College of Osteopathic Medicine
SAM HOUSTON STATE UNIVERSITY

Element 1.4: Governance and Program Policies

- **1.4-2b Supporting Documentation**
  - Policies for Due Process for All Employees, Faculty, and Staff
    - TSUS Rules and Regulations Chapter V – link
  - Due Process Policy for Students
    - SHSU Academic Policy Statement 900823 – link

THE TEXAS STATE UNIVERSITY SYSTEM

RULES AND REGULATIONS

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

Adopted September 1, 1980
Amended November 18, 2022

CHAPTER V. COMPONENT EMPLOYEES

1. COMPONENT EMPLOYEES.

1.1 Definitions.

A Component or System office employee is any person who is under the authority and in the paid service of a Component which is under the jurisdiction and control of the Board of Regents of The Texas State University System, other than independent contractors or consultants.

1.11 A faculty employee is an employee with a specified academic rank holding a teaching appointment for a fixed term as determined by the President of the Component and approved by the Board of Regents (see *Paragraph 4* of this *Chapter*).

1.12 A staff employee is any employee other than a faculty employee.

1.121 Unclassified staff employees include administrative officers and other administrative and professional personnel who are serving without fixed terms and who are not included in the Component's classification plan (see *Paragraphs 3 and 5* of this *Chapter* and the exception provided for in *Subparagraph 1.13* of this C*hapter*).

1.122 Classified staff employees include those personnel who are appointed without fixed terms to those job classes in the Component's classification plan which requires similar duties, skills, and qualifications including but not limited to secretarial, clerical, technical, paraprofessional, protective service, skilled crafts, and labor/service/ maintenance (see *Paragraph 5* of this *Chapter*).

1.123 Administrative officers are Vice Presidents, Deans, and other administrative personnel with delegated executive authority as determined by the President.

1.13 Employment Contracts. Notwithstanding the Board's employment-at-will policy, in exceptional cases, where the Component President determines that the nature of the particular profession demands special consideration, the Component may enter into an employment contract for a term not greater than three (3) years with an individual as an unclassified staff member. If the employee is paid wholly from non-appropriated funds, the contract term may not exceed five (5) years. Contracts in excess of the President's authority shall be subject to the Chancellor's review and approval.

1.131 Each contract must include a provision permitting its termination for cause (as defined in the contract) without penalty.

1.132 An employee under such a contract may be reassigned to other duties within the Components, retaining his or her base salary for a period not to exceed one (1) year, after which he or she shall be compensated until the contract expires at a rate not to exceed the salaries of other similarly situated employees. If the compensation for the contract is paid from non-appropriated funds, Components may include contract buyout terms in lieu of a reassignment provision.

1.133 If an employee is also provided a concurrent teaching appointment, the System's *Rules and Regulations* related to faculty will govern the teaching appointment.

2. GENERAL.

2.1 Employment.

2.11 Non-Discrimination Policy. The Texas State University System, including its Components, is an equal opportunity/- affirmative action employer and complies with all applicable federal and state laws regarding non-discrimination and affirmative action, including *Title IX* of the *Education Amendments of 1972* and *Section 504* of the *Rehabilitation Act of 1973*. The Texas State University System, including its Components, is committed to a policy of non-discrimination and equal opportunity for all persons regardless of race, sex, color, religion, national origin or ancestry, age, marital status, disability, sexual orientation, gender identity, or veteran status, in employment, educational programs, and activities and admissions.

2.12 Hiring and Promotions.

2.121 The President or other administrative officers of the Component will investigate thoroughly the character, integrity, scholastic attainment, and other qualifications of prospective members of the administration before exercising any delegated authority for making appointments.

2.122 Each Component may require a physical examination, performed by qualified medical personnel approved by the Component, of applicants to be employed. The expense of the examination will be paid by the Component.

2.13 Terminations. The Components shall retain and submit to the System Administration specific reports on terminations of all full-time employees as requested by the System Administration.

2.131 The Board of Regents or the President of the Component may suspend without prior notice or hearing and immediately remove from the Component any employee whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the Component. The President shall as soon as possible notify the Vice Chancellor and General Counsel of such action. In such cases, the President will set a hearing before the appropriate administrator or committee on the employee's case as soon thereafter as is practicable unless otherwise waived by the employee.

2.132 Employees, including both faculty and staff, shall be subject to discipline and/or dismissal for violating Component policy relating to electronic network facilities such as local area networks and the Internet. Nothing herein shall be construed in derogation of the Board's employment-at-will policy.

2.133 Any employee of any Component of the System, including any member of the administration or faculty, who, acting either singly or in concert with others, obstructs or disrupts, by force or violence, any teaching, research, administrative, disciplinary, public service, or other activity authorized to be held or conducted on the campus of a Component of the System, shall be subject to dismissal as an employee. As used in this S*ubparagraph*, the words "force or violence" include but are not limited to such acts as "stand-ins," "sit-ins," and "lie-ins" when such acts are in fact obstructive or disruptive of any of the authorized activities listed above.

2.134 Every employee is expected to obey all Federal, State, and local laws, particularly *Texas Penal Code, Section 42.01* and *42.05* (Disorderly Conduct and Disrupting Meeting or Procession) and *Texas Education Code, Section 37.123* and *37.125* (Disruptive Activities and Exhibition of Firearms). Any employee who violates any provision of these four statutes is subject to dismissal as an employee notwithstanding any action by civil authorities on account of the violation.

2.135 The minimum standards of individual conduct required by the penal statutes of Texas or the United States are both expected and required of every employee of the System and its Components. Any employee who violates the minimum standards of conduct required by any penal statute of Texas or the United States is subject to dismissal as an employee regardless of whether any action is taken against the employee by civil authorities on account of such violation.

2.136 If action for dismissal of an employee is taken, the appropriate administrative officer shall proceed with the action in the same manner as would be the case of a violation by an employee of any other provision of these *Rules and Regulations* or a provision of the faculty or staff handbook of the Component.

2.14 Grievances. Each Component may establish a process consistent with this *Subparagraph* for grievances concerning an employee's wages, hours of work, or conditions of work. Such grievance process shall not involve formal hearings. If a Component does not have a grievance process as provided herein, the Component shall use this grievance process, except for grievances pursuant to *Subparagraphs 4.4* and *4.5* of this *Chapter*.

2.141 Process. Every employee of each Component, individually or through a representative that does not claim the right to strike, shall be entitled to present grievances concerning such employee's wages, hours of work or conditions of work to a hearing officer designated by the President. Such grievances shall not involve formal hearings.

2.142 Grievances involving allegations of discrimination. At Components that have an office specifically charged with hearing claims of discrimination, the hearing officer shall refer such claims to that office. At Components that do not have an office specifically charged with hearing claims of discrimination, if the hearing officer finds that the grievant has established a *prima facie* case of discrimination, the hearing officer shall provide the administration an opportunity to respond to the claims and determine whether the administration has stated a nondiscriminatory reason for its decision. A *prima facie* case is one presenting facts or documents that, so far as can be judged from first disclosure, would create a presumption of validity in the absence of response, contradiction or rebuttal by the Component. Unsubstantiated allegations shall not be sufficient to establish a *prima facie* case. The President or his or her designee shall make the final decision regarding a grievance involving an allegation of discrimination.

2.143 For all matters involving sexual misconduct, the Texas State University System Sexual Misconduct Policy controls.

2.2 Appointment of Relatives (Nepotism Rule).

2.21 Each appointment of an employee at a Component, whether on a full-time or part-time basis, shall be made solely with regard to the special fitness of the appointee subject to applicable statutes and subject also to the provisions of this *Paragraph* of the System's *Rules and Regulations*.

