



# Rule

## 12.01.01.L1 Institutional Rule for Implementing Tenure

**First Approved:** April 29, 2015  
**Revised:** September 1, 2015 *(formerly 12.02.99.L0.01, Institutional Procedures for Implementing Tenure)*  
October 10, 2019  
**Next Scheduled Review:** October 10, 2024

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### Procedure Statement and Reason for Procedure

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The purpose of this Rule is to establish guidelines for implementing the tenure process at Texas A&M International University (TAMIU).

[System Regulation 12.01.01, Institutional Rules for Implementing Tenure](#) provides for the establishment of tenure procedures and the criteria by which faculty may be evaluated with respect to tenure decisions.

For the purpose of this SAP, the definition of **tenure** is that provided in Section 4 of [System Policy 12.01, Academic Freedom, Responsibility and Tenure](#). The benefits of tenure and basic rules and requirements for tenure are outlined in that same section of the policy.

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### Procedures and Responsibilities

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#### 1. GENERAL

- 1.1 [System Policy 12.01, Academic Freedom, Responsibility and Tenure](#) states “tenure means the entitlement of faculty members to continue in their academic positions unless dismissed for good cause.” The policy also identifies conditions or circumstances that will constitute good cause for dismissal of a faculty member. Tenure is granted only by the affirmative action of the Board of Regents upon recommendation of the President of the institution.

- 1.2 The Provost and Vice President for Academic Affairs (Provost) will provide faculty members with a written statement of terms of employment including tenure conditions when employment is initiated. The probationary period for an eligible faculty member will not exceed seven years of full-time service at TAMIU. Review for tenure shall be no later than the sixth year of service (unless an extension of the tenure probationary period has been approved according to [TAMIU Rule 12.01.99.L1, Extension of the Tenure Probationary Period](#)). Failure to apply for tenure when required will lead to a terminal contract of one calendar year from the semester in which an application was due.
- 1.3 Appropriate full-time service at other institutions may be counted towards the probationary period if agreed to in writing and stated in the initial appointment letter from the Provost. Acceptance of credit toward promotion and tenure obligates the faculty member to apply for promotion and tenure on the accelerated schedule agreed to in the letter of employment.
- 1.4 Each un-tenured faculty member shall be evaluated annually by the department chair to discuss progress, accomplishments, opportunities for improvement, and expectations with regard to excellence in teaching, excellence in scholarship, and/or creative accomplishments. Annual evaluations are reviewed and approved by the dean.
- 1.5 Application for Early Tenure:
  - 1.5.1 Faculty members with exceptional teaching, scholarship, and service records may apply during the tenure review process that runs in their fifth year of service at TAMIU. Faculty members granted years of credit in their appointment letter (for service at other institutions or for non-tenure-track service at TAMIU) during the hiring process shall not be eligible for early tenure. Faculty members should consult with their department chair and dean before applying.
  - 1.5.2 If the applicant for early tenure withdraws during the tenure review prior to submission of materials to the Provost's Office for review by the University Promotion and Tenure Committee, he or she will be reviewed in the mandatory year.
  - 1.5.3 If the early tenure applicant does not withdraw and the decision is not to award tenure, the faculty member will be offered an appointment for one additional year following the term or semester in which the notice is received but is no longer eligible to pursue tenure.

## **2. UNIVERSITY STANDARDS FOR TENURE**

- 2.1 To be eligible to receive tenure, a faculty member must be a full-time employee of TAMIU, must have earned a terminal degree in his/her academic discipline or a related discipline, and should hold the academic rank of assistant professor, associate professor, or professor or assistant librarian, associate librarian, or full librarian. Members of the faculty whose appointments are classified as clinical or professional of any rank, part-time or temporary, such as lecturers, instructors, visiting professors, or graduate student teaching assistants, are not eligible to receive tenure and consequently are not subject to the provisions of these procedures.

