor and for tenure concurrently and will not be awarded one without the other.

4.3.4 Persons whose initial appointment to the Texas A&M University faculty is at the rank of associate professor or professor are eligible to be considered for tenure upon appointment.

4.3.5 Periodic Review:

4.3.5.1 Each department, on an annual basis, shall review the performance of all faculty members who are accruing credit toward tenure. Each faculty member shall be advised in writing of the results of this review. The purpose of regular reviews is to provide a candid evaluation of the individual's achievements so that both the individual and Texas A&M University may benefit by improved performance or by the encouragement to continue exemplary performance.

4.3.5.2 For tenure track faculty subject to a probationary period (of five or more years) at Texas A&M University, a comprehensive mid-term review (normally at the end of the third year) to determine the progress towards tenure is mandatory. This evaluation will familiarize the faculty member with the tenure process and ensure that the faculty member understands the expectations of those entities that will ultimately be responsible for the tenure decision. This review should mimic the tenure review process as closely as possible; a minimal mid-term review would include dossier items contributed by the candidate and internal letters of recommendation if appropriate, and would be reviewed at the department and college levels by appropriate faculty committees as well as the department head and dean. If a tenure track faculty is not progressing adequately toward the requirements for tenure, action to not renew the contract of the individual may be appropriate.

4.3.5.3 A thorough review in the penultimate year of probationary service is mandatory. Such reviews may be made earlier and are, in fact, encouraged whenever it appears appropriate. If an early review does not result in a favorable decision for promotion or tenure, a review

will be conducted again at the mandatory time. If the department head has not already initiated the review process, each faculty member serving in the next-to-last year of probationary service should notify the department head that the year for a tenure judgment has been reached. This communication should be made in writing in order to avoid any misunderstanding of the matter by any party.

4.4 Promotion or Tenure Criteria:

4.4.1 Categories of Performance:

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

4.4.1.2 Creation and dissemination of new knowledge or other creative activities: For most disciplines, this category consists of scholarship or research and its publication. For some disciplines, however, it may include other forms of creative activity. Architectural design, engineering technology, veterinary or medical technology, fiction, poetry, painting, music, and sculpture are examples.

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

4.4.1.4 Exceptions to the normal requirements for tenure, or more commonly promotion, may sometimes be warranted. Examples would include (a) gifted and productive master teachers who are abreast of their field but who have not contributed extensively to the development of new knowledge, (b) exceptionally outstanding researchers whose teaching is merely acceptable, and (c) tenured faculty whose sustained service to the University is unselfish, distinctive and outstanding, but whose teaching and research are only acceptable. In all cases performance in the other two dimensions must be at least acceptable. Few faculty will possess qualities such as these, but those who do deserve recognition and advancement.

4.4.2 College Criteria:

4.4.2.1 The faculty and administrators of each college shall jointly develop written guidelines describing the evaluation criteria employed in the unit consistent with University criteria and procedures.

4.4.2.2 Both the guidelines and the evaluation process itself shall pay due regard to the difficulties inherent in quantifying academic performance. The guidelines shall be periodically reviewed and approved by the Dean of Faculties. In those units in which the goals and objectives of departments differ significantly, departments should also have written evaluation guidelines. Continuity in performance criteria and expectations is important. Therefore, criteria should be changed only after careful and thorough joint deliberation by faculty members and administrators of the unit.

4.4.2.3 The guidelines shall include:

- (1) Criteria that are employed to judge the level of performance of faculty in each category of performance. (Examples of possible indicators of performance are given in Appendix I).
- (2) The relative importance and normal level required of performance in each category in order to be awarded tenure. Achieving the normal level does not ensure tenure.
- (3) The relative importance and normal level required of performance in each category for appointment or promotion to each rank. Achieving the normal level does not ensure appointment or promotion.
- (4) A description of the procedures employed in evaluation of faculty for promotion or tenure including: (a) responsibilities of the faculty member and others in preparing the tenure or promotion dossier; (b) procedures for departmental and college-level review committees: selection of committee members and chair, responsibilities of the committee, procedures for making a recommendation, etc.; (c) procedures for promotion of academic professional track faculty members and research professors if different; (d) a timeline.
- (5) University, college, and department guidelines should be available to all faculty. New faculty members shall receive the guidelines along with a statement of any special conditions or expectations related to their employment when they join the Texas A&M University faculty. Such guidelines shall support the adequate evaluation and reward of a faculty member's interdisciplinary responsibilities.