2.22 In accordance with the prohibition of *Government Code, Chapter 573*, no person related to any member of the Board of Regents within the second degree of affinity or within the third degree by consanguinity shall be eligible for appointment to any office, position, employment, or duty with any Component of The Texas State University System, when the salary, fee, or compensation of such appointee is to be paid, either directly or indirectly, out of public funds of any kind.

2.221 *Government Code, Chapter 573* does not prohibit the reappointment or continued employment of any person who shall have been continuously employed in any such office, position, employment, or duty for a period of one (1) year prior to the appointment of the member of the Board of Regents related to such person within the prohibited degree, nor does it prohibit honorary or non-remunerative positions.

2.222 The prohibition of *Government Code, Chapter 573* applies to all programs administered under the Board of Regents and may not be waived.

2.223 When a person is allowed to continue employment because of the operation of the exception specified by *Subparagraph 2.221* of this *Chapter*, the Board member who is related to such person shall not participate in the deliberation or voting upon the appointment, reappointment, employment, confirmation, re-employment, change in status, compensation, or dismissal of such person, if such action applies only to such person and is not taken with respect to a bonafide class or category of employee.

2.23 Even though the appointment of a person would not be prohibited by *Government Code, Chapter 573*, special arrangements for personnel actions must be made before a Component may employ any person related within the second degree of affinity or the third degree of consanguinity to another employee if:

(a) Such employment causes one relative to have a direct supervisory relationship over the other relative; or

(b) Such employment causes one relative to have authority over the salary or other terms of employment of the other.

This policy does not prohibit the reappointment or continued employment of any person related to another within either of the prohibited degrees who shall have been employed in a Component before the adoption of this policy. However, no System employee may approve, recommend, or otherwise act with regard to the appointment, reappointment, promotion, or salary of any person related within either of the prohibited degrees.

2.231 If the appointment, reappointment or continued employment of a person places such person under an administrative supervisor related within the above specified degree, all subsequent actions with regard to reappointment, promotion, or salary shall be the responsibility of the next highest administrative supervisor. It shall also be the responsibility of the next highest administrator to make a written review of the work performance of such employee at least annually and submit each review for approval or disapproval by the Component's appropriate Vice President in the case of classified employees or the President in the case of faculty or unclassified employees. When appropriate, the next highest administrator may delegate these responsibilities to another administrator who is neither related to the person subject to the personnel actions nor in that person's reporting line.

2.232 All situations covered by *Subparagraph 2.231* of this *Chapter* shall be reported annually in May through the Components' President's Report to the Board.

2.3 Retirement and Recognition of Service.

2.31 Retirement Programs. The Board of Regents authorizes each Component in the System to make retirement programs available to each eligible employee through the Teacher Retirement System of Texas, or the Optional Retirement Program, and tax sheltered annuities as authorized by statute.

2.32 Requirements of the Optional Retirement Program.

2.321 Company Qualifications. Each Component will design its specifications for companies to qualify as Optional Retirement Program vendors on that Component's campus. The Board of Regents must approve those specifications. Thereafter, the Component's President (or the President's designee) may authorize any insurance or investment company qualified and admitted to do business in this State to offer an ORP on the Component's campus. Any program offered is subject to compliance with statutory provisions, the prescribed *Rules and Regulations* of the Texas Department of Insurance, the State Securities Board, the Texas Higher Education Coordinating Board, and the requirements of the Board of Regents.

2.322 Contributions. Employee and State contribution rates for the Optional Retirement Program and Teacher Retirement System shall comply with law.

2.323 Tax Considerations. Whether or not the employer's and/or employee's contributions to the Optional Retirement

Program are tax sheltered, the employee's contribution is made on all salary reduction as required by the ORP statute. All contributions shall comply with IRS laws and regulations for accounts authorized under *Section 403(b)* of the *Internal Revenue Code*."

2.324 Authorization. The Component President or a representative designated by the President shall be authorized to sign the forms necessary to administer the Optional Retirement Program and the Teacher Retirement System.

2.325 Certification of State Comptroller. Each Component shall be required to certify to the State Comptroller each Fiscal Year an estimate of the amount of funds required for payments of State Matching Contributions for participants in the Optional Retirement Program.

2.326 Eligibility to Participate. An employee of a Component of The Texas State University System is eligible for participation in the Optional Retirement Program in accordance with rules adopted by the Texas Higher Education Coordinating Board. An employee who has met the ORP vesting requirement and subsequently transfers to a position which would not otherwise qualify for ORP participation shall remain in ORP except as authorized by TRS rules.

2.33 Salary Reduction Plan of the Optional Retirement Program. The Components are authorized to participate in the salary reduction agreement of the Optional Retirement Program as provided by statute. The Component President or a representative designated by the President is authorized to approve the forms required for this salary reduction agreement through those carriers approved by the Component in the implementation of the Optional Retirement Program.

2.34 Honorary Titles and Resolutions for Retirees. Faithful and distinguished service by a retiring faculty member or administrator may be recognized by an appropriate resolution of the Board.

2.341 Long and distinguished service by a faculty member holding the rank of Professor or Associate Professor may be recognized upon retirement by conferral of the title of Professor Emeritus, Associate Professor Emeritus, Distinguished Professor Emeritus or Distinguished Associate Professor Emeritus as provided by *Subparagraph 4.9* of this *Chapter*.

2.342 Faithful and distinguished service by the President of a Component may be recognized by the Board upon retirement, or upon returning to full-time teaching if a tenured member of the faculty, by conferral of the honorary

title President Emeritus of the Component, without remuneration or authority for this honorary title.

2.343 Faithful and distinguished service by an administrator, including a Vice President of a Component, Vice Chancellor of the System and Chancellor, may be recognized by the Board upon retirement by conferral of the honorary title, such as Vice President Emeritus, Vice Chancellor Emeritus or Chancellor Emeritus, without remuneration or authority for this honorary title.

2.4 Standards of Conduct. Except as exempted by *Subparagraphs 12.(16), 12.(17)* and *12.(18)* of *Chapter III* of these *Rules and Regulations*, all Component employees shall adhere to the standards of conduct articulated in *Chapter VIII:*

2.41 No employee shall engage in any form of sexual harassment as defined by *Subparagraph 4.4* of *Chapter VII* of these *Rules and Regulations*, or racial harassment as defined by *Subparagraph 4.3* of *Chapter VII* of these *Rules and Regulations*. As prescribed in *Paragraph 4.43* of *Chapter VII* of these *Rules and Regulations*, any employee who violates these rules prohibiting sexual and racial harassment shall be subject to discipline and/or dismissal from employment.

2.42 No contacts on behalf of the Component, its programs or the System to the Legislature shall be made without the specific approval of the Component President who shall inform the System Administration Office. Information, not considered under law to be confidential, which is requested by a member of the Legislature or committee or by any other state official or employee and which relates to proposed or pending legislation, shall be furnished to the requesting party and the System Administration Office informed of the request and information provided. The Presidents shall be responsible for advising their Component employees of this rule at the start of each legislative session. See also *Chapter VIII, Paragraph 6* of these *Rules and Regulations* pertaining to political activities.

2.43 Consensual Relationships. Consensual relationships between Supervisors, as defined herein, and their Supervisees, as defined herein, are prohibited unless the Supervisor discloses the relationship to his or her immediate supervisor and a plan to manage the conflict inherent in the relationship has been approved and documented. Disclosure of a relationship by the Supervisee does not relieve the Supervisor of the duty to report the consensual relationship as soon as possible. Plans to manage a conflict may include, but are not limited to, reassignment of either party or other actions to change any conflict of interest or appearance of impropriety created because of the consensual relationship. Failure to disclose the relationship may result in disciplinary actions up to and including termination.