- 2.2 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 (System) may be entitled to tenured status as faculty members, if they meet the aggregate requirements for tenure and meet the minimum time in rank at TAMIU.
- 2.3 Administrative personnel, such as department heads and deans who hold academic rank at TAMIU in addition to their administrative title, retain their tenured status as faculty members, but administrative positions, per se, are not subject to tenure. The initial appointment letter, or if applicable, the letter notifying the faculty member of his/her appointment to the administrative position should state the portion of the employee's salary that is associated with the administrative position. Additionally, in such case, this letter should state that the administrative position and the salary associated with such position may be terminated without cause. Except in extraordinary cases, administrators who have not held a tenured faculty position at an institution of higher learning will not be hired with tenure at TAMIU.
- 2.4 The tenured faculty of a particular program will make a recommendation to the chair and appropriate college dean on the appointment of a faculty member with tenure. The request must be accompanied by a written recommendation to the Provost from the department/division chair and the dean.
- 2.4.1 The Provost, in consultation with the President, will consider the recommendation and appropriate documentation before making the faculty appointment.
- 2.4.2 Tenure appointments must be approved by the President and the System Board of Regents.
- 2.5 Excellence in the categories of performance for tenure are:
- 2.5.1 **Excellence in Teaching** – This category includes, among other things, evidence of teaching effectiveness (including student and peer evaluations); classroom and laboratory instruction; development of new courses (including online and blended), laboratories, and teaching methods; distance education, publication of instructional materials or research on pedagogy; advising; and supervision of undergraduate and/or graduate students.
- 2.5.2 **Excellence in Scholarship and/or Creative Activity** – This category includes creation and dissemination of new knowledge or other creative activities and/or the preservation of knowledge. For most disciplines, this category consists of research, grants, peer-reviewed publication, and/or creative work. This category may also include directing doctoral students, securing patents, copyrights, and commercialization as defined by college or institutional criteria.

- 2.5.3 **Excellence in Service** – This includes service to TAMIU, students, student organizations, colleagues, department, college, 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, as it relates to their discipline and area of expertise as well as other activities that benefit and enhance the community and TAMIU/community relations. It is also recognized that some tenure-track faculty may have duties that include semi-administrative or administrative responsibilities. Examples of these responsibilities may include duties of a director, coordinator, department chair, and assistant/associate dean.
- 2.5.4 While department and college criteria may utilize some quantitative measures, excellence is of primary importance. Quality, impact, and significance of accomplishments are of utmost importance. College/school-specific requirements are available in the office of the dean of the college/school as well as their website. Please contact the dean’s office for specific information.

### **3. MIDPOINT REVIEW**

At the midpoint of the probationary period, the faculty member will receive a more thorough review addressing progress toward tenure based on established performance expectations. The midpoint review normally occurs at the end of the third year of a six-year probationary period. The promotion and tenure committee of the department (or school or division or library) will meet, review the performance record of the faculty member, and make a recommendation to the chair or director.

- 3.1 The midpoint review shall be part of a tenure-track member’s annual faculty performance evaluation and occurs three years prior to eligibility for tenure review. Recommendations for improvement will be provided to the faculty member by faculty peers, the department chair, and the dean. In instances where tenure-track faculty members have been granted time toward tenure during the hiring process, the Provost shall note the year of midpoint review in the hiring letter. The midpoint review shall be administered according to the following process:
- 3.1.1 By January 15 of each year, the department chair or college dean shall notify each faculty member who is subject to midpoint review.
- 3.1.2 By February 15, any faculty member subject to midpoint review shall deliver to the department chair a dossier documenting excellence in teaching, scholarship and/or creative activity, and service in accordance with college criteria, using the standard format for promotion and tenure (see the [Provost’s website](#) for forms).
- 3.1.3 All tenured faculty members in the department (or tenure review unit) shall review and evaluate the dossier for excellence in effective teaching, scholarly and/or creative achievement, and service.
- 3.1.4 Tenured faculty members shall meet together to discuss a candidate’s midpoint review and draft a developmental review identifying strengths and opportunities for improvement in each area of the evaluation. Tenured faculty members shall submit their recommendation to the department chair or director by March 1.

3.1.5 Based on this recommendation and his/her own observations, the chair or director will write a midpoint evaluation report and submit it to the dean, with a copy to the faculty member, no later than March 10 (if the recommendation is negative, a copy of the report along with the dean's recommendation is forwarded to the Provost). In the report, the chair will recommend one of the following possibilities:

- a. The faculty member's performance is strong in all areas. Areas of particular strength should be enumerated and detailed. Progress toward tenure requires that present performance levels be maintained.
- b. The faculty member's performance is strong overall but includes areas of weakness, which must be enumerated and detailed. Progress toward tenure requires that these weaknesses be addressed. Specific suggestions for improvement should be included as appropriate.
- c. The faculty member's performance is not sufficient to indicate any realistic possibility of tenure. The faculty member will be offered a terminal appointment.