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

Tenure Track Ranks

4.4.3.1 Assistant Professor: Faculty members holding a tenure-accruing appointment with the rank of instructor will be promoted to the rank of assistant professor upon the receipt of the terminal degree.

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

4.4.3.3 Professor: (1) continuing accomplishment in teaching; (2) continuing accomplishment and some measure of national or international recognition in research or another form of creative activity; and (3) evidence of valuable professional service.

4.4.4 Academic Professional Track Ranks

Faculty members in non-tenure track positions may normally be considered for promotion after five years, however time in rank is never a sufficient criterion for promotion. A faculty member may seek promotion at an earlier time except where a minimum time in rank is specified. All requests for promotion from eligible candidates must be considered.

4.4.4.1 Senior Lecturer should have an appropriate terminal degree or significant experience in the field and demonstrate continuing accomplishment in teaching.

4.4.4.2 Non-tenure track [*Adjective*] Assistant Professors, Associate Professor and Professor should have significant responsibilities beyond solely teaching (or research for research faculty) and demonstrate continued excellence in their primary as well as secondary responsibilities.

4.4.4.3 Faculty in these ranks may be considered for multi-year appointments, particularly after they have served continuously in the position at TAMU for five years.

4.5 Promotion or Tenure Evaluation.

4.5.1 In most cases, the judgments of professionals in the faculty member's field provide the best and most reliable basis for making sound decisions about promotion or tenure. Consequently, the level of accomplishment and potential relative to disciplinary norms and standards as judged by peer review should be the heart of the promotion or tenure process.

4.5.2 In evaluating a faculty member being considered for promotion or tenure, the appropriate faculty committees and academic administrators shall give adequate consideration to the faculty member's professional performance. Adequate consideration of a promotion or tenure case consists of a conscientious review, which seeks out and considers all available evidence bearing on the relevant performance of the faculty member, and assumes that the various academic units follow their approved procedural guidelines during the promotion or tenure review process (see 4.4.2 and 4.4.3). Such consideration should be based upon adequate deliberation over the evidence in light of relevant standards and exclusive of improper standards. An improper standard is any criterion not related to the professional performance of the faculty member. The evaluation of a promotion or tenure case should constitute a bona fide exercise of professional academic judgment.

4.6 Review Process for Promotion or Tenure:

4.6.1 The faculty member being considered for promotion or tenure will work with the department head or designated committee to develop a complete dossier.

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

4.6.2.1 If the faculty member being considered has a joint appointment funded in two or more departments or programs, the department or program in which the faculty member is administratively located (ad loc) has the responsibility to ensure that the review process is conducted in accordance with the regular Promotion and Tenure procedures of the relevant departments or programs. If the departments or programs are in the same college, the ad loc department or program is responsible for forwarding the appropriate documents to the dean's office. If different colleges are involved, then each department or program is responsible for forwarding the appropriate documents to its dean's office. The college in which the faculty is administratively located has the responsibility for completing and forwarding the dossier to the Office of the Dean of Faculties.

4.6.2.2 If the faculty member being considered has an appointment with an intercollegiate faculty in addition to a departmental appointment, then the ad loc department must request a review and evaluation from the intercollegiate faculty. The evaluation should include comments on teaching, research, service, and intercollegiate

cooperation, and the evaluation must be included in the package of material that is forwarded to the dean's office.

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

4.6.4 The dean will present the faculty member's dossier, inclusive of all recommendations to the Dean of Faculties for review by the Provost and Executive Vice President. This review and recommendation process will continue, through the President of the University to the Chancellor of the System, who makes the final approval of promotions. Recommendations for tenure will be forward to the Board of Regents, which holds sole authority to confer tenure.