2.431 Consensual relationship means a mutually acceptable, romantic relationship or sexual interaction between a Supervisor and a Supervisee.

2.432 Supervisor means any employee who, has responsibility, as part of his/her job duties, to teach, instruct, supervise, manage, advise, counsel, oversee, coach, grade, train, or evaluate another employee in any way.

2.433 Supervisee means any employee or student who is taught, instructed, supervised, managed, advised, counseled, overseen, coached, graded, trained, or evaluated in any way by a Supervisor.

2.434 This policy applies to all Component faculty, staff, and students, including individuals serving as interns or volunteers.

2.5 Absences.

2.51 The President of each Component shall adopt policies and guidelines covering the authorized absences for all faculty and staff employees, including administrative officers. Such policies and guidelines shall be in accordance with the provisions of current statutes and these *Rules and Regulations*. A leave of absence granted to a faculty or staff employee by the President of the Component under the provisions of this *Subparagraph* shall not modify in any way the employment status of the employee as defined in *Chapter V, Paragraphs 1-5*, of these *Rules and Regulations* unless such modification in status is approved in advance by the Board of Regents. Unless approved in advance by the Board, upon expiration of the leave, the employee shall return to the same job classification, pay benefits, seniority and under the same conditions of employment as he held prior to the leave.

2.6 Power to Bind the System in Fixing Its Policies. No employee of the System or any of its Components, as an individual or as a member of any association or agency, has the power to in any way bind the System or any of its Components unless such power has been officially conferred in advance by the Board. Any action which attempts to change the policies or otherwise bind the System or any of its Components, taken by any individual or any association or agency, shall be of no effect whatsoever until the proposed action has been approved by the President concerned and ratified by the Board.

2.7 Payroll Deductions. The Components within The Texas State University System may make automatic payroll deductions from an employee's paycheck for any lawful purpose.

3. ADMINISTRATIVE OFFICERS.

3.1 Employment.

3.11 Hiring. The President of each Component is authorized to employ administrative officers. Such officers shall not have tenure by virtue of their office and shall serve without fixed term and at the pleasure of the President.

3.2 Terminations.

3.21 Limited Right to Hearing. The President of a Component may terminate the employment of an administrative officer of the Component when in the President's judgment the interests of the Component require termination. An administrative officer shall not have a right to a hearing unless the officer makes a *prima facie* showing that the decision to terminate violates rights guaranteed by the laws or Constitution of the State of Texas or of the United States and requests an administrative hearing to review the allegations. In such case the administrative officer shall be afforded an opportunity to present allegations before a hearing committee consisting of three impartial administrative officers of the Component appointed by the President. Such allegations shall be heard under the same procedures as in the case of dismissal of faculty for cause, with the following exceptions:

(1) The burden of proof is upon the affected administrative officer to establish at such hearing that the decision in question constitutes violation of a right guaranteed by the laws or Constitution of the State of Texas or of the United States.

(2) The President of the Component need not state the reasons for the questioned decision nor offer evidence in support thereof unless the affected administrative officer presents a prima facie case in support of such allegations. In such case, the hearing committee shall determine whether the President has no other reason for his decision.

(3) The hearing committee will make written findings on the material facts and a recommendation, which findings and recommendation shall be forwarded to the President and to the affected administrative officer. The administrative officer may appeal to the President and ultimately to the Board of Regents in accordance with the terms and procedures specified in *Subparagraphs 4.55* and *4.56* of this *Chapter*.

3.22 Tenured Faculty as Administrators. If the administrative officer has tenure at the Component by virtue of holding a past faculty position or otherwise, termination as a member of the tenured faculty shall be only for good cause shown, and the official shall be given a hearing if terminated from tenured faculty status.

3.3 Sexual Misconduct. Administrative officers shall comply with the System's "*Sexual Misconduct*" policy found in *Chapter III, Paragraph 22* and *Appendix A-6*.

4. FACULTY.

4.1 Employment.

4.11 Board Goals for Faculty. 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, renewable annually for up to five years, contingent upon satisfactory annual performance evaluations, departmental need, and continuity of funding. 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 *Subparagraph* is not applicable where termination of employment is for good cause under *Subparagraph 4.5* 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 President's 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 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 *Subparagraphs 4.24* or *4.54* 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 shall submit a written justification and recommendation to the Chancellor for review. If the Chancellor supports the grant of tenure, he or she may authorize the President to offer the prospective faculty member tenure, subject to subsequent approval by 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 member 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, unless the tenure clock has been tolled as provided in this *subparagraph*. 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 *Subparagraph 4.5* 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.

4.241 Tolling of Tenure Clock. A Component may permit a tenure track faculty member to toll the tenure clock—that is, exclude not more than two academic years of countable service toward tenure—in order to accommodate one or more of the following exigencies or hardships: (a) Childbirth or adoption; (b) Dependent care (including children, parents, spouses, or other dependents); (c) The faculty member's own illness or other personal emergency; and/or, (d) The inability of the institution to provide agreed upon facilities for the faculty member's research.

4.242 Timing of Request. The request to toll shall, to the extent possible, occur prior to the occurrence of the event(s) stated in *Subparagraph 4.241* and, in any case, within one year of

the event(s). Requests made after the Component provides written notice of commencement of the promotion and/or tenure review process will not be honored.

4.243 Faculty Member's Obligations. Per *Subparagraph 4.242*, the faculty member shall notify his or her chair and dean and make a written request to the chief academic officer to toll up to two years of service on the tenure clock, clearly explaining the basis(es) for the request—namely, why the exigency or hardship prevents or significantly impedes the faculty member's ability to make progress toward achieving tenure; stating the estimated duration of both the exigency or hardship and the tolling period requested; and providing such supporting documentation as the Component may require.

4.244 Chief Academic Officer's Obligations. The chief academic officer shall notify the faculty member, the chair/director, and the dean, and submit his or her recommendation to the System Vice Chancellor for Academic and Health Affairs (VCAHA) for his or her decision. The recommendation shall include the faculty member's date of hire; process used to decide to request extension (such as executive committee approval or department chair recommendation); rationale to exclude the requested period of countable service; other facts or documentation relevant to the case; and the date by which the faculty member will be reviewed for tenure if the extension is approved.

4.245 Two Year Limitation. The total time excluded from countable service under this policy is two years (for example, a faculty member who tolls or excludes one year for childbirth or adoption and one year for dependent care has reached the maximum).

4.246 Components may, but are not required to, adopt a policy permitting tolling of the tenure clock for one additional year due to extraordinary circumstances such as a global pandemic as declared by the World Health Organization or other widespread state or federal natural disaster.

4.247 No Property Right Created. The tolling of the tenure clock under this policy lies within the sole discretion of the Component administration, subject to the VCAHA's approval, and creates no property right, contractual or other legal entitlement in a member of the faculty. The administration may deny a request when, in its judgment, the needs and best interests of the Component, its academic units, and/or its students so require; provided, that this policy shall not be applied in violation of Component or System non-discrimination policies.

4.248 Tenure and Promotion Criteria Unaltered. Chairs/ directors, deans, and chief academic officers shall ensure that all faculty members, tenure and promotion or other reviewing committees, and outside letter writers are informed that the criteria for tenure do not change when service has been excluded from a faculty member's probationary period.

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 Regents. 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 *Subparagraphs 4.14* or who is notified in accordance with *Subparagraphs 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* and shall accord faculty members fundamental due process, including the opportunity for referral of a termination based upon evaluation to non-binding alternative dispute resolution, 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.

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 of Non-renewal or Termination of Employment.

