



Approved September 8, 2016

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## **Rule Statement**

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Texas A&M University-Commerce (A&M-Commerce) recognizes and appreciates the diversity of faculty roles and responsibilities within the university. This diversity adds richness and depth to the educational programs of the university and the support that the university provides to the region, state and nation.

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## **Reason for Rule**

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This rule for academic freedom, ethics, responsibility, tenure, and promotion at A&M-Commerce apply equally to current faculty members and to subsequent appointees. This rule seeks to establish a spirit of cooperation, good faith, and responsibility and to provide useful guidelines for situations not specifically described in this document. Appointment and promotion of faculty at A&M-Commerce are based upon the experience and academic background of the candidate as well as the programmatic needs of the academic department.

A&M-Commerce will provide equal opportunity for employment to all persons regardless of race, color, sex, religion, national origin, age, disability, genetic information, veteran status, sexual orientation or gender identity and will strive to achieve full and equal employment opportunity throughout the University.

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## **Procedures and Responsibilities**

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### **1 EMPLOYMENT OF FACULTY**

#### **1.1 Definition of Faculty and Tenure**

- 1.1.1 In general, a faculty member, to whom the academic freedoms and responsibilities described in this document pertain, is any full-time or part-time employee of A&M-Commerce with an appointment as Instructor, Assistant Professor, Associate Professor, or Professor, an Adjunct Instructor, a Lecturer, a Senior Lecturer, and Professional Track Faculty at any rank. All initial appointments at A&M-Commerce are probationary, except those provided for as exceptions (See §2).

- 1.1.2 A faculty member is not automatically eligible for tenure. (See University Procedure 12.02.99.R0.03).
- 1.1.3 The acquisition of tenure represents a critical milestone in an academic career. Faculty who are in tenure-track positions should conduct their activities in such a way to prepare for this significant achievement.
- 1.1.4 To be awarded tenure at A&M-Commerce, a faculty member must display excellence in teaching and a strong commitment to the intellectual growth of students, a high level of achievement in scholarly and/or creative contributions to the academic discipline as evidenced by external (outside of the department) peer evaluations, a record of quality service to the university, the profession and community, and an attitude of professionalism and collegiality that contributes to the professional reputation of the faculty member as well as the university.
- 1.1.5 Tenure entitles a faculty member to continue in an academic position unless dismissed for good cause (as defined by A&M System Policy 12.01, §4.3) or financial exigency (System 12.01, §9 and this rule, §2.2.2). Tenured faculty members who remain in good standing enjoy those privileges customarily associated with tenure including an expectation of continued employment, appropriate compensation, a suitable office and work space, the development and teaching of classes in the academic discipline, service as a principal investigator and engagement in research and/or creative scholarly activity, participation in faculty governance, using professional expertise in the service of the university, the profession, the nation and/or the community, and representing themselves as tenured faculty members at A&M-Commerce.
- 1.1.6 Tenure shall not be construed as creating a property interest in any attributes of the faculty position beyond the faculty member's regular annual salary (System Policy 12.01, §4).
- 1.1.7 The award of tenure must be accompanied by an equally demanding concept of academic responsibility (System Policy 12.01, §2). Tenured faculty members shall be expected to maintain competence in their field of specialization and to exhibit professional competence in the classroom and in the public arena through activities such as discussions, lectures, consulting, publications, creative accomplishments, and participation in professional organizations and meetings.