4.7 Notification Process for Promotion or Tenure:

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

4.7.2 The official decision by the Board of Regents regarding the granting of tenure or by the President for promotion will be conveyed in writing to the faculty member as soon as possible.

5. RIGHTS OF NON-TENURED FACULTY

5.1 The dismissal of a non-tenured faculty member (tenure track or non-tenure track) with a term appointment prior to the expiration of the appointment must be based on good cause (such as listed in 6.3) and such dismissals shall follow the procedures stated in 8.2.

5.2 A decision not to renew the tenure-track appointment of a non-tenured faculty member or a decision not to grant tenure to a non-tenured faculty member shall be based upon adequate consideration (see 4.5.2) of the individual's professional performance and shall not be made in violation of academic freedom or as a form of illegal discrimination.

The appeal procedures to be followed are outlined in Section 9, except as provided by sections 5.3 and 5.4.

- 5.3 If a faculty member believes their dismissal or non-reappointment (for tenure-track faculty only) was the result of a violation of their civil rights, they should state such belief in the written notice of appeal, as per sections 8.2.4 and 9.3 respectively. Upon receipt on the written notice of appeal the President of Texas A&M University shall promptly communicate with the Dean of Faculties to initiate an investigation of the alleged violation according to University Rule 08.01.01.M1, and before the appeal is heard by CAFRT.
- 5.4 A non-tenured faculty member whose appointment is not renewed may present a grievance in person to his or her dean or designee regarding the non-reappointment if the grievance is based on grounds other than allegations that the non-reappointment was not based upon adequate consideration, violated the faculty member's academic freedom or was a form of illegal discrimination. The dean or designee will consider the grievance and render his or her decision, and this decision on the grievance is final.

6. POLICIES GOVERNING THE LOSS OF TENURE

- 6.1 Tenure is given up when a faculty member: (1) retires (excluding partial retirement); (2) resigns; (3) is dismissed for cause; or (4) is off the Texas A&M University payroll for more than one calendar year unless on approved leave of absence. (Note: Individuals who accept full-time employment at another member of the System, provided that such persons formally notify their department heads annually by March 1 of their desire to retain their tenured positions and their requests are approved by the appropriate administrators, may retain their tenured positions. If a request is denied, the individual will return to the tenured position formerly held or give up tenure.)
- 6.2 Dismissal of tenured faculty members: A faculty member with tenure shall not be dismissed until he or she has received reasonable notice of the cause for dismissal. Dismissal, other than summary dismissal, shall occur only after an opportunity for a hearing, which shall comply with the established procedures in Section 10.
- 6.3 Good cause for dismissal of a faculty member with tenure includes, but is not limited to the following:
- 6.3.1 Professional incompetence;
 - 6.3.2 Continuing or repeated failure to perform duties or meet responsibilities to the institution or to students or associates;
 - 6.3.3 Failure to complete a post-tenure review professional development plan as described in Texas A&M University's post-tenure review procedure (SAP 12.06.99.M0.01) in that: (1) the professional development plan's goals were not met by the faculty member; and (2) the deficiencies in the completion of this plan are of sufficient magnitude to separately constitute good cause for dismissal under sections 6.3.1 and/or 6.3.2;

- 6.3.4 Moral turpitude adversely affecting the performance of duties or the meeting of responsibilities to the system academic institution, or to students or associates;
- 6.3.5 Violation of system policies, system regulations, system academic institution rules, or laws substantially related to performance of faculty duties;
- 6.3.6 Conviction of a crime substantially related to the fitness of a faculty member to engage in teaching, research, service/outreach, and/or administration;
- 6.3.7 Unprofessional conduct adversely affecting to a material and substantial degree the performance of duties or the meeting of responsibilities to the institution, or to students or associates;
- 6.3.8 Falsification of academic credentials;
- 6.3.9 Bona fide financial exigency or the phasing out of institutional programs requiring reduction of faculty;
- 6.3.10 The reduction or discontinuance of institutional programs based on educational considerations and requiring the termination of faculty members.
- 6.3.11 A finding of sexual harassment or other serious misconduct, in accordance with system policy.