4.41 Faculty Member Defined. For purposes of this *Paragraph*, "faculty member" means a person employed full-time by a System Component as a member of the faculty, 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 Chancellor, President, Provost, Vice President, Associate or Assistant Vice President, Dean, Associate or Assistant Dean.

4.42 Grievable Issues Pursuant to this *Paragraph*. A faculty member may present a grievance to a System Component's President on an issue related to non-renewal or termination of the faculty member's employment at the end of his or her contract period.

4.43 Termination Prior to End of Contract Period. A faculty member, whose employment is terminated prior to the end of his or her contract period, shall be entitled to invoke the full due process procedures provided to tenured faculty under *Paragraph 4.5* of this *Chapter*.

4.44 Grievance Process. The President shall designate a member of his or her administration as a hearing officer to consider grievances under this *Chapter*.

4.441 No later than thirty (30) business days after the grievant learns (or in the exercise of reasonable care should have learned) of the action or condition giving rise to the grievance, he or she shall file the grievance on a form prescribed by the Component, providing supporting documentation, if any.

4.442 The hearing officer will meet with the grievant at a mutually convenient time to review any documentation or other evidence that the grievant may present in support of his or her position.

4.443 The hearing officer may not recommend changing the administration's action regarding non-renewal or termination of employment unless the grieving faculty member establishes a *prima facie* case that he or she has been denied a right guaranteed by the constitutions or laws of the United States or of the State of Texas. A *prima facie* case is one presenting facts or documents that, so far as can

be judged from first disclosure, would create a presumption of validity in the absence of response, contradiction or rebuttal by the Component. Unsubstantiated allegations shall not be sufficient to establish a *prima facie* case.

4.444 If the hearing officer finds that the grievant has established a *prima facie* case, the hearing officer shall provide the administration an opportunity to respond to the claims; determine whether the administration has stated a non-discriminatory reason for its decision; and advise the President of his or her findings.

4.445 The President shall make the final decision regarding the grievance.

4.45 Not a Due Process Proceeding. A grievance under this *Paragraph* is not a due process hearing, requiring the formalities specified in *Paragraph 4.5* of this *Chapter*.

4.46 Component Procedures. A Component may not establish procedures that expand or contract the rights granted or materially alter processes described in this *Paragraph*. To the extent Component procedures conflict with the procedures in this *Paragraph*, the latter shall prevail. Existing Component policies on this subject matter are hereby revoked.

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, research, or other professional duties, including failure to maintain appropriate documentation;

(c) Willful destruction of Component property or violent disruption of the orderly operation of the campus;

(d) Violation of the System's ethics policy (*Chapter VIII* of these *Rules and Regulations)*, including acceptance or solicitation of gifts that might tend to influence the discharge of one's professional responsibilities;

(e) Stealing and publishing as one's own the intellectual property of another;

(f) Misuse or misappropriation of state property, resources, funds, including funds held by a faculty member as part of official duties;

(g) Sexual harassment, as defined by *Subparagraph 4.4* of *Chapter VII* of these *Rules and Regulations;* and,

(h) Racial harassment as defined by *Subparagraph 4.3* of *Chapter VII* of these *Rules and Regulations.*

(4) Professional incompetence and/or neglect of professional duties;

(5) Mental or physical disablement of a continuing nature adversely affecting to a material and substantial degree of the performance of duties or the meeting of responsibilities to the institution, or to students and associates;

(6) Illegal use of drugs, narcotics, or controlled substances. A faculty member who, by a preponderance of the evidence, under these *Rules and Regulations*, is found to have illegally possessed, used, sold, or distributed any drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to termination, suspension or other discipline as determined by the President or the President's designee. That an employee is charged in a criminal case, or is found "not guilty" therein, shall not be construed as prohibiting administrative enforcement of these *Rules and Regulations*. If, in the judgment of the President or the Board of Regents, the best interests of the students or the Component or the System so dictate, the employee may be immediately removed from contact with students and other employees, pending resolution of disciplinary proceedings; and,

(7) Intentionally or knowingly violating any Board or administrative order, rule, or regulation, including the provisions of *Chapter V, Subparagraph 2.134* of these *Rules and Regulations*. The employee is presumed to have knowledge of such Board or administrative order, rule, or

regulation that is published in these *Rules and Regulations* or is a published policy of the Component.

4.52 Suspension. A President may, for good cause, suspend an accused faculty member pending immediate investigation or speedy hearing as hereinafter provided when the continuing presence of the faculty member poses a danger to persons or property or an ongoing threat of disrupting the academic process. An employee who is suspended or discharged from a particular duty or job at the Component may be suspended or discharged from all other duties or jobs in the Component for the same or other good cause. The President shall, as soon as possible, notify both the Chancellor and the Vice Chancellor and General Counsel of any such actions.

4.53 Summary Dismissal. In cases of good cause where the facts are admitted by the faculty member, summary dismissal may follow.

4.54 Hearing Tribunal. In all cases where the facts are in dispute, the accused faculty member shall be informed in writing of the charges which, on reasonable notice, will be heard by a special hearing tribunal whose membership, including its chair, shall be appointed by the President from members of the faculty whose academic rank is equal to or higher than that of the accused faculty member. At such a hearing:

(1) The hearing tribunal shall not include any accuser of the faculty member. The faculty member may challenge the alleged lack of fairness or objectivity of any tribunal member, provided such challenge is made prior to the submission of any evidence to the tribunal. The faculty member shall have no right to disqualify such member from serving on the tribunal. Each such challenged member shall determine whether he or she can serve with fairness and objectivity in the matter. In the event the challenged member chooses not to serve, the President shall appoint a substitute.

(2) The faculty member shall have a right to attend the hearing; confront and cross-examine adverse witnesses; present relevant evidence on his or her own behalf; testify or choose not to testify; and, be assisted or represented by counsel. The hearing shall be closed although the faculty member may request that it be open to the public. Notwithstanding a faculty member's request, the tribunal may close all or a portion of a hearing to deliberate or if it appears likely that privacy interests of others are relevant and could be affected by an open hearing.

(3) The Component, through a representative and/or through counsel, shall have the right to attend proceedings; present witnesses and evidence against the faculty member; and, cross-examine the faculty member (if the faculty member testifies) and his or her witnesses.

(4) The hearing tribunal, by a majority of the total membership, shall make written findings on the material facts and a recommendation of the continuance or termination of the faculty member's tenure as well as any supplementary suggestions it may have concerning the case. The original of such findings, the recommendation, any supplementary suggestions, and the record of the hearing shall be delivered to the President and a copy thereof sent to the faculty member. Any minority findings, recommendations, or suggestions shall be distributed in the same manner.

(5) A stenographic or electronic record of the such record shall be made accessible to the faculty member.

4.55 Review by President. The President shall review the record, plus any additional written briefs the parties wish to submit, and render a decision, stating his or her reasons therefore in writing and communicating the same to the faculty member. The President may recommit the matter to the same tribunal to hear additional evidence and/or to reconsider its findings, recommendations, or suggestions, if any. The original findings, recommendations, and suggestions of the hearing tribunal, a transcript of the hearing, any briefs submitted, and the decisions, recommendations, findings, and suggestions of the President shall be delivered to the Board.

4.56 Appeal to the Board. Upon written request by the faculty member, received in the System Administration Office within thirty (30) calendar days of the faculty member's receipt of the President's decision, the Board shall review the record before it. Such request should specifically address any defects in procedure or substance which require reversal of the President's decision. The President may submit a written response to the request for review. By a majority of the total membership, the Board may approve, reject, or amend any decisions, findings, recommendations, and suggestions before it, or recommit the matter to the President for reconsideration or the hearing of additional evidence. The Board shall notify the faculty member in writing of the reasons for its decision.