## 2 TERM APPOINTMENT

### 2.1 Faculty Appointment

- 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, which may be made on an annual basis, will be stated in writing and a copy will be given to the faculty member. All faculty members, unless the terms and conditions of their appointment letter state otherwise, are expected to engage in teaching, scholarship, and service. Essential job functions for a position may vary depending upon the nature of the department in which the faculty member is employed, the nature of the discipline in which the faculty member holds expertise, external funding requirements attached to the position, licensing or accreditation requirements, and other circumstances. It is therefore important that essential job functions for each faculty position be listed in the initial appointment letter. For example, all of the following that are applicable should be listed: teaching responsibilities, responsibilities for advising students, independent and/or collaborative research responsibilities, engaging in client care, committee assignments, conditions imposed by external accrediting agencies, and any special circumstances such as a position that combines academic and administrative duties, and any other specific essential functions for the position in question. All appointment letters must indicate whether the appointment offered is with tenure, tenure-accruing, or non-tenure-accruing.
- 2.1.2 If the appointment is tenure-track, the appointment letter will indicate the length of the period of probationary service at A&M-Commerce and state the credit agreed upon for appropriate service at other institutions. The specific probationary period does not, however, constitute the term of the initial appointment. All appointments during the probationary period are for a fixed term of one year or less and are subject to renewal or non-renewal each year of the probationary period.
- 2.1.3 Unless otherwise specified in the appointment letter, or mutually agreed upon written revision thereof, tenure-accruing appointments and appointments with tenure guarantee 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 after the A&M-Commerce budget has been approved by the A&M System Board of Regents. This notice shall contain the rank of appointment, tenure status, inclusive dates of employment, salary, and any special conditions. Any changes or additions to essential job functions noted in the original letter of appointment also should be included, after appropriate consultation with the faculty member. Any changes to the terms and conditions of appointment may be appealed through the A&M-Commerce Procedure 32.01.01.R0.01. 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 (See System Policy 12.01)

### 2.2.1 Administrative Leave (See System Policy 12.01, §5)

## 2.2.2 Faculty Member with Tenure Dismissal for Cause

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

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

2.2.2.2 Should these efforts fail to achieve a satisfactory resolution and should the difficulties be considered by the administration to be serious enough to warrant dismissal, the faculty member will be afforded the opportunity for a hearing that meets the requirements set forth in section 2.3 of this rule.

2.2.2.3 Unless a faculty member is summarily dismissed pursuant to section 2.3, a faculty member may be reassigned or suspended during the pendency of termination proceedings; however, suspension of the faculty member is justified only if the welfare of the faculty member or that of students, colleagues, or other institutional employees is threatened by continuance, or if the continued presence of the faculty member might be materially and substantially disruptive of the regular operations of A&M-Commerce. Any such suspensions should be with pay and with appropriate provisions for useful duties including appropriate access to classrooms, laboratories, libraries and other facilities.

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

2.2.3 Non-Renewal of Non-Tenured Tenure Track Faculty at End of Term Appointment. (See System Policy 12.01, §7)

## 2.3 Dismissal for Cause Hearings

### 2.3.1 Summary Dismissal

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

2.3.1.1 A&M-Commerce will provide the faculty member with notice of charges;

2.3.1.2 The faculty member has an opportunity to respond to an administrator within twenty (20) business days prior to dismissal;

2.3.1.3 The faculty member will have an opportunity for a post-termination evidentiary hearing appealing the dismissal. Post-termination appeals shall embody the elements set forth in section 2.3.2.

### 2.3.2 Pre-termination Hearing

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

2.3.3 The committee's findings and recommendation whether or not, in its judgment, there is good cause for dismissal shall be conveyed in writing to the President and to the faculty member.

2.3.4 If the faculty member's appointment is proposed to be terminated by the President, the full report of the hearing committee, the record of the hearing, the President's recommendation, and other relevant documentation available to both the faculty member and A&M-Commerce shall be delivered to the A&M System Chancellor who shall carry out a review of the documentation. In the event that the Chancellor identifies the need for information not contained in the documentation, the Chancellor may choose to give A&M-Commerce and the faculty member an opportunity to present their arguments and take questions from the Chancellor. The Chancellor shall have a maximum of forty-five (45) days in which to conduct the review. Upon completion of the review, the Chancellor shall make a final determination as to the dismissal.

2.3.5 In the event that the review identifies information which is probative of the dismissal and which was not made available to the faculty review committee and/or the President, the Chancellor may return the matter to A&M-Commerce's President. Upon return to the President, the hearing committee shall have fifteen (15) calendar days in which to conduct a follow-up hearing to evaluate the new information and render its recommendation. The President will then review its recommendation and take action as appropriate following the guidelines in Section 2.3.4.