7. REDUCTION OR DISCONTINUANCE OF INSTITUTIONAL PROGRAMS

7.1 Financial Exigency:

- 7.1.1 Definition of bona fide Financial Exigency: Bona fide financial exigency means a pressing need to reorder the nature and magnitude of financial obligations in such a way as to restore or preserve the financial stability of Texas A&M University. A bona fide financial exigency may exist without all parts of the University being affected. Financial stability means the ability of the University to provide from current income the funds necessary to meet current expenses, including current debt payments and sound reserves, without invading or depleting capital. Evidence of financial exigency may include but is not limited to declining enrollments, substantial revenue cutbacks, and substantial ongoing operating budget deficits.
- 7.1.2 Declaring Financial Exigency: When the President of Texas A&M University believes that a state of bona fide financial exigency may exist in part or all of the University, the President shall consult with a representative group of faculty members chosen by the Faculty Senate, other appropriate faculty members, and administrators. The President has the responsibility to demonstrate bona fide financial exigency. Following these consultations, if the President believes that a state of financial exigency exists, the President shall inform the Chancellor of The Texas A&M University System. If the Chancellor concurs in this assessment, he or she shall inform

the Board of Regents. If the Board of Regents finds that the conditions stated in Section 7.1.1 exist, a state of bona fide financial exigency shall be deemed to exist at Texas A&M University.

7.1.3 When faculty dismissals are contemplated on grounds of financial exigency, there shall be early, careful, and meaningful sharing of information and views with appropriate faculty representatives, including the Faculty Senate, on the emergency indicating the need to terminate or reduce programs. Recommendations from faculty representatives, including a group chosen by the Faculty Senate, shall be sought on alternatives available to Texas A&M University to ensure continuation of a strong academic program and to minimize the losses sustained by affected students and faculty members.

7.1.4 Cases involving bona fide financial exigency may permit exceptions to tenure regulations as well as the suspension of the normal notification provisions outlined in Section 2.2.

7.1.5 If two or more faculty members are equally qualified and equally capable of performing their academic role, the faculty member or members having tenure shall be given preference for retention over non-tenured faculty. If two or more tenured faculty members are equally qualified and capable, preference for retention shall be given to those with greater length of service at Texas A&M University.

7.2 The Reduction or Discontinuance of Institutional Programs not Mandated by Financial Exigency:

7.2.1 Programs may be reduced or discontinued without a declaration of financial exigency.

7.2.2 Such decisions shall reflect educational considerations based on long range judgments. Those judgments shall be made in consultation with appropriate faculty representatives, including the Faculty Senate or its designated representatives, and reflect the view that the educational mission of the department or college affected or that of Texas A&M University will be enhanced by the reduction or discontinuance.

7.2.3 The decision to formally reduce or discontinue a program or department of instruction will be based essentially upon educational considerations, as recommended to the President primarily by the Faculty Senate or its designated representatives.

7.3 Guidelines Governing Dismissals Related To The Reduction or Discontinuance of Institutional Programs:

7.3.1 Any tenured faculty member or faculty member whose term appointment has not expired, who, on the basis of a bona fide financial exigency or the reduction or discontinuance of an institutional program, is selected for termination shall be entitled to a hearing before the Committee on Academic

Freedom, Responsibility, and Tenure (CAFRT - section 10). The faculty member must request of the President within 10 business days of the receipt of the letter of dismissal a CAFRT hearing. The University shall adhere to the following procedures:

7.3.1.1 Hearings, if requested by the faculty member, must take place before a faculty member is dismissed.

7.3.1.2 A faculty member being dismissed shall be furnished with a written statement that: (1) indicates the basis for the initial decision to terminate; (2) describes how the initial decision was made; and (3) discloses the information and data upon which the decision makers relied.

7.3.1.3 The faculty member shall have the opportunity to respond to the statement provided by Texas A&M University.

7.3.1.4 If a faculty member believes their dismissal was the result of a violation of their civil rights, they should state such belief in the written notice of appeal. Upon receipt on the written notice of appeal the President of Texas A&M University shall promptly communicate with the Dean of Faculties to initiate an investigation of the alleged violation according to University Rule 08.01.01.M1, and before the appeal is heard by CAFRT.

