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Faculty Issues

1. Appointments

1.1 Structure of Academic Administration

The basic academic unit of The University of Texas of the Permian Basin is the college or school. The faculty within a college or school may be organized into departments as approved by the University of Texas System Board of Regents and the Texas Higher Education Coordinating Board. Faculty with a department or within a school which has no departments may be further organized by discipline or by a group of disciplines to be headed by an Area Coordinator.

1.11 Academic Deans

Academic Deans report to and are responsible to the Provost and Vice President for Academic Affairs. Their responsibilities include but are not limited to the following:

- 1.1111 Provide leadership in establishing and maintaining both undergraduate and graduate courses taught within the College or School.
- 1.1112 Provide leadership in developing new academic programs as needed. Decide which exceptions to scholastic regulations are appropriate for majors or certification students in the School or College. Document interpretations of scholastic regulations and degrees when requested. The processes are done through the academic petition period.
- 1.1113 Coordinate required course schedules each term, both within the College or School and among other Colleges or Schools.
- 1.1114 Represent the College or School's needs and interests vis-à-vis those of other Colleges or Schools and offices within The University.
- 1.1115 Serve as spokesperson for the College or School on appropriate occasions.
- 1.1116. Teach a reduced course load, a dean normally teaches one course per long-term, two courses per year. Further reductions, when advisable, are made by special agreement.

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1.1117 Guide the preparation and implementation of sound plans to accomplish College or School or institutional objectives and achieve stated goals.

1.1118 Provide Leadership in the assessment of College or School programs, including learning outcomes, within the framework of the University's institutional effectiveness processes.

1.1119 Provide leadership in the development of research within the College or School.

1.1120 Provide leadership to the distance education and off-campus programs of the College or school.

1.1121 Develop budgets for the school or college in consultation with Department Chairs, Area Coordinators and faculty.

1.1122 Manage the expenditure of funds allocated to the College or School during each budgetary period.

1.1123 Initiate and oversee that appropriate internal controls are implemented and monitored in the College/School.

1.1124 Communicate and assist in carrying out the policies and programs of The University of Texas of the Permian Basin administration.

1.1125 Serve as focal point, communicate faculty concerns to the administration.

1.1126 Assist faculty members in the assessment and referral of student discipline cases to the Dean of Students.

1.1127 Guide the preparation and implementation of sound plans to accomplish College or School objectives and achieve stated goals.

1.1128 Supervise the day-to-day operations of the College or School.

1.1129 Facilitate faculty development by encouraging appropriate research, teaching, and service to both The University and the community.

1.1130 Make effective efforts to reward faculty performance in a suitable manner.

1.1131 Coordinate and assist in the recruitment of new and replacement faculty.

1.1132 Make recommendations to the Provost and Vice President for Academic Affairs and the President concerning the tenure, promotion, salary adjustments, teaching assignments, reappointment, termination, annual

evaluation, discipline and similar actions for College or School's faculty, in accordance with the *Handbook of Operating Procedures* and approved evaluation document provisions.

1.1133 Maintain faculty, staff and student morale through the appropriate resolution of conflicts.

1.12 Department Chairs and Area Coordinators

In each department a Department Chair will be appointed by the dean in consultation with the faculty of the department and with the approval of the Provost and Vice President for Academic Affairs and the President. A Department Chair normally teaches one course less than other full-time members of that faculty.

He/she coordinates the program (s) in his/her department, serves as chair of meetings of the faculty of those disciplines and represents the faculty to the Dean of the College or School. Additionally the chairs will:

Make annual recommendations on promotion and tenure in faculty evaluations as outlined in the promotion and tenure process and in retention reviews for the College or school.

Manage budgets of the department.

Provide leadership to the department's instructional, research, and public service planning and programs, including distance education.

Make recommendations to the Dean regarding salary adjustments and promotions for individual faculty, and makes recommendations for expenditures for the department.

Insure that appropriate internal controls are implemented and monitored in the Department.

1.121 The Area Coordinator is expected to provide leadership in program development and in faculty recruiting. She/he will chair meetings of the discipline or disciplines' faculty. She/he will work with faculty and the department chair or dean in curriculum matters and course scheduling. In some instances, the Department Chair may also be an Area Coordinator.

1.2 *Faculty Rights and Responsibilities*

1.21 Regents' Policies on Faculty Responsibilities

The following is taken from The University of Texas System Board of Regents' Rules and Regulations, Rule No. 31004:

Freedom in Research. Faculty members are entitled to full freedom in research and in the publication of the results.

Freedom in the Classroom. Faculty members are entitled to freedom in the classroom in discussing his or her subject, but are expected not to introduce into their teaching controversial matter that has no relation to his or her subject.

Clarification of Role. Faculty members are citizens, members of learned professions, and officers of an educational institution supported by the State of Texas. When the faculty member speaks or writes as a citizen, he or she should be free from institutional censorship or discipline, but should make it plain that the faculty member is not an institutional spokesperson.

Primary Duties. The primary duties of a member of the faculty are to:

Teaching. Teach in the classroom, laboratory, seminar, or clinical setting.

Research. Study, investigate, discover, create, and develop professionally.

Administration. Perform curricular tasks auxiliary to teaching and research, e.g., serving on faculty committees, attending to administrative and disciplinary tasks, fostering intellectual curiosity and integrity in the student body.

Contribution to Society. Use their professional expertise to benefit society.

Compensation Restriction. Full-time faculty or staff of the rank of instructor or above on 12-month appointments may receive additional compensation for correspondence course and/or extension center teaching, but may not receive additional compensation for summer school teaching. Full-time faculty on nine-month appointments may receive additional compensation for correspondence course and/or extension center teaching during the nine-month period and also may be paid for summer school teaching.

Textbook and Course Materials. The policy of the Board of Regents concerning textbooks and other materials prescribed for the use of students is as follows:

Choice of Materials. Individual faculty members or the department should have discretion in the choice of materials to be used in the courses offered by the department.

Materials Authored by Faculty. Although the authorship of books, outlines, manuals, and similar materials by members of the faculty and staff should be encouraged, the prescribed use of these for students is a responsibility that goes beyond that of the individual author. Whenever an approved fee includes a charge for such materials distributed through the classroom, the prices should be as low as possible, consistent with the payment of any required royalty to the author or authors.

Required Approval. Textbooks, notebooks, manuals, or other materials for the use of students of an institution, written or prepared by a member of the faculty of that institution, shall not be prescribed for the use of students in that institution or sold to such students until approved by the dean, chief academic officer, and president of an institution, pursuant to policies included in the institutional *Handbook of Operating Procedures*. At a minimum, these policies should provide for consultation with departmental faculty.

Nonsectarian. In accordance with *Texas Education Code Section 65.38*, no course of instruction of a sectarian character shall be taught in the System.

Fees. Faculty members without previous and special approval of the Board of Regents, shall not collect from students any fees or charges to be expended for institutional purposes, and shall not sell to student's books, notes, or similar student supplies.

Prohibited Fees. A member of the faculty may not accept pay for extra instruction or teaching of students registered in the institution where he or she is employed.

Allowed Fees. With written approval, teaching assistants and other like instructional employees below the rank of an instructor 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 *Handbook of Operating Procedures* of the institution shall specify the procedure for approval at the institutional level.

1.22 Regent's Policies on Standards of Conduct

The following is taken from The University of Texas System Board of Regents' *Rules and Regulations*, Rule No. 30103:

Statutory Compliance. Every employee is expected to obey all federal, State, and local laws, and particularly *Texas Penal Code*, [Chapter 42](#) and [Section 46.03](#) and *Texas Education Code* [Section 51.935](#). Any employee who violates any provision of these statutes is subject to dismissal, notwithstanding any action by civil authorities on account of the violation.

Disruption of Activities. Any employee who, acting singly or in concert with others, obstructs, disrupts or interferes with any teaching, educational, research, administrative, disciplinary, public service, or other activity, meeting, or event authorized to be held or conducted on campus or on property or in a building or facility owned or controlled by The University of Texas System or any of its institutions is subject to disciplinary action, including dismissal. Obstruction or disruption includes but is not limited to any act that interrupts, modifies, or damages utility service or equipment, communication service or equipment, university computers, computer programs, computer records, or computer networks accessible through University computer resources.

Channel for Communication. The Board of Regents is the only proper channel through which recommendations concerning the administration of the System or any of its institutions, as a whole or in any of its parts, should reach the Legislature or other State agencies or officials.

Advisory Positions. Employees should not be discouraged from accepting appointments of a consultative or advisory capacity with governmental agencies, industry, or other educational institutions. The consideration to the System and the institutions of such activity is the improvement of the individual by virtue of his or her continuing contact with nonacademic problems in the nonacademic world.

Primary Responsibility. The primary responsibility of employees of the U. T. System or any of its institutions is the accomplishment of the duties and responsibilities assigned to one's position of appointment; external consulting or other outside employment that interferes with those duties and responsibilities should not be accepted. In connection with any outside

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employment, employees must comply with State laws governing the conduct of State employees, including ethics standards and provisions prohibiting conflict of interest and use of State resources.

Free Advice. Even in the case of employees specifically engaged only in residence work, there exists an obligation, usually intermittent, to furnish expert knowledge and counsel for public benefit free of charge, provided that the meeting of this obligation by an employee does not interfere with his or her regular duties, and provided further that in meeting this obligation an employee shall avoid undue competition with legitimate private agencies.

Separation of Activities. No employee engaged in outside remunerative activities shall use in connection therewith the official stationery of the System, give as a business address any building or department of the U. T. System or any of its institutions, or any University telephone extension.

Opinions for Advertising Purposes. Every employee who gives professional opinions must protect the U. T. System or any of its institutions against the use of such opinions for advertising purposes. If the employee does work in a private capacity, the employee must make it clear to those who employ him or her that the work is unofficial and that the name of the U. T. System or any of its institutions is not in any way to be connected with the employee's name, except when used to identify the member as the author of work related to the employee's academic or research area as more fully described in [Rule 90101](#) of the Regents' *Rules and Regulations* concerning general rules for intellectual property.

Use of U. T. System Property. No employee shall accept pay from private persons or corporations for tests, assays, chemical analyses, bacteriological examinations, or other such work that involves the use of property owned by the U. T. System or any of its institutions, unless advance permission has been obtained from the Chancellor or the president of an institution and provision has been made for compensation to System Administration or the institution.

Filing Requirement. No full-time employee employed by the U. T. System or any of its institutions on a 12-month or nine-month basis shall be employed in any outside work or activity or receive from an outside source a regular retainer fee or salary until a description of the nature and extent of the employment has been filed with and approved by appropriate administrative officials as set forth in the policies of the U. T. System. For special provisions relating to other State or federal employment, see Section 11 of this Rule.

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Public Office. Subject to the other provisions of this Rule, an employee of the U. T. System or any of its institutions may hold other non-elective offices or positions of honor, trust, or profit with the State of Texas or the United States if holding the other offices or positions is of benefit to the State of Texas or is required by State or federal law and if there is no conflict between holding the office or position and holding the office or position with the U. T. System or any of its institutions for which the employee receives salary or compensation.

Before an employee of the U. T. System or any of its institutions may accept an offer to serve in other non-elective offices or positions of honor, trust, or profit with the State of Texas or the United States, the employee must obtain from the appropriate administrative officials and the Board a finding via the Docket that the requirements of this Section have been fulfilled. The docket entry shall also record any compensation the employee is to receive from the non-elective office or position, including salary, bonus, or per diem payment.

Outside Boards. It is recognized that the Chancellor and other Executive Officers of the System Administration and the presidents of institutions of the U. T. System may be asked to serve on the boards, councils or other governing or advisory bodies (“outside boards”) of various business, civic, professional, and social organizations, both for profit and not-for-profit, and in compensated and non-compensated positions. Such service is generally deemed to be in the best interest of the U. T. System or any of its institutions because it broadens the experience of the individuals involved and exposes the U. T. System or any of its institutions to a larger audience of business, civic, professional, and social leaders.

Political Activities. The Board of Regents recognizes the right of employees to participate in political activities provided such activities are not conducted during work hours unless the employee uses accrued compensatory or vacation leave; are in compliance with the Constitution and laws of the State of Texas; do not interfere with the discharge and performance of an employee's duties and responsibilities; do not involve the use of equipment, supplies, or services of the U. T. System or any of its institutions; do not involve the impermissible use of University facilities; do not involve the attempt to coerce students, faculty, or staff to participate in or support the political activity; and do not involve the U. T. System or any of its institutions in partisan politics. With the interest of the U. T. System and any of its institutions being given first consideration, a leave of absence without pay

pursuant to Regents' *Rules and Regulations*, [Rule 30201](#), Number 2, Section 3.1, may but need not be granted to an employee to participate in political activities. However, a leave of absence without pay shall not be granted to an employee of the U. T. System or any of its institutions for the purpose of being a candidate for an elective public office, holding an elective public office, or directing the political campaign of a candidate for an elective public office. An employee who wishes to engage in political activity that will interfere with the performance of his or her duties and responsibilities should voluntarily terminate employment. If the president of the institution, the Chancellor, an Executive Vice Chancellor, or the Board of Regents finds that the employee's political activity interferes with the performance of his or her duties and responsibilities or does not comply with the requirements of this subsection, the employee shall be subject to appropriate disciplinary action, including termination.

1.3 Professional Ethics/Conflict of Interest

1.31 Code: The University of Texas System

All employees of the System and its component institutions shall be furnished a copy of the Standards of Conduct for State Employees, Section 572.051, *Texas Government Code*, and, in addition thereto, shall adhere to the following standards of conduct and other provisions of these *Regents' Rules and Regulations*, Rule 30103 and Rule 30104 and the UTPB Conflict of Interest Policy. Information regarding conflict of interest may be found at <http://ba.utpb.edu/compliance/conflict-of-interest/> and reads as follows:

THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN CONFLICTS OF INTEREST POLICY ADOPTED UNDER SECTION 572.051, GOVERNMENT CODE¹

Mission and Values: The mission of The University of Texas of the Permian Basin is to provide quality education to all qualified students in a supportive educational environment; to promote excellence in teaching, research, and service; and to serve as a resource for the intellectual, social, economic, and technological advancement of our diverse constituency in West Texas. In support of that mission, we value and are committed to maintaining high standards of excellence, integrity, and accountability in our conduct. This conflicts of interest policy is intended to enhance the ability of the employees of The University of Texas of the Permian Basin to act ethically in accordance with those values and with the law, and to fulfill our obligation to be good stewards of the resources that have been entrusted to us.

Application: This conflicts of interest policy applies to all employees of The University of Texas of the Permian Basin.

