

**THE TEXAS A&M UNIVERSITY SYSTEM
HEALTH SCIENCE CENTER INTERNAL POLICIES**

12.01.99.Z1.03 Academic Freedom, Ethics, Responsibility, Rights and Tenure

Approved by The Texas A&M University System Health Science Center Faculty Senate on June 12, 2003

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Supplements System Policy 12.01, and HSC Rule 12.01.99.Z1

1. ACADEMIC FREEDOM

The following is a supplement to System Policy 12.01(1):

This section applies to all Principal Faculty.

2. ACADEMIC RESPONSIBILITY OF FACULTY MEMBERS

The following is a supplement to System Policy 12.01(2):

This section applies to all Principal Faculty.

Faculty members shall not engage in any exploitation of students or any member of the HSC community.

Principal faculty members should recognize that their primary responsibilities are to the institution as they determine the amount (if any) and character of work done outside of the institution. Such outside work shall be consistent with HSC rules and internal policies. Although faculty members may follow subsidiary interests, these must never compromise their freedom and willingness to draw intellectually honest conclusions.

3. WRITTEN TERMS OF EMPLOYMENT

The following is a supplement to System Policy 12.01(3):

This section applies to all Principal Faculty.

The following is a supplement to System Policy 12.01(3):

Annual reviews, as outlined below, shall be given to all faculty in the Tenure Track, whether tenured or not, all faculty in Non-tenure Tracks, and all paid Non-principal faculty. The annual review described here is not the same as the Midterm Review or Promotion/Tenure Review described in HSC Internal Policy 12.01.99.Z1.01(V.B).

Annual reviews for Tenure Track faculty, whether tenured or not, should be based upon the same criteria as post-tenure evaluations (HSC Rule 12.06.99.Z1(2)). Documentation will follow the requirements stated in the post-tenure review rule (HSC Rule 12.06.99.Z1(4)).

For faculty members in the Non-tenure Track, the annual review process and documentation should be similar to the requirements stated in the post-tenure review rule (HSC Rule 12.06.99.Z1(4)), but customized for the particular Non-tenure Track. However, the portions of Appendices A and B that are required to be included in all annual evaluations must be included in the documentation.

Paid Non-principal faculty must also be evaluated annually and this evaluation must be consistent with various HSC and component accreditation agencies, e.g., Commission on Colleges of the Southern Association of Colleges and Schools.

The purpose of the annual review is to provide a mechanism to facilitate dialogue between the administration and faculty. The annual review provides valuable information to the department head about the faculty member's accomplishments and to the faculty member with regard to the department head's assessment of their progress in the discipline and in the context of department goals. Annual reviews are to be conducted in an environment of openness and collegiality, with an emphasis on constructive development of the individual faculty member and the institution. The focus of the annual review process will vary from rank to rank. For tenured or tenure-track faculty, the annual review must take into account the fact that progress in a scholarly career is a long-term venture; therefore, a three to five year horizon may be necessary for the accurate evaluation of scholarly progress.

For non-tenured, tenure-track Assistant Professors or Associate and Full Professors in the tenure track that have not received tenure, the annual review process must also provide indication as to progress toward tenure and/or promotion. It should be noted that System Policy 12.06, Post-tenure Review of Faculty and Teaching Effectiveness, allows that not all departments will use the same weighting for each academic area and the weighting may be different depending on the faculty member's specific role and responsibilities within the component. Therefore, the annual review should reflect departmental expectations. For tenured Associate Professors, the process should be used to identify the faculty member's progress toward the requisite stature for promotion to Professor. For Professors, annual review should be part of the ongoing process of communication between the faculty member and the institution in which both

institutional and individual goals and programmatic directions are clarified, the contributions of the faculty member toward meeting those goals are evaluated and the development of the faculty member and the HSC is enhanced.

Department heads with faculty who have budgeted joint appointments will collaborate with the heads of the appointing units to develop accurate annual reports. It is desirable that one of the appointments be a "primary appointment" and that the department head from the primary appointment unit be responsible for compiling the final evaluation. However, input will be sought from the heads of other departments in which a faculty member holds appointment.

In assessing performance and determining salary increases, the weights given to faculty member's assigned academic areas and service shall be consistent with the expectations as determined in the annual review.

4. TENURE POLICY

The following is a supplement to System Policy 12.01(4):

Section 4.2 and 4.4 applies only to Principal Faculty.

6. FACULTY DISMISSALS FOR CAUSE

The following is a supplement to System Policy 12.01(6):

This section applies to all Principal Faculty..