7.3.1.5 Burden of Proof:

In Case of a Bona Fide Financial Exigency:

The administration must demonstrate by some credible evidence that a bona fide financial exigency exists.

In cases of Reduction or Discontinuance of Institutional Programs not Mandated by Financial Exigency:

The administration has the responsibility to demonstrate that educational considerations led to the decision to reduce or discontinue a program, except that an agreement by the Faculty Senate or its designated representatives, as cited in 7.2.2, that a program is to be discontinued will be considered a presumptively valid demonstration.

The University's decision will be overturned only if the University fails to demonstrate that the decision was based on educational considerations.

7.3.2 Faculty members involved in adjustments in such situations shall be given opportunities for appointment in related areas, but only if (1) they are well qualified professionally to fill the appointment and can perform the essential

functions of the appointment; (2) such positions are available; and (3) the dean and department head for the new appointment concur.

Financial and other support to the extent possible may be offered to faculty dismissed due to a program discontinuation based on educational considerations if this would facilitate placement in an available position.

7.3.3 Notice of termination of the appointment of a tenured faculty member under this provision shall be given in writing at least twelve months before the effective date of the termination.

7.3.3.1 Exceptions to this provision may occur in cases of financial exigency.

7.3.3.2 Any faculty member whose appointment is terminated because of financial exigency or educational considerations has the right to be reappointed to his or her previous position if it is reestablished within two calendar years.

8. DISMISSAL OF FACULTY FOR CAUSE

A decision to dismiss a tenured faculty member must be based on good cause (as defined in Section 6.3) and a decision to dismiss a non-tenured faculty member for cause prior to the expiration of an appointment shall be consistent with Section 5.1, Rights of Non-Tenured Faculty Members. The process for summary dismissal or suspension without pay pending dismissal is outlined in section 8.1 of System Policy 12.01. The Provost is designated to hear a faculty member's response to the charges prior to summary dismissal or suspension without pay pending dismissal, and to determine, after considering the faculty member's response, whether or not to proceed with summary dismissal or suspension without pay pending dismissal in accordance with subsection 8.1.5 of System Policy 12.01. Summary dismissal or suspension without pay pending dismissal will be effective upon written notice from the provost.

8.1 Tenured Faculty's Right to Mediation:

8.1.1 Before any formal notice of the intended dismissal of a tenured faculty member is issued, the department head must advise that faculty member in a personal conference that dismissal is being considered and the faculty member may request a conference with the dean. Unless the stated cause for dismissal is illegal discrimination, sexual harassment or related retaliation (08.01.01.M1) or scientific misconduct (15.99.03.M1), any of these three parties may request mediation by the Faculty Ombuds Officer, or request the Dean of Faculties to independently choose another individual to serve as mediator for the process.

The mediator will operate in an informal and flexible manner and attempt to resolve cases in which the dismissal of a tenured faculty member is being considered. The mediator may offer advice and recommendations to the involved parties and promote modes of settlement which avoid formal hearings and litigation.

The mediation process shall be completed within 15 business days from the time the mediator is assigned the matter unless unusual circumstances require more time. Extensions should not be for more than an additional 15 business days, and it shall be granted by the Dean of Faculties, with the agreement of all parties involved in the mediation process. If a resolution of the matter cannot be reached at the end of the mediation process, the mediator will notify the Dean of Faculties in writing that the mediation process was unsuccessful. A copy of this notification shall be sent to all parties. Upon such notification, the department head and dean may proceed as indicated in the sections that follow below.

8.2 Guidelines for Dismissal of Faculty Members for Cause:

8.2.1 The faculty member shall be given formal notice of the decision to dismiss in writing within a reasonable period before the effective date of the intended termination. The written notice of dismissal must specify the cause for dismissal and provide the opportunity for an appeal hearing.