4.6 Termination of Faculty Employment Under Special Circumstances. If, in the judgment and discretion of the Board, reductions in legislative appropriations for faculty salaries; governmentally mandated reductions in faculty positions; significant loss of enrollment; consolidation of departments or other reorganization; dropping of courses, programs, or activities for educational or financial reasons; or financial exigency make such action advisable, the employment of a faculty member who has been granted tenure or of any other faculty member before the expiration of the stated period of his or her employment, may be terminated in accordance with the provisions of this *Subparagraph*.

4.61 A faculty member whose employment will be recommended for termination under this *Subparagraph 4.6* shall be given:

(1) a statement of the basis for the decision to terminate the faculty member's employment, together with a description of the manner in which the recommendation of termination was made;

(2) access the information and data upon which the recommendation was based; and,

(3) an opportunity to respond consistent with the requirements of due process.

4.62 In cases involving the termination of faculty employment under the provisions of this *Subparagraph*, the guidelines to be used to identify faculty members in a designated program whose employment will be recommended for termination shall include the following:

(1) Whenever possible, faculty reduction will be accomplished through attrition;

(2) Within a designated program, the termination of the employment of a faculty member with tenure may not be recommended in favor of retaining a faculty member without tenure unless:

(a) The removal of a non-tenured faculty member would eliminate an essential part of a program or render a program dysfunctional; or,

(b) The removal of a non-tenured faculty member who is deemed to be of equal or greater merit than a tenured faculty member would jeopardize the advances achieved by the Component under its diversity program.

4.63 A faculty member recommended for termination under the provisions of *Subparagraph 4.6* should be given the opportunity for appointment in a related area provided: (a) the faculty member is qualified professionally to teach in such area or is willing to undergo the appropriate professional retraining that will qualify him or her to do so; and (b) a position is available.

4.64 A faculty member whose position has been terminated will be given first consideration for rehiring, should the position be re-established within a three-year period.

4.65 The President of each Component shall develop and publish in the Component's faculty handbook the Component's policy regarding termination of employment under *Subparagraph 4.5*, subject to the reviews and approvals specified in these *Rules and Regulations*.

4.7 Rights and Responsibilities as a Teacher and as a Citizen.

4.71 Classroom. The faculty member is entitled to freedom in the classroom in discussing the faculty member's subject but should be judicious in the use of controversial material in the classroom and should introduce such material only as it has clear relationship to the subject field.

4.72 Research and Publication. The faculty member is entitled to freedom in research and in the publication of the results in accordance with responsible academic and professional practices.

4.73 Licenses and Permits. The faculty member shall be responsible for securing and maintaining any and all federal, state, and local licenses and permits required for his or her classroom, research, or other professional activities.

4.74 Speaking as a Citizen. The faculty member is a citizen, a member of a learned profession, and an employee of an educational component supported by the State. When the faculty member speaks or writes as a citizen, the faculty member should be free from Component censorship or discipline; but, the faculty member's special position in the community imposes special obligations. As a person of learning and a faculty member of a state funded educational component, the faculty member should remember that the public may judge his or her profession and Component by his or her utterance. Hence, the faculty member should at all times be accurate, exercise appropriate restraint, and should show respect for the opinions of others.

4.75 Partisan Political Activities. The Board of Regents recognizes and affirms a faculty member's right to participate in political activities as long as such political activities do not interfere with the discharge of the duties and responsibilities that a member of the faculty owes to the System or a Component or otherwise involve the System or a Component in partisan politics. If, in the President's or Board's judgment, the interest of the System or a Component so require, they may grant a leave of absence without pay to a member of the faculty. If a member of the faculty, who has not been granted a leave of absence, wishes to engage in political activity that interferes with the discharge of the duties and responsibilities that are owed to the System or a Component, the faculty member should voluntarily terminate employment with the Component. If the faculty member does not voluntarily terminate his or her employment and the President or the Board finds that the faculty member's political activity interferes with the discharge of the duties and responsibilities that are owed to the System or a Component, the President or the Board shall terminate such faculty member's employment by the Component.

4.76 Non-competitive use of employee-owned courseware. (See *Chapter III, Paragraph 11.6* of these *Rules).* Courseware developed by an employee without specific direction or significant support of the Component institution shall not be sold, leased, rented, or otherwise used in a manner that competes with the instructional offerings of his/her own Component without the prior written approval of the chief academic officer of the Component. Should approval be granted to offer the course, course Components, or instructional support materials outside of the institution, the employee shall reimburse the Component for any use of its resources.

4.8 Terms and Conditions of Employment.

4.81 Faculty Development Leaves. The Board of Regents authorizes each President to implement a Faculty Development Leave Program pursuant to the provisions of *Texas Education Code, Chapter 51, Subchapter C* and approval of the Chancellor.

4.82 Absences. The following regulations, pertaining to faculty absences, authorized and unauthorized, are established for each Component and have been filed with the Texas Higher Education Coordinating Board as required by the *Texas Education Code, Section 51.108*. Each Component President is delegated authority to promulgate policies to implement the provisions of this *Subparagraph*, including the reporting of faculty absences and the granting of such sick leave, emergency leave, and/or other leave as may be authorized by statute or the *General Appropriations Act*. Component policies shall make provisions for the following:

4.821 Authorized Absences. A faculty member employed by a Component must discharge faithfully instructional duties and other responsibilities associated with faculty appointment, including the meeting of all scheduled classes. Absences from classes will be authorized only under the following conditions:

(1) Professional meetings when, in the judgment of the President or his/her designee, attendance at such a meeting would contribute to the improvement of teaching or scholarship at the Component;

(2) Personal or immediate family illness;

(3) Family emergencies;

(4) Specific assignments of the President of short duration (the Board of Regents discourages specific assignments which will cause a faculty member to be absent from assigned classes);

(5) Special circumstances where the President considers such absences to be for valid reasons and

in the best interest of both the faculty member and the Component.

4.822 Unauthorized Absences. Unauthorized absences on the part of the faculty member are not permitted. Each Component shall regard such absences as a violation of the terms of the faculty member's appointment.

4.83 Outside Employment. The President of each Component shall approve and incorporate in the faculty handbook specific policies governing outside employment by all faculty members. These guidelines shall include but not be limited to the provisions and conditions of this S*ubparagraph*.

4.831 Faculty members should not be discouraged from accepting appropriate appointments of a consultative or advisory capacity with governmental agencies, industry, or other educational institutions as long as such activities do not conflict with the individual's work at the Component. The consideration to the System of such activity is the improvement of the individual through contact with the non-academic world. Faculty members should be discouraged from accepting regular employment outside the Component because such does not directly benefit the Component as indicated herein.

4.832 Conflict of interest must be avoided in all instances of outside employment. Conflict of interest means any outside activity which intrudes upon the faculty member's responsibility to the Component. See *Subparagraph 2.4* of this *Chapter* and *Chapter VIII* (*Ethics Code*).

4.833 No member of the faculty engaged in outside remunerative activities shall use in connection therewith the official stationery, supplies, equipment, personnel services, or other resources of the System or any of its Component universities. Nor shall such member of the faculty accept pay from private persons or corporations for tests, essays, chemical analysis, computer programming, bacteriological examinations, or other work of a routine character which involves the use of property owned by the System or its Components.

4.834 Every member of the faculty who gives professional opinions must protect the System and its Components against the use of such opinions for advertising purposes. That is, when work is done in a private capacity, the faculty member must make it clear to the employer that such work is unofficial and that, absent the President's prior approval, the name of the System and its Components are not in any way to be connected with the faculty member's name. Exceptions may be made for the name of the author attached to books, pamphlets, and articles in periodicals,

and the identification of an individual in publications of corporations or companies related to service as a member of an advisory council, committee, or board of directors.