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

2.4 Tenure, Financial Exigency and Phasing Out of Programs (see System Policy 12.01, §9)

### 3 ACADEMIC FREEDOM, ETHICS AND RESPONSIBILITY

#### 3.1 Academic Ethics and Responsibility

3.1.1 Institutions of higher education exist for the common good. The common good depends upon an uninhibited search for truth and its open expression. Hence, it is essential that faculty members be free to pursue scholarly inquiry without undue restriction, and to voice and publish individual conclusions concerning the significance of evidence that they consider relevant. Each faculty member must be free from the corrosive fear that others inside or outside the university community, because their views may differ, may threaten his or her professional career or the material benefits accruing from it.

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

#### 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 A&M-Commerce.

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 controversial matter that has no relation to their subject.

- 3.2.1.3 Faculty members should maintain respect for students and evaluate them on the merit of their academic performance. Faculty members should be available at reasonable intervals to students for consultation on course work.
- 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 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 A&M-Commerce 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 liable 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 A&M-Commerce regulations. 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, or laboratory and in the public arena by such activities as discussions, lectures, consulting, performances, exhibitions, 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, academic research and scholarship must be carried out under the highest standards of honesty and integrity. The faculty member should strive to be accurate, to exercise appropriate restraint, to be willing to listen to and show respect to members of the society at large expressing different opinions, and to avoid creating the impression that the faculty member speaks or acts for the college or the University when speaking or acting as a private person.

#### 4 REVIEW OF FACULTY MEMBER DURING FIRST TWO YEARS OF PROBATIONARY SERVICE

4.1 The Department Head shall review the performance of first year faculty members for continued probationary service.

4.2 The Department Head shall, in consultation with tenured faculty members in the department, review the performance of second year faculty members for continued probationary service.

#### 5 WRITTEN NOTICE OF NON-REAPPOINTMENT, OR OF INTENTION NOT TO REAPPOINT A FACULTY MEMBER

5.1 Notification of non-reappointment must be sent no later than March 1 of the first academic year of probationary service, or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination. The faculty member's appointment will terminate at the end of the Spring Semester.

5.2 Notification of non-reappointment must be sent no later than December 15 of the second year of probationary service. The faculty member's appointment will terminate at the end of the Spring Semester.

5.3 Notification of non-reappointment must be sent at least twelve months before the expiration of a probationary appointment after two or more years of probationary service.

#### 6 DUE PROCESS PROCEDURE

6.1 Peer Review



- 6.1.1 Any faculty member who has a grievance, which cannot be resolved by reasoned discussion within the normal administrative channels of the university, is entitled to have this grievance reviewed by an elected committee of peers. Depending on the nature of the grievance, the reviewing body will either be the Advisory Committee or the Hearing Committee.
- 6.1.2 The Hearing Committee will review cases involving:
  - 6.1.2.1 Dismissal of a tenured faculty member (including financial exigency);
  - 6.1.2.2 Dismissal of a probationary faculty member with an unexpired appointment extending beyond the date of dismissal;
  - 6.1.2.3 Referrals from the Advisory Committee concerning non-reappointment of probationary faculty members as described in Section 6.1.3.1 and 6.1.3.2 below.
- 6.1.3 The Advisory Committee will review cases involving:
  - 6.1.3.1 Non-reappointment of a probationary faculty member when violation of academic freedom is alleged;
  - 6.1.3.2 Non-reappointment of a probationary faculty member on alleged grounds of discrimination involving race, sex, age, religion, national origin, or any other category protected by federal regulation;
  - 6.1.3.3 All other grievances not previously identified refer to University Procedure [32.01.01.R0.01 Grievance and Appeal Process for Faculty Members](#).

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

## 6.2 Advisory Committee

- 6.2.1 The Advisory Committee will be a standing committee of the faculty composed of six full-time members, all of who currently hold tenure status at A&M-Commerce and devote one-half or more of their time to teaching and/or research. Membership on the committee shall be for three year staggered terms, with two vacancies to be filled each year. For a particular hearing, each member shall be subject to challenge for cause, the remaining members to rule on the challenge. Also, any members may disqualify themselves before the hearing begins.
- 6.2.2 The annual vacancies will be filled as follows:
  - 6.2.2.1 During the period September 1-10, the Office of the Provost will issue a written call for nominations, allowing at least one week for nominations to be completed. Any full-time faculty member is entitled to nominate individuals for the Advisory Committee.