8.2.2 Any faculty member (tenured, tenure-track or non-tenure-track) who receives written notice of dismissal and who alleges that the dismissal is not for good cause shall submit a written notice of appeal with the President of Texas A&M University of such allegations within ten (10) business days of receiving the notice of dismissal. A faculty member's submission of a notice of appeal is a request for a hearing by the Committee on Academic Freedom, Responsibility, Tenure (CAFRT). A copy of the stated reasons for dismissal and the faculty member's request for a hearing shall be forwarded by the President to the Dean of Faculties and CAFRT Chair.

The faculty member may request from the appropriate administrators, within a reasonable time after submission of the appeal a copy of all documents relevant to that decision, such as the dismissal file. Such materials shall be given to the faculty member within seven (7) business days from the date in which the request for material was received.

8.2.3 In the ensuing hearing, the burden of proof that the proposed dismissal is for good cause shall rest with the institution. Findings of the CAFRT shall be limited to determining whether or not the decision to dismiss was for good cause.

8.2.4 If a faculty member believes their dismissal was the result of a violation of their civil rights, they should state such belief in the written notice of appeal. Upon receipt on the written notice of appeal the President of Texas A&M University shall promptly communicate with the Dean of Faculties to initiate an investigation of the alleged violation according to University Rule 08.01.01.M1, and before the appeal is heard by CAFRT.

9. NON-TENURED TENURE-TRACK FACULTY MEMBERS WHOSE APPOINTMENTS ARE NOT RENEWED

Whether or Not the Non-Renewal is a Result of a Decision to not Grant Tenure:

- 9.1 The right of appeal to CAFRT does not apply to faculty members who were appointed to non-tenure track positions and were not reappointed.
 - 9.2 A decision not to renew the tenure-track appointment of a non-tenured faculty member shall be made consistent with Section 5.2 above. If a non-tenured faculty member alleges that his or her tenure-track appointment was not renewed in violation of Section 5.2, such faculty member shall submit a written appeal to the President of such allegations within ten (10) business days of receiving the notice of non-renewal. The faculty member may request from an appropriate administrator within a reasonable time after submission of the appeal a statement of the reasons for non-renewal of the tenure-track appointment and a copy of all documents relevant to that decision. Such materials shall be given to the faculty member within seven (7) business days from the date in which the request for material was received.
 - 9.3 If a faculty member believes their non-reappointment was the result of a violation of their civil rights, they should state such belief in the written notice of appeal. Upon receipt on the written notice of appeal the President of Texas A&M University shall promptly communicate with the Dean of Faculties to initiate an investigation of the alleged violation according to University Rule 08.01.01.M1, and before the appeal is heard by CAFRT.
 - 9.4 Upon receiving a request from the faculty member for a review by the CAFRT, the President will notify the Dean of Faculties and the CAFRT chair of the request. The CAFRT chair should convene the Preliminary Screening Committee, and in collaboration with the chair of the Preliminary Screening Committee, schedule a meeting with the faculty member. The Preliminary Screening Committee shall review the faculty member's allegations and hear any supporting statement that the faculty member wishes to make. The Preliminary Screening Committee shall then decide whether that information, standing alone and un-rebutted, would establish that a violation as described in Section 5.2 may have occurred. If a majority of the Preliminary Screening Committee members reviewing the case finds that such a violation may have occurred, the Preliminary Screening Committee shall refer the matter to the CAFRT for a full evidentiary hearing as provided in 10.2; otherwise, the appeal shall be dismissed and the decision not to reappoint shall stand.
 - 9.5 In the CAFRT hearing, the burden of proving a violation as described in section 5.2 above of non- tenured (tenure-track) faculty members shall rest with the faculty member. The findings of the CAFRT shall be limited to determining whether the decision not to renew the appointment was in violation of such rights.
10. COMMITTEE ON ACADEMIC FREEDOM, RESPONSIBILITY, AND TENURE (CAFRT)

The Committee on Academic Freedom, Responsibility, and Tenure is the hearing body for faculty appeals made to the President of Texas A&M University.