7. NONRENEWAL OF NONTENURED TENURE TRACK FACULTY AT END OF TERM CONTRACT

The following is a supplement to System Policy 12.01(7):

This section applies to all Principal Faculty.

The following is a supplement to System Policy 12.01(7.2):

An institutional official will not perform a preliminary review of a non-tenured faculty member's appeal. The faculty member shall follow section 7.3 and present the appeal directly to the President.

The following is a supplement to System Policy 12.01(7.3):

An appeal under this section should be submitted to the Presidents Office by certified mail.

The following is a supplement to System Policy 12.01(7.5):

If the appeal is filed after March 1, the time frame for scheduling the hearing shall be left to the discretion of the HSC administration.

8. DISMISSAL FOR CAUSE HEARINGS

The following is a supplement to System Policy 12.01(8):

This section applies to all Principal Faculty.

The following is a supplement to System Policy 12.01(8.1):

Faculty may be subject to summary dismissal for the following specified causes:

1. An admission by the faculty member that good cause, as defined by paragraph 4.3 of System Policy 12.01, exists for termination;
2. Conviction of a crime substantially related to the fitness of a faculty member to engage in teaching, research, service/outreach, and/or administration;
3. Loss of a required professional license or academic credential; or
4. Change in immigration status such that the faculty member may no longer be employed as a faculty member.

The faculty member shall be provided with notice of the charges and be given an opportunity to respond to an administrator prior to dismissal.

A faculty member requesting to appeal a summary dismissal must submit a written notice of appeal to the President within ten (10) business days of being notified of his termination. The post-termination hearing shall be otherwise governed by the procedures established by paragraph 8.2 of System Policy 12.01.

The following is a supplement to System Policy 12.01(8.2.1):

The faculty member must submit an appeal to the President's Office by certified mail.

A copy of all documents relevant to the dismissal decision shall be provided to the faculty member within fourteen (14) business days of the initial request.

The President shall forward a copy of the stated reasons for dismissal and the faculty member's request for a hearing to the CAFERRT within five (5) business days of receipt of the appeal.

9. TENURE, FINANCIAL EXIGENCY, AND PHASING OUT OF PROGRAMS

The following is a supplement to System Policy 12.01(9):

This section applies to all Principal Faculty.

The following is a supplement to System Policy 12.01(9.3.2):

When the President of the HSC believes that a state of financial exigency exists, in part or all of the HSC, the President shall consult with officers of the Faculty Senate or with faculty members representing the Faculty Senate and administrators prior to declaring that a financial exigency exists.

The following is a supplement to System Policy 12.01(9.3.5):

If the faculty member desires a hearing, then a request must be made to the President's office by certified mail within fifteen (15) business days of receipt of the letter of dismissal.

10. PROCEDURAL GUIDELINES FOR ESTABLISHING THE PRELIMINARY REVIEW COMMITTEE AND CONDUCTING HEARINGS

The following is a supplement to System Policy 12.01(7.4).

The Preliminary Review Committee shall be comprised of those members of the CAFERRT who have completed their term of service to the committee during the previous academic year. The term of appointment to the committee will be for one year. Thus, the members of the CAFERRT who complete their service to the CAFERRT on December 31 will be members of the Preliminary Review Committee until December 31 of the following year. If there are fewer than four outgoing CAFERRT members able to serve on the Preliminary Review Committee, the HSC Senate Executive Committee will appoint additional members to the Preliminary Review Committee so that there are at least four, but no more than six, members. The members appointed by the Executive Committee must be tenured faculty members who have served previously on the CAFERRT.

Each Preliminary Review Committee member is subject to challenge for cause. The Preliminary Review Committee chair will rule on the validity of any challenge. Should the challenge be directed toward the Preliminary Review Committee chair, then the vice-chair shall rule on the validity of the challenge. Should both the chair and vice-chair be successfully challenged, then the Speaker of the Senate or their designee shall rule on the validity of the challenge and if required may form a new committee. (Note: Such challenges relate to the ability of a member to render an unbiased decision. The mere existence of friendships or other contacts between a Preliminary Review Committee member and other individuals does not necessarily constitute bias.)

The Preliminary Review Committee will elect its own chair and vice chair, both of whom are voting members of the committee.

At least three members are needed for a decision. Only those members who have participated in the entire meeting may vote.

The Preliminary Review Committee shall establish a time limit for the meeting on a particular case (e.g., two hours) and may extend the time limit by majority vote of the committee during the meeting. During the meeting, the faculty member will present his/her allegations and supporting statements that a violation as described in System Policy 12.01(7.3) occurred. The faculty member may have legal counsel and/or other advisors present. Representatives of the HSC (including attorneys from the Office of General Counsel) may attend the meeting.