4.835 A faculty member (as defined in *Subparagraph 1.11* of this *Chapter*) may not engage in any outside work or receive compensation from an outside source that creates a conflict of interest with the faculty member's duties at the Component. A conflict of interest includes the actions prohibited in *Subparagraph 3.2* of *Chapter VIII* of these rules. The faculty member shall notify the President or his/her designee of such activity.

4.836 Reporting Requirements. Any faculty member who seeks to engage in remunerative employment or consulting outside of his or her primary employment relationship with the Component, shall notify and obtain written permission from the head of his or her department before beginning such outside employment or consulting. If his or her department head determines that the employment or consulting serves a public purpose and does not unreasonably interfere or conflict with the faculty member's obligations or duties to the Component, the department head may authorize the employment or consulting.

4.84 Textbooks and Other Course Materials. Policies which govern textbooks and other materials prescribed for use by students will be specified for each Component in the faculty handbook for that Component.

4.841 Generally, the individual faculty member or the academic department should have wide discretion in the choice of materials to be used in the courses offered by the department with the approval by the chairman or head of the department. Although the authorship of books, outlines, manuals, and similar materials by members of the faculty should be encouraged, the prescribed use of these for students is a responsibility that goes beyond that of the individual author. Where practicable and equitable, the charge for outlines, syllabi, and similar materials prescribed for the use of students should be borne by the instructional department concerned. Whenever a charge is authorized for such copied materials, the prices should be as low as possible, consistent with the payment of a fair and reasonable royalty to the author or authors. This charge must be considered in conjunction with the a incidental course fees or charges" such that students are not charged more than once for the same material(s).

4.842 Textbooks, notebooks, manuals, or other materials for the use of students of a Component, written or prepared by a member of the faculty of that Component, shall not be

prescribed for the use of or sold to such students until such books, notes, manuals, or materials shall have been approved, with reasons stated, by the department head and approved by the academic Vice President. All such requests shall indicate the proposed prices and profits, and their authorization shall be effective only to the end of the fiscal year (August 31) for which such approval has been given.

4.85 Acceptance of Money from Students. Faculty members shall not, without approval of the President or his/her designee, collect from students any fees or charges to be expended for Component purposes or sell to students books, notes, materials or supplies. Faculty of the rank of lecturer or above, and other instructional personnel as designated by the Component President, may not accept pay from students for extra instruction or teaching of students registered in the Component. With prior written approval of the President or his or her designee, instructional employees below the rank of lecturer may accept pay from students for extra-class instruction or coaching but only in courses or sections of courses with which they have no instructional connection. The faculty handbook of the Component shall specify the procedure for approval at the Component level.

4.86 Knowledge of These *Rules & Regulations*. Each faculty member shall become acquainted with these *Rules and Regulations*, Component policies and faculty handbooks, catalogues, announcements of courses, other official publications, and printed or other material regularly prepared for the use of the faculty. The President shall have copies of these *Rules and Regulations*, Component policies and faculty handbook available at the President's office, the library, and other appropriate campus locations.

4.9 Honorary Titles and *Emeritus* Faculty.

4.91 Honorary Titles. Several honorary titles - Regents' Professor, University Distinguished Professor, *Emeritus (*or distinguished *emeritus)* Status - recognize long and distinguished service.

4.92 Regents' Professor. Upon the recommendation of the Chancellor, the Board of Regents, from time to time, may bestow the title of "Regents' Professor" upon a very select number of tenured faculty members who have demonstrated the following:

(1) Excellence in teaching and exceptional dedication to students;

(2) National or international distinction and acclaim for academic achievement or scholarship; and,

(3) Notable contributions and commitment to their Component institutions and communities.

Upon retirement, a Regents' Professor shall automatically receive *Emeritus* faculty status.

4.93 University (College or Institute) Distinguished Professor. The President of each Component may establish criteria to recognize, annually, as "University (College or Institute) Distinguished Professors," a select number of outstanding professors or associate professors, who have achieved academic accomplishment and stature that exceeds the criteria for the granting of tenure. Upon retirement, a University Distinguished Professor shall automatically receive *Emeritus* faculty status.

4.94 *Emeritus* (or Distinguished *Emeritus*) Status. The President of each Component is authorized to bestow the following titles upon retired or retiring faculty:

(1) Professor *Emeritus*, Distinguished Professor *Emeritus*, or similar honorific titles, provided that the faculty member holds the rank of professor and has served the Component, with distinction, at least ten years.

(2) Associate Professor *Emeritus*, provided that the faculty member holds the rank of associate professor and has served the Component, with distinction, at least fifteen years.

Except for Regents' Professors and University Distinguished Professors, the conferring of *emeritus* status is not automatic upon retirement but shall be based upon individual distinction, exceptionally high quality service, and outstanding contributions to the Component which clearly demonstrate the individual's worthiness for the honor conferred.

4.95 Privileges and Perquisites of *Emeritus* Status. Although *Emeritus* status constitutes continued academic appointment without remuneration or authority, holders of the title of "distinguished professor *emeritus*" or "distinguished associate professor *emeritus*" shall be accorded the following privileges and perquisites:

(1) Use of the title "distinguished professor *emeritus*" or "distinguished associate professor *emeritus*."

(2) Membership (without vote) in the general faculty and in the college and department faculties in which membership was held at the time of retirement.

(3) Membership in the graduate faculty (without vote) if membership was held at the time of retirement.

(4) Eligibility for service on Component committees upon appointment by the President of the Component.

(5) Assignments of office space and use of laboratory facilities, when available, with the approval of the department head, dean of the college, and Provost and Vice President for Academic Affairs.

(6) Listing in the faculty directory and applicable publications.

4.96 Duration of Honorary Titles. The Board of Regents prefers and intends that honorary titles be held in perpetuity (for example, if a faculty member enjoying *emeritus* status is recalled to service in the interest of the Component after an intervening period, *emeritus* status is not affected); notwithstanding anything to the contrary in this *Paragraph 4.9*, conferring any such title shall not create a property right or entitlement in the holder. The Board reserves the right to revoke a title if, in its sole judgment and discretion, the best interests of the Texas State University System or of a Component warrant such action.

4.10 Miscellaneous Provisions.

4.10(1) Faculty Organizations. The President of each Component is authorized and encouraged to permit the faculty to organize and function in the form of representative faculty bodies in order that the faculty might effect greater utilization of its resources in the conduct of Component affairs.

4.10(11) General Authority. Subject to the ultimate authority of the Board of Regents and the delegated authority of the Component President or his or her designees, the faculties of the Components shall have an appropriate advisory role in the governance of their respective Components. Officially recognized faculty bodies shall have no existence separate and apart from the Component with which they are associated. This role may include but not be limited to the following areas:

(1) General academic policies and procedures;

(2) Student life and activities;

(3) Requirements of admission and graduation;

(4) Honors and scholastic performance generally;

(5) Approval of candidates for degrees; and,

(6) Faculty rules of procedure.

4.10(12) Faculty Minutes. Copies of Component faculty minutes, or those of their legislative bodies, shall be available for use of members of the particular faculties individually, if desired, and shall be filed in the office of their secretaries and a copy distributed to the offices

of the Academic Deans, Academic Vice President, and President.

