



College of Osteopathic Medicine
SAM HOUSTON STATE UNIVERSITY

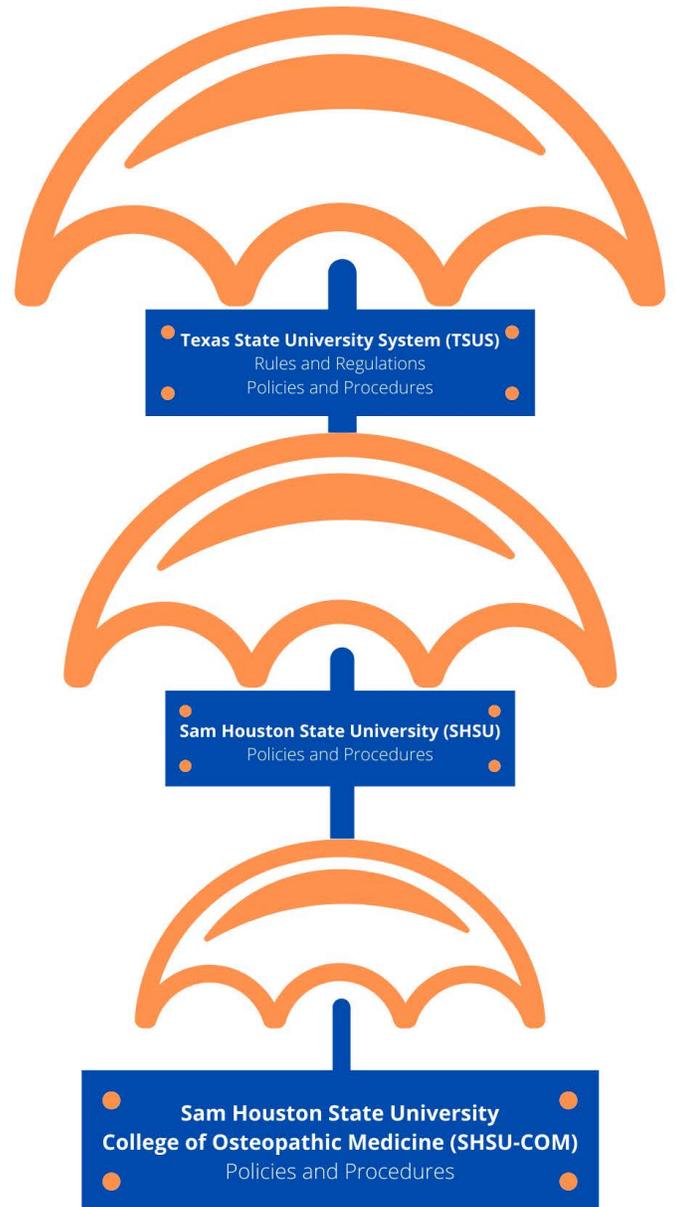
Element 7.2: Faculty Approvals at All Teaching Sites

- **7.2-1 Supporting Documentation**
 - Terms of Appointment and Faculty Approvals
 - TSUS Rules & Regulations, Chapter V, Sec 4.1 – [link](#)
 - SHSU Academic Policy Statement 800114 (Academic Instructional Staffing) – [link](#)
 - SHSU Academic Policy Statement 900417 (Faculty reappointment, tenure and promotion) – [link](#)
 - SHSU-COM Preceptor Credentialing Policy – [link](#)

Faculty Appointment and Advancement

The Sam Houston State University College of Osteopathic Medicine (SHSU-COM) is the 8th College of the University. Since SHSU is a member of the Texas State University System (TSUS), there are TSUS level policies and procedures, SHSU level/institutional policies and procedures, and SHSU-COM level policies and procedures. Therefore, the policies and procedures have been adopted, updated, and/or developed for the SHSU-COM faculty.

Included below are clear policies and procedures for faculty appointment, credentialing, renewal of appointment, promotion, granting of tenure, and remediation. Each faculty member will be provided with written information about his or her term of appointment, responsibilities, lines of communication, privileges and benefits, performance evaluation and remediation, terms of dismissal, and due process.