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

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

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

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

6.2.5 The committee proceedings will be in accordance with its own organization and procedural rules. A majority of members shall be a quorum. The chairperson, who retains full rights of discussion and voting, is elected by the committee members themselves. Within fifteen calendar days of a completed hearing, the Advisory Committee will send a report of its proceedings and its recommendations to 1) the President in cases involving non-reappointment of probationary faculty and 2) the Provost in all other cases.

### 6.3 Hearing Committee

6.3.1 The Hearing Committee will be a standing committee of the faculty composed of fifteen full-time members, all of whom currently hold tenure status at A&M-Commerce and devote one-half or more of their time to teaching and/or research. Membership on the committee shall be for three year staggered terms, with five vacancies to be filled each year. For a particular hearing each member shall be subject to challenge for cause, the remaining members to rule on the challenge. Also, any members may disqualify themselves before the hearing begins.

6.3.2 The annual vacancies will be filled as follows:

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

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

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

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

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

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

#### 6.4 Faculty Rights

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

6.4.2 Dismissal of tenured faculty: If the faculty member challenges the dismissal, the burden of proof is on the university to show good cause for the dismissal. Good cause is any cause listed in the System Policy 12.01, §4.3.

6.4.3 Termination or non-reappointment of probationary faculty.

- 6.4.3.1 If a probationary faculty member has been dismissed with an unexpired appointment extending beyond the period of the proposed dismissal, the burden of proof is on the university to show cause for the dismissal.
- 6.4.3.2 If a probationary faculty member is given a notice of non-reappointment, and the faculty member alleges discrimination or a violation of academic freedom, the burden of proof is on the faculty member.
- 6.4.3.3 Neither the Advisory Committee nor the Hearing Committee will hear a case of non-reappointment of a probationary faculty member unless there is allegation of either discrimination or a violation of academic freedom.

## 6.5 Grievance Procedures

- 6.5.1 Grievances other than dismissal or non-reappointment refer to University Procedure [32.01.01.R0.01 Grievance and Appeal Process for Faculty Members](#).
- 6.5.2 Grievances involving non-reappointment of a probationary faculty member when violation of academic freedom, discrimination or a procedural violation is alleged. A probationary faculty member who has been notified of non-reappointment and who alleges a prima facie case of violation of academic freedom or discrimination will follow the procedure outlined below.
  - 6.5.2.1 Within twenty business days after receiving written notice of non-reappointment, a written statement will be presented by the faculty member explaining in detail the grounds on which violation of academic freedom or discrimination is alleged. This statement and any supporting materials will be submitted by the faculty member to the chairperson of the Advisory Committee and to the President of the university.
  - 6.5.2.2 The chairperson of the Advisory Committee will distribute copies of this statement and all supporting materials to each member of the committee, as expeditiously as possible. Within fifteen business days, the chairperson will convene the Advisory Committee to hear, in person, the allegations of the probationary faculty member. The committee may request the presence of any involved parties, including a representative of the administration, as well as any additional information it deems necessary, in order to fully explore the problem. After careful review of the information submitted, the committee will reach one of two decisions: 1) enough evidence has been presented in support of the faculty member's allegations to warrant presentation of the case before the Hearing Committee; or 2) not enough evidence has been presented to further investigate allegations of violation of academic freedom or discrimination. In this latter case the committee will so notify the faculty member and the president, and no further action will be taken.