4.10(2) Recruitment and Resignation of Faculty Members. Mobility of faculty members among colleges and universities is rightly recognized as desirable in American higher education. Yet, the departure of a faculty member always requires changes within a Component and may entail major adjustments on the part of the faculty member's colleagues, the administration, and students in the faculty member's field. Thus, each Component President shall establish procedures regarding the recruitment and resignation of faculty members. The standards set forth below are recommended:

(1) Recruitment Negotiations. Negotiations looking to the possible appointment of persons for the following fall semester who are faculty members of other universities in active service or on leave-of-absence and should be begun and completed as early as possible in the academic year and the appropriate other Component officers informed of such negotiations.

(2) Notification of Resignation. A faculty member should not resign later than May 15 or thirty days after receiving notification of the terms of continued employment for the following year, whichever date occurs later.

(3) Appointment Offer. To permit a faculty member to give due consideration and timely notice to his or her Component, an offer of appointment for the following fall at a Component should be made before May 1 whenever possible.

4.10(3) Retired Faculty. A full-time faculty member, who has retired from service from one of the Components in The Texas State University System and who held the title professor, associate professor, assistant professor, or instructor at the time of retirement, shall be accorded the following privileges and perquisites at such Component:

(1) A faculty identification card denoting previous academic rank and the designation "Retired". In the case of holders of an emeritus title, the identification card shall denote the applicable emeritus title;

(2) Faculty library privileges;

(3) Use of Component dining services;

(4) Authority to purchase a faculty-staff activity card on the same basis as active faculty members;

(5) Parking privileges provided to active faculty members of the Component;

(6) Continued eligibility for Component group health and life insurance as provided by statute;

(7) Use of internal Component mail service and facilities; and,

(8) Other privileges for retired faculty approved by the President of the Component.

4.11 Sexual Misconduct. Faculty shall comply with the System's "*Sexual Misconduct*" policy found in *Chapter III, Paragraph 22* and *Appendix A-6*.

5. UNCLASSIFIED AND CLASSIFIED STAFF EMPLOYEES.

5.1 Employment.

5.11 Hiring. The President of each Component is authorized to hire all unclassified and classified staff employees and other non-faculty personnel. With the exception of employees hired under *Subparagraph 1.13* of this *Chapter*, all employees hired under the authority of this *Subparagraph* shall serve without a fixed term and at the pleasure of the President.

5.111 All hiring shall be made on the basis of merit. The President of the Component may investigate the character, integrity, scholastic attainment, and other qualifications of prospective employees before hiring them or before exercising any delegated authority for hiring them.

5.112 As provided in the *Constitution of the State of Texas, Article I, Section 4*, and by statute, no religious qualification shall be required for appointment to any office or position connected with the System or any Component thereof.

5.113 There shall be full compliance with statutory provisions requiring notification to employees.

5.114 Each Component may require a pre-employment, post-offer physical examination of applicants to be employed in regular positions if the physical examination is required of all applicants for a particular job position. The expense of the examination will be paid by the Component.

5.12 Salaries. The salary of each employee covered by *Subparagraph 5.11* of this *Chapter* shall be set by the President of the Component and in accordance with the approved budgets.

5.2 Terminations. The President of each Component is authorized to establish terms and conditions of employment, in accordance with law, and to terminate at any time the employment of any employee covered by *Subparagraph 5.11* of this *Chapter*.

5.3 Absences. The President of each Component shall adopt policies and guidelines covering the authorized absences for all personnel covered by *Paragraph 5* of this *Chapter*. Such policies and guidelines shall be in accordance with the provisions of current statutes and these *Rules and Regulations* (see *Subparagraph 2.51* of this *Chapter*).

5.4 Outside Employment. The provisions and conditions for outside employment by all classified and unclassified staff employees, including administrative officers, shall be the same as those established for faculty members under *Subparagraph 4.83* of this *Chapter*.

5.5 Acceptance of Money from Students. Administrative and staff employees shall not, without previous and special written approval of the Component administration, collect from students any fees or charges to be expended for Component purposes. Certain positions, such as cashiers and similar positions, may have this approval as part of their job descriptions. Acceptance of funds by Component employees, in any case, shall be only via official Component receipt mechanisms as approved by the Component's chief fiscal officer.

5.6 Sexual Misconduct. Unclassified employees and all classified employees shall comply with the System's "*Sexual Misconduct*" policy found in *Chapter III, Paragraph 22* and *Appendix A-6*.

6. EMPLOYEE TRAINING.

The President of each Component is authorized to expend public funds for the training and education of its employees where the training or education is related to the current or prospective duty assignment of the employee. Any Component-specific written regulations governing such training and education shall be in accordance with the provisions of Texas *Government Code, Sections 656.044 and 656.047*.

6.1 Seminars and Workshops.

6.11 Employees may take time off from regularly assigned duties to participate in seminars, workshops or similar training events of limited duration if the employee's supervisor determines that the seminar, workshop, or similar training events will enhance the employee's job performance.

6.12 Subject to availability, funds may be expended for employee participation in seminars, workshops or similar training events of limited duration if the following conditions are met:

6.121 The employee's supervisor has determined that the seminar, workshop, or similar event will enhance the employee's job performance;

6.122 Reimbursable expenses incurred (i.e., attendance charges, tuition course-related materials, and travel expenses) are determined to be cost-effective;

6.123 Travel expenses will be reimbursed if the necessity of travel is justified (e.g., the training is not available through a local source);

6.124 The travel request was approved by the employee's supervisor in advance of the training.

6.13 Travel expense reimbursement for seminars, workshops and similar training events must meet all applicable policies, rules and statutory provisions regarding travel by State employees.

6.2 Continuing Professional Education (CPE). Funds may be expended for continuing professional education required to maintain a professional license or certification for those positions which require such licenses or certificates and for positions in which licensure or certification is desirable. Employees in such positions may have time off from regularly assigned duties to satisfy CPE requirements. Expenditures for the training are subject to availability of funds.

6.3 College Courses. Subject to availability of funding, employees may be reimbursed for certain college courses if the following conditions are met.

6.31 The employee's supervisor has determined that the course will enhance the employee's job performance.

6.32 The course is taken in accordance with the Component's written policies and appropriate written approval is obtained prior to enrolling in the course.

6.4 Training Subject to *Subchapter D. Chapter 656, Title 6, Texas Government Code* (Restrictions on Certain Training).

6.41 "Training" means instruction, teaching, or other education received by a Component employee that is not normally received by other Component employees and that is designed to enhance the ability of the employee to perform the employee's job. The term includes a course of study at an institution of higher education if the employing Component spends money to assist the Component employee to meet the expense of the course of study or pays salary to the employee to undertake the course of study as an assigned duty. The term does not include training required either by state or federal law or that is determined necessary by the Component and offered to all employees of the Component performing jobs.

6.42 If an employee receives training, as defined in *Subparagraph 6.41* of this *Paragraph* that is paid for by a Component, and during the training period the employee does not perform the employee's regular duties for three or more months as a result of the training, then the employee must agree in writing before the training begins to:

6.421 Work for the Component following the training for at least one month for each month of the training period; or

6.422 Reimburse the Component for all the costs associated with the training that were paid during the training period, including any amounts of the employee's salary that were paid and that were not accounted for as paid vacation or compensatory leave.

6.43 An employee may make a written request to the President of his or her Component to waive the requirements in *Subparagraph 6.42* of this *Paragraph* and release an employee from the obligation to meet those requirements. Each President may authorize such a waiver if he or she finds that such action is in the best interest of the Component or is warranted because of an extreme personal hardship suffered by the employee.

6.44 If an employee does not provide the services required in *Subparagraph 6.42* of this *Paragraph*, provides those services for less than the required term, or fails to make any required payments and is not released from the obligation, the employee is liable to the Component for the obligated amount and reasonable expenses incurred in obtaining payment, including reasonable attorney's fees and other collection costs.