THE TEXAS STATE UNIVERSITY SYSTEM



RULES AND REGULATIONS

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

Adopted September 1, 1980
Amended November 18, 2022

CHAPTER V. COMPONENT EMPLOYEES

1. COMPONENT EMPLOYEES.

1.1 Definitions.

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

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

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

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

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

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

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

- 1.131 Each contract must include a provision permitting its termination for cause (as defined in the contract) without penalty.
- 1.132 An employee under such a contract may be reassigned to other duties within the Components, retaining his or her base salary for a period not to exceed one (1) year, after which he or she shall be compensated until the contract expires at a rate not to exceed the salaries of other similarly situated employees. If the compensation for the contract is paid from non-appropriated funds, Components may include contract buyout terms in lieu of a reassignment provision.
- 1.133 If an employee is also provided a concurrent teaching appointment, the System's *Rules and Regulations* related to faculty will govern the teaching appointment.

2. GENERAL.

2.1 Employment.

- 2.11 Non-Discrimination Policy. The Texas State University System, including its Components, is an equal opportunity/- affirmative action employer and complies with all applicable federal and state laws regarding non-discrimination and affirmative action, including *Title IX* of the *Education Amendments of 1972* and *Section 504* of the *Rehabilitation Act of 1973*. The Texas State University System, including its Components, is committed to a policy of non-discrimination and equal opportunity for all persons regardless of race, sex, color, religion, national origin or ancestry, age, marital status, disability, sexual orientation, gender identity, or veteran status, in employment, educational programs, and activities and admissions.
- 2.12 Hiring and Promotions.
 - 2.121 The President or other administrative officers of the Component will investigate thoroughly the character, integrity, scholastic attainment, and other qualifications of prospective members of the administration before exercising any delegated authority for making appointments.
 - 2.122 Each Component may require a physical examination, performed by qualified medical personnel approved by the Component, of applicants to be employed. The expense of the examination will be paid by the Component.
- 2.13 Terminations. The Components shall retain and submit to the System Administration specific reports on terminations of all full-time employees as requested by the System Administration.

- 2.131 The Board of Regents or the President of the Component may suspend without prior notice or hearing and immediately remove from the Component any employee whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the Component. The President shall as soon as possible notify the Vice Chancellor and General Counsel of such action. In such cases, the President will set a hearing before the appropriate administrator or committee on the employee's case as soon thereafter as is practicable unless otherwise waived by the employee.
- 2.132 Employees, including both faculty and staff, shall be subject to discipline and/or dismissal for violating Component policy relating to electronic network facilities such as local area networks and the Internet. Nothing herein shall be construed in derogation of the Board's employment-at-will policy.
- 2.133 Any employee of any Component of the System, including any member of the administration or faculty, who, acting either singly or in concert with others, obstructs or disrupts, by force or violence, any teaching, research, administrative, disciplinary, public service, or other activity authorized to be held or conducted on the campus of a Component of the System, shall be subject to dismissal as an employee. As used in this *Subparagraph*, the words "force or violence" include but are not limited to such acts as "stand-ins," "sit-ins," and "lie-ins" when such acts are in fact obstructive or disruptive of any of the authorized activities listed above.
- 2.134 Every employee is expected to obey all Federal, State, and local laws, particularly *Texas Penal Code, Section 42.01* and *42.05* (Disorderly Conduct and Disrupting Meeting or Procession) and *Texas Education Code, Section 37.123* and *37.125* (Disruptive Activities and Exhibition of Firearms). Any employee who violates any provision of these four statutes is subject to dismissal as an employee notwithstanding any action by civil authorities on account of the violation.
- 2.135 The minimum standards of individual conduct required by the penal statutes of Texas or the United States are both expected and required of every employee of the System and its Components. Any employee who violates the minimum standards of conduct required by any penal statute of Texas or the United States is subject to dismissal as an employee regardless of whether any action is taken against the employee by civil authorities on account of such violation.