3.2 These reviews are intended to indicate to the individual the general degree of successful development which the faculty member has attained. In addition, these reviews are intended to strengthen the accomplishments of all non-tenured faculty members and to provide them with a preliminary view of the possible results of a tenure decision. The exact wording of the midpoint report should be appropriate to the situation, as determined by the chair or director, in consultation with the dean.

#### 4. TENURE REVIEW

Promotion and Tenure Deadlines:

May 1	Dean notifies candidate of his/her eligibility for tenure and of the deadline for submitting the dossier to the dean's office
July 1	Eligible faculty member submits letter of intent to apply for tenure/promotion to dean. This date also applies to faculty members applying for promotion to Professor.
September 1	Dossier (see the <a href="#">Provost's website</a> for forms) is submitted to department for tenure/promotion and all promotions.
September 15	Department promotion and tenure committee votes on candidates.
October 1	Department chair makes recommendation to college promotion and tenure committee and dean.
October 15	College promotion and tenure committee votes on candidates
November 1	Dean makes recommendation to University Promotion and Tenure Committee
November 22	University Promotion and Tenure Committee votes on candidates
December 5	Provost makes recommendation to the President
January 15	President makes recommendation regarding award of tenure to Board of Regents

4.1 Before the end of the spring semester prior to the tenure review year, the dean of each college, school, or similar unit should hold a meeting open to tenure candidates to review timelines, processes, and portfolio expectations.

4.2 If a faculty member is appointed jointly to more than one department, a memorandum of understanding will clearly communicate the criteria for tenure and the nature of the tenure review unit at the time of the joint appointment.

- 4.3 Evaluation of a faculty member's performance for tenure should be conducted in a manner consistent with the faculty member's assigned workload during the period under evaluation.
- 4.4 Each college must establish written criteria for each area of evaluation and provide examples of evidence to be used for judging the candidate's performance as delineated below. The guidelines must be appropriate to the various disciplines within the college and consistent with the missions of the college and TAMIU. Written tenure and promotion procedures and measures shall be provided to all incoming faculty members at the time they are hired.
- 4.4.1 Departments may determine additional written criteria, consistent with the missions of the department, college, and TAMIU, to apply in the tenure process. Departmental measures must be ratified by a simple majority of the full-time tenured college faculty either by (a) balloting or (b) through an alternative process that has been approved through balloting. In either case, the criteria and measures must be approved in writing, by the dean, the Provost, and the Faculty Senate. These additional criteria shall be provided to all incoming faculty members during faculty orientation.
- 4.5 At each stage of this process, all previous reviews and recommendations will be forwarded to the next level of review. The President will make his/her recommendation to the Board or Regents which makes the final decision. At each level of review, candidates will be informed in writing within one week by the department/division chair or dean of the recommendation concerning their application. If there is a negative vote at any level, a candidate has the option to withdraw his/her application.
- 4.6 **Confidentiality** – The recommendation of a promotion and tenure committee regarding an applicant for promotion and tenure is to be determined by secret ballot. Committee members are to keep the deliberations regarding the merits of an application confidential.

## 5. DOCUMENTATION AND PRESENTATIONS IN SUPPORT OF APPLICATIONS

- 5.1 Candidates for promotion and tenure must submit their documentation following the schedule specified above. Dossiers can comprise no more than 25 pages. Dossiers need to include an extended curriculum vita with an overview of materials that make reference to the supplementary documents. Ancillary materials may be included in an appendix. At minimum, the dossier must include the following in order. For the standard format required and examples of materials, refer to the *Promotion and Tenure Form* available from the [Provost's website](#).
- **Section I: General Documents** – includes a curriculum vita (maximum 10 pages), statements of philosophy of teaching, research/scholarly activity, and service, and annual evaluations for the past five years and the midpoint review
  - **Section II: Teaching Portfolio** – evidence of excellence in teaching
  - **Section III: Research, Scholarship, and Creative Activities** – evidence of excellence in research, scholarly, and creative contributions
  - **Section IV: Service** – evidence of excellence in service
  - **Section V** – minimum of three letters reviewing the candidate's research, solicited through the department chair, from peers in the candidate's discipline at peer and aspirational universities