The meeting shall be closed unless the affected faculty member requests that it be open.

The Preliminary Review Committee shall be self-governing and, within the provisions of this HSC statement, shall adopt such rules and procedures, as it deems appropriate.

The findings (see supplement to System Policy 12.01 Section 7 in the present document) of the Preliminary Review Committee shall be forwarded to the chair of the CAFERRT, the President, and the affected faculty member within fifteen (15) business days of the meeting.

11. PROCEDURAL GUIDELINES FOR ESTABLISHING THE COMMITTEE ON ACADEMIC FREEDOM, ETHICS, RESPONSIBILITY, RIGHTS AND TENURE AND CONDUCTING HEARINGS

The following is a supplement to System Policy 12.01(7.5), 8.2 and 9.3.5:

Formation of the CAFERRT

The CAFERRT shall be comprised of twelve tenured faculty members. Members shall serve three-year terms arranged on a rotating basis so that one-third of the members are replaced each year. The committee shall be elected during the fall semester by the faculty at-large from a slate of nominees comprised of three tenured faculty members selected by the Faculty Senate caucus in each Faculty Senate electoral unit, excepting the School of Graduate Studies. Each member of the faculty may vote for no more than the number of seats to be filled. Individuals receiving the most votes will normally become members of the committee; however, to avoid having more than four members of the committee from the same Faculty Senate electoral unit, those receiving fewer votes shall be selected. Terms of new CAFERRT members begin January 1 each year.

Each CAFERRT member is subject to challenge for cause. The committee chair will rule on the validity of any challenge. Should the challenge be directed toward the CAFERRT chair then the vice-chair shall rule on the validity of the challenge. Should both the chair and vice-chair be successfully challenged then the Speaker of the Senate or their designee shall rule on the validity of the challenge. (Note: Such challenges relate to the ability of a member to render an unbiased decision. The mere existence of friendships or other contacts between a committee member and other individuals does not necessarily constitute bias.)

The chair and vice chair of the CAFERRT will be appointed from the faculty at-large by the Faculty Senate Executive Committee. The CAFERRT chair and vice chair will be non-voting and each shall be appointed for a term of five (5) years. Their terms will be staggered whenever possible.

A CAFERRT Hearing Sub-committee will consist of no less than five voting CAFERRT members who are assigned by the chair or the vice chair of the CAFERRT. It is preferable to start with seven voting members. An effort will be made to distribute participation on CAFERRT Hearing Sub-committees when multiple cases are heard during an academic year. Only members of the panel who are present for the entire hearing may vote. The following criteria are grounds for recusal or exclusion from serving on a CAFERRT during a hearing. While being from the same component is not grounds for recusal, the following criteria may be considered and a decision will be made by the chair.

1. The CAFERRT member is a spouse, significant other or otherwise related to the petitioner.
2. The CAFERRT member has present or past financial interactions with the petitioner.
3. The CAFERRT member and the petitioner have or had a recent collaborative relationship.

The CAFERRT shall be self-governing and within the provisions of this HSC statement, shall adopt such rules and procedures, as it deems appropriate, including rules regarding admissibility of evidence.

Hearing Procedures

When a faculty member requests a hearing (in accord with System Policy 12.01 Section 8.2 or 9.3.3 or when the Preliminary Review Committee recommends a hearing, with System Policy 12.01 Section 7.4) the time frame of the CAFERRT hearing shall be in accord with System Policy 12.01.

The HSC President will designate the person who will serve as the HSC's representative at the hearing. Both the faculty member and the HSC administration shall have the right to be represented by legal counsel. Outside the hearing, either party may use legal counsel to assist in preparation of the record and to interview witnesses. Both the HSC administration and the faculty member shall have the right to call witnesses, to question all witnesses who testify orally, and to have a full stenographic record or an electronic recording of the proceedings, as determined by the CAFERRT. Legal counsel may represent individual witnesses. Unless special circumstances warrant, it should not be necessary to follow the formal rules of court procedure.

The CAFERRT shall allow oral arguments and written briefs on behalf of the HSC President or his or her representative and by the faculty member or designated representative.

The hearing shall be closed unless the affected faculty member requests that it be open.

If the CAFERRT Hearing Sub-committee recommends against the decision to dismiss for cause, or against the decision not to renew the faculty member's contract or that a financial exigency does not exist or that there is not a need to reduce or phase out programs and the HSC President accepts the recommendation, the faculty member shall be reinstated.

OFFICE OF RESPONSIBILITY:

Office of the Vice President for Academic Affairs