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

- 6.5.2.9 If the President does not concur with the committee's recommendation, this fact will be communicated in writing to the Hearing Committee within fourteen calendar days of receipt of the report, accompanied by the president's rationale. The committee will review this response and may reply in writing to the president within fourteen calendar days. At any time after receiving the committee's initial recommendation, either the President or the committee can request a joint meeting to discuss the case.
- 6.5.2.10 Unless there are extenuating circumstances, the President will take final action on the matter: 1) within thirty calendar days after receiving the committee's initial recommendation if the president and the committee concur in the matter; otherwise, 2) within fourteen calendar days of the committee's final response to the president. The president shall transmit the full report of the Hearing Committee, along with his/her recommendation, to the Chancellor.
- 6.5.2.11 If the committee recommends that the faculty member be reappointed but the President does not concur, the faculty member may request in writing (within fourteen calendar days after receiving the president's decision) that the case be reviewed in accord with the A&M System Policy 12.01, *Academic Freedom, Responsibility, and Tenure*.
- 6.5.3 Grievances involving dismissal of a tenured faculty member or dismissal of a probationary faculty member with an unexpired appointment extending beyond the date of dismissal. A faculty member contesting a dismissal after a grant of tenure or during an unexpired probationary appointment will follow the procedure outlined below.
- 6.5.3.1 Within thirty calendar days of receiving formal notice of dismissal, the faculty member will submit in writing to the chairperson of the Hearing Committee a request to convene the committee. The faculty member will also send a copy of this letter to the Office of the President.
- 6.5.3.2 Within fourteen calendar days the Office of the Provost will provide to the faculty member a detailed written statement of the reason(s) for dismissal, the names of any adverse witnesses to be called or cited, and the nature of their testimonies. A copy of this same information will simultaneously be provided to the chairperson of the Hearing Committee.

- 6.5.3.3 The Hearing Committee will convene to hear the case no earlier than thirty calendar days and within forty-five calendar days (or as soon thereafter as possible) of receiving the information described above. The chairperson of the committee will notify, in writing, the faculty member and the president of the exact time and place of the meeting. Such notification must be made at least fourteen calendar days before the meeting occurs. Accompanying the letter of notification will be a description of all procedural rights to be accorded the faculty member in the hearing. These include: an advisor of the faculty member's own choosing to act as counsel; the right to a complete taped recording or transcript of the proceedings; the right to question witnesses; the opportunity to be confronted by all adverse witnesses; and, if a witness cannot appear, the right to the name and any relevant statement of the witness. Any evidence deemed appropriate by the faculty member may be presented at the hearing.
- 6.5.3.4 There will be no suspension of the faculty member from ordinary duties during the proceedings unless the welfare of the university or the faculty member is involved. Any such suspension should be with pay and with appropriate provision for useful duties whenever possible.
- 6.5.3.5 In deliberating, the committee will allow oral arguments and/or written briefs by all parties concerned.
- 6.5.3.6 The committee, after a careful and thorough review of all the evidence, will issue a recommendation. All votes taken in formulating the recommendation will be by secret ballot with the chairperson as teller. The vote count of the final recommendation will be recorded as part of the report. If the final vote should end in a tie, this will be considered a vote in favor of the faculty member. Any committee member who desires may submit personal comments on the final committee recommendation.
- 6.5.3.7 The full committee recommendation, together with any comments by individual committee members, will be transmitted in writing without delay to the President and to the faculty member involved.
- 6.5.3.8 If the committee finds for the faculty member and the President concurs with this finding, the faculty member will be reinstated. The president will transmit a report of the action to the Chancellor for informational purposes.

- 6.5.3.9 If the committee finds against the faculty member, no further action will be taken. The president will transmit a copy of the committee's final report to the Chancellor. The faculty member may request in writing within fourteen calendar days that the case be reviewed by the A&M System Board of Regents. If the board decides to review the case, its review will be based on the record of the Hearing Committee, accompanied by, at the board's discretion, the opportunity for oral and/or written arguments by the principals or their representatives, in accord with A&M System Policy 12.01, *Academic Freedom, Responsibility, and Tenure*.
- 6.5.3.10 If the committee finds for the faculty member and the President disagrees with this finding, the faculty member will be notified in writing by the President. A copy of the committee's report and the President's rationale for disagreement will be transmitted by the President to the Chancellor.
- 6.5.3.11 The appeal process described above may be terminated at any time at the discretion of the faculty member involved, provided such notification is made in writing to the chairperson of the Hearing Committee.

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## Related Statutes, Policies, or Requirements

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

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

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

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

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

University Procedure [32.01.01.R0.01 Grievance and Appeal Process for Faculty Members](#)

This rule supersedes: University Procedure *12.01.99.R0.01 Academic Freedom, Tenure, Promotion, and Post Tenure Review*

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## Contact Office

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Office of the Provost and Vice President for Academic Affairs  
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