- 5.2 Understanding that the tenure review process involves review by individuals outside of the candidate's field of expertise, candidates should make every effort to provide context and explanations relating to their documentation and evidence of excellence.
- 5.3 The chair of the department, the dean of the college, and the Provost shall control the dossiers during the points in the process that their respective committees are responsible for reviewing and shall designate a secure location where committee members may review the dossiers.
- 5.3.1 Candidates may request that the chair of the presiding committee add supporting materials to their dossier after the deadline for submission. Such materials would include: notification of acceptance of a publication of research; actual article if it appears during the deliberations; a contract for publication of a book or monograph; a published book.
- 5.3.2 External peer review letters will be added by department chair, as received.
- 5.3.3 No other person may introduce material to the dossier.
- 5.4 Candidates for promotion and tenure shall be allowed to address the promotion and tenure committees for up to five minutes at each level of consideration and be available to answer any questions or clarify any of the written documentation. The candidates receive equitable consideration.

## **6. PROMOTION AND TENURE COMMITTEES**

- 6.1 Promotion and tenure committees must assess whether the candidate has fulfilled faculty responsibilities and must assess his/her qualifications in the following areas: academic preparation, experience, teaching, scholarship, and service. Consistent and sustained performance of faculty responsibilities is requisite for tenure.
- 6.2 The department chair serves as the *ex officio* chair of their department promotion and tenure committee; the dean serves as the *ex officio* chair of their college promotion and tenure committee; and the Provost serves as the *ex officio* chair of the University Promotion and Tenure Committee.
- 6.3 In all cases, the committee chair is responsible for ensuring the applicants' dossiers are available to committee members, calling the meeting of the committee, reviewing the role of the committee, ensuring the committee considers the merits of each application for promotion and tenure, conducting secret balloting to determine the committee's recommendation for each applicant, and overseeing the count and announcement of the ballot results.
- 6.3.1 Because the committee will make a recommendation to the administrator chairing the committee, the chair is to observe, and not participate, in the deliberation.

- 6.4 Members of promotion and tenure committees are expected to give first priority to scheduled committee meetings and to attend scheduled meetings, unless exceptional circumstances arise. Should an unavoidable circumstance arise for a department or division committee member, he/she must notify the department chair immediately, and the chair will reschedule the meeting (if possible) to allow all members to attend and the committee to meet its deadline.
- 6.5 Department promotion and tenure committees shall consist of all tenured faculty members in the department/division, including tenured faculty within the department who are serving primarily as academic administrators but who do not officially supervise and evaluate faculty (such as associate deans, associate provosts). If a department does not have at least five tenured faculty members, then the Provost, in consultation with all tenured faculty members of the department/division and the dean, shall appoint one or more tenured faculty members from related disciplines to the committee. Members appointed from other academic units must not exceed 50% of any college, department, or unit promotion and tenure committee, even if this reduces the number of committee members to fewer than five.
- 6.6 College promotion and tenure committees shall consist of departmentally-elected representatives who serve on the committee primarily to represent their departments' views on the merits of candidates' qualifications. They are not, however, bound to vote as the majority in their departments' vote.
- 6.6.1 Each year, by the end of September, each department in the college shall elect one member of the department to serve a two-year term on the College Promotion and Tenure Committee. This person (1) must be tenured, (2) shall not be the chair of the department, and (3) shall not be the assistant or associate dean.
- 6.6.2 After the election, the dean may appoint up to one person per department for purposes of equity, diversity, and representation to serve a two-year term on the College Promotion and Tenure Committee. This person (1) must be tenured, (2) shall not be the chair of the department, and (3) shall not be the assistant or associate dean. This elected faculty member cannot serve consecutive terms, unless there are fewer than three tenured faculty members in the department.
- 6.6.3 If a department has no one qualified to serve on the College Promotion and Tenure Committee, the department and dean may use one of the following:
- 6.6.3.1 The department faculty may nominate a faculty member from outside the college. The dean may appoint that faculty member or seek alternative nominations from the department.
- 6.6.3.2 A previously tenured emeritus faculty member may be asked to serve on this committee. The committee members, through the committee chair, shall make the nomination to the dean. The dean may appoint the emeritus faculty member or seek alternative nominations from the department.



