

## Agenda

### Faculty Senate Special Meeting (TEAMS)

August 15, 2023

11:00 am

- I. Roll call
- II. Compare SB 18, particularly the language concerning reasons for faculty dismissal, to current policy. Make suggestions as necessary.
- III. Examine current process of post-tenure review, particularly concerning due process. Make suggestions as necessary.
- IV. Suggestions/comments concerning revision of institutional policies 12.01.01 and 12.06, particularly post-tenure review policies as they appear in the Faculty Handbook.

#### **From Dr. Arenaz:**

Due process is embedded in the handbook and we will need to update 12.06 to include. We need to be sure we are congruent with System Policy and Education code. Our procedures for assessing faculty members and determining who would fall under post-tenure review are consistent with policy and may need to be tweaked if the System changes language in the policy.

#### **From Dr. San Miguel:**

Review our policy on implementing tenure and compare it to SB 18's language.

Our policies are

these: <https://nam12.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.tamtu.edu%2Fcompliance%2Fdocuments%2FRules%2520and%2520SAPs%2F12.01.01.l1institutionalruleforimplementingtenure.pdf&data=05%7C01%7CChkazen%40tamtu.edu%7C1f3300c5dfc34dfed9fc08db9a647769%7Ce6e9982505da4869bf49e63a0e04d314%7C0%7C0%7C638273528843795284%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ik1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=6IHooZ39piNBi9Dh9l8FMK9zBxB6N8EkKY9KZAHujcE%3D&reserved=0>

The attachment I sent earlier, which I am including again here, is the general regulation by the

system on 12.01.01. As you can see, the system is proposing some changes in the way things are worded to comply with SB 18. But, in general, there are not substantial changes. For instance, the Office of the Provost does post our own regulation on 12.01.01 to our website and it's also posted on the HR website. We used to provide copies of it to faculty but now, we must do so. Again, not a substantial change just once that required that we must do it.

#3 on the attached pdf, says if we are to make changes to our own regulation on 12.01.01, we must seek faculty input. As Dr. Arenaz mentioned, our regulation is in-line with SB 18 so we do not anticipate any changes but this is where Faculty Senate should compare SB 18 to our own regulation to ensure we are in compliance. Dr. Arenaz also wants you to look at due process in general for 12.01.01 and also due process for post-tenure review. As you can see from our regulation of 12.01.01, we do not mention post-tenure review although it is mentioned in the Faculty Handbook. System has it in

12.06: <https://nam12.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpolicies.tamus.edu%2F12-06.pdf&data=05%7C01%7Cchkazen%40tamiu.edu%7C1f3300c5dfc34dfed9fc08db9a647769%7Ce6e9982505da4869bf49e63a0e04d314%7C0%7C0%7C638273528843795284%7CUnknown%7CTWfPbGZsb3d8eyJWljoimc4wLjAwMDAiLCJQljoiv2luMzliLCJBTiI6lk1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=H74TDmQtHxbo35dHTAqIBXGsSXJFp6ad20YDQ9Lmiw0%3D&reserved=0>

Thus, we may need to implement our own regulation of 12.06 and ensure that faculty are given due process if he/she is placed on post-tenure review and if he/she is dismissed due to a negative outcome of post-tenure review. Again, we do have that in the Faculty Handbook, we don't have it as part of our own regulation.

### Concerning SB 18

SB 18	TAMU/TAMIU Policy	AAUP Suggestions
Address the granting of tenure	12.01.01	
allow for the dismissal of a tenured faculty member at any time after providing the faculty member with appropriate due process, on a determination that:		
exhibited professional incompetence	College PPE (teaching, research, service)	
continually or repeatedly failed to perform duties or meet professional responsibilities of the faculty member's position;	College PPE (teaching, research, service)	

<p>failed to successfully complete any post-tenure review professional development program;</p>	<p>Faculty handbook pg 54</p>	
<p>engaged in conduct involving moral turpitude that adversely affects the institution or the faculty member's performance of duties or meeting of responsibilities;</p>		<p>vague and can be interpreted in a multitude of ways since it is not defined by courts, but only loosely interpreted. Recommend using a clear list (e.g., as specified here: <a href="https://kielichlawfirm.com/what-is-moral-turpitude/">https://kielichlawfirm.com/what-is-moral-turpitude/</a>) and explicitly exclude conduct or beliefs that can be deemed immoral by some but should definitely not be included as they violate one's freedom of expression (e.g., one's sexual orientation, their opinion on women's reproductive rights, etc.) "Moral turpitude" is defined in the Texas Administrative Code as (A) Public Lewdness; (B) Indecent Exposure; (C) Enticing a Child; (D) Improper Contact with Victim; (E) Abuse of Corpse; (F) Prostitution; (G) Promotion of Prostitution; (H) Obscene Display or Distribution; (I) Obscenity; (J) Sale, Distribution, or Display of Harmful Material to Minor; and (K) Employment Harmful to Children;  Policy for dismissal clearly state-action is taking place during employment NOT private lives. Obscenity should be more clearly defined. Differentiate from profanity. Teaching materials that reference obscene material should be protected (ex sex trafficking or nude art)</p>
<p>violated laws or university system or institution policies substantially related to the performance of the faculty member's duties;</p>		<p>The "laws", "policies", "crimes", and "unprofessional conduct" referenced above should be explicitly enumerated. The list above is vague and lacks specifics. For example, replace "crime" with "felony". Example rewording: "v. violated laws or university system or institution policies substantially related to the performance of the faculty member's duties; vi. been convicted of a felony affecting the fitness of the faculty member to</p>

		engage in teaching, research, service, outreach, or administration; vii. continually or repeatedly engaged in unprofessional conduct that adversely affects the institution or the faculty member’s performance of duties or meeting of responsibilities;”
been convicted of a crime affecting the fitness of the faculty member to engage in teaching, research, service, outreach, or administration;		See above
engaged in unprofessional conduct that adversely affects the institution or the faculty member's performance of duties or meeting of responsibilities		See above
falsified the faculty member's academic credentials;	Clear	
there is actual financial exigency or the	Already stated	
there is other good cause as defined in the institution's policies; and	See above	This appears to be a catch-all provision and refers to “institution policies,” without specifying which policies and whether such policies can be amended or changed at any point after the Regents Rules are changed. Recommend changing wording to specify which policies, who can initiate the changes to these policies, and under what process. The text above only says who approves the policies, but presumably such policies would come as a result of faculty inquiry as they are the body affected by said policies
provide [providing] for a periodic performance evaluation process for all tenured faculty [tenured] at the institution.	TAMUS 12.06 Faculty Handbook	

### Concerning Due Process

Section 3(c-4) does not codify the faculty member being allowed to examine the evidence presented against them, cross-examine witnesses, have hearing in front of a faculty committee, or finish the grievance process before termination (AAUP).

Current Due Process	Comments/Proposals
Faculty Handbook (Post-Tenure Review & Grievance sections)	Need to add timelines to steps (professional review process) Add policies to SAP rather than just faculty handbook Stress that the responsibility is on institution to prove incompetence within post-tenure review More detailed definition of teaching effectiveness.

	<p>Do the due process procedures only refer to TT faculty or also FT?</p> <p>Although FT faculty do not have post-tenure review, are they allowed a growth plan as TT are?</p>
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