What is a Conflict of Interest? A conflict of interest exists when you owe a professional obligation to The University of Texas of the Permian Basin that is or might be compromised by the pursuit of outside interests. Outside interests, such as professional activities, personal financial interests, or the acceptance of gifts from third parties, can create conflicts between the interests of The University of Texas of the Permian Basin and your private interests and may prevent you from making decisions that are in the best interest of The University of Texas of the Permian Basin. Even if those outside interests do not actually impair your ability to act in the best interest of The University of Texas of the Permian Basin, it may appear to the public that your independence of judgment has been affected. The purpose of this policy is to provide an executive summary of conflict of interest laws, rules, and policies, all of which are intended to preserve the public trust in our integrity by preventing bias or the appearance of bias in our decision-making.

Other Information on Ethical Behavior: This policy addresses only conflicts of interest. Other ethical issues may arise, such as issues related to the use of government resources, sexual harassment, political activities, legislative lobbying, and the use of confidential information. Those issues are fully discussed in The University of Texas of the Permian Basin's Standards of Conduct Guide. Additional information may be found on the website of the UT System Office of General Counsel at www.utsystem.edu/ogc/ethics.

Gifts: There are two standards under Texas law governing gifts – (1) a general standard of conduct that applies to all employees and (2) a criminal standard that applies only to those persons who make recommendations or decisions about contracts and other financial transactions.

Under the general standard, you should not accept or solicit any gift, favor, or service that might reasonably tend to influence you in the discharge of official duties or that you know or should know is being offered with the intent to influence official conduct. This standard applies even though the donor is not asking you to do something in exchange for the gift. A gift is *anything of value*, including tickets to entertainment or sporting events, expenses for a trip, and food. Acceptance or solicitation of a gift in violation of this standard is not a criminal offense, but is grounds for discipline, including termination.

Criminal penalties may apply to persons who make recommendations or decisions about The University of Texas of the Permian Basin financial transactions. If those are your job duties, you may not accept a gift from an individual or entity that is interested in or likely to become interested in that transaction, with limited exceptions. Under those exceptions, it is not a criminal offense to accept the following type of gift if the gift is not given in exchange for your official action (it is *never* lawful to accept a gift in exchange for official action):

Non-cash items worth less than \$50.

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A gift from a person such as a relative, friend, or business associate with whom you have a relationship independent of your official status, if the gift is given on account of that relationship rather than your official status.

Food, lodging, transportation, or entertainment in any amount if you accept them as a “guest,” which means the donor must be present.²

Note that even though you may accept a gift described above without committing a crime, acceptance of the gift may still violate the general standard of conduct and constitute grounds for discipline.

Additional restrictions apply if the gift is from a student loan lender. The definition of “student loan lender” is very broad and covers entities that may not traditionally be thought of as student loan lenders. You should consult UT System’s Office of General Counsel to determine if the proposed gift from the student loan lender is permissible under the Texas Higher Education Fair Lending Practices Agreement.

It is important to remember that even though the acceptance of a gift may not constitute a crime, it may appear to the public that a gift has influenced you in performing your job. You should not accept any gift that could appear to influence your official conduct, even if the gift is technically legal.

Summary: Do not accept any gift that could appear to influence your official conduct.

Outside Employment or Compensation: You should not accept other employment or compensation that could reasonably be expected to impair your independence of judgment in performing your official duties. Your primary responsibility is the accomplishment of the duties and responsibilities assigned to your position at The University of Texas of the Permian Basin. External consulting or outside employment that interferes with those duties and responsibilities should not be accepted. Any outside employment, including self-employment or employment by another state agency, must first be approved by your department head as provided by the Handbook of Operating Procedures Part 3: Personnel Section 10. You must request approval by filing a form with your department head that describes the nature and extent of the outside employment. Your department head will then determine whether the contemplated employment would create a conflict of interest or the appearance of a conflict of interest between your outside commitments and your responsibilities to The University of Texas of the Permian Basin. See the Outside Employment form at the [University Forms](#) page.

Additionally, you should not accept other employment or engage in a business or professional activity that you might reasonably expect would require or induce you to disclose confidential information acquired through your official position.

Summary: Do not accept outside employment that interferes with your responsibilities to The University of Texas of the Permian Basin. Any outside employment must first be approved by your department head and ultimately by your Dean/Director, Vice President and the President as provided in the Handbook of Operating Procedures Part 3: Personnel Section 10.

Outside Board Service: Outside board service is generally deemed to be in the best interest of UT System because it broadens the experience of the individuals involved and exposes UT System to a larger audience of business, civic, professional, and social leaders. However, recognizing that your primary duty is the performance of your job at The University of Texas of the Permian Basin the position may not create a conflict of interest and may not impose an unreasonable time requirement. The President is subject to certain requirements, including the requirement to file a report on outside board service with the Vice Chancellor for Administration in September of each year.

Summary: Do not accept a position on an outside board that creates a conflict of interest or that imposes an unreasonable time commitment.

Honoraria: You may not accept an honorarium for services you would not have been asked to provide but for your official status. For example, you may not accept a gift or payment for giving a speech if you would not have been asked to provide the speech but for your official position. However, you may accept meals, transportation, and lodging in connection with your services as long as the services are more than merely perfunctory or superficial. Also, you may accept a gift of very minimal value, such as a plaque or coffee cup.

Summary: Do not accept an honorarium for services you would not have been asked to provide but for your official position.

Personal Investments: You should not make personal investments that could reasonably be expected to create a substantial conflict between your private interest and the public interest. This means that you should not have a direct or indirect financial interest in a business that conflicts with The University of Texas of the Permian Basin interests or that might influence how you do your job. Some financial interests may be so indirect or so minimal that they do not create conflicts of interest, such as ownership of a minimal amount of stock in a company or an investment in a publicly traded mutual fund in which you do not exercise discretion regarding the investment of the assets of the fund. If you are not sure whether a particular investment creates a conflict of interest, you should ask your supervisor or consult with the Office of the Vice President for Business Affairs.

If you do have an interest in a business that you think might constitute a conflict of interest, disclose that interest to your supervisor. In some cases, you may be able to cure the conflict by

not participating in any decision concerning that business. However, if the conflict is significant, you may be required to divest yourself of the interest that causes the conflict.

Summary: Do not make personal investments that create a substantial conflict between your private interest and the public interest.

Self-dealing/Transactions with Employees: You may not transact any business in an official capacity with any business entity of which you are an officer, agent, or member, or in which you own a substantial interest.

Additionally, before The University of Texas of the Permian Basin may purchase any supplies, materials, services, equipment, or property from you, the President must approve the purchase, and the purchase may be made only if the cost is less than from any other known source.

Summary: Do not transact public business with your private business. The President must approve any purchases from you, and the purchase may be made only if the cost is less than from any other known source.

Benefits for Performing Official Duties: You should not intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised your official powers or for having performed your official duties in favor of another. If the benefit was given in exchange for an official act, it could constitute the criminal offense of bribery.

Summary: Do not accept a benefit for having done your job in favor of another.

Required Disclosures: You must file timely written disclosure statements as required by law, rule, or policy. Your position with The University of Texas of the Permian Basin and your contemplated activity will determine which disclosure statements are required.

Summary: Be aware of any disclosure statements you are required to file and be sure to file them timely.

Consequences for Violations: There are consequences for failing to comply with conflict of interest laws, rules, or policies. The law provides that appropriated money may not be used to compensate an employee who violates the standards of conduct. Failure to comply is grounds for disciplinary action by The University of Texas of the Permian Basin, including termination of employment. Additionally, civil and criminal penalties may apply under certain circumstances.

Summary: You may be subject to disciplinary action or civil or criminal penalties for violating a conflict of interest law, rule, or policy.

Application of Other Conflicts of Interest Policies, Contract Provisions, Agreements, Laws, or Rules: This policy does not rescind any policy provided by UT System or The University of Texas of the Permian Basin, any departmental policy, any contract provision, any agreement with the Texas Attorney General, or any law or rule that is more specific or more restrictive concerning conflicts of interest. You are required to comply with the more specific or restrictive policy, contract provision, agreement, law, or rule.

Questions or Reports of Violations: If you have questions about an actual or potential conflict of interest, you may ask your supervisor. Additionally, you may always contact the Office of the Vice President for Business Affairs with any conflict of interest questions at (432) 552-2700.

You should report any suspected wrongdoing to your department head or to the Compliance Officer. You may also report suspected violations on a toll-free hotline 1-888-228-7725. You may not be retaliated against for a good-faith report of suspected wrongdoing. Detailed information on reporting possible violations may be found in The University of Texas of the Permian Basin Standards of Conduct Guide.

¹ **This conflicts of interest policy is available at <http://www.utpb.edu/COI> . It is adopted pursuant to Section 572.051, Government Code.**

²**The law provides additional prohibitions if the donor is a lobbyist registered with the Texas Ethics Commission. It is advisable to consult the Office of General Counsel before accepting a gift from a lobbyist.**

THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN CONFLICTS OF INTEREST POLICY ADOPTED UNDER SECTION 572.051, GOVERNMENT CODE

Acknowledgment: I acknowledge that I have received and read and agree to abide by this conflicts of interest policy.

Printed Name

Signature

Date

A signed Acknowledgement page is to be returned to your Dean/Director who will provide a departmental collection of signed documents to the Vice President for your area. Those Directors reporting to the President should return their documents to the President's Assistant, who will collect them on his behalf.

The law provides additional prohibitions if the donor is a lobbyist registered with the Texas Ethics Commission. It is advisable to consult the Office of General Counsel before accepting a gift from a lobbyist.

1.32 Acceptance of Money from Students

Members of teaching staffs, without previous and specific approval of the Board, shall not collect from students any fees or charges to be expended for institutional purposes, and shall not sell to students' books, notes, or similar student supplies.

A member of the faculty or staff of the rank of instructor or above may not accept pay for extra instruction or teaching of students registered in the institution where he/she is employed.

With written approval from the Dean of the College or Schools and the Provost and Vice President for Academic Affairs, teaching assistants, assistants, and other like instructional employees below the rank of an instructor, 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.

1.33 Textbooks and Other Materials Prescribed for the Use of Students

Although generally the individual instructor or the Department should have wide discretion in the choice of materials to be used in the courses offered by the Department or discipline, frequent changes in the textbooks prescribed should be discouraged and should be made only for cogent reasons.

Although the authorship of books, outlines, manuals and similar materials by members of the faculty and staff should be encouraged, the prescribed use of these for students is a responsibility that goes beyond that of the individual author. Where practical and equitable, the charge for outlines, syllabi, and similar materials prescribed for the use of students should be borne by the Department. Whenever an approved incidental fee includes a charge for such materials distributed through the classroom, the prices would be as low as possible, consistent with the payment of any required royalty to the author or authors.

To carry out this statement of policy the following procedures are prescribed:

Any proposed change in the textbook of any course, within one year from the date of first adoption, shall be approved by the departmental faculty, and a statement of the reasons for change shall be transmitted by the chair of the Department or discipline through the Dean to the chief academic and administrative officers.

Textbook, notebooks, manuals or other materials for the use of students, written or prepared by a member of the faculty, shall not be prescribed for the use of students or sold to such students until approved by the Dean, the Provost and Vice President for Academic Affairs, and President of The University. At a minimum, these policies should provide for consultation with Department or discipline faculty (Regents' Rules and Regulations, Rule 31004.) All such requests should indicated the proposed prices and royalties, and their authorization shall be effective only to the end of the fiscal year (August 31) for which the approval has been given.

1.4 *Teaching Faculty Personnel Matters*

1.41 Faculty Qualifications Policy

All UT Permian Basin teaching faculty who are the instructor of record (the individual responsible for quality delivery, primary contact with students, and grading the course), including those who teach distance learning (online) courses, must possess the appropriate academic credentials which are documented on the instructor's official college transcripts, curriculum vita, and recorded in the Verification of Instructor Qualification (VIQ) form in the official faculty credential file maintained in the Office of the Vice President for Academic Affairs.

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UT Permian Basin gives primary consideration to the highest degree in the teaching discipline. The University also will consider competence, effectiveness, and capacity, including, as appropriate, undergraduate and graduate degrees, related work experiences in the field, professional licensure and certifications, honors and awards, continuous documented excellence in teaching or other demonstrated competencies and achievements that contribute to effective teaching and student learning outcomes. Any exceptions to the degree requirements below must be justified in a written letter (see below) that clearly documents the faculty member's other educational and professional accomplishments that qualify the person in lieu of the minimum degree requirements stated below. These exceptions must be approved by the Department Chair, Dean, and the Vice President for Academic Affairs.

Degree Requirements

Developmental Level Courses--Faculty teaching developmental level courses not designed for transfer to the baccalaureate degree must hold a minimum bachelor's degree in the teaching discipline, or associate's degree and demonstrated competencies (documented in the VIQ or a justification letter) in the teaching discipline.

Undergraduate Courses--Faculty teaching undergraduate courses should hold a doctorate or a master's degree in the teaching discipline or a master's degree with a minimum of 18 graduate semester hours in the teaching discipline.

Graduate and Post-Baccalaureate Courses--Faculty teaching graduate and post-baccalaureate course work must hold a minimum of an earned doctorate/terminal degree in the teaching discipline or a related discipline.

Graduate Teaching Assistants (GTAs) who are the instructors of record must be fully admitted to a graduate program in the discipline; hold at least 18 graduate semester hours in the teaching discipline; be under the direct supervision of a faculty member experienced in the teaching discipline; be engaged in regular in-service training or coursework; and undergo planned and periodic evaluations.

1.42 Titles and Faculty Appointments

1.421 General

- 1.4211 All teaching positions are identified by titles covered in the Regents' *Rules and Regulations*, Rule 31001
- 1.4212 Appointment to the Faculty
- 1.4213 The appropriate faculty shall be involved in selecting and recommending candidates for faculty positions.

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- 1.4214 Initial appointment to the faculty in the academic rank of Professor or Associate Professor with tenure may be appropriate in instances where the individual has already acquired a distinguished record at another university, in government service, or in business or industry. Such appointments require ample justification and approval by the Executive Vice Chancellor for Academic Affairs and the Board of Regents.
- 1.4215 The rank of Assistant Professor and Instructor shall be used for the initial appointment of tenure track faculty members who have either just received the appropriate terminal degree or are just completing such degree.
- 1.4216 Visiting Professors, Visiting Associate Professors, and Visiting Assistant Professors, shall be so designated, shall be appointed for a term of no more than one academic year, and may be reappointed for not more than one additional academic year in substantially the same position. Service in visiting status shall not be counted toward fulfillment of a probationary period related to acquisition of tenure.
- 1.4217 Adjunct appointments to the faculty are made for temporary, part-time association with The University. Such appointments may be made at the ranks of Professor, Associate Professor and Assistant Professor and the term “adjunct” shall be part of the title and shall indicate that the title does not confer tenure on its holder. Service in adjunct status shall not be counted toward fulfillment of a probationary period related to acquisition of tenure.
- 1.4218 The titles of Lecturer and Senior Lecturer shall be used for faculty who are appointed to non-tenure track positions involving only teaching and in service.
- 1.4219 The titles of Clinical Professor, Clinical Associate Professor, Clinical Assistant Professor and Clinical Instructor shall be used for full or part-time faculty who are appointed to non-tenure track positions involving teaching and supervisory activities in clinical settings.
- 1.4220 The process for faculty appointments is generally as

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follows: The President formally declares a faculty vacancy in the specified discipline. A position description ad is drawn up, approved by the Provost and Vice President for Academic Affairs and circulated locally, regionally and nationally, as called for in the institutional affirmative action policy.

- 1.4221 A Faculty Search and Screening Committee is appointed by the appropriate Dean of the College or School, with approval of the Provost and Vice President for Academic Affairs. Normally the committee is chaired by a person in the discipline for which the person is being sought.
- 1.4222. A priority listing of candidate finalists is sent to the Dean of the College or School, who in turn forwards the recommendations, along with resumes and letters of recommendations, to the Provost and Vice President for Academic Affairs.
- 1.4223. The Provost and Vice President for Academic Affairs approves candidates for interviews.
- 1.4224. The Dean of the College or School is notified to proceed with interviews of candidates, to include appropriate faculty and staff, the Provost and Vice President for Academic Affairs and the President.
- 1.4225. A recommendation for appointment is forwarded to the President, through the Dean of the College or School and Provost and Vice President for Academic Affairs.
- 1.4226 Once terms and conditions have been agreed upon by the candidate and the Dean, a letter of offer goes to the candidate.

1.43 Tenure

1.431 System Policy

The general policy of The University of Texas System regarding tenure is set forth in Rule 31007 of the Regents' *Rules and Regulations*.

1.432 Tenure - The University of Texas of the Permian Basin

- 1.4321 Tenure denotes a status of continuing appointment as a

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member of the faculty at The University of Texas of the Permian Basin. Only members of the faculty with the academic titles of Professor or Associate Professor may be granted tenure. Tenure may be granted only by the U. T. Board of Regents upon recommendation of the President

- 1.4322 Professor or Associate Professor after the effective date of this policy and while in service at The University of Texas of the Permian Basin shall acquire tenure upon approval of such promotion by the Board of Regents.

1.44 Evaluation of Faculty Members

1.441 General

- 1.4411 The following factors shall be given primary consideration in evaluations for appointment, reappointment, promotion, and acquisition of tenure. No specific weights or priorities are implied by the order in which the different factors are listed:

1.44111 teaching effectiveness

1.44112 scholarly and professional accomplishments

1.44113 service to the institution and to the community.

1.44114 Evaluation of faculty shall be conducted in accordance with policies and procedures developed by the faculty for that purpose and incorporated in the *Handbook of Operating Procedures Part One, Section 14*.

- 1.4412 Each employee shall keep the President or his/her delegate notified of his/her current mailing address. Generally written notices or communications required by Regents' *Rules and Regulations* or by procedures developed by The University of Texas of the Permian Basin will be sent by mail to the last address given by the employee.

1.442 Evaluation of Tenure-Track Faculty During Probationary Period

- 1.4421 Probationary Period. The probationary period shall be seven years. Years of service at another institution of higher learning must be approved at the time of the faculty member's initial appointment to be counted for the probationary period.

- 1.4422 Evaluation of probationary faculty for reappointment

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1.44221 During the probationary period faculty members shall be reviewed annually

1.44222 In the event of a decision not to reappoint a probationary faculty member in the first year of academic service, he or she shall be given written notice not later than March 1 if the appointment expires at the end of the academic year or not later than December 15 of the second academic year of probationary service if the appointment expires at the end of that academic year. After two or more academic years, written notice shall be given not later than 30 days prior to the end of the then current academic year that the subsequent year will be the terminal academic year of appointment and a Memorandum of Appointment shall be provided to such faculty member in accordance with *Texas Education Code* Section 51.943. The notice required by this section is not applicable where termination of employment is for good cause. (See Section 1.45 below.)

1.4423 Evaluation of probationary faculty members for tenure

1.44231 Not later than during the sixth year of probationary service, faculty members shall be evaluated for tenure according to procedures as provided in Section 1.4412, above.

1.442311 A faculty member who determines that certain personal circumstances may impede his or her progress toward achieving demonstration of eligibility for recommendation of award of tenure may make a written request to the Provost and Vice President for Academic Affairs for extension specifying the reason (s) for the requested extension. Personal circumstances that may justify the extension include, but are not restricted to, disability or illness of the faculty member; status of the faculty member as a principal caregiver of a preschool child; or status of the faculty member as a principal caregiver of a disabled, elderly, or ill member of the family of the faculty member. It is the responsibility of the faculty member to provide appropriate documentation to adequately demonstrate why the request should be granted.

1.442312 The request for extension shall be limited to one academic year. A request for an additional academic year's extension will follow the established

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request process, with the maximum duration of extension, whether consecutive or nonconsecutive, to be two academic years.

1.442313 Normally, requests for extension must be made in advance of the academic year or semester for which the extension is desired and may be made no later than three months prior to the deadline for initiation of the mandatory review process.

1.442314 The decision regarding the request shall be made by the chief academic officer of the institution, upon recommendation of the department chair when appropriate and the dean. A written response to a request for extension will be provided the faculty member normally within two months of receipt by the Provost and Vice President for Academic Affairs

1.44232 Affected faculty shall be notified in writing. Written notice shall be given not later than 30 days prior to the end of the then current academic year that the subsequent year will be the terminal academic year of appointment and a Memorandum of Appointment shall be provided to such faculty member in accordance with *Texas Education Code* Section 51.943. Reappointment to a succeeding academic year, or the award of tenure, may be accomplished only by written notice by the President or his/her delegate with the approval of the Board of Regents in accordance with the provisions of Rule 31002 of the Regents' *Rules and Regulations*. No person shall be deemed to have been reappointed or to have been awarded tenure because notice is not given or received by the time or in the manner prescribed in this section. Should it occur that notice is not received by the times prescribed herein, it is the duty of the academic employee concerned to make inquiry to determine the decision of the President. Upon such inquiry, the President shall give the required notice to the employee without delay.

1.443 Evaluation of Non-Tenure Track Faculty

1.4431 Faculty holding the rank of Visiting Professor (of all ranks), Clinical Professor (of all ranks), Senior Lecturer, and Lecturer will be evaluated annually by department chairs and deans in the areas of teaching and service.

1.45 Termination

1.451 Termination of Faculty

The termination of the employment of a faculty member who has been granted tenure, and of all other faculty members before the expiration of the

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stated period of their appointments, except as is otherwise provided in the Regents' *Rules and Regulations* or by resignation or retirement, will be for good cause shown in accordance with the provisions of Rule 31008 of the Regents' *Rules and Regulations*.

1.4511 The standing panel from which members of the hearing tribunal are selected under provisions of Number 2, Section 4 of the Regents' Rules and Regulations shall be comprised of the same panel elected by the faculty as provided for in Part One, Section 11, of the *Handbook of Operating Procedures* and other members of the faculty appointed by the President. The standing panel will have up to 17 members and will be reconstituted each time there is an election for the elected members.

1.452 Termination Due to Financial Exigency

General policies and procedures to be followed in cases of financial exigency are contained in the Regents' *Rules and Regulations*, Rule 31003, Number 2, Sections 1 and 3.

1.453 Program Abandonment

Refer to Part One, Section 12 of the *Handbook of Operating Procedures* and The University of Texas System Board of Regents' *Rules and Regulations*, Rule 31003, Number 2, Sections 1 and 2..

1.46 Responsibilities and Duties of Faculty Members

1.462 Academic Freedom and Responsibility

General policy outlining the rights and responsibilities of faculty members as teachers and citizens is set forth in the Regents' *Rules and Regulations*, Rule 31004 and Part I, Section 1.2 of the *Handbook of Operating Procedures*.

1.463 Outside Employment - System Policy

General policy pertaining to outside employment is set forth in Regents' *Rules and Regulations*, Rule 30103. and Part I, Section 1.3 of the Handbook of Operating Procedures.

Campus policy requires the completion of the prescribed form, issued by the President's office, with all required signatures in approval. This form must be completed annually and must be approved prior to the beginning of any such outside employment. Final approval for all outside employment is given by the President.

1.47 Employment of Part-time Faculty

1.471 Titles and Terms of Appointment

1.4711 Depending upon their qualifications, experience, and assignment, part-time faculty maybe designated as Clinical Professors (of all ranks), Senior Lecturers, Lecturers, or Adjuncts.

1.4712 Part-time Clinical Professors, Senior Lecturers, and Lecturers are hired on a term-to-term basis, while part-time adjuncts are hired on a course-by-course basis.

1.472 Procedure for Appointing Part-time Faculty

1.4721 Part-time Faculty

1.47211 Appointment of part-time faculty shall be initiated and principally carried out by the discipline in which the faculty member will teach. In the absence of the Department Chair or Area Coordinator, this responsibility shall be assumed by the Dean of the College or School.

1.47212 When the Department Chair or Area Coordinator determines that a course or courses need to be taught by a part-time faculty member, he/she shall request authorization from the Dean of the College or School to recruit. The request should identify the course to be taught, the place of the course in the discipline's curriculum, and any special qualifications to be sought. The request should be made as early as practicable to facilitate an orderly appointment and orientation process.

1.47213 When the Dean of the College or School is satisfied that the discipline's curricular needs require and the budget permits hiring a part-time faculty member, the Dean will authorize the recruitment process.

1.47214 Although the recruitment process for part-time faculty will

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necessarily be less formal and time-consuming than for full-time faculty, the goal of the process remains the same: to identify and recruit the best qualified individual to meet the needs of The University.

1.47215 When the discipline has identified a suitable candidate or candidates for the position, the Department Chair or Area Coordinator shall submit to the Dean copies of the resumes and academic transcripts of the candidate (s). The Dean shall have the option of interviewing the candidate (s).

1.47216 The Department Chair or Area Coordinator may make the offer of appointment upon approval of the Dean and Provost and Vice President for Academic Affairs.

1.47217 The appropriate Dean's office will coordinate the mechanics of appointment.

1.47218 As an Affirmative Action, Equal Opportunity Employer, The University of Texas of the Permian Basin acknowledges its obligation and stresses its commitment to a policy of recruitment of part-time faculty without regard to ethnicity, gender, age, disability, veterans status, religious affiliation, national origin, race, or color.

1.473 Duties of Part-Time Faculty

Part-time faculty are appointed mainly to provide academic instruction. However, within that restricted role, part-time faculty are expected to perform at the same high level of professionalism as their full-time counterparts. While it is impossible to enumerate all aspects of professional activity related to teaching, the following describe The University's minimum expectations for part-time faculty:

1.4731 Plan the course (including ordering appropriate textbooks and/or other instructional materials, prepare a written syllabus, develop appropriate assignments and assessment instruments).

1.4732 Prepare, distribute to students, and place on file in the Dean's office a syllabus for the course. The syllabus should contain at least the following:

1.47321 Name of course and instructor, time and place of meetings, list of required and recommended texts

1.47322 Course description

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- 1.47323 Outline of the course at least week by week
- 1.47324 Dates of all exams and significant outside papers/projects, with percentages of course grade each will be worth
- 1.47325 Conduct appropriate assessment in accordance with the disciplines assessment institutional effectiveness plan.

- 1.47326 Description of any other expectations or special conditions that will affect students' performance in the course.
- 1.4733 Hold all classes, including the final examination, for the full scheduled number of minutes
- 1.4734 Conduct the assigned course in accordance with the catalog description
- 1.4735 Provide a minimum of one hour each week per class for out-of- class consultation with students. Schedule for these hours must appear on the syllabus. The University shall provide appropriate space for this activity.
- 1.4736 Provide students with several opportunities to demonstrate understanding of the material covered in the course and evaluate students' work in accordance with the generally accepted practices of the discipline and The University
- 1.4737 Provide students with an opportunity to evaluate the course in accordance with The University's policies and procedures
- 1.4738 Submit all paper work associated with the course (syllabi, class rosters, final grade reports, etc.) on time

- 1.474 Compensation of Part-Time Faculty
 - 1.4741 Compensation for part-time faculty shall be based on educational attainment and experience.
 - 1.4742 It shall be the responsibility of the Provost and Vice President for Academic Affairs and the Deans to develop a salary schedule for use by all Colleges and Schools and to review that schedule yearly.
 - 1.4743 It shall be the responsibility of the Provost and Vice President for Academic Affairs to ensure that equity in compensation is maintained among Colleges and Schools.

- 1.475 Orientation of New Part-Time Faculty

The University provides part-time faculty with an orientation to the campus community, culture, and procedures. They should receive adequate

introduction to their teaching assignments, departments, and the institution.

1.476 Evaluation

1.4761 Part-Time Faculty

It shall be the responsibility of the Dean, Department Chair or Area Coordinator to evaluate the performance of a new part-time faculty member. At a minimum this evaluation shall consist of the following:

1.47611 The Dean, Department Chair or Area Coordinator shall review all course materials prepared by the faculty member.

1.47612 The Dean, Department Chair or Area Coordinator or their designee shall make at least one unannounced class visit during the first four weeks of class, prepare a written evaluation of the faculty member's performance with suggestions for improvement if appropriate, and discuss the evaluation with the faculty member within one week of the visit. A copy of the evaluation, together with any written response the faculty member may wish to make, shall be submitted to the Dean of the College or School in a timely manner. These materials shall become part of the faculty member's professional file.

1.47613 At the discretion of the Dean, Department Chair or Area Coordinator, one or more additional class visits may take place during the semester, but no written evaluation is required.

1.47614 Students shall have the opportunity to evaluate the course in accordance with The University's policies and practices, and a copy of the evaluation shall become part of the faculty member's file.

1.47615 The Dean, Department Chair or Area Coordinator shall prepare and submit to the Dean of the College or School a summary review of the part-time faculty member's performance.

1.47616 All or any part of the procedure described for part-time faculty will be used in the evaluation of continuing or reappointed part-time faculty.

1.47617 All or any part of the procedure described for new part-time faculty will be used in the evaluation of continuing or reappointed part-time faculty.

1.477 Reappointment

Reappointment is at the discretion of The University and on a favorable evaluation of the faculty member's performance by the Dean of the School or Department Chair. Reappointment requires approval of the Dean of the College

or School (and, for those holding the title Lecturer or Senior Lecturer, approval of the President).

1.478 Academic Freedom

The academic freedoms enjoyed by full-time faculty are accorded to part-time faculty as well. Refer to Part I, Section 1.2 of the *Handbook of Operating Procedures* for a full discussion of academic freedom and responsibility.

1.5 *Employment of Noncitizens*

See Part III, Human Resources.

1.6 *Proficiency in English Requirements*

Each person with teaching responsibility at The University of Texas of the Permian Basin is required to complete a statement identifying his or her primary language.

Each person with teaching responsibility who advises that his/her primary language is not English will be required to take the “Test of Spoken English” published by the Educational Testing Service.

Any person with teaching responsibility who fails to achieve a satisfactory score on the test (at least 45), will be required to take an ESL course approved by the Provost of which the primary objective is to assist the person with teaching responsibility in achieving proficiency in speaking, reading and writing English.

Upon completion of the course, the person with teaching responsibilities’ Dean of the College or School will interview the person with teaching responsibility to determine his/her adequacy of spoken English.

The cost of the “Test of Spoken English” and the above referenced course shall be paid by the person with teaching responsibility.

1.7 *Summer and Interim Session Teaching*

The University of Texas of the Permian Basin provides classes and services in two traditional long semesters, summer school terms, and interim sessions. The scheduling of the semesters, summer terms, and interim sessions will be established in the academic calendar.

In addition to the scheduled instructional periods courses for specific needs may be scheduled at other times with the written approval of Provost and Vice President for Academic Affairs.

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Each semester, term, or session includes not only the instructional period, but registration, orientation, final exams, grading periods, and graduation ceremonies. Full-time faculty members perform instructional, advising, research, student contact, university governance, and service activities throughout the year, but have specific expectations to fulfill these duties during periods when they are on summer school or interim session appointments. During summer and interim sessions, all instructors teaching classes on campus should hold at a minimal rate of three office hours per week where they are available to students. Faculty with summer school appointments should participate in orientation, and other advising activities which do not directly conflict with their class schedules. Faculty members teaching exclusively online should consult with their respective Dean concerning service and office hour expectations during the summer or interim session. Summer school faculty with appointments through August should attend summer commencement ceremonies.

1.71 Appointment for Summer or Interim Session Teaching

1.711 Consideration for offering summer courses should include student demand, College or School need as determined by their respective faculty in the discipline, and/or faculty desire for teaching a particular class.

1.712 Student demand and College or School need should be determined through discussions amongst the Provost, Deans, and Discipline Faculty. When the need for a course is determined, it may, if it is required for the major or minor, be offered in the summer or interim session regardless of whether the instructor in the previous or projected long semesters is willing to accept a summer or interim appointment. Upper-level elective courses that are specifically required to fulfill the graduation requirements for the major or minor or certification requirement should generally be offered first to full-time faculty to teach those courses.

1.713 The highest priorities in making summer or interim instructional appointments shall be based on student demand. Existing full-time faculty will be given priority within budgetary constraints. The Department Chair or Area Coordinator of a discipline should be given priority for a least one summer term appointment when a demand exists and the course is in their area of expertise. The Dean of the College or School should then make subsequent appointments in such a way as to best meet student needs and that is equitable to faculty willing to accept summer or interim appointments. Faculty members will not be required to accept summer teaching appointments at the University.

1.72 Summer and Interim Session Salaries

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1.721 Salaries for summer and interim session work will be prorated, based on the academic salary rate for the previous academic year. Specifically, the salary paid for summer teaching will be one-twelfth of the academic salary rate for each three credit courses taught in the summer.

1.722 Faculty members have the right to expect that when they offer a summer course outside of their regular contract obligations, they will be compensated for their work. Faculty are encouraged to make every effort to recruit and retain students for summer classes. Classes normally will be cancelled for small class enrollments. If a course must be cancelled, faculty members will be compensated for the days that the course was taught.

2. Promotion, Tenure, and Compensation

2.1 *Policies and Procedures for Tenure and Promotion Review*

The criteria for tenure and promotion consist of teaching effectiveness, scholarly and professional accomplishments and service to the institution and to the community as indicated in the *Handbook of Operating Procedures*. It is important that faculty understand the criteria and their applicability and adhere to the calendar and deadlines established each fall by the office of Academic Affairs. In addition to these general criteria, faculty should consult specific college criteria for promotion and tenure.

2.11 Assumptions

- 2.111 To be eligible for tenure and promotion faculty members must have a commitment to advancing the mission and strategic directions of the University and the University of Texas System.
- 2.112 Although there will be different emphases in individual cases, every person granted tenure or promotion will be expected to demonstrate competence in all three categories: teaching, research, and service.
- 2.113 In departments with graduate and undergraduate programs, candidates for tenure or promotion should have demonstrated capability of participating on all levels of departmental programming.
- 2.114 Particular areas of professional and scholarly expertise of candidates for tenure should be weighed against present and future needs of the department. Ability to perform effectively in varied academic areas enhances the candidates' credentials.
- 2.115 These general statements are intended to protect the flexibility of the programs of instruction and to inform the faculty member aspiring to tenure and/or promotion about the general conditions for evaluation. The specifications that follow should be understood in the light of these assumptions.

2.12 Tenure

2.121 Qualifications

- 2.1211 The terminal degree in his/her field. Ordinarily, the terminal degree will be a doctorate.
- 2.1212 Sufficient years of service in academia to warrant a prudent judgment by peers of the faculty member's proficiency in teaching, scholarship, and service. In the

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sixth year of service untenured faculty at the rank of Instructor or Assistant Professor must be evaluated for tenure. If appointed at the rank of Associate Professor or Professor, unless a more abbreviated probationary period is indicated in their initial appointment letter, these faculty must be evaluated for tenure no later than during their sixth year of probationary service according to the procedures as provided in HOP Part I, Section 1.4413. Faculty at the rank of Assistant Professor may not be tenured without promotion to the rank of Associate Professor.

2.122 Criteria

Eligible faculty will be measured by the following criteria. It is essential that individual assertions be supported by adequate documentation so that reviewers unacquainted with the faculty member may assess the file effectively.

2.1221 Excellence in teaching

2.12211 For teaching the required testimony will be evidence from student teaching evaluations, peer observations of teaching, and the candidate's self-evaluation of teaching. Other evidence includes the faculty member's teaching load (the number of courses and students taught), new course development, teaching awards, and innovations in teaching.

2.1222 Scholarly research/creative productivity.

2.12221 For scholarly research the ordinary testimony will be publication of scholarly books, journal articles, and other significant formal scholarly presentations. For creative work, regional, national, international, public presentations, exhibitions, and performances testify to professional achievements. In addition, external peer reviews of the candidate's scholarly/creative activities will be required and considered.

2.1223 Demonstrated service to the University and Community

2.12231 For university service, the ordinary testimony will be student advisement and mentoring, programmatic development and accreditation activities, meaningful participation on committees, special assignments, and other university sponsored functions and events, in particular those that support student recruitment and

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success. For community service, ordinary testimony includes service to professional organizations, editorships, and participation in local, state, and federal organizations.

2.13 Promotion

The criteria for tenure supply a framework within which criteria for promotion are to be understood. Statements above about providing sufficient documentation apply also to candidates for promotion. In addition to these criteria faculty should consult specific college criteria for promotion.

2.131 Generally speaking, tenure-track faculty are hired at the rank of Assistant Professor. In very rare cases faculty may be hired as Instructors and, upon the acquisition of appropriate academic credentials and experience, may be considered for promotion to the rank of Assistant Professor. A candidate for the rank of Assistant Professor should show promise of fulfilling the requirements for tenure and promotion by meeting the following standards.

2.1311 Terminal degree in relevant field or the equivalent.

2.1312 Demonstrated effectiveness in teaching with potential for improvement.

2.1313 Evidence of scholarly research/creative work in progress.

2.1314 Participation in departmental and University activities: student advising, committee work, special assignments. Willingness to participate where appropriate should also be a consideration.

2.1315 Memberships in professional societies where appropriate.

2.132 Elevation to the rank of Associate Professor indicates that the faculty member evidences significant achievement in all areas and will continue to contribute effectively to The University and the profession. Since a recommendation for promotion to Associate Professor will also contain a recommendation for award of tenure to the Board of Regents, the criteria for award of tenure apply to promotion to this rank.

2.1321 Terminal degree in the relevant field or the equivalent.

2.1322 Demonstrated excellence in teaching.

2.13221 For teaching the required testimony will be evidence from student teaching evaluations, peer observations of teaching and the candidate's self-evaluation of teaching. Other evidence includes the faculty member's teaching load (the number of courses and students taught) new course development, teaching awards, and innovations in teaching.

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2.1323 Evidence of scholarly research/creative productivity.

2.13231 For scholarly research the ordinary testimony will be publication of scholarly books, journal articles and other significant formal scholarly presentations. For creative work, regional, national, international public presentation, exhibitions, and performance testify to professional achievement. In addition, external peer reviews of the candidate's scholarly/creative activities will be required and considered.

2.1324 Demonstrated service to the University and Community.

2.13241 For university service, the ordinary testimony will be student advisement and mentoring, programmatic development and accreditation activities, meaningful participation on committees, special assignments, and other university-sponsored functions and events, in particular those that support student recruitment and success. For community service, ordinary testimony includes service to professional organizations, editorships, and participation in local, state, and federal organizations.

2.133 Elevation to the rank of Professor indicates that the faculty member has made an outstanding contribution to The University and to the profession. The criteria reflect this degree of accomplishment.

2.1331 Terminal degree in the relevant field or the equivalent.

2.1332 Demonstrated excellence in teaching.

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- 2.13321 For teaching the required testimony will be evidence from student teaching evaluations, peer observations of teaching, and the candidate's self-evaluation of teaching. Other evidence includes the faculty member's teaching load (the number of courses and students taught), new course development, teaching awards, and innovations in teaching.
- 2.1333 Record of distinguished research/creative productivity. Evidence of significant and continuing contributions to the profession are required of the candidate. At the level of Professor faculty should exemplify superior achievement in the academic community.
- 2.13331 For scholarly research the ordinary testimony will be publication of scholarly books, journal articles and other significant formal scholarly presentations. For creative work, regional, national international public presentation, exhibitions, and performance testify to professional achievement. In addition, external peer reviews of the candidate's scholarly/creative activities will be required and considered.
- 2.1334 Demonstrated service to the University and Community.
- 2.13341 For university service, the ordinary testimony will be student advisement and mentoring, programmatic development and accreditation activities, meaningful participation and leadership on committees, special assignments, and other university sponsored functions and events, in particular those that support student recruitment and success. For community service, ordinary testimony includes service to professional organizations, editorships, and participation in local, state, and federal organizations.

2.14 Procedures for Tenure and Promotion

2.141 Candidates for Tenure and Promotion may be nominated by the Department Chair or Area Coordinator of the faculty member's department or by the Dean of the College or Schools. All full-time faculty members in their sixth year of academic service must be reviewed for tenure. Faculty nominated or applying for candidacy should be notified within three working days after nomination or application so that they can prepare their professional files.

2.142 Faculty members who are nominated for tenure and/or promotion are responsible for submitting their professional files containing the following information in accordance with the calendar and deadlines established each fall by the office of Academic Affairs:

2.1421 Nomination form prepared by the Department Chair, Area Coordinator or Dean of the College or Schools.

2.1422 A Current Curriculum Vitae which includes:

2.14221 Education

2.14222 Professional positions held

2.1423 Teaching effort from date of last promotion or from date of appointment indicated by:

2.14231 A list of courses taught

2.14232 Teaching load in each semester

2.14233 A list of new courses developed

2.14234 A list of any teaching awards/honors

2.14235 A list of innovative teaching material developed

2.1424 Scholarly/Creative activities from the date of the last promotion or from the date of appointment indicated by a list of publications categorized into separate groupings which include:

2.14241 Refereed journal papers

2.14242 Books

2.14243 Chapters in edited books

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- 2.14244 Conference proceedings
- 2.14245 Technical reports
- 2.14246 Unpublished presentations
- 2.14247 Other evidence of scholarly research/creative productivity
- 2.14248 A list of proposals submitted and funded, including name of agency or organization, level and period of support and role of the candidate. For each proposal funded, the nature of the activities of the candidate should be summarized.
- 2.1425 University and community service activities from the date of the last promotion or from the date of appointment indicated by:
 - 2.14251 An accounting of undergraduate and graduate students advised, including thesis students.
 - 2.14252 Information on professional service including:
 - 2.14253 University, College or Schools and Departmental committees
 - 2.14254 Service to professional organizations
 - 2.14255 Consulting and other off-campus service
- 2.1426 A Teaching Effectiveness Summary and Self-Evaluation, prepared by the candidate, including evaluation results obtained through The University approved teaching evaluation forms and/or through individualized questionnaires on teaching conducted by the department. Including results from peer evaluations, classroom visitations by peers and other evidence of teaching effectiveness may be appropriate. The minimum period covered must include the previous three years or the total number of years of service, whichever is less.
- 2.1427 A Scholarly Research/Creative Productivity Summary and Self-Evaluation, prepared by the candidate, including publication of scholarly books and/or journal articles, public presentations, exhibitions, performances and other significant formal scholarly or creative activity. The period covered should be from the date of last promotion or, if seeking first promotion, from the date of appointment.
- 2.1428 A University, Community and Professional Service

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Summary and Self-Evaluation, prepared by the candidate, including student advisement, special university assignments, committee participation, activity in professional societies and contributions to community service organizations at the local, state, and/or federal levels.

2.1429 An Appendix, separately bound, which contains additional material such as:

2.14291 Teaching evaluation results (at least for the previous three years)

2.14292 Reprints of papers

2.14293 If solicited, letters from students, peers, external scholars and others on the quality of the candidate's teaching, scholarly research/creative productivity and community service

2.14294 Other relevant material

2.143 Evaluation of Candidates by the College Committee on Tenure and Promotion (CCTP).

2.1431 The College Committee on Tenure and Promotion shall consist of five tenured faculty. Five members shall be elected at large by the full-time faculty of the College such that at least one member from each Department/academic area if possible is represented on the CCTP. Three members will be elected from the College to serve as alternates. Each elected member to the CCTP will be for two years; a member may not serve a second consecutive term. The Dean of the College shall appoint the Chair of the Committee. If a College does not have sufficient tenured faculty members to serve on the CCTP the Dean shall appoint tenured faculty member(s) from outside of the College to complete the composition of the Committee. If a member of a Committee should be a candidate for tenure and/or promotion, such a Committee member shall be replaced while his or her review is under discussion. Replacements shall be selected in the same manner as the person to be replaced.

2.1432 Priority should be given to the selections of

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Committee members who are not candidates for tenure and/or promotion. If, however, a member of a Committee should be a candidate for tenure and/or promotion, such a Committee member shall be replaced by the alternate from the same Department/academic area, if possible, while his or her review is under discussion. If a member of the CCTP must withdraw for any other reason, then an alternate from the same Department/academic area, if possible will finish the term.

- 2.1433 Responsibility of the CCTP. The CCTP shall review and evaluate candidates from the College considering all pertinent information related to the criteria listed above. The Committee should pay special attention to supportive documentation so that its judgment of the candidate is manifestly grounded on the evidence and should indicate in its report the nature and the extent of the data used to evaluate teaching effectiveness. The Committee shall review the opinions of external referees on scholarly publication/creative productivity and assess these opinions. A written evaluation representing the judgment of the Committee on each candidate shall be submitted to the Dean of the College and the candidate.

2.144 Evaluation of Candidates by the Dean of the College. The Dean is responsible for reviewing the professional files of all candidates and weighing the recommendations from the CCTP. In light of the appropriate criteria, the recommendations of the Committee and the needs of the College, the Dean evaluates the candidates. A written evaluation representing the judgment of the Dean on each candidate shall be submitted to the Provost and Vice President for Academic Affairs and the candidate.

- 2.145 Evaluation of Candidates by the Provost and Vice President for Academic Affairs.

Complete professional files of all candidates, along with the Dean's evaluations and the recommendations of the CCTP, shall be presented to the Provost and Vice President for Academic Affairs who shall review each case and present his/her recommendations and the candidates' professional files to the President.

- 2.146 Evaluation of Candidates by the President.

All CCTP recommendations for promotion and/or tenure, *whether*

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positive or negative, having been reviewed by the Dean of the College and the Provost and Vice President for Academic Affairs, shall be forwarded to the President. Recommendations for award of tenure are made by the President to the Board of Regents, through the Executive Vice Chancellor for Academic Affairs and the Chancellor.

2.2 Compensation

Each year The University of Texas System Board of Regents establishes budget guidelines including criteria for faculty salary increases. Normally, salary increases are based on merit as determined through the annual review process described in Part One, Section 14.1 of the Handbook of Operating Procedures. The criteria for determining merit are excellence in teaching, scholarly research and creative productivity, and service to the community as described in Part One, Section 2.122 of the Handbook of Operating Procedures.

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3. Minimum Faculty Workload and Academic Service Standard

3.1 Standard Workload Requirements at The University of Texas of the Permian Basin

3.11 Minimum Teaching Load

Each person paid full-time from the appropriation item “Faculty Salaries” shall teach a minimum of twelve semester credit hours of instruction in organized undergraduate classes each long term semester with adjustments permitted for teaching load equivalencies listed below if they are teaching any combination of master’s /undergraduate courses, or nine semester credit hours of instruction in organized undergraduate classes each long term semester with adjustments permitted for teaching load equivalencies listed below if they are teaching any doctoral courses.

3.12 Adjustments

- 3.121 One semester credit hour of graduate instruction is equal to one and one-half semester credit hours of undergraduate instruction.
- 3.122 Instruction of regularly scheduled laboratory and clinical courses, physical activity courses, studio music instruction, and primary music performance organizations, such as ensembles and marching bands, shall provide teaching load credit at the rate of one semester hour of teaching load credit for each one and one-half contact hours of instruction per week per long term semesters.
- 3.123 Supervision of student teachers, clinical supervision, and intern supervision, shall be credited such that 12 total student semester credit hours taught is equivalent to one credit hour of teaching load credit.
- 3.124 Supervision of student practicum and individual instruction courses, such as honors programs and individual research projects, shall provide teaching load credit at the rate of one-tenth semester hour of teaching load credit for each student semester hour of undergraduate instruction and one-fifth semester hour of teaching load credit for each student semester hour of graduate instruction per long term semester. In no case will individual instruction in a single course generate more teaching load credits than if the course were taught as a regularly scheduled, organized course.
- 3.125 Supervision of graduate theses shall provide teaching load credit only to the chairperson of the thesis or dissertation committee and at the rate of

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one semester hour of teaching load credit for each six total student semester hours of thesis research credit and at the rate of one semester hour of teaching load credit for each three total student semester hours of dissertation credit.

- 3.126 A faculty member who coordinates several sections of a single course shall be given one semester hour of teaching load credit for each 6 sections coordinated up to a maximum of 3 semester hours of teaching load credit.
- 3.127 Credit may be proportionally increased for teaching a large class, which requires extensive grading or evaluation of students' work by the faculty member according to the following weighing factors.

Class	59	60	70	80	90	100	125	150	175	200	250	or
	or	to	to	to	to	to	to	to	to	to		
Size	less	69	79	89	99	124	149	174	199	249	more	
Weighing												
Factor	1.0	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0	

- 3.128 Credit for teaching may be granted for a faculty member who is head of a department or head of a comparable administrative unit up to a maximum of six semester hours of teaching load credit. When justified by the department/unit head and approved by the President, an additional three hours of teaching load credit may be given to faculty members who provide academic services to the unit head, but in no case will the total for departmental administration, including the head, exceed nine teaching load credits.
- 3.129 At the discretion of the head of the department or comparable unit, and upon approval of the President, up to three semester hours of teaching load credit may be given for each of two semesters to a newly-appointed faculty member during the first year of employment for the purpose of developing instructional materials for the courses he or she will teach.
- 3.1210 When more than one teacher participates in the instruction in a single course, the teaching load credit is proportioned according to the effort expended. Also, when a faculty member is paid partially from a source of funds other than the "Faculty Salaries" line item, the minimum teaching workload shall be proportioned to the percentage of salary paid from the appropriation item "Faculty Salaries".
- 3.1211 At the discretion of the head of the department or comparable unit, and upon approval of the President, up to three semester hours of teaching load credit may be given for instructional development.

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3.1212 At the discretion of the head of the department or comparable unit, and upon approval of the President, a tenured or tenure-track faculty member may be granted up to three semester hours of teaching load credit for conducting research or producing creative works. Credit for research may not be given in the same semester as credit for instructional development.

3.13 Exceptions

3.131 A reduced teaching load may be granted temporarily if classes do not materialize because of insufficient enrollment and when additional classes cannot be assigned to the faculty member. This exception may only be granted for two consecutive long term semesters for any particular faculty member.

3.132 Limited faculty teaching load credit may be granted with approval of the President for major academic advising responsibilities, for preparing major documents in the fulfillment of programmatic needs or accreditation requirements, or for duties performed in the best interest of U.T. Permian Basin's instructional programs as determined by the head of U.T. Permian Basin. Teaching load credit granted by the head of U.T. Permian Basin for such purposes is limited to 1/10 of 1% of the total semester credit hours taught at U.T. Permian Basin during the comparable (fall or spring) semester in the previous year. (NOTE: this is one 3-hour undergraduate course teaching load credit per semester for each 3,000 total semester credit hours taught.)

3.14 Procedures and Criteria

A department, school, or college may, with the approval of the President, establish procedures and criteria for awarding workload credits and approving exceptions authorized by sections 3.12 and 3.13. One criterion for the granting of credit for research or instructional development shall be the successful use of prior workload credits for these purposes.

3.15 Coaching Activities

Salary payments for intercollegiate coaching activities may not come from the appropriation item "Faculty Salaries".

3.16 Compliance

The President shall designate an officer of U.T. Permian Basin who will monitor workloads, review workload reports, and submit the reports to the President for approval and comment, as appropriate, prior to submitting the reports to the Board of Regents through System Administration following the standard reporting format and deadlines as provided by the Coordinating Board in accordance with Section

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51.402 of Subchapter H, Chapter 51 of the Texas Education Code and any riders in the current legislative Appropriations Act. Every faculty member's compliance with these minimum teaching requirements shall be assessed each long term semester. If a faculty member is found to be out of compliance during any semester, U.T. Permian Basin shall take appropriate steps to prevent such non-compliance in the future.

4. Use of Emeritus Titles

Emeritus titles connote distinguished and honorable service to The University of Texas of the Permian Basin. The appointment may be made only after complete retirement and is for life. It may be conferred upon Professors and Associate Professors only.

Since selectivity is implied in the awarding of the Emeritus title, it shall be made by the President only upon recommendation of a committee designated for that purpose by the Faculty Senate. Nominations may be submitted to the Faculty Senate by three tenured faculty members. Members of the committee shall consider the nominations in executive session and make their recommendations directly and confidentially to the President. Emeritus appointments are subject to final approval by the Board of Regents.

5. Provisions Regarding Faculty Leaves

5.1 *Faculty Leaves of Absence Without Pay (Regents Rules and Regulations, Rule 30201, Section 3)*

Leave without pay sources can be obtained for up to one year within the term of appointment, subject to approval of the College or School's Dean, Provost and Vice President for Academic Affairs, and President. It is the policy of The University administration to approve one-year leaves of absence when the absence involves experiences that will benefit The University directly or indirectly and when the faculty member's absence will not substantially harm The University or the program for which he or she is responsible.

Except in unusual circumstances, such as military service and public service, or other activity that reflects credit on U.T. Permian Basin and enhances an individual's ability to make subsequent contributions to U.T. Permian Basin, a second consecutive year of leave will not be granted.

Except in very unusual circumstances within the reasons outlined above, a third consecutive leave of absence for one year will not be granted, and only then with the review and approval by the U.T. System Executive Vice Chancellor for Academic Affairs.

Unless otherwise provided by or authorized pursuant to law, all accumulated paid leave entitlements must be exhausted before a leave of absence without pay may be granted, with the additional provision that sick leave must be exhausted in those cases where the employee is eligible to take sick leave.

5.2 *Faculty Development Leave (Regents Rules and Regulations, Rule 30201, Section 4)*

6. University Committees

Faculty will normally be expected to serve on University committees which are appointed by the President and the Provost and Vice President for Academic Affairs. Faculty who are unavailable to serve will resign in writing to the President stating the reason for inability to serve and will not be able to count service towards promotion, tenure and annual evaluations. Teaching, research and service are expected of all faculty members.

For a list of University Committees, see Handbook of Operating Procedures, Part VI, Administrative Policies, Section 20.

7. Faculty Assembly and Faculty Senate - Constitution and By-Laws

7.1 General Authority

(From the Board of Regents' *Rules and Regulations*, Rule 40101) Subject to the authority of the Board of Regents, and subject further to the authority that the Board of Regents has vested in the various administrative officers and subdivisions of The University of Texas System, the faculties of the component institutions regularly offering instruction shall have a major role in the governance of their respective institutions in the following areas:

- General Academic Policies and Welfare
- Student Life and Activities
- Requirements of Admission and Graduation
- Honors and Scholastic Performance generally
- Faculty Rules of Procedure

7.2 The Faculty Assembly

The Faculty Assembly of The University of Texas of the Permian Basin is composed of all personnel holding an academic title as Professor, Associate Professor, Assistant Professor, Instructor, Senior Lecturer, Lecturer, Visiting Professor, Visiting Associate Professor, adjunct academic titles, and emeritus academic titles. Voting members of The Faculty Assembly are:

- 7.211 All Professors, Associate Professors, and Assistant Professors.
- 7.212 All Visiting Professors and Visiting Associate Professors who have had two semesters of service at The University of Texas of the Permian Basin. In computing a semester of service, service for two summer terms shall count as one semester. A faculty member shall have voting status only on the basis of half-time employment or more at The University.
- 7.213 All Instructors, Senior Lecturers, and Lecturers who have had four or more semesters of service in either rank at The University of Texas of the Permian Basin.
- 7.214 Such officials as are designated in the Regents' *Rules and Regulations* as being ex-officio members of all institutional faculties of The University of Texas System.
- 7.215 Such other officials as The Board of Regents, upon recommendation of the President and the Executive Vice Chancellor, may designate.

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Those faculty members designated above shall retain their voting status while on modified service but not upon full retirement.

Each voting member, of whatever rank, shall be entitled to one vote.

Nonvoting members of the Faculty Assembly shall consist of the following:

- 7.216 All Visiting Professors and Visiting Associate Professors who have served for less than two semesters.
- 7.217 All Instructors, Senior Lecturers, and Lecturers who have served for less than four semesters.
- 7.218 All individuals holding the title Professor Emeritus or Associate Professor Emeritus.

Nonvoting members have the privilege of attending meetings with the right to speak but without the right to vote.

Robert's Rules of Order shall be used for all procedures.

The Faculty Assembly shall meet at least once a year upon the call of the President, of the Faculty Senate, or by petition of 20% of the voting members of the Faculty Assembly.

The President or delegate shall be moderator and preside at all meetings of The Faculty Assembly.

The Faculty Assembly shall elect a Secretary who shall also serve as Secretary of the Faculty Senate and the Graduate Council for a term of years.

7.3 The Faculty Senate

The Faculty Senate shall exercise the authority vested in The Faculty Assembly.

7.31 Areas of Responsibility

- 7.311 Academic policy other than graduate education, which is the responsibility of the Graduate Council.
- 7.312 Student life and activities.
- 7.313 Requirements for admission, graduation, honors, or degrees, except to the extent such authority is delegated to the Graduate Council.
- 7.314 Approval of degree candidates.
- 7.315 Undergraduate curriculum development and review with recommendations going to the President or the President Designee including:
 - 7.3151 Changes in the curriculum of undergraduate major and minors;

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- 7.3152 Addition, deletions, and changes in undergraduate courses;
- 7.3153 General education requirement changes, additions, assessments, improvement, and delivery;
- 7.3154 New substantive changes in undergraduate programs as defined by the Southern Association of Colleges and Schools and/or the Texas Higher Education Coordinating Board; and
- 7.3155 Approval of bachelor degrees requiring in excess of 120 student credit hours.

7.32 Senate Membership

The Faculty Senate shall consist of faculty members elected according to the method described in the following paragraph. Members of the Senate shall hold the rank of Assistant Professor, Associate Professor or Professor, with one additional seat for a full-time Lecturer.

7.33 Election of Senate Members

Each academic department shall elect a single senator. Should a college or school have less than three departments, it shall elect a number of college or school at-large senators so that the total of departmental and at-large senators from the college or school is three. Election shall be by secret ballot in every instance in which candidates are more numerous than the positions to be filled. The faculty Assembly shall elect one full-time lecturer from any College. Members of the Senate shall be elected annually for two-year staggered terms.

7.34 Election of the President of the Senate

The Senate shall elect its own presiding officer.

7.35 Conduct of Senate Meetings

Robert's Rules of Order shall govern the conduct of the meetings.

7.36 Presidential Review and Recommendations

All actions by The Faculty Senate and The Faculty Assembly constitute recommendations to the President and are subject to the President's review. The President shall transmit to the Office of the Chancellor, with such recommendations as the President may deem appropriate, those matters requiring action of the Office of the Chancellor and/or the Board of Regents.

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7.37 Senate Committees

The Senate may establish internal standing and special committees necessary to the conduct of its business. The membership of these committees shall be appointed by the President of the Senate.

7.38 Presidential Action on Senate Recommendations

The President must take action on all legislation, resolutions, or recommendations submitted to him by the Faculty Senate within four weeks after receiving the transmittal from the Secretary, unless the matter is to go before The Faculty Assembly by direction of the Senate, by petition, or by direction of the President.

On matters requiring approval by the Office of the Chancellor and Board of Regents, the President may either send the action to the Office of the Chancellor for consideration and appropriate action or return it to the Senate for further consideration. Such action having been reconsidered by The Senate must be transmitted to the Office of the Chancellor. The President's recommendation will accompany the Senate action.

7.39 Appeal of Senate Actions

The Senate may approve, amend and approve, or reject any recommendations made to it by a College or School's faculty, or by a committee of The Faculty Assembly. In the event of rejection or fundamental amendment, the proponents shall be notified. If protest is made by 20 percent or more of the faculty within ten working days after such notification, the Senate shall submit the matter to The Faculty Assembly for decision.

7.310 Approval of Degree Candidates

The Senate may, by affirmative vote, delegate for any academic year the approval or disapproval of all candidates for degrees to the respective Deans.

7.311 Amendments to Senate Governance

Amendments to the procedures of governance contained in this document may be initiated and adopted in the following manner:

- 7.3111 Amendments may be initiated at any time by the President of the University or upon petition by 10% of the voting faculty.
- 7.3112 After an amendment has been initiated according to paragraph (7.3111) it must be transmitted in writing to the voting faculty for review and study for a period of one month before formal action on the amendment can be taken.
- 7.3113 Subsequent to compliance of the provisions outlined in paragraphs (7.3111) and (7.3112), amendments may be adopted by a 2/3 majority vote of The Faculty Assembly present and voting.

8. Staffing and Administering Graduate Programs

The overall direction for graduate education at The University of Texas of the Permian Basin is provided by the President of The University through the Provost and Vice President for Academic Affairs and the Dean of Graduate Studies and Research.

The Graduate Council advises the Dean of Graduate Studies who reports to the Provost and Vice President of Academic Affairs. The Council is composed of members of the Graduate Faculty. Each School and each Department with graduate programs will be represented in the Graduate Council by one member, except that College with graduate programs but only one Department will also have an additional at large voting member. The membership will be elected for two-year staggered terms. The Dean of Graduate Studies and Research is an exofficio nonvoting member of the Graduate Council. The Graduate Council will elect a chairman from among its voting membership to serve for a one-year period, from September 1 through August 31. The Secretary of the Faculty will serve as Secretary to the Graduate Council.

The Graduate Council will be responsible for advising the Dean of Graduate Studies regarding graduate policies and procedures. The Graduate Council will also review and make recommendations on new graduate programs and on proposed changes in any graduate program. The recommended policies and procedures will be approved by the Provost and Vice President for Academic Affairs with any exception being subject to review by the Graduate Council.

Day-to-day operation of graduate education will be vested in the Dean of Graduate Studies, who may further delegate this responsibility to Deans of the Colleges, the heads of graduate programs, or Graduate Faculty members.

8.1 *The Graduate Faculty*

Membership in the Graduate Faculty at The University of Texas of the Permian Basin includes the President of The University, the Provost and Vice President for Academic Affairs, the Assistant Vice President for Graduate Studies and Research, the Deans of the College or Schools, and the full-time faculty members from those disciplines where a graduate program exists who have met the criteria set forth below and have been approved by the Graduate Council, as well as those exceptions established by the

Graduate Council. It is the responsibility of the Graduate Council to define the criteria for appointment to the Graduate Faculty and to elect individual faculty members to the Graduate Faculty.

All graduate courses as well as those courses where graduate credit is granted must be taught by members of the Graduate Faculty. All graduate committees must be composed of at least three members of the Graduate Faculty. Exceptions to the above criteria must be approved by the Graduate Council upon recommendation of the Assistant Vice President for Graduate Studies and Research.

8.11 Appointment to Graduate Faculty

8.111 Provisional Appointment Requirements:

- 8.1111 Full Time appointment to faculty at U.T. Permian Basin
- 8.1112 Rank of Assistant Professor, Associate Professor, Professor, or Senior Lecturer
- 8.1113 Engaged in research or scholarly creative works appropriate with discipline
- 8.1114 Teaching graduate courses or in direction of graduate student research
- 8.1115 Hold the highest degree normally awarded in her/his discipline
- 8.1116 Exceptions may be made for those of appropriate equivalent rank who are involved in research and in graduate education and who are eligible as approved by the Graduate Council.

8.112 Recommendations for Appointment

- 8.1121 The recommendation should include a current curriculum vitae of the candidate and carefully enumerate how the recommended individual meets or will meet the above listed criteria.
- 8.1122 Official appointment to the University Graduate Faculty is made by the Graduate Council.
- 8.1123 New Graduate Faculty shall serve a minimum of one year in provisional status.

8.113 Regular Status Requirements

The same criteria as above, except such appointment may only occur after the provisional period has been completed.

Additional requirements:

8.1131 Term of Regular Appointment

8.11311 Appointment to regular status is a continuing appointment subject to annual review of faculty performance, to periodic review during the sixth year after appointment to regular Graduate Faculty status, and to periodic review every six years thereafter to be conducted simultaneously

8.11312 The periodic review is conducted by the Graduate Council and should include a current curriculum vitae of the candidate that carefully enumerates how the individual has met the above listed criteria for significant contribution to graduate education.

8.11313 After the periodic review, the recommendation of the Graduate Council for continuing or not continuing regular Graduate Faculty status is forwarded to the Provost and Vice President for Academic Affairs.

8.11314 A provisional Graduate Faculty member becomes a regular member of the Graduate Faculty upon receiving tenure. The term for provisional membership is up to seven years.

8.2 *Assistant Vice President of Graduate Studies and Research*

Under the direction of the Provost and Vice President for Academic Affairs, the Assistant Vice President for Graduate Studies and Research administers The University's graduate programs with the overall goal of maintaining and enhancing their quality.

Specific responsibilities include, but are not limited to, the following:

Provide academic leadership in graduate programs.

Insure the effective functioning of the Graduate Council in its policy recommending role, record and distribute Graduate Council meeting minutes, provide reminders of deadlines for elections and other actions pertaining to Graduate Studies.

Prepare graduate catalog copy for publication.

Interpret catalog statements and University policies for faculty and students.

Monitor faculty and student compliance with catalog requirements and Graduate Council policies.

Assign Graduate Faculty representatives to master's degree committees and otherwise insure propriety in the interactions of faculty and graduate students toward the completion of degree requirements.

Serve as liaison between faculty and students on diverse matters.

Serve as member of the President's Administrative Council. Attend Dean's meetings, if appropriate.

Serve on various committees in regular and ex-officio capacities.

Supervise the establishment and implementation of clerical procedures within the Graduate Studies office in accordance with established policies including: acceptance of students into master's programs, monitoring the acceptance of degree plans, insuring the fulfillment of graduate requirements, monitoring the acceptance of oral examination certification and theses/projects.

Supervise Graduate Studies office personnel in the conduct of day to day office functions.

Draft budget recommendations and implement approved budget for Graduate Studies office.

Screen and recommend personnel appointments in the Graduate Studies office.

Make recommendations on evaluation, promotion and salary for Graduate Studies office personnel.

Forward nominations to the President or his surrogate, the Provost and Vice President for Academic Affairs, for Graduate Faculty status.

Other duties as assigned by the President or the Provost and Vice President for Academic Affairs.

8.3 *Grants and Sponsored Projects Applications*

All grant applications that faculty wish to submit to companies, foundations, individuals or other entities *must* be submitted through the Office of Institutional Advancement. All sponsored research applications *must* be coordinated through the Office of Graduate Studies and Research. These two offices will work with the Business Office to ensure that all applications conform to submission requirements and to institutional and U. T. System requirements.

9. Intellectual Property Policy Regulations

The basic Intellectual Property Policy, as contained in The University of Texas System Board of Regents' *Rules and Regulations*, Rule 90101, is the policy of U. T. Permian Basin.

Rules and Regulations, Rule 90101, Rules for Intellectual Property: Purpose, Scope, Authority,
<http://www.utsystem.edu/bor/rules/90000Rule/90101.pdf>

Rules and Regulations, Rule 90102, Intellectual Property Rights and Obligations,
<http://www.utsystem.edu/bor/rules/90000Rule/90102.pdf>

Rules and Regulations, Rule 90103, Equity Interests,
<http://www.utsystem.edu/bor/rules/90000Rule/90103.pdf>

Rules and Regulations, Rule 90104, Business Participation and Reporting,
<http://www.utsystem.edu/bor/rules/90000Rule/90104.pdf>

Rules and Regulations, Rule 90105, Execution of Legal Documents Related to Intellectual Property, <http://www.utsystem.edu/bor/rules/90000Rule/90105.pdf>

Rules and Regulations, Rule 90106, Income from Intellectual Property,
<http://www.utsystem.edu/bor/rules/90000Rule/90106.pdf>

In addition OGC has several helpful guides that can be found at:

<http://www.utsystem.edu/ogc/IntellectualProperty/index.htm>

10. Work Toward an Advanced Degree by Faculty Members

See Handbook of Operating Procedures Part Three, Human Resources, Section 14.

11. Faculty Grievance Procedure

11.1 Purpose

The Faculty Grievance Procedure at The University of Texas of the Permian Basin outlines the formal hearing process for resolving certain disputes and the informal process involving the collegial resolution of disputes through all channels and levels of the University administration. It is the policy of The University of Texas of the Permian Basin to encourage fair, efficient and equitable solutions for problems arising out of the employment relationship and to meet the requirements of state and federal law. No faculty member shall be penalized, disciplined or prejudiced for pursuing a grievance or for aiding another employee in the presentation of a grievance.

11.2 Scope of Grievance Procedure

11.21 Administrative Procedure

The Administrative Procedure is available for the complaint of a faculty member concerning a decision or action that affects the individual faculty member and relates to: wages; hours of work; working conditions; performance evaluation; merit salary increase; promotion; assignment or reassignment of duties; assignment of University facilities, equipment, or support staff; reduction in salary or rank; reprimand; or the interpretation or application of a rule, regulation, or policy.

11.22 Formal Procedure

The Formal Procedure is available only after the affected faculty member has pursued a complaint to completion through the Administrative Procedure. The Formal Procedure is limited to complaints by a faculty member concerning a decision or action that affects the individual faculty member and relates to: merit salary increase; promotion; assignment or reassignment of duties; assignment of University facilities, equipment, or support staff; or reduction in salary or rank.

11.23 Matters Outside Scope of Grievance Procedure

The Faculty Grievance Procedure does not apply to decisions or actions that are reviewable pursuant to procedures provided by the Rules and Regulations or Policies of the Board of Regents, U.T. Permian Basin Handbook of Operating

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Procedures, or other approved policies or procedures of The University of Texas System. The Office of the Provost and Vice President for Academic Affairs is available to advise a faculty member concerning the appropriate procedure for addressing a particular complaint.

11.3 *Administrative Procedure*

11.31 A faculty member affected by an administrative decision or action specified in Section 11.21 should present his or her concerns to the administrator responsible for the decision or action within ten (10) work days from the date of the decision or action that is the subject of the complaint. The administrator must respond within ten (10) work days, explaining the reasons for the action. Both parties should enter into these discussions seriously, treating them as an opportunity to settle the matter.

11.32 If the faculty member's concerns are not satisfactorily resolved with the administrator responsible for the decision or action, the faculty member may, within ten (10) work days after receiving the administrator's response, elect to present the complaint to the next higher levels of administration, respectively, until the complaint has been considered by the Provost and Vice President for Academic Affairs. A response shall be provided to the faculty member at each level within ten (10) work days.

The decision of the Provost and Vice President for Academic Affairs is final unless the complaint meets the requirements for consideration under the Formal Procedure.

11.33 If the faculty member has not requested consideration of the complaint at the next administrative level within ten (10) work days from the response at the last administrative level, the response of the last administrator will be final and the complaint shall not be considered under the Formal Procedure.

11.4 *Formal Procedure*

11.41 A faculty member who has pursued a complaint to conclusion under the Administrative Procedure may initiate the Formal Procedure if the subject of the complaint is a decision or action specified in Section 11.22 and the faculty member alleges facts that, if proven by credible evidence, would support a conclusion that the decision or action was made for reasons that are unlawful under the state or federal constitution, laws, or court decisions.

11.42 The faculty member must initiate the Formal Procedure within thirty (30) days

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after the date that the Administrative Procedure was concluded by filing a written complaint with the President or the President's delegate stating the date of the final action under the Administrative Procedure, explaining the nature of the decision or action that is the subject of the complaint, and alleging the facts that are relied upon by the faculty member to prove that the decision or action was made for reasons that are unlawful under the state or federal constitution, laws, or court decisions.

- 11.43 If the President or the President's delegate determines: the complaint is not reviewable pursuant to the Rules and Regulations or Policies of the Board of Regents, U.T. Permian Basin Handbook of Operating Procedures, or other approved policies or procedures of The University of Texas System; the complaint relates to a matter specified in Section 11.22; and the facts alleged, if proven by credible evidence, would support a conclusion that the decision or action was made for reasons that are unlawful under the state or federal constitution, laws, or court decisions, the President will resolve the grievance to the faculty member's satisfaction within thirty (30) days after making such determination or initiate the process for selection of a Faculty Grievance Committee to hear the complaint.

11.5 Faculty Grievance Committee

- 11.51 The Faculty Grievance Committee shall consist of five (5) faculty members. Three (3) Committee members shall be chosen by the President from a Faculty Grievance Panel of nine (9) tenured faculty members elected by the Faculty Assembly in accordance with Section 11.52. The President shall provide written notice to the parties of the names of the three Committee members. Each of the parties to the grievance will select an additional Committee member from the tenured faculty member(s) of the Faculty Assembly or from the remaining members of the Faculty Grievance Panel.
- 11.52 The Faculty Grievance Panel shall be elected every two years during the fall semester by secret ballot of the Faculty Assembly. Prior to each election the Faculty Secretary will prepare a ballot listing all tenured faculty who have not previously notified the Faculty Secretary in writing that they do not wish to serve on the Faculty Grievance Panel. Each voting member may vote for no more than nine (9) candidates. After distributing and collecting the ballots, the Faculty Secretary will tabulate the votes and declare the nine (9) tenured faculty members who received the highest number of votes elected to the Faculty Grievance Panel. In the event of ties, additional voting will be conducted by the Faculty Secretary in order to break the tie. Panel members will serve from election to election. Any

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grievance proceeding underway at the time of election shall be completed by the Committee reviewing it. Vacancies that occur between elections will be filled by the Faculty Senate.

11.53

The Faculty Grievance Committee shall designate one of the five members to serve as Chair.

If an individual appointed to the Faculty Grievance Committee is of the opinion that he or she cannot serve with fairness and objectivity, the President will appoint a replacement. The Faculty Grievance committee shall not include anyone involved in the decision or action that is the subject of the complaint or anyone who may be a witness in the hearing.

11.54 After the President has forwarded the complaint to the Faculty Grievance committee, members of the Committee shall not seek access to any files or records related to the subject matter of the complaint and, except for communications regarding the hearing date and hearing procedure, shall not initiate or accept any communication concerning the subject matter of the complaint with the complaining faculty member, anyone involved with the decision or action, anyone acting on behalf of the complaining faculty member or on behalf of anyone involved with the decision or action, anyone involved in the Administrative Procedure, or any potential witness.

11.55 The Chair of the Faculty Grievance Committee may request that the President request the U.T. System Office of General Counsel to provide an attorney to advise the Committee.

11.6 *Pre-Hearing Procedures*

11.61 The parties to the hearing shall be the faculty member filing the complaint and the administrator(s) who made the decision or took the action that is the subject of the complaint.

11.62 The Chair of the Committee shall consult with the parties and the Committee members concerning scheduling of the hearing. The Chair will notify the parties of the date, time, and place for the hearing at least fourteen (14) work days prior to the hearing date, unless the parties agree upon an earlier hearing date.

11.63 The Chair of the Faculty Grievance Committee will provide written notice to the parties of the identity of the members of the Committee. Each party to the complaint may challenge the impartiality of any member of the Committee. A challenge must be made in writing to the Chair, must state the facts on which the

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challenge is based, and must be submitted at least three (3) work days prior to the scheduled hearing. A challenged member shall be the sole judge of whether he or she is capable of considering the evidence and determining the facts with impartiality. If a challenged member appointed by the President determines he or she cannot serve with impartiality, the President will appoint a replacement from the Faculty Grievance Panel. If the challenged member has been selected by a party to the grievance, that party has the right to select a replacement according to the criteria specified in section 11.51.

- 11.64 Neither the parties, nor their representative shall contact members of the Committee concerning the subject matter of the complaint during the pendency of the grievance process.
- 11.65 At least five (5) work days prior to the hearing date, each party shall provide the Chair the names of the witnesses that they intend to have testify and a list of each document, record or exhibit that they intend to offer as evidence at the hearing. The Chair will provide copies of each list to each party as soon as possible after receipt.

11.7 *Hearing Procedures*

- 11.71 Parties may proceed at the hearing either in person or through a representative of choice. If the grievant is represented by counsel, the Office of General Counsel may represent the administrator(s).
- 11.72 Hearings are controlled by the Chair. All procedural questions and objections regarding testimony and exhibits are to be directed to and ruled upon by the Chair. Parties or their representatives may speak only after recognition by the Chair.
- 11.73 The burden of proof is upon the faculty member to establish by the greater weight of the credible evidence that the decision or action in question was made for reasons that are unlawful under the state or federal constitution, laws, or court decisions.
- 11.74 Parties have the right to testify, to submit relevant documents, and to present testimony of witnesses. Faculty Grievance Committee members may also question witnesses who testify. A party shall have the right to cross-examine the witnesses of the other party.
- 11.75 Hearings shall be conducted as a personnel hearing, closed to persons other than the parties, their representatives, witnesses who are testifying, Faculty Grievance

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Committee members, and the person recording the hearing.

- 11.76 A tape recording shall be made of the hearing under the supervision of the Chair. The recording and exhibits admitted into evidence during the hearing shall be the official record of the hearing, Parties may have access to the official record and will be provided a copy at cost. Access by other individuals is only as required by the Texas Public Information Act.

11.8 Recommendation and Decision

- 11.81 The Faculty Grievance Committee shall consider whether the faculty member has proven by the greater weight of the credible evidence that the decision or action was made for reasons that are unlawful under the state or federal constitution, laws, or court decisions.
- 11.82 Within ten (10) work days after completion of the hearing, the Faculty Grievance Committee shall make written findings and recommendations to the President based solely upon the testimony and documents admitted as evidence at the hearing. The findings and recommendations shall be forwarded to the President with the official record of the hearing.
- 11.83 The written decision shall contain finding(s) of fact, identify evidence which supports such findings, and make a recommendation for disposition of the grievance.
- 11.84 The President will review the official record and the findings and recommendations of the Faculty Grievance Committee. Based upon the official record, the President may approve, reject, or modify the findings and recommendations of the Faculty Grievance Committee or may reach different conclusions. The decision of the President shall be communicated in writing to the parties within thirty (30) days after receipt of the recommendations. The decision of the President is final.

11.9 Retention Policy

The decision of the President and the official record of the hearing will be filed with the Faculty Assembly Secretary and retained for the period required by the University Records Retention Policy.

The written complaint and all decisions or responses shall be retained in the personnel file of the faculty member and shall be disclosed to the public only as authorized or required by the Texas Public Information Act.

12. Abandonment of Academic Positions or Programs

Regents Rule 31003, abandonment of academic positions or programs must be interpreted in the light of Rule 40101 which gives faculty a “major role” in regard to “general academic policies and welfare” and related matters and in the light of the further provisions that assign these faculty responsibilities to the faculty governance organization and require that the organization and procedures of the governance organization be set out in the university Handbook of Operating Procedures and subject to governance review and approval.

- Sec. a **President’s Responsibility.** The president is responsible for determining when to eliminate occupied academic positions filled by a tenured faculty member, the titles of which are given in the Regents’ *Rules and Regulations*, [Rule 31001](#), or abandon academic programs or both, subject to approval by the Executive Vice Chancellor for Academic Affairs. The decision of the president shall include full and meaningful faculty input as outlined in Regents Rule 31003 and in this section.
- Sec. b **Elimination for Academic Reasons.** An academic program under consideration for abandonment or an occupied academic position that is under consideration for elimination for bona fide academic reasons should be reviewed in depth through the procedure specified below and in Regents Rule 31003. Neither the procedures specified in Regents Rule 31008, concerning termination of a faculty member, the notice requirements of Regents Rule 31007, Section 5, concerning tenure, nor Regents Rule 31002, Sections 1 and 2, concerning notice of nonrenewal to non-tenured faculty members, shall be applicable. A bona fide academic review should take into account the overarching principles considered when approving an academic program: mission, quality, and efficient use of resources (Regents Rule 40307) and bona fide academic reasons for eliminating a program or position include but are not limited to:
- Failure to meet regional accreditation standards;
 - Failure to meet professional accreditations standards;
 - Inability to hire qualified faculty;
 - Failure to meet the low-producing program criteria of the Texas Higher Education Coordinating, the UT System, or HOP policy;

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- Continuing history of small classes;
- Inability to meet recommendations of external program reviewers for achieving a standard of quality judged comparable to similar programs at institutions with similar missions and size as UT Permian Basin.
- A change in approved academic mission, emphasis or strategic direction
- Failure of program to meet established budget policies of the university
Resource constraints that necessitate academic program or position reduction or elimination.

Notification. Tenured faculty in a program that is under consideration for abandonment or in an academic position that is under consideration for elimination will be notified in writing by the Provost and Vice President for Academic Affairs at least 30 working days prior to any final decision being made to eliminate the program. A copy of the notification will also be submitted to the Faculty Senate President. The tenured faculty will have 10 working days to submit written comment on the proposed elimination to the Provost in the role as chair of the Budget and Planning Committee and to the Faculty Senate President. The Faculty Senate will have 20 working days from the receipt of the Provost's notification to submit a comment to the Budget and Planning Committee.

Supporting Rationale. Upon completion of the review process, the Budget and Planning Committee shall submit a recommendation with supporting rationale to the President with copy to the tenured track faculty in the program and the Faculty Senate President accompanied by the recommendations of the Senate and the tenured faculty. The Provost and Vice President for Academic Affairs may concur with the Committee or submit a separate recommendation and rationale to the President, the tenured faculty and the Faculty Senate.

Review by Executive Vice Chancellor. If the president determines that an academic program or occupied academic position should be abandoned, a request for approval with supporting documentation will be forwarded to the appropriate Executive Vice Chancellor.

Appeal Procedures. The "**Hearing Committee—Academic Reasons**" (HC-AR) [Section 12.4] The president shall appoint a hearing committee comprised of five tenured faculty members, at least two of whom shall be selected by

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the university president from a slate of four tenured faculty members selected by the Faculty Senate. The President will appoint one of the five to serve as chair. Within 30 days from the date of notice of termination, a faculty member shall have the right to appeal to the hearing committee for reconsideration of the termination decision. The appeal for reconsideration shall be in writing and addressed to the president of the institution. A faculty member who appeals to the hearing committee (the appellant) shall be given a reasonably adequate written statement of the basis for the initial decision to reduce academic positions and, upon request of the person, shall be given any written data or information relied upon in arriving at such decision. The hearing committee shall conduct the hearing in accordance with the following conditions and procedures:

- a) The hearing committee shall set the date, time, and place for hearing the appeal for reconsideration. Such hearing shall be held within 30 days of the date of the written request unless the appellant waives such time requirement; however, such hearing shall be held within 90 days from the date of the request.
- b) The hearing will be closed to the public unless requested to be open by the appellant.
- c) The appellant may be represented by legal counsel at his or her expense.
- d) The appellant and the institution may offer any written evidence or oral testimony that is material to the issues.
- e) The burden shall be upon the appellant to show by a preponderance of the credible evidence that the decision to terminate the appellant as compared to another individual in the same discipline or teaching specialty was arbitrary and unreasonable based upon the evidence presented.
- f) No other issues shall be heard or considered by the hearing committee.

Establishment of Date. The date for abandoning or phasing out an academic program should take into consideration the time required for anticipated

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completion by students currently enrolled or for facilitation of their placement in acceptable alternative programs.

Requests for Reassignment. The administration will notify tenured faculty in the program to be abandoned and ask each faculty member to inform the president or designee, in writing, of the faculty member's request for reassignment to other academic program(s) and to provide details of their qualifications for appointment to such academic program(s).

Employment Alternatives. The president or designee will meet individually with tenured faculty who respond to discuss possible employment alternatives to termination.

Non-retention. If the decision is not to retain, the president or designee will send a written response stating reasons for non-retention.

Displacement. If retention of a tenured faculty member results in displacement of a tenured faculty member in another program, the displaced faculty member is entitled to the above procedures.

Benefit Information. Any faculty member whose employment is terminated pursuant to this Subsection shall be informed of applicable benefits available upon termination, such as retirement, accrued leave, and opportunity to continue insurance coverage.

“Employment Assistance” as specifically laid out in the Regents’ Rule 31003, Section 2.11 (page 3). “Employment Assistance. U. T. System institutions shall provide appropriate assistance to affected faculty members concerning available alternative employment opportunities.

12.1 Elimination Due to an Institutional Financial Exigency.

When such reductions are necessary as a result of financial exigency, the procedure for the selection and notification of those academic positions that are to be terminated shall be governed by this Section and the institution’s *Handbook of Operating Procedures*. Neither the procedures specified in [Rule 31008](#) of the Regents’ *Rules and Regulations* concerning termination of a faculty member, nor the notice requirements of [Rule 31007](#), Section 5 concerning tenure, or [Rule 31002](#), Sections 1 and 2, concerning notice of nonrenewal to nontenured faculty members, shall be applicable.

Initial declaration of Financial Exigency

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Financial exigency is an imminent financial crisis that threatens the survival of the institution as a whole and that cannot be alleviated by less drastic means than termination of tenured faculty. Whenever there is reason to anticipate that the University is sufficiently threatened by financial exigency, , the President at the earliest date possible shall inform the Faculty Senate and all potentially affected budgetary units of the problem.

The President shall consult with the Senate and the concerned budgetary units to determine the nature and seriousness of the problem, the most appropriate of the possible courses of action to be taken, and the means of safeguarding faculty rights and interests, including tenure rights. Alternative courses of action, other than reducing faculty, shall be considered. If reductions of faculty are unavoidable, The University shall make every reasonable effort to reassign affected faculty members to other suitable work and to aid them in finding other employment.

On the basis of these deliberations, the President shall write an Initial Declaration of Financial Exigency (IDFE) giving the extent and scope of the emergency and the general approach to be taken to respond to it.

Consultation with the Senate

The President shall submit the Initial Declaration of Financial Exigency to the Senate for advice. This may, but need not result in a joint Senate-Presidential Exigency Plan. The joint Plan should include the formation of committees and or other consultations with the Faculty Senate (see item 2 and 6 below) “composed of faculty and administrative personnel to make recommendations to the president as to which academic positions and/or academic programs should be eliminated as a result of the financial exigency” in accordance with rule 3.1, as well as the general criteria the committee should apply in making its recommendations.

Committee Recommendations. Upon determining the existence of financial exigency and the need to reduce academic positions or academic programs, or both, the president of an institution shall appoint a Financial Exigency Committee. (FEC) composed of faculty and administrative personnel to make recommendations to the president as to which academic positions and/or academic programs should be eliminated as a result of the financial exigency. The FEC committee will be comprised of at least

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seven members, and at least four of the members will be tenured faculty members, selected by the university president from a slate of eight tenured faculty members selected by the Faculty Senate. This FEC should be informed by the individual academic units of The University, who will make the initial recommendations regarding program and position mergers, suspensions, or eliminations, following the guidelines set forth by the Board of Regents.

Assessment of Academic Program. The FEC will provide a written report of its analysis of programs to the President, which shall be submitted to the Senate for review and response before recommendations are made for specific positions to be eliminated. The FEC shall consider and may offer advice on all avenues by which terminations of faculty members can be avoided or minimized, and, as well, by which the negative effects of any necessary terminations can be mitigated. Unless an extension is approved by the President, the FEC shall complete its work in a period of time no longer than 60 days and the Senate shall complete its review and response in no longer than 10 days. The review will include, but not be limited to, as relevant:

- (a) an examination of the course offerings, degree programs, supporting degree programs, teaching specialties, and semester credit hour production;
- (b) an evaluation of the quality, centrality, and funding of research activities; and/or (c) an assessment of the productivity, community service, and quality of clinical services (in relation to teaching, health care delivery, and scholarly activity).

Review Consideration. Upon determining that one or more academic positions in a degree program or teaching specialty should be eliminated, the committee will recommend to the president, in writing, the particular position or positions to be terminated after reviewing the academic, research, and clinical qualifications and talents of holders of all academic positions in those degree programs or clinical or academic teaching specialties, the needs of the program and the needs of the school or college they serve, past performance, and the potential for future contributions to the development of the institution. Tenure status of a faculty member shall not be a consideration in the determination of whether a particular position should be eliminated except as permitted in Section

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3.4 below. If other officers of the university, such as deans or program chairs, are involved in identifying individuals whose appointments are to be terminated, the process for obtaining these recommendations should be described in the report. The FEC will have available the personnel records of those being considered including current curriculum vitas, annual reports, promotion committee reports and recommendations, and results of periodic performance reviews. It will have access to full personnel files. Faculty whose positions would be jeopardized by the proposed actions will be provided the opportunity to contribute meaningfully to the FEC's review process, including the ability to respond in writing to the recommendations.

Tenure Preference. If, in the opinion of the committee, two or more faculty members are equally qualified and capable of performing the same teaching, research, and/or clinical role, the faculty member or members having tenure shall be given preference over non-tenured faculty. However, if such faculty members have the same tenure status and equal qualifications, consideration will be given to other documented needs of the institution.

Recommendation. Upon completion of its review, the committee shall promptly recommend in writing to the president those persons who may be terminated, ranked in order of priority, with the reasons for their selection. The president shall, after consultation with institutional administrative officers as the president may deem appropriate, determine which academic positions are to be terminated because of the financial exigency and shall give the holders of these positions written notice of the decision.

Notification of Vacancies. Any person terminated due to financial exigency will be notified when a vacancy occurs in the same institution in their field of teaching. For three years after termination, the terminated faculty member shall have right to first consideration as specified in Regents' Rule 31003 section 3.6. If such person makes timely application and is qualified for the position to be filled, they shall be offered employment in that position. If the vacancy is in a field of teaching in which two or more persons have been terminated because of financial exigency, all will be notified of the vacancy and of those so notified and

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making timely application, employment will be offered to the person who is the better qualified for the position to be filled.

Hearing Committee—Financial Exigency (HC-FE) The president shall appoint a hearing committee comprised of five tenured faculty members, with at least one from each college or school. At least two of the committee members of the HC-FE will be appointed from a list of four candidates selected by the Faculty Senate. One HC-FE member may be selected by the faculty member who appeals to the hearing committee (the appellant). The purpose of the HC-FE is to hear any appeals for reconsideration of termination decisions based upon financial exigency. The President shall appoint one of the five members as chair. Within 30 days from the date of the notice of termination, a faculty member shall have the right to appeal to the HC-FE for reconsideration of the termination decision. The appeal for reconsideration shall be in writing and addressed to the president. The appellant shall be given a reasonably adequate written statement of the basis for the initial decision to reduce academic positions and, upon request of the person, shall be given all written data or information relied upon in arriving at such decision.

Appeal Procedures. The hearing committee shall set the date, time, and place for hearing the appeal for reconsideration. Such hearing shall be held within 30 days of the date of the written request unless the appellant waives such time requirement; however, such hearing shall be held within 90 days from the date of the request. The hearing committee shall conduct the hearing in accordance with the following conditions and procedures.

- a) The hearing will be closed to the public unless requested to be open by the appellant.
- b) The appellant may be represented by legal counsel at his or her own expense.
- c) The appellant and the institution may offer any written evidence or oral testimony that is material to the issues.
- d) The burden shall be upon the appellant to show by a preponderance of the credible evidence that:

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- 1) Financial exigency was not in fact the reason for the initial decision to reduce academic positions; or
- 2) The decision to terminate the appellant as compared to another individual in the same discipline or teaching specialty was arbitrary and unreasonable based upon the evidence presented; or
- 3) the criteria established in the exigency plan were not properly and fairly applied to the individual case and that the failure to properly and fairly apply the criteria clearly disadvantaged the appellant compared to other individuals in the same discipline or teaching specialty who were considered for termination.

No other issues shall be heard or considered by the hearing committee.(g)The hearing committee shall make written findings of fact and recommendations to the president of the institution as soon as practical following the hearing. The president shall have the final decision to either accept or reject the recommendation of the hearing committee.

The employment of a tenured faculty member who is to be terminated under this policy shall end no sooner than the end of the current academic year of appointment; the person shall be given a reasonable time to close down their research or other such facilities in a non-destructive way.

No Concurrent Replacements

If appointments are terminated, the University will not at the same time make new appointments into the same subject area or specialization except in extraordinary circumstances where a serious distortion in the academic program would otherwise result. That is, a tenured faculty member or a more senior faculty will not be terminated only in order for the University to replace him or her with a new person in the same subject area or specialization at lower pay.

Institutional policies and procedures implementing this Rule shall be approved in accordance with applicable Regents' Rules (including [Rule 20201, Sec. 4.9](#)) and placed in each institution's *Handbook of Operating Procedures*.

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Definitions

Financial exigency: a demonstrably bona fide financial crisis that adversely affects an institution as a whole and that, after considering other cost-reducing measures, including ways to cut faculty costs, requires consideration of terminating appointments held by tenured faculty.¹

¹ Includes faculty holding seven-year term appointments during the term of their appointments, (see Regents' [Rule 31007, Sec. 2](#)).

13. ENDOWED/NAMED APPOINTMENTS

The purpose of this policy is to define the guidelines and procedures for appointments to endowed or named positions, including candidate qualifications. An endowed academic position is a faculty position (chair, professorship, fellowship) supported by an endowment from which distributions are dedicated to salary supplementation, research support, or other professional needs of the faculty member. (See The University of Texas System Board of Regents' Rule 60202).

13.1 Selection

- 13.11 The University, subject to budgetary restrictions and academic needs, will make the filling of endowed or named positions a hiring priority.
- 13.12 The availability of endowed or named positions shall be communicated to prospective applicants through normal university search procedures. These advertisements shall include information about the purpose of the endowment, eligibility requirements and expectations of endowment holders, as well as application procedures.
- 13.13 In consultation with the Faculty Senate an ad hoc Endowed Appointment Committee will be appointed by the Provost, subject to approval of the President, to review and recommend candidates for appointment to endowed/named positions. The committee shall include at least four UTPB full and/or associate professors and may include one non-UTPB senior faculty member. In addition, the Executive Director of Development will appoint a liaison to the committee for the purpose of ensuring that the terms of the donative agreement are understood by committee members.
- 13.14 The committee shall submit to the Provost its recommendation which will include a current resume of the candidate and a written justification for the appointment, including a description of how the candidate meets the qualifications and/or restrictions which the donor may have specified. The committee's recommendation, along with the Provost's recommendation, will be submitted to the President for review and approval.
- 13.15 Endowed position searches may be restricted to current faculty if internal candidates exist with the appropriate qualifications. In cases where an external

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faculty search is conducted to fill an endowed position there must be an available faculty budget line to support the hire. In these cases, established faculty search procedures will be followed. In order to be eligible to receive an endowed position an external candidate recommended by a hiring committee must also be evaluated and recommended by the Endowed Appointment Committee in accordance with the procedures specified in 13.14.

13.2 *Candidate Qualifications*

13.21 In order to be considered for an endowed or named academic position, a candidate must:

13.211 Currently be, or be eligible to be a faculty member at the rank of Associate Professor or Professor at UT Permian Basin.

13.212 With the exception of candidates for fellowships, (who may be of any academic rank irrespective of tenure status), hold or be eligible for, the rank of Associate Professor or Professor.

13.213 Have a distinguished record of professional accomplishment.

13.214 Meet the criteria established by the donor.

Additional criteria may be established with the approval of the president as long as they remain consistent with the donor's intent.

13.3 *Appointments*

13.31 All appointments to the faculty and to endowed/named positions will be made by the President. No initial appointment will be made to an endowed or named academic position without prior approval as a Request for Budget Change by the President after review and approval by the appropriate Executive Vice Chancellor.

13.32 With the approval of the President, individual college/schools may limit the number of terms that an individual may hold an endowed or named position.

13.33 Appointment to an endowed or named position is separate from appointment to the faculty. A decision to award tenure to the current or prospective holder of an

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endowed or named position affects only the regular faculty appointment; it does not imply a commitment for continuance in the endowed or named position.

13.34 As a condition of continued appointment, by November 15 all holders of endowed professorships/chairs shall submit an annual report through the department chair and dean to the Provost and to the Executive Director of Development. This report shall consist of two parts:

13.341 a brief accounting of how the funds (if any) were used during the preceding fiscal year and

13.342 a report of activities/accomplishments in the preceding year.

13.4 *Review and Reappointment*

13.41 All appointments to endowed or named professorships, and fellowships shall be renewable term appointments. The initial appointment shall be for a period of two years, subsequent appointments shall be for a period of four years. A review and recommendation concerning the reappointment of the incumbent will take place in the fall of the last remaining year of the appointment.

13.42 By October 1 of the last remaining year of the appointment, holders of endowed positions seeking renewal of their appointment shall submit an updated resume and a summary report of their activities related to the endowment through the department chair and dean to the Provost. This report shall consist of two parts:

13.421 a brief accounting of how the funds (if any) have been used during the preceding years under review.

13.422 a report of activities/accomplishments in the preceding years under review.

13.43 The endowment holder's updated resume and report will be submitted to the Endowed Appointment Committee. The committee shall include at least four UTPB full and/or associate professors and may include one non-UTPB senior faculty member. In addition, the Executive Director of Development will appoint a liaison to the committee for the purpose of ensuring that the terms of the donative agreement are understood by committee members.

13.44 By November 1, upon its review and evaluation of the endowment holder's resume and summary report, the committee shall submit to the Provost a recommendation concerning the reappointment of the incumbent. The recommendation shall include a

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description and assessment of the incumbent's activities in relation to the expectations of the endowment.

13.45 By December 1, the Provost shall submit the incumbent's resume, the summary report, the Endowed Appointment Committee's recommendation, and the Provost's recommendation to the President who shall determine whether the individual is to continue in the endowed position and shall notify the individual of the decision by the end of the fall of the last remaining year of current appointment.

13.5 Fiscal Policies

13.51 Subject to conditions or restrictions required by the donor(s) and consistent with guidelines approved by the Board of Regents for the endowment of a chair or professorship, distributions from the endowment will be used to supplement the salary of the candidate who is selected to hold the position and to provide professional support for the position. Endowment distributions may not be used to supplant any other source of funds for payment of the base salary of a holder who is performing regular faculty duties (See The University of Texas System Board of Regents' Rule 60202).

13.52 Signature authority for expenditure accounts for endowed or named positions shall be given only to the recipient and the Provost and Vice President for Academic Affairs or the President. Normal approval routing for all expenditures will continue to exist.

13.53 When an incumbent leaves the position, the Provost shall be responsible for notifying the Executive Director of Development, who will then delete the signature authority for that individual. Except with the joint concurrence of the Provost and the Executive Director of Development and only to the extent allowed by the donative instrument, funds will not be expended if a position is vacant.

13.6 Responsibility for Maintenance of Records

A list of all endowed chairs/professorships, including the purpose and any qualifications and restrictions designated by the donor, and their incumbents will be maintained by the Executive Director of Development.

13.7 Routine Audit

All endowments for academic positions will be subject to periodic audit.

14. Periodic Performance Evaluation of Tenured Faculty

14.1 Annual Review

14.11 Every School or College shall conduct an annual review of all full-time faculty. It is the responsibility of each School or College to determine how this review will be conducted. As part of this annual review, faculty members shall provide an annual report including evidence of teaching effectiveness, scholarly productivity, service and other professional or creative activities. As a result of this annual review, each faculty member shall receive written evaluations from their Departmental Chair (where applicable) and Dean.

14.12 The annual review process is intended to be the mechanism for identifying faculty who do not meet minimum performance expectations for teaching, scholarship, and service. Through the use of the annual review, the faculty member should have the opportunity to correct any deficiencies that may influence the post tenure review.

14.2 Additional Evaluation of Tenured Faculty

The following policy satisfies the U.T. System Regents' requirement for periodic performance evaluation of tenured faculty (hereafter referred to as post tenure review) at The University of Texas of the Permian Basin. Guidelines are contained in the U.T. System Board of Regents' *Rules and Regulations* Rule 31102. Tenured faculty will be reviewed every six years. (The six year review is to be a historical assessment of the faculty member's performance, while the annual review is strictly for the achievements of that particular year.) Written individual notice of at least six months will be provided by the Dean. Notice must be given in the spring of the academic year for review in the fall of the academic year. This notice will include a list of the materials which the faculty member will be required to submit or arrange to have submitted:

Copies of the last six annual reports.

Student course evaluations.

Copies of written annual evaluations from the departmental Chair (where applicable) and the Dean for the review period, these evaluations to be provided to the faculty member by the Dean's office.

A current curriculum vitae.

A summary statement of teaching, scholarship, administration.

Service accomplishments for the past six years.

In addition, the faculty member may provide a statement of professional goals, a proposed professional development plan, and any other materials the faculty member deems appropriate. The faculty member will submit these materials to the PTR (Post Tenure Review) committee.

14.3 Post Tenure Review Committee

14.31 The six year review will be carried out by a standing University committee elected by the Faculty Assembly for staggered two year terms. Committee members may not be scheduled for post tenure review and, if possible, should not serve on tenure, promotion, and retention or annual faculty review committees for the duration of their term. The Post Tenure Review Committee shall consist of six members. One member will be elected from each school or college. Two at large members and an additional at large member who will serve as an alternate will be elected by the Faculty Assembly. The alternate will attend all meetings of the committee. The members and alternate must be tenured associate or full professors. At its first meeting, the Post Tenure Review Committee shall elect its own chair who will be a voting member of the committee.

14.4 Procedures

14.41 Post tenure review of the faculty members shall be conducted by the Post Tenure Review Committee and the Dean independently. The faculty member will be provided with an opportunity to meet with the committee.

14.42 The Chair of the Post Tenure Review Committee shall communicate to the faculty member in writing a preliminary report of the committee's recommendation with regard to post tenure review. The faculty member will have an opportunity to respond in writing to the committee's report. Faculty will be allowed to respond to the Post Tenure Review Committee within two weeks of receipt of the preliminary report, prior to the preparation of the final report, and will be given the opportunity to add additional material if so desired. The committee's final report will be forwarded to the Dean and the faculty member.

14.43 The Dean shall inform the faculty member, in writing, of his or her recommendation with regard to post tenure review. The faculty member will have an opportunity to respond in writing and in person to the Dean.

14.44 If the Dean and the Post Tenure Review Committee conclude that the faculty member is meeting his or her academic responsibilities, the dean

shall then inform the Departmental Chair (where applicable), the Provost and Vice President for Academic Affairs and the President, and the current review process shall end.

- 14.45 If the Dean and/or the Post Tenure Review Committee conclude that the faculty member is not meeting his or her academic responsibilities, then both recommendations shall be forwarded to the Provost and Vice President for Academic Affairs and the President for review and appropriate action, and the Departmental Chair (where applicable) shall be informed.

14.5 Outcomes

- 14.51 For individuals found to be performing well, the post tenure evaluation may be used to determine nomination for awards or other forms of performance recognition.
- 14.52 For individuals whose performance indicates they would benefit from additional institutional support, the evaluation may be used as evidence of a need for such support (e.g. teaching effectiveness assistance, counseling, or mentoring in research/service expectations).
- 14.53 If a faculty member is so deficient in meeting his or her comprehensive academic responsibilities that termination is considered, such action must be only for incompetency, neglect of duty, or other good cause shown and must be conducted in accordance with the due process requirements of the Regents' *Rules and Regulations* Rule 31008.

14.6 Variances

The evaluation may not be waived but may be deferred if a faculty member is promoted, appointed, or reappointed to an endowed position, this type of evaluation serves as a six year review. A faculty member may appeal to his or her Dean to have the review delayed due to special circumstances not covered in the above statement.

14.7 Monitoring

It shall be the charge of the Faculty Affairs Committee of the Faculty Senate to review this process and report its findings annually to the Faculty Senate, the Provost and Vice President for Academic Affairs and the President. If its findings warrant, the committee shall recommend revisions of these procedures.