- 6.7 Promotion, Tenure, and Retention Committee membership will consist of one tenured representative per academic department or division or free-standing academic unit and two at-large tenured representatives appointed by the Provost. Faculty members must have at least two years of experience as a tenured faculty member at TAMIU to be eligible to serve on this committee.
- 6.7.1 All tenured faculty members serve on their department promotion and tenure committees, but none may serve on both college and University promotion and tenure committees.
- 6.7.2 In cases where an academic unit does not have the equivalent of a department promotion and tenure committee, tenured faculty members may serve on both their unit's promotion and tenure committee and the University Promotion and Tenure Committee.
- 6.7.3 The Faculty Senate Parliamentarian and Elections Officer, assisted by the Faculty Senate Committee on Committees, will solicit a slate of candidates from each academic department, division, and free-standing academic unit, prepare a ballot for election of this committee, and supervise the election. Deans, associate deans, department chairs, and heads of academic units may not serve on this committee. Terms will be established for two-year periods.
- 6.8 All members of promotion and tenure committees are required to vote positively or negatively on each candidate (no abstentions), except members who have a familial relation to the candidate. In such cases, the committee member must recuse him/herself and cannot participate in either the deliberations or the vote.

## **7. REPLACEMENT OF FACULTY ON PROMOTION AND TENURE COMMITTEES**

- 7.1 The chairs, deans, and the Provost will announce the specific meeting time for their committees as far in advance as possible. If for some reason an elected representative cannot attend a meeting, the representative must immediately resign from his/her committee by notifying the department chair in writing. If the chair determines that sufficient time remains for a nomination and election process and for the new representative to study application materials, then the vacancy must be filled through a departmental election. If the vacancy is for a college promotion and tenure committee, the chair will conduct the election. If the vacancy is for the University Promotion and Tenure Committee, the Faculty Senate will conduct the election.
- 7.2 If the chair determines that there is not sufficient time for an election, then the Faculty Senate president, in consultation with the department chair, will name an eligible replacement. If no faculty member in the department remains eligible for service, the Faculty Senate president, in consultation with the department chair, will name an eligible replacement from a related discipline.

## **8. DEPARTMENT REVIEW PROCESS**

- 8.1 With at least one week of written notice, the department chair shall convene a meeting sufficient to conduct the reviews of all candidates for promotion and/or tenure. By a simple majority of those voting confidentially, the department promotion and tenure committee shall recommend to grant or to deny tenure. The committee shall document the results of the review in a written statement to the department chair along with a recommendation. That report should include a summary of the committee's discussion of the strengths and weaknesses of the applicant's teaching, research, and service and should thus serve as a supporting explanation for the committee's vote. No names should be used in the summary of the committee's discussion. Each member of the committee should sign the report as being an acceptably accurate representation of the discussion and an accurate record of the vote.
- 8.2 After receiving the report and recommendation from the department promotion and tenure committee, the chair shall develop a written recommendation to grant or deny tenure. The department chair may consult with the committee and the candidate regarding the recommendation.
- 8.3 The department chair will inform the candidate of the committee's decision within a day of receiving the recommendation. The department chair will subsequently meet with the candidate and review the recommendations of the department promotion and tenure committee and chair.
- 8.4 The recommendation of the department promotion and tenure committee and chair shall be added to the dossier and forwarded to the dean.

## **9. COLLEGE REVIEW PROCESS**

- 9.1 After the department promotion and tenure committees and the department chairs have made their recommendations, the dean shall call a meeting of the college promotion and tenure committee. At this meeting, the dean shall review college and University tenure policies. The dean's office shall make available to all committee members the dossiers submitted by the candidates. All faculty members eligible for tenure and whose dossiers were submitted shall be reviewed.
- 9.2 With at least two weeks of written notice, the college promotion and tenure committee shall meet to hold the tenure vote. For each tenure candidate and by a simple majority of those voting confidentially, the committee shall make a recommendation to grant or to deny tenure. A tie vote is insufficient to recommend tenure. The committee shall forward its recommendations to the dean in writing. That report should include a summary of the committee's discussion of the strengths and weaknesses of the applicant's teaching, research, and service and should thus serve as a supporting explanation for the committee's vote. No names should be used in the summary of the committee's discussion. Each member of the committee should sign the report as being an acceptably accurate representation of the discussion and an accurate record of the vote.

