THE TEXAS STATE UNIVERSITY SYSTEM

RULES AND REGULATIONS

LAMAR UNIVERSITY
SAM HOUSTON STATE UNIVERSITY
SUL ROSS STATE UNIVERSITY
SUL ROSS STATE UNIVERSITY RIO GRANDE COLLEGE
TEXAS STATE UNIVERSITY-SAN MARCOS
LAMAR INSTITUTE OF TECHNOLOGY
LAMAR STATE COLLEGE-ORANGE
LAMAR STATE COLLEGE-PORT ARTHUR

Adopted September 1, 1980
Amended May 17, 2007
4. FACULTY.

4.1 Employment.

4.11 The Board of Regents strongly desires to maintain learned faculties who, by precept and example, will instruct and inspire their students and reflect credit upon the Component. The Board encourages scholarship, creative activity, research, and public service but affirms that the primary goal of each faculty member shall be to attain a greater proficiency in teaching.

4.12 Nominations. The President of each Component shall recommend to the Chancellor and the Board the employment or re-employment of faculty members to be awarded term or annual appointments, advising in writing as to the tenure status, proposed academic rank, and highest degree of each nominee.

4.13 Appointments. All faculty appointments, including the granting of tenure, are subject to the approval of the Chancellor and the Board. At the earliest practicable Board meeting following the Governor’s approval of the State’s General Appropriations Act, the Board shall appoint the faculty and other teaching personnel to term or annual appointments for a specified period not to exceed one year. The President shall advise each appointee in writing of the provisions and conditions of the appointment. If a faculty member has already been appointed by the Board for either a fall or spring semester, the contract may be extended for the summer or for additional special assignments during the same Fiscal Year by the President, unless the extension includes a change in academic rank or an increase in the base salary.

4.14 Reappointments. Written notice of a decision not to reappoint will be given to a tenure track faculty member not later than March 1st, of the first, or not later than December 15th of the second, academic year of probationary service. After two or more academic years, written notice shall be given not later than August 31st that the subsequent academic year will be the terminal year of appointment. The notice required by this Section is not applicable where termination of employment is for good cause under Subsection 4.4 or for faculty members who are appointed on a term basis.

4.141 Reappointment or the award of tenure shall be accomplished only upon the Presidents written recommendation and the Chancellor’s and the Board of Regent’s approval. If the faculty member does not receive notice as prescribed in this Chapter, it shall be his or her duty to inquire as to the decision of the President, who shall without delay give the required notice to the faculty member. Failure of the Component to comply with the notice provisions of this Chapter shall not entitle a faculty member to de facto tenure, and these Rules and

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Regulations expressly prohibit the awarding of de facto tenure.

4.142 Each faculty member shall keep the President or his or her designee notified of the faculty member’s current mailing address. Written notices required by Subsections 4.24 or 4.44 shall be sent by certified mail, return receipt requested. Notice shall be complete when deposited in the United States mail, addressed to the last known address given by the faculty member. The faculty member’s failure or refusal to receive the notice is immaterial.

4.15 Vacancies. A President may fill, by interim appointment, a faculty vacancy, subject to the Chancellor’s and Board of Regent’s ratification.

4.16 Salary Authority. No faculty member’s salary, regardless of the source of funds, shall exceed the Component President’s salary as designated by the Legislature in the General Appropriations Act, unless the salary is specifically recommended by the Chancellor and approved by the Board of Regents.

4.2 Tenure.

4.21 Defined. Tenure denotes an entitlement to continued employment as a member of the faculty at a Component in accordance with the provisions of these Rules and Regulations. Tenured faculty can expect those privileges customarily associated with tenure at their Component. Such privileges include a suitable office and workspace, serving as a principal investigator and conducting of research, teaching classes, and participating in faculty governance. However, tenure does not create a property interest in any attributes of the faculty position beyond the annual salary. By way of example only, tenure does not create a property interest in laboratory space, a particular office, the right to teach graduate students, or use of research materials or equipment. Only members of the faculty with the academic title of Professor, Associate Professor, or Assistant Professor may be granted tenure, unless the Component handbook recognizes the rank of Instructor as eligible for tenure. In exceptional cases, tenure may be granted at the time of appointment to any of such academic ranks by the Board of Regents or may be withheld pending satisfactory completion of a probationary period of faculty service. For tenure to be granted at the time of appointment, the President must consult with and submit a written justification to the Chancellor, who shall review all such recommendations with the full Board.