- An appeal of the dismissal of any faculty member for cause, tenured or not, will be heard directly by the CAFRT committee as per section 10.2.
- Tenure-track faculty members who are not yet tenured and whose appointments are not renewed, whether or not the non-renewal is a result of a decision to not grant tenure, may appeal that decision but their appeal will first be heard by the Preliminary Screening Committee (10.1).
- Non-tenure track faculty can only appeal to CAFRT in case of a dismissal for cause but not in the case of non-renewal of their contract.

10.1 The Preliminary Screening Committee:

10.1.1 The Preliminary Screening Committee shall be comprised of those members of the CAFRT who have completed their term of service to the CAFRT. The term of appointment to the Committee will be for two years. Thus, the members of the CAFRT who complete their service to the CAFRT on August 31 will be members of the Committee until August 31 of the second year. Therefore half of the membership of the Committee will be renewed every year. Membership of the Committee will consist of eight members, if the Committee has less than eight members the President may appoint additional tenured teaching faculty members who have served on previous CAFRTs.

10.1.2 Each Preliminary Screening Committee member is subject to challenge for cause. The Preliminary Screening Committee chair will rule on the validity of any challenge. (Note: Such challenges relate to the ability of a member to render an unbiased decision. The mere existence of friendships or other contacts between a Preliminary Screening Committee member and other individuals does not necessarily constitute bias.)

10.1.3 The CAFRT Chair will convene the Preliminary Screening Committee for an organizational meeting during which they will elect its own chair and vice chair, both of whom remain voting members.

10.1.4 At least three members are needed for a decision. Only those members who have participated in the entire meeting may vote.

10.1.5 The Preliminary Screening Committee shall establish a time limit for the meeting on a particular case (e.g., two hours) and may extend the time limit by majority vote of the committee during the meeting. During the meeting, the faculty member will present his/her allegations and supporting statements that a violation as described above in Section 5 occurred. The faculty member may have legal counsel and/or other advisors present. Representatives of Texas A&M University (including an attorney from the Office of General Counsel) may attend the meeting as observers. At least two days before the scheduled meeting, the Preliminary Screening Committee chair must be notified if anybody other than the affected faculty member will be attending the meeting.

10.1.6 The meeting shall be closed unless the affected faculty member requests that it be open.

10.1.7 The Preliminary Screening Committee's findings shall be forwarded to the chair of the CAFRT, the President, and the affected faculty member within five (5) business days of the meeting.

10.2 The Committee on Academic Freedom, Responsibility, and Tenure (CAFRT):

10.2.1 The Committee on Academic Freedom, Responsibility, and Tenure shall be comprised of forty tenured faculty members. Members shall serve three-year terms arranged on a rotating basis so that one-third of the members are replaced each year. The committee shall be elected during the spring semester by the faculty at-large from a slate of nominees comprised of no more than three (3) tenured teaching faculty members from each College. Each member of the faculty may vote for no more than the number of seats to be filled. Individuals receiving the most votes will normally become members of the committee; however, to avoid having more than four members of the committee from the same College, those receiving fewer votes but from a different college shall be selected. Terms of new CAFRT members begin September 1 each year.

10.2.2 Each committee member is subject to challenge for cause. The committee chair will rule on the validity of any challenge. (Note: Such challenges relate to the ability of a member to render an unbiased decision. The mere existence of friendships or other contacts between a Committee member and other individuals does not necessarily constitute bias.)

10.2.3 The chair and vice chair of the CAFRT will be appointed by the Faculty Senate Executive Committee and are normally previous members of CAFRT. The chair and vice chair will be non-voting and each shall be appointed for a term of five (5) years. Their terms will be staggered whenever possible.

10.2.4 A Hearing Committee will consist of no less than seven voting CAFRT members who are assigned by the chair or the vice chair of the CAFRT. It is preferable to start with nine voting members. An effort will be made to distribute participation on Hearing Committees when multiple cases are heard during an academic year. Only members of the panel who are present for the entire hearing may vote.

10.2.5 The CAFRT shall operate in accordance with System policies and regulations and university rules.

10.3 Hearing Procedures:

The President or designee will assign the person who will serve as Texas A&M University's representative at the hearing. Both the faculty member and the University representative shall have the independent right to be represented by legal

counsel. Outside the hearing, either party may use legal counsel to assist in preparation of their case and to interview witnesses.