- 9.3 After receiving the recommendations from the department chair and from the department and college promotion and tenure committees, the dean shall write a recommendation for each candidate, to grant or to deny tenure. The dean may consult with the committees, the department chair, and the candidate regarding the recommendations.
- 9.3.1 The dean will meet with the faculty member to inform them of his/her recommendation and give the candidate the opportunity to read the dean's letter.
- 9.3.2 Upon request by the tenure candidate, the dean shall inform the candidate of the numerical results of the department, division, and college votes.
- 9.3.3 The committee's letter and the dean's recommendation shall be added to the dossier and forwarded to the Provost.

## **10. UNIVERSITY REVIEW PROCESS**

- 10.1 The Provost shall receive the dean's recommendation on tenure and shall forward all recommendations to the University Promotion and Tenure Committee for review.
- 10.1.1 With at least two weeks of written notice, the University Promotion and Tenure Committee shall meet to hold a confidential vote on whether or not to recommend tenure. The Provost will preside over the meeting in an *ex officio* capacity but will not participate in the discussion of the qualifications of the applicants. For each tenure candidate, the committee, by a simple majority of those voting, shall make a recommendation to grant or to deny tenure. A tie vote is insufficient to recommend tenure.
- 10.2 After reviewing all recommendations, the Provost shall forward the President a written recommendation for each candidate, to grant or deny tenure. The recommendation will cite the votes of the department, college, and University promotion and tenure committees, make a recommendation, and provide justification for the recommendation. The Provost may consult with the committees, department chair, dean, and candidate regarding the recommendations.
- 10.2.1 The Provost will meet with the faculty member to inform them of his/her recommendation and the recommendation of the University Promotion and Tenure Committee.
- 10.3 The Provost will meet with the President to discuss all tenure recommendations. After that meeting, the President will develop and approve a final tenure list to submit to the Board of Regents. The President may consult with the candidate, committees, department chair, dean, and Provost regarding the recommendations.
- 10.4 The President makes the final decision regarding faculty promotions and will communicate his/her decision in a timely manner after receiving the recommendation of the Provost. The President will inform the candidate of his/her decision.
- 10.5 The Board of Regents of the Texas A&M University System makes the final decision regarding applications for tenure.

- 10.6 The official decision by the Board of Regents to grant tenure will be conveyed in writing by the President to the individual faculty member as soon as possible after the Regents have voted to confer tenure. In the same manner, a decision of non-reappointment as a result of a non-tenure decision will be provided to the faculty member as soon as the decision has been reached. This communication will be provided by the President. The formal notification of non-reappointment will be a simple statement to that effect and will not include any of the reasons for that decision.
- 10.7 If the decision is not to award tenure, the faculty member will be offered a contract for one additional year following the term or semester in which the notice is received and will not be subsequently renewed.

## **11. CANDIDATE WITHDRAWAL FROM TENURE CONSIDERATION**

- 11.1 A candidate for tenure may withdraw from tenure consideration at any time prior to the forwarding of the recommendations to the Board of Regents.
- 11.1.1 A withdrawal request must be made in writing, signed and dated, to the chair, dean, or Provost (depending on level at which the application is withdrawn). Once the letter is submitted, it may not be rescinded.
- 11.1.2 In the event a candidate requests withdrawal from the tenure review process, the faculty member will be offered a contract for one additional year following the term or semester in which the notice is received and will not be subsequently renewed.