- 2.136 If action for dismissal of an employee is taken, the appropriate administrative officer shall proceed with the action in the same manner as would be the case of a violation by an employee of any other provision of these *Rules and Regulations* or a provision of the faculty or staff handbook of the Component.
- 2.14 Grievances. Each Component may establish a process consistent with this *Subparagraph* for grievances concerning an employee's wages, hours of work, or conditions of work. Such grievance process shall not involve formal hearings. If a Component does not have a grievance process as provided herein, the Component shall use this grievance process, except for grievances pursuant to *Subparagraphs 4.4 and 4.5* of this *Chapter*.
- 2.141 Process. Every employee of each Component, individually or through a representative that does not claim the right to strike, shall be entitled to present grievances concerning such employee's wages, hours of work or conditions of work to a hearing officer designated by the President. Such grievances shall not involve formal hearings.
- 2.142 Grievances involving allegations of discrimination. At Components that have an office specifically charged with hearing claims of discrimination, the hearing officer shall refer such claims to that office. At Components that do not have an office specifically charged with hearing claims of discrimination, if the hearing officer finds that the grievant has established a *prima facie* case of discrimination, the hearing officer shall provide the administration an opportunity to respond to the claims and determine whether the administration has stated a nondiscriminatory reason for its decision. A *prima facie* case is one presenting facts or documents that, so far as can be judged from first disclosure, would create a presumption of validity in the absence of response, contradiction or rebuttal by the Component. Unsubstantiated allegations shall not be sufficient to establish a *prima facie* case. The President or his or her designee shall make the final decision regarding a grievance involving an allegation of discrimination.
- 2.143 For all matters involving sexual misconduct, the Texas State University System Sexual Misconduct Policy controls.
- 2.2 Appointment of Relatives (Nepotism Rule).
- 2.21 Each appointment of an employee at a Component, whether on a full-time or part-time basis, shall be made solely with regard to the special fitness of the appointee subject to applicable statutes and subject also to the provisions of this *Paragraph* of the System's *Rules and Regulations*.

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

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

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

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

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

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

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

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

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

2.3 Retirement and Recognition of Service.

- 2.31 Retirement Programs. The Board of Regents authorizes each Component in the System to make retirement programs available to each eligible employee through the Teacher Retirement System of Texas, or the Optional Retirement Program, and tax sheltered annuities as authorized by statute.
- 2.32 Requirements of the Optional Retirement Program.
 - 2.321 Company Qualifications. Each Component will design its specifications for companies to qualify as Optional Retirement Program vendors on that Component's campus. The Board of Regents must approve those specifications. Thereafter, the Component's President (or the President's designee) may authorize any insurance or investment company qualified and admitted to do business in this State to offer an ORP on the Component's campus. Any program offered is subject to compliance with statutory provisions, the prescribed *Rules and Regulations* of the Texas Department of Insurance, the State Securities Board, the Texas Higher Education Coordinating Board, and the requirements of the Board of Regents.
 - 2.322 Contributions. Employee and State contribution rates for the Optional Retirement Program and Teacher Retirement System shall comply with law.
 - 2.323 Tax Considerations. Whether or not the employer's and/or employee's contributions to the Optional Retirement

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

- 2.324 Authorization. The Component President or a representative designated by the President shall be authorized to sign the forms necessary to administer the Optional Retirement Program and the Teacher Retirement System.
- 2.325 Certification of State Comptroller. Each Component shall be required to certify to the State Comptroller each Fiscal Year an estimate of the amount of funds required for payments of State Matching Contributions for participants in the Optional Retirement Program.
- 2.326 Eligibility to Participate. An employee of a Component of The Texas State University System is eligible for participation in the Optional Retirement Program in accordance with rules adopted by the Texas Higher Education Coordinating Board. An employee who has met the ORP vesting requirement and subsequently transfers to a position which would not otherwise qualify for ORP participation shall remain in ORP except as authorized by TRS rules.
- 2.33 Salary Reduction Plan of the Optional Retirement Program. The Components are authorized to participate in the salary reduction agreement of the Optional Retirement Program as provided by statute. The Component President or a representative designated by the President is authorized to approve the forms required for this salary reduction agreement through those carriers approved by the Component in the implementation of the Optional Retirement Program.
- 2.34 Honorary Titles and Resolutions for Retirees. Faithful and distinguished service by a retiring faculty member or administrator may be recognized by an appropriate resolution of the Board.
 - 2.341 Long and distinguished service by a faculty member holding the rank of Professor or Associate Professor may be recognized upon retirement by conferral of the title of Professor Emeritus, Associate Professor Emeritus, Distinguished Professor Emeritus or Distinguished Associate Professor Emeritus as provided by *Subparagraph 4.9* of this *Chapter*.
 - 2.342 Faithful and distinguished service by the President of a Component may be recognized by the Board upon retirement, or upon returning to full-time teaching if a tenured member of the faculty, by conferral of the honorary

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

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

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

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

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

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

- 2.431 Consensual relationship means a mutually acceptable, romantic relationship or sexual interaction between a Supervisor and a Supervisee.
- 2.432 Supervisor means any employee who, has responsibility, as part of his/her job duties, to teach, instruct, supervise, manage, advise, counsel, oversee, coach, grade, train, or evaluate another employee in any way.
- 2.433 Supervisee means any employee or student who is taught, instructed, supervised, managed, advised, counseled, overseen, coached, graded, trained, or evaluated in any way by a Supervisor.
- 2.434 This policy applies to all Component faculty, staff, and students, including individuals serving as interns or volunteers.