4.22 Tenure Track Faculty. Only full-time service in the academic ranks of Professor, Associate Professor, Assistant Professor, and/or Instructor (at Components where such is an academic rank eligible for tenure) shall be counted toward fulfillment of a
required probationary period. Periods during which a faculty
cmember is on leave of absence shall not be counted toward
fulfillment of a required probationary period. If the Component
faculty handbook does not recognize the rank of Instructor as
eligible for tenure, then no more than three (3) years service as
Instructor shall be so counted.

4.23 Prior Service Credit. At the discretion of the Component, up to
three (3) years prior service at the other academic Component
may be counted toward fulfillment of the required probationary
period.

4.24 Maximum Probationary Service. The maximum period of
probationary faculty service in tenure track status in any
academic rank or combination of academic ranks shall not exceed
six years of full-time academic service. Not later than August
31st of the last academic year of the maximum probationary
period in effect at any Component, a tenure track faculty member
shall be given written notice that the subsequent academic year
will be the terminal year of employment or that, beginning with
the subsequent academic year, tenure will be granted. In the
event that the employment of a tenure track faculty member is to
be terminated prior to the end of the maximum probationary
period, notice shall be given in accordance with Subsection 4.4
below. Faculty members who have not been granted tenure by
the Board of Regents shall not be entitled to tenure by virtue of
being employed at the Component past the probationary period,
i.e., such faculty members do not have de facto tenure.

4.25 Calculating Service. For purposes of calculating the period of
probationary service, an “Academic year” shall be the
approximate nine-month period from September through May as
designated in the common calendar established by the Texas
Higher Education Coordinating Board. One year of probationary
service is accrued by at least nine months full-time academic
service during any academic year, regardless of whether
contracted on an annual basis or for a consecutive fall and spring
semester. A faculty member shall be considered to be on full-
time academic service if in full compliance with Board standards
pertaining to minimum faculty workloads at general academic
universities. If a faculty member is initially appointed during an
academic year, the period of service from the date of appointment
until the beginning of the following academic year shall not be
counted as academic service toward fulfillment of the maximum
probationary period.

4.26 Non-tenured Faculty. No non-tenured member of the faculty
should expect continued employment beyond the period of
current appointment as approved by the Board of Regent’s. Any
commitment to employ a non-tenured member of the faculty
beyond the period of current appointment shall have no force and
effect until approved by the Board. Non-tenured members of the
faculty serve at the pleasure of the Component President and the Board, subject to the provisions of proper notice as required by these Rules and Regulations.

4.27 Non-reappointment and Denial of Tenure. A non-tenured faculty member, who is notified of non-reappointment in accordance with Subsection 4.14 or who is notified in accordance with Subsection 4.24 that tenure has been denied and that the subsequent academic year will be the terminal year of appointment, shall not be entitled to a statement of the reasons upon which the decision for such action is based.

4.28 Performance Reviews. Components shall develop and publish campus-specific faculty performance review policies.

4.281 Annual Review Policies. Each Component shall develop campus-specific annual review policies for non-tenured faculty members.

4.282 Performance Review of Tenured and Other Faculty. Each Component shall develop campus-specific post tenure policies and procedures to determine whether a tenured faculty member is performing consistently at an acceptable professional level as well as a mechanism whereby a faculty member is informed of any deficiencies and provided opportunity to improve his or her performance. Such policies and procedures shall be consistent with the tenure policies of this Chapter and Education Code, Section 51.942 (Seventy-fifth Legislature, 1997) and shall accord faculty members fundamental due process and a right of appeal in accordance with existing Component and Board policy.

4.3 Promotion.

4.31 Discretionary Nature of Promotion. The academic promotion of a faculty member is discretionary on the part of the President of the Component, the Chancellor and the Board of Regents. Faculty members do not have an entitlement to a prospective promotion rising to the level of a property interest, and the denial of a prospective promotion is not sufficiently stigmatic to constitute a liberty interest. No commitments, implied or otherwise, shall be made by any individual regarding faculty promotions without the prior written approval of the President, and all faculty promotions shall be subject to the approval of the Chancellor and Board of Regents. Faculty members who are not recommended for promotion shall not be entitled to a statement of reasons for the decision against the recommendation. However, supervisors are encouraged to offer suggestions for a program of professional development in teaching, scholarly or creative work, and leadership or service that may enhance the likelihood of promotion in the future.