## **12. PROCEDURES FOR APPEAL OF PROMOTION AND TENURE DECISIONS**

- 12.1 At the conclusion of the promotion and/or tenure process, a faculty member who is not granted a promotion and/or not granted tenure may file an appeal with the Provost. The intent to appeal must be stated in writing and delivered to the Provost's Office within twenty (20) business days of receiving written notice of the decision not to grant a promotion and/or tenure. Appeals must be based on one or more of the following three claims: (1) that the decision was made in violation of the individual's academic freedom, (2) that the decision was made for illegal reasons, or (3) that the decision was made without adequate consideration of the individual's record of professional achievement. For purposes of this section, an illegal reason is defined as a decision based on race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation, or gender identity unrelated to the performance of duties; or made in retaliation for the faculty member's exercise of protected First Amendment rights.
- 12.2 An appeals committee will consist of a total of seven faculty members: four members of the University Grievance Pool (two selected by the faculty member and two by the Provost) and three Faculty Senators appointed by the Faculty Senate president. No member of the appeals committee can have participated at any level in making the decision being appealed, nor can any member have any other relevant conflict of interest.
- 12.3 The appeals committee shall meet within fifteen (15) business days of the faculty member's written notice of appeal and determine if the faculty member has established a *prima facie* case that the decision was made in violation of the faculty member's academic freedom, for an illegal reason, or without adequate consideration of the faculty member's record of professional achievement.

- 12.4 If the appeals committee determines that the faculty member has not alleged a *prima facie* case, the allegation shall be dismissed and the decision not to recommend promotion and/or tenure shall stand. If the appeals committee determines that the allegations do establish a *prima facie* case, the matter shall be referred for an evidentiary hearing by the same appeals committee. The hearing shall be held within sixty (60) calendar days from the date the appeals committee is notified of the appeal. A *prima facie* case for purposes of this subsection means that the faculty member's evidence, alone and un rebutted, would establish that a violation as defined above may have occurred.
- 12.5 In an evidentiary hearing, the burden of proving that the decision was made in violation of academic freedom, for an illegal reason, or without adequate consideration of the faculty member's record of professional achievement shall rest with the faculty member. The burden of proof must be met by a preponderance of the evidence (i.e., that which is more convincing, more credible, and of greater weight than contrary evidence).
- 12.6 Both the faculty member and the administration have the right of representation at this hearing.
- 12.7 The appeals committee shall complete its report and send it to the Provost within fifteen (15) calendar days of completion of the hearing.
- 12.8 If the faculty member appealing the decision names the Provost as a party to the appeal, namely, charging the Provost with having violated his/her academic freedom, with having based the decision on an illegal reason, or with not having adequately considered his/her professional achievements in making the decision, the committee's report would go to the President. If the President is a party to the appeal for any of the reasons cited above, the appeal committee would submit its report to the Chancellor.

### **13. REDUCTION IN FORCE**

The phasing out of institutional programs or financial exigencies, which causes a reduction of faculty, may require exceptions to the normal tenure policy. In these cases, the faculty involved in the reduction will be given every advanced notice possible, and every effort will be made by TAMIU to place the affected faculty in other available positions at TAMIU for which they are qualified (refer to [System Policy 12.01, Academic Freedom, Responsibility and Tenure](#), Section 9.3.3).

- 13.1 Faculty members whose reappointments are to be terminated as a result of phasing out of institutional programs or financial exigencies which cause a reduction in faculty will be entitled to a hearing before an appropriate faculty committee consisting of five tenured faculty members appointed by the Provost in consultation with the Faculty Senate president. The hearing shall include the following procedures (refer to [System Policy 12.01, Academic Freedom, Responsibility and Tenure](#), Section 9.3.4):
  - 13.1.1 The faculty member will be furnished with an adequate written statement of the basis for the initial decision to lay off;
  - 13.1.2 The faculty member will be provided with a reasonably adequate description of the manner in which the initial decision was made;

13.1.3 The faculty member will be provided with adequate disclosure of all information and data upon which the decision-makers relied; and,

13.1.4 The faculty member will be provided with adequate opportunity to respond.

13.2 In a hearing the burden of proof rests with the academic institution to demonstrate by some credible evidence that a bona fide financial exigency exists or the educational considerations led to the reduction or discontinuance of the program. If after making such a demonstration, the faculty member alleges the decision was made in violation of academic freedom or for an illegal reason, the burden of proof shall rest with the faculty member consistent with Section 12.5.

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## **Related Statutes, Policies, Regulations, or Rules**

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

[System Regulation 12.01.01, Institutional Rules for Implementing Tenure](#)

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## **Contact Office**

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Office of the Provost and Vice President for Academic Affairs, 956-326-2240