2.5 Absences.

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

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

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

3. ADMINISTRATIVE OFFICERS.

3.1 Employment.

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

3.2 Terminations.

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

- (1) The burden of proof is upon the affected administrative officer to establish at such hearing that the decision in question constitutes violation of a right guaranteed by the laws or Constitution of the State of Texas or of the United States.
- (2) The President of the Component need not state the reasons for the questioned decision nor offer evidence in support thereof unless the affected administrative officer presents a *prima facie* case in support of such allegations. In such case, the hearing committee shall determine whether the President has no other reason for his decision.
- (3) The hearing committee will make written findings on the material facts and a recommendation, which findings and recommendation shall be forwarded to the President and to the affected administrative officer. The administrative officer may appeal to the President and ultimately to the Board of Regents in accordance with the terms and procedures specified in *Subparagraphs 4.55 and 4.56* of this *Chapter*.

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

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

4. FACULTY.

4.1 Employment.

- 4.11 Board Goals for Faculty. The Board of Regents strongly desires to maintain learned faculties who, by precept and example, will instruct and inspire their students and reflect credit upon the Component. The Board encourages scholarship, creative activity, research, and public service but affirms that the primary goal of each faculty member shall be to attain a greater proficiency in teaching.
- 4.12 Nominations. The President of each Component shall recommend to the Chancellor and the Board the employment or re-employment of faculty members to be awarded term or annual appointments, advising in writing as to the tenure status, proposed academic rank, and highest degree of each nominee.
- 4.13 Appointments. All faculty appointments, including the granting of tenure, are subject to the approval of the Chancellor and the Board. At the earliest practicable Board meeting following the Governor's approval of the State's *General Appropriations Act*, the Board shall appoint the faculty and other teaching personnel to term or annual appointments for a specified period not to exceed one year, renewable annually for up to five years, contingent upon satisfactory annual performance evaluations, departmental need, and continuity of funding. The President shall advise each appointee in writing of the provisions and conditions of the appointment. If a faculty member has already been appointed by the Board for either a fall or spring semester, the contract may be extended for the summer or for additional special assignments during the same Fiscal Year by the President, unless the extension includes a change in academic rank or an increase in the base salary.
- 4.14 Reappointments. Written notice of a decision not to reappoint will be given to a tenure track faculty member not later than March 1st, of the first, or not later than December 15th of the second, academic year of probationary service. After two or more academic years, written notice shall be given not later than August 31st that the subsequent academic year will be the terminal year of appointment. The notice required by this *Subparagraph* is not applicable where termination of employment is for good cause under *Subparagraph 4.5* or for faculty members who are appointed on a term basis.

- 4.141 Reappointment or the award of tenure shall be accomplished only upon the President's written recommendation and the Chancellor's and the Board of Regent's approval. If the faculty member does not receive notice as prescribed in this *Chapter*, it shall be his or her duty to inquire as to the decision of the President, who shall without delay give the required notice to the faculty member. Failure of the Component to comply with the notice provisions of this *Chapter* shall not entitle a faculty member to *de facto* tenure, and these *Rules and Regulations* expressly prohibit the awarding of *de facto* tenure.
- 4.142 Each faculty member shall keep the President or his or her designee notified of the faculty member's current mailing address. Written notices required by *Subparagraphs 4.24* or *4.54* shall be sent by certified mail, return receipt requested. Notice shall be complete when deposited in the United States mail, addressed to the last known address given by the faculty member. The faculty member's failure or refusal to receive the notice is immaterial.
- 4.15 Vacancies. A President may fill, by interim appointment, a faculty vacancy, subject to the Chancellor's and Board of Regent's ratification.
- 4.16 Salary Authority. No faculty member's salary, regardless of the source of funds, shall exceed the Component President's salary as designated by the Legislature in the *General Appropriations Act*, unless the salary is specifically recommended by the Chancellor and approved by the Board of Regents.
- 4.2 Tenure.
- 4.21 Defined. Tenure denotes an entitlement to continued employment as a member of the faculty at a Component in accordance with the provisions of these *Rules and Regulations*. Tenured faculty can expect those privileges customarily associated with tenure at their Component. Such privileges include a suitable office and workspace, serving as a principal investigator and conducting of research, teaching classes, and participating in faculty governance. However, tenure does not create a property interest in any attributes of the faculty position beyond the annual salary. By way of example only, tenure does not create a property interest in laboratory space, a particular office, the right to teach graduate students, or use of research materials or equipment. Only members of the faculty with the academic title of Professor, Associate Professor, or Assistant Professor may be granted tenure, unless the Component handbook recognizes the rank of Instructor as eligible for tenure. In exceptional cases, tenure may be granted at the time of appointment to any of such academic ranks by the Board of Regents or may be withheld pending satisfactory completion of a probationary period of faculty service. For tenure to be granted at