10.3.1 When a faculty member requests a hearing (in accord with sections 8 or 9 above), or when the Preliminary Screening Committee recommends a hearing for a non-tenured (tenure-track) faculty member in accord with 10.1 above), the CAFRT Hearing Committee shall then set a time for the hearing that will allow the faculty member a reasonable time in which to prepare for the hearing and shall notify the faculty member, University representative, and the Office of General Counsel of the time and place. The faculty member and the University representative shall exchange witness lists indicating the general nature of the testimony of each witness prior to the hearing at a time specified by the CAFRT Hearing Committee. Witnesses should be present at the hearing so that the faculty member, the university, and the panel may question them. In the event that the presence of a witness is not possible, a conference call may be established by prearrangement with and approval of the chair. The committee may accept written documentation, including statements and depositions, at its discretion. Witnesses may be added at a later date for good cause.

10.3.2 Both the University representative and the faculty member shall have the right to call witnesses and to question all witnesses who testify orally. It is not necessary to follow the formal rules of evidence. In the hearing, the parties can present brief opening arguments, beginning with the party having the burden of proof. The party with the burden of proof will first present its case to the committee, with the other party having the opportunity to cross-examine each witness after their testimony. The other party will then have the opportunity to present its case, with the first party having the opportunity to cross examine each witness after their testimony. The parties can present brief closing arguments, beginning with the party having the burden of proof. The proceedings shall be stenographically transcribed and copies made available to either party upon request.

10.3.3 In cases other than those involving summary dismissal, suspension of the faculty member during these proceedings is justified only if the welfare of the faculty member or that of students, colleagues, or other institutional employees is threatened by his or her continuance or if the continued presence of the faculty member would materially and substantially disrupt the regular operations of the institution. Any such suspension shall be with pay and with appropriate provisions for useful duties whenever possible.

10.3.4 The CAFRT shall allow written briefs on behalf of the University's representative and by the faculty member or designated representative.

10.3.5 The hearing shall be closed unless the affected faculty member requests that it be open.

10.4 Findings and Recommendations:

- 10.4.1 The CAFRT Hearing Committee's findings and recommendations shall be conveyed in writing to the President, Dean of Faculties, and the faculty member.
- 10.4.2 If the CAFRT Hearing Committee recommends that good cause for dismissal does not exist, or that the rights of the faculty member were violated by the non-reappointment, the President will decide whether to accept that recommendation. If the President accepts the recommendation, the faculty member shall be reinstated and the appeal terminated. If the President does not accept the CAFRT Hearing Committee's recommendation, the President's determination that the faculty member be non-reappointed shall be final in the case of non-reappointments, and, in the case of dismissals for cause, the dismissal will proceed under section 10.4.4.
- 10.4.3 If the CAFRT Hearing Committee determines that the rights of the non-tenured faculty member were not violated, and therefore recommends for the non-renewal of the appointment to stand, the President will decide whether to accept that recommendation. If the President accepts the recommendation, the decision to not reappoint will be affirmed. If the President does not accept the committee's recommendation, the faculty member will be reinstated. The decision of the President shall be final.
- 10.4.4 If the tenured faculty member's appointment (or the non-tenured faculty member's appointment prior to its expiration) is proposed to be terminated by the President, the President shall transmit the full report of the Hearing Committee, the record of the hearing, and his or her recommendation to the Chancellor of the System for his or her review and final determination in accordance with 8.2.3 of System Policy 12.01.

[CLICK HERE TO SEE APPENDIX I](#) RELATED TO CRITERIA THAT MAY BE EMPLOYED FOR EVALUATION OF FACULTY

Related Statutes, Policies, Regulations and Rules

Supplements System [Policy 12.01](#)

System Regulation [12.01.01](#)

System Policy [31.05, External Employment and Expert Witness](#)

System Regulation [31.05.01, Faculty Consulting and/or External Professional Employment](#)

System Regulation [31.05.02, External Employment](#)

Contact Office

[Office of the Dean of Faculties](#)