

RULES AND REGULATIONS



THE TEXAS STATE UNIVERSITY SYSTEM

LAMAR UNIVERSITY

LAMAR INSTITUTE OF TECHNOLOGY

LAMAR STATE COLLEGE - ORANGE

LAMAR STATE COLLEGE - PORT ARTHUR

SAM HOUSTON STATE UNIVERSITY

SUL ROSS STATE UNIVERSITY

SUL ROSS STATE UNIVERSITY RIO GRANDE COLLEGE

TEXAS STATE UNIVERSITY - SAN MARCOS

**Adopted September 1, 1980
Amended May 21, 2010 and August 20, 2010**

4.32 Guidelines. The President of each Component shall develop minimum expectations and guidelines to be used in the evaluation of faculty for promotions, salary increases, reappointments, and tenure. Such guidelines shall include but not be limited to:

- (1) Teaching in the classroom, laboratory, or seminar room;
- (2) Studying, investigating, discovering, and creating;
- (3) Performing curricular tasks auxiliary to teaching and research, e.g., serving on faculty committees, attending to administrative and disciplinary tasks, and promoting diligence and honest work in the student body;
- (4) Advising and counseling of students, including the posting or publishing of office hours in such a manner as may be required by the President;
- (5) Influencing beneficially students and citizens in various extracurricular ways; and,
- (6) Patents or commercialization of research, where applicable.

Within the guidelines, a faculty member becomes eligible for promotion by meeting or exceeding standards of performance although such eligibility shall not entitle him or her to a promotion.

4.4 Faculty Grievances.

4.41 For purposes of this *Subsection*, “faculty member” means a person employed full-time by the institution, including professional librarians, whose duties include teaching, research, administration, or the performance of professional services. It does not include a person who holds faculty rank but spends the majority of his or her time engaged in managerial or supervisory activities, including a President, Vice President, Associate or Assistant Vice President, Dean, Associate or Assistant Dean.

4.42 A faculty member may present a grievance, individually or through a representative that does not claim the right to strike, to a System Component’s President or his or her designee on an issue related to wages, hours of employment, conditions of work, promotion denial, or the non-renewal or termination of the faculty member’s employment. Nothing herein shall require that informal, first and second level interactions between the faculty member and his/her supervisors include such representation.

4.43 The President of the Component may develop procedures for faculty grievances on these issues that include the following provisions:

- 4.431 The designee or hearing officer, presiding over the grievance, will make a recommendation to the President, who will make the final decision regarding the grievance;
- 4.432 The faculty member may present the grievance individually or through a representative that does not claim the right to strike;
- 4.433 A hearing officer may not recommend changing the Component administration's action regarding tenure, non-renewal, termination of employment, or denial of promotion unless the faculty member establishes, by preponderance of the evidence, that he or she has been denied a right guaranteed by the constitution or laws of the United States or the State of Texas;
- 4.434 A hearing officer may not recommend changes in disciplinary actions taken against a faculty member, unless the faculty member establishes, by a preponderance of the evidence, that the disciplinary action was an abuse of discretion and authority of the person imposing the disciplinary action;
- 4.435 The administration of the Component need not state the reasons for the questioned decision or offer evidence in support thereof, unless the faculty member presents a *prima facie* case in support of his or her allegation, in which case, the hearing officer shall determine whether the administration has stated a nondiscriminatory reason for its decision.

4.5 Termination and Due Process Procedures.

- 4.51 Grounds. Termination by a Component of the employment of a tenured faculty member and of all other faculty members before the expiration of the stated period of their appointment, except by resignation or retirement, will be only for good cause shown.

Good cause includes but is not limited to the following:

- (1) Failure to work efficiently or effectively;
- (2) Insubordination;
- (3) Serious professional or personal misconduct, examples of which include:
 - (a) Commission of a misdemeanor involving moral turpitude, or a felony;
 - (b) Failure to secure and maintain Federal, State, or local permits required in the discharge of teaching,