1. PURPOSE

The purpose of this academic policy statement is to provide students with procedures for resolving academic grievances in a prompt and equitable manner.

2. GENERAL

2.01 Under the provisions of this policy, academic grievances include disputes over:

a. Course grades, except cases of academic dishonesty (see Academic Policy Statement 810213 for procedures in cases of academic dishonesty);

b. Unauthorized class absences or tardiness;

c. An instructor's alleged unprofessional conduct related to academic matters.; and/or

d. Withdrawal or suspension of privileges related to degree-required clinical rotation, internships, or other clinical service delivery in professional degree programs.

2.02 Allegations, questions, or appeals involving academic dishonesty (e.g., cheating, plagiarism, collusion, and/or abuse of resource materials) will be processed in accordance with the procedures set forth in Chapter VI of the Rules and Regulations, Board of Regents, The Texas State University System and addressed under Academic Policy Statement 810213 "Procedures in Cases of Academic Dishonesty."

2.03 The aggrieved student is entitled to have, as appropriate and in turn upon timely notice of appeal at each stage, the instructor, then department/school chair/director, then college Academic Review Panel, then academic dean (or their designee), and finally Provost and Sr. Vice President for Academic Affairs (or their designee) review the grievance and render a decision. If the department/school chair, college Academic Review Panel, academic dean, or Provost and Sr. Vice President for Academic Affairs finds that a disputed action conflicts with federal or state law; Texas State University System, Sam Houston State University, college, or departmental policy; or with an instructor's class policy, a decision should be rendered in favor of the aggrieved student. After consultation with the instructor, the University may, to the extent required, adjust the record in accordance with the ultimate grievance decision rendered at the completion of the last stage of the grievance process.

2.04 Degree programs in professional fields, including those associated with clinical settings, licensing, certification, and/or accreditation, may propose internal academic grievance procedures for matters including, but not limited to those listed in 2.01.d above. Once approved and signed by the Provost and Sr. Vice President for Academic Affairs, the program grievance procedures shall govern 2.01.d matters in that department and be the final authority over academic grievances in that program.

3. COLLEGE ACADEMIC REVIEW PANEL

3.01 There shall be in each college a standing college Academic Review Panel. The members of the panel shall be chosen by procedures established by the college dean. The panel will consist of three (3) faculty members and two (2) student members. The chair of the panel will be selected from the panel members by the appointees to the panel. A department/school chair/director or any party to the appeal being heard may not serve on the panel. At least two (2) faculty members and at least one (1) student member must be present for action to be taken.

3.02 The Academic Review Panel will proceed to hear an appeal of the decision on an alleged grievance only after the procedures outlined in paragraphs 4.01 through 4.04 below have been exhausted.

3.03 The Academic Review Panel will hear only appeals involving disputes over those matters set forth in paragraph 2.01.a through 2.01.d of this policy. Appeals regarding University/college degree requirements or student misconduct will not be addressed by the panel.

4. PROCEDURES

The steps below are to be followed in pursuing an academic grievance (Sec 2.01, a-d):

4.01 The student must first grieve to their instructor for a resolution of the matter and must do so in writing within ten (10) working days (working days are defined as Monday through Friday when the University is open) following the posting of the grade, the absence or tardiness, or the alleged conduct. The *Academic Grievance Procedures for Students – Grievance Form* may be found at this link.

4.02 The instructor must reply in writing to the aggrieved student within ten (10) working days following receipt of the appeal.

4.03 If an academic grievance is not satisfactorily resolved with the instructor, or the student does not receive a response from the instructor within ten (10) working days, the student may appeal to the chair/director of the academic department/school in which the complaint or dispute is centered. The student appealing must provide to the chair/director a written summary of the pertinent issues of the grievance within ten (10) working days of the date of the response of the instructor or when the response from the instructor was due. The chair/director of the academic department/school shall request relevant information from the instructor, including but not limited to, course syllabus, attendance records, assignment descriptions and scoring rubrics. In addition, the student and instructor may include statements from other faculty or staff members or any other informed individual who might act as advocates in support of their position in the appeal.

4.04 The chair/director of the academic department/school in which the complaint or dispute is centered reviews the documents provided by all parties involved in the grievance. The chair/director must respond to the student and the instructor with a written decision within ten (10) working days of receipt of a timely appeal.

4.05 If the student is not satisfied with the decision of the chair/director of the department/school or the student does not receive a response from the chair/director within ten (10) working days, the student may, within ten (10) working days of receipt of the chair's/director's decision or when the response from the chair/director was due, forward a written appeal including any documentation provided to the chair/director to the college dean in whose college the dispute arose, with a request to have the case heard by the college Academic Review Panel, which serves in an advisory capacity only to the college dean. Within ten (10) working days of receiving the appeal, the Academic Review Panel shall investigate the alleged grievance and present such findings and recommendations as it finds appropriate to the student, dean, and other relevant parties, including the department/school chair/director and the faculty member(s) against whom the grievance is directed. During the panel hearing(s), all parties involved in the original grievance shall be invited to appear before the Academic Review Panel. The student and instructor may request either oral or written statements from advocates. The inclusion of these statements at the hearing(s) shall be at the discretion of the Academic Review Panel. Under no circumstances shall advocates be permitted to directly question or cross-examine any person who is involved in the grievance. Legal counsel, if included by the grievant and/or the instructor, may act only in an advisory capacity and may not actively participate in the proceedings.

4.06 If a student wishes to appeal the Academic Review Panel recommendation, they must, within ten (10) working days of the receipt of the Academic Review Panel's written recommendation to the college dean, request in writing that the grievance be forwarded to the college dean in whose college the dispute arose for review and decision. The Academic Review Panel shall forward all documents pertaining to the dispute to the college dean, who shall inform the student, the instructor, and the administrators participating in the appeals process of the decision and the disposition of the matter within ten (10) working days of receipt of the appeal.

4.07 If a student wishes to appeal the college dean's decision, they must, within ten (10) working days, request in writing to the college dean that the grievance be forwarded to the Provost and Sr. Vice President for Academic Affairs. The college dean shall provide to the Provost and Sr. Vice President for Academic Affairs for review all documents pertaining to the dispute from the Academic Review Panel and the college dean. The Provost and Sr. Vice President for Academic Affairs, or their designee, shall inform the student, the instructor, and the administrators participating in the appeals process of the decision and the disposition of the matter within ten (10) working days of receipt of the appeal. The decision of the Provost and Sr. Vice President for Academic Affairs on the matter is final.

4.08 At any time during the appeal process, the person(s) reviewing the grievance may request, in writing, additional information from the student. The student then has ten (10) working days to respond to the request for additional information. Once the requested information has been received or when the student response was due, whichever is later, the reviewer(s) must issue a written decision within ten (10) working days.

4.09 Whenever possible, in good faith, all parties involved in the grievance shall work to resolve the grievance prior to the first day of the subsequent semester/session.

APPROVED: <signed>
Alisa White, Ph.D., President

DATE: 01/03/2023

CERTIFICATION STATEMENT

This academic policy statement (APS) has been approved by the reviewer listed below and represents SHSU's Division of Academic Affairs' policy from the date of this document until superseded.

Original:	August 23, 1990	Review Cycle:	Five years*
Reviewer:	Academic Affairs Council	Review Date:	Spring 2027

Approved: <signed> Date: 12/19/2022

Michael T. Stephenson, Ph.D.
Provost and Sr. Vice President
for Academic Affairs

*****Effective January 2018, Academic Policy Statements will be reviewed on a rotating 5-year schedule. To transition to a distributed review load, some policies may be reviewed prior to the 5-year timeframe, with subsequent reviews transitioning to the 5-year schedule.