the time of appointment, the President shall submit a written justification and recommendation to the Chancellor for review. If the Chancellor supports the grant of tenure, he or she may authorize the President to offer the prospective faculty member tenure, subject to subsequent approval by the full Board.

- 4.22 Tenure Track Faculty. Only full-time service in the academic ranks of Professor, Associate Professor, Assistant Professor, and/or Instructor (at Components where such is an academic rank eligible for tenure) shall be counted toward fulfillment of a required probationary period. Periods during which a faculty member is on leave of absence shall not be counted toward fulfillment of a required probationary period. If the Component faculty handbook does not recognize the rank of Instructor as eligible for tenure, then no more than three (3) years service as Instructor shall be so counted.
- 4.23 Prior Service Credit. At the discretion of the Component, up to three (3) years prior service at the other academic Component may be counted toward fulfillment of the required probationary period.
- 4.24 Maximum Probationary Service. The maximum period of probationary faculty service in tenure track status in any academic rank or combination of academic ranks shall not exceed six years of full-time academic service, unless the tenure clock has been tolled as provided in this *subparagraph*. Not later than August 31st of the last academic year of the maximum probationary period in effect at any Component, a tenure track faculty member shall be given written notice that the subsequent academic year will be the terminal year of employment or that, beginning with the subsequent academic year, tenure will be granted. In the event that the employment of a tenure track faculty member is to be terminated prior to the end of the maximum probationary period, notice shall be given in accordance with *Subparagraph 4.5* below. Faculty members who have not been granted tenure by the Board of Regents shall not be entitled to tenure by virtue of being employed at the Component past the probationary period, i.e., such faculty members do not have *de facto* tenure.
- 4.241 Tolling of Tenure Clock. A Component may permit a tenure track faculty member to toll the tenure clock—that is, exclude not more than two academic years of countable service toward tenure—in order to accommodate one or more of the following exigencies or hardships: (a) Childbirth or adoption; (b) Dependent care (including children, parents, spouses, or other dependents); (c) The faculty member’s own illness or other personal emergency; and/or, (d) The inability of the institution to provide agreed upon facilities for the faculty member’s research.
- 4.242 Timing of Request. The request to toll shall, to the extent possible, occur prior to the occurrence of the event(s) stated in *Subparagraph 4.241* and, in any case, within one year of

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

- 4.243 Faculty Member's Obligations. Per *Subparagraph 4.242*, the faculty member shall notify his or her chair and dean and make a written request to the chief academic officer to toll up to two years of service on the tenure clock, clearly explaining the basis(es) for the request—namely, why the exigency or hardship prevents or significantly impedes the faculty member's ability to make progress toward achieving tenure; stating the estimated duration of both the exigency or hardship and the tolling period requested; and providing such supporting documentation as the Component may require.
- 4.244 Chief Academic Officer's Obligations. The chief academic officer shall notify the faculty member, the chair/director, and the dean, and submit his or her recommendation to the System Vice Chancellor for Academic and Health Affairs (VCAHA) for his or her decision. The recommendation shall include the faculty member's date of hire; process used to decide to request extension (such as executive committee approval or department chair recommendation); rationale to exclude the requested period of countable service; other facts or documentation relevant to the case; and the date by which the faculty member will be reviewed for tenure if the extension is approved.
- 4.245 Two Year Limitation. The total time excluded from countable service under this policy is two years (for example, a faculty member who tolls or excludes one year for childbirth or adoption and one year for dependent care has reached the maximum).
- 4.246 Components may, but are not required to, adopt a policy permitting tolling of the tenure clock for one additional year due to extraordinary circumstances such as a global pandemic as declared by the World Health Organization or other widespread state or federal natural disaster.
- 4.247 No Property Right Created. The tolling of the tenure clock under this policy lies within the sole discretion of the Component administration, subject to the VCAHA's approval, and creates no property right, contractual or other legal entitlement in a member of the faculty. The administration may deny a request when, in its judgment, the needs and best interests of the Component, its academic units, and/or its students so require; provided, that this policy shall not be applied in violation of Component or System non-discrimination policies.

- 4.248 Tenure and Promotion Criteria Unaltered. Chairs/directors, deans, and chief academic officers shall ensure that all faculty members, tenure and promotion or other reviewing committees, and outside letter writers are informed that the criteria for tenure do not change when service has been excluded from a faculty member's probationary period.
- 4.25 Calculating Service. For purposes of calculating the period of probationary service, an "Academic year" shall be the approximate nine-month period from September through May as designated in the common calendar established by the Texas Higher Education Coordinating Board. One year of probationary service is accrued by at least nine months full-time academic service during any academic year, regardless of whether contracted on an annual basis or for a consecutive fall and spring semester. A faculty member shall be considered to be on full-time academic service if in full compliance with Board standards pertaining to minimum faculty workloads at general academic universities. If a faculty member is initially appointed during an academic year, the period of service from the date of appointment until the beginning of the following academic year shall not be counted as academic service toward fulfillment of the maximum probationary period.
- 4.26 Non-tenured Faculty. No non-tenured member of the faculty should expect continued employment beyond the period of current appointment as approved by the Board of Regents. Any commitment to employ a non-tenured member of the faculty beyond the period of current appointment shall have no force and effect until approved by the Board. Non-tenured members of the faculty serve at the pleasure of the Component President and the Board, subject to the provisions of proper notice as required by these *Rules and Regulations*.
- 4.27 Non-reappointment and Denial of Tenure. A non-tenured faculty member, who is notified of non-reappointment in accordance with *Subparagraphs 4.14* or who is notified in accordance with *Subparagraphs 4.24* that tenure has been denied and that the subsequent academic year will be the terminal year of appointment, shall not be entitled to a statement of the reasons upon which the decision for such action is based.
- 4.28 Performance Reviews. Components shall develop and publish campus-specific faculty performance review policies.
- 4.281 Annual Review Policies. Each Component shall develop campus-specific annual review policies for non-tenured faculty members.
- 4.282 Performance Review of Tenured and Other Faculty. Each Component shall develop campus-specific post tenure policies and procedures to determine whether a tenured faculty member is performing consistently at an

acceptable professional level as well as a mechanism whereby a faculty member is informed of any deficiencies and provided opportunity to improve his or her performance. Such policies and procedures shall be consistent with the tenure policies of this *Chapter* and *Education Code, Section 51.942* and shall accord faculty members fundamental due process, including the opportunity for referral of a termination based upon evaluation to non-binding alternative dispute resolution, and a right of appeal in accordance with existing Component and Board policy.

4.3 Promotion.

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

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

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

- (6) Patents or commercialization of research, where applicable.

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

4.4 Faculty Grievances of Non-renewal or Termination of Employment.

- 4.41 Faculty Member Defined. For purposes of this *Paragraph*, “faculty member” means a person employed full-time by a System Component as a member of the faculty, including professional librarians, whose duties include teaching, research, administration, or the performance of professional services. It does not include a person who holds faculty rank but spends the majority of his or her time engaged in managerial or supervisory activities, including a Chancellor, President, Provost, Vice President, Associate or Assistant Vice President, Dean, Associate or Assistant Dean.
- 4.42 Grievable Issues Pursuant to this *Paragraph*. A faculty member may present a grievance to a System Component’s President on an issue related to non-renewal or termination of the faculty member’s employment at the end of his or her contract period.
- 4.43 Termination Prior to End of Contract Period. A faculty member, whose employment is terminated prior to the end of his or her contract period, shall be entitled to invoke the full due process procedures provided to tenured faculty under *Paragraph 4.5* of this *Chapter*.
- 4.44 Grievance Process. The President shall designate a member of his or her administration as a hearing officer to consider grievances under this *Chapter*.
 - 4.441 No later than thirty (30) business days after the grievant learns (or in the exercise of reasonable care should have learned) of the action or condition giving rise to the grievance, he or she shall file the grievance on a form prescribed by the Component, providing supporting documentation, if any.
 - 4.442 The hearing officer will meet with the grievant at a mutually convenient time to review any documentation or other evidence that the grievant may present in support of his or her position.
 - 4.443 The hearing officer may not recommend changing the administration’s action regarding non-renewal or termination of employment unless the grieving faculty member establishes a *prima facie* case that he or she has been denied a right guaranteed by the constitutions or laws of the United States or of the State of Texas. A *prima facie* case is one presenting facts or documents that, so far as can

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

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

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

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

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

4.5 Termination and Due Process Procedures.

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

Good cause includes but is not limited to the following:

- (1) Failure to work efficiently or effectively;
- (2) Insubordination;
- (3) Serious professional or personal misconduct, examples of which include:
 - (a) Commission of a misdemeanor involving moral turpitude, or a felony;
 - (b) Failure to secure and maintain Federal, State, or local permits required in the discharge of teaching, research, or other professional duties, including failure to maintain appropriate documentation;
 - (c) Willful destruction of Component property or violent disruption of the orderly operation of the campus;

- (d) Violation of the System's ethics policy (*Chapter VIII* of these *Rules and Regulations*), including acceptance or solicitation of gifts that might tend to influence the discharge of one's professional responsibilities;
 - (e) Stealing and publishing as one's own the intellectual property of another;
 - (f) Misuse or misappropriation of state property, resources, funds, including funds held by a faculty member as part of official duties;
 - (g) Sexual harassment, as defined by *Subparagraph 4.4* of *Chapter VII* of these *Rules and Regulations*; and,
 - (h) Racial harassment as defined by *Subparagraph 4.3* of *Chapter VII* of these *Rules and Regulations*.
- (4) Professional incompetence and/or neglect of professional duties;
 - (5) Mental or physical disablement of a continuing nature adversely affecting to a material and substantial degree of the performance of duties or the meeting of responsibilities to the institution, or to students and associates;
 - (6) Illegal use of drugs, narcotics, or controlled substances. A faculty member who, by a preponderance of the evidence, under these *Rules and Regulations*, is found to have illegally possessed, used, sold, or distributed any drug, narcotic, or controlled substance, whether the infraction is found to have occurred on or off campus, shall be subject to termination, suspension or other discipline as determined by the President or the President's designee. That an employee is charged in a criminal case, or is found "not guilty" therein, shall not be construed as prohibiting administrative enforcement of these *Rules and Regulations*. If, in the judgment of the President or the Board of Regents, the best interests of the students or the Component or the System so dictate, the employee may be immediately removed from contact with students and other employees, pending resolution of disciplinary proceedings; and,
 - (7) Intentionally or knowingly violating any Board or administrative order, rule, or regulation, including the provisions of *Chapter V, Subparagraph 2.134* of these *Rules and Regulations*. The employee is presumed to have knowledge of such Board or administrative order, rule, or

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

- 4.52 Suspension. A President may, for good cause, suspend an accused faculty member pending immediate investigation or speedy hearing as hereinafter provided when the continuing presence of the faculty member poses a danger to persons or property or an ongoing threat of disrupting the academic process. An employee who is suspended or discharged from a particular duty or job at the Component may be suspended or discharged from all other duties or jobs in the Component for the same or other good cause. The President shall, as soon as possible, notify both the Chancellor and the Vice Chancellor and General Counsel of any such actions.
- 4.53 Summary Dismissal. In cases of good cause where the facts are admitted by the faculty member, summary dismissal may follow.
- 4.54 Hearing Tribunal. In all cases where the facts are in dispute, the accused faculty member shall be informed in writing of the charges which, on reasonable notice, will be heard by a special hearing tribunal whose membership, including its chair, shall be appointed by the President from members of the faculty whose academic rank is equal to or higher than that of the accused faculty member. At such a hearing:
- (1) The hearing tribunal shall not include any accuser of the faculty member. The faculty member may challenge the alleged lack of fairness or objectivity of any tribunal member, provided such challenge is made prior to the submission of any evidence to the tribunal. The faculty member shall have no right to disqualify such member from serving on the tribunal. Each such challenged member shall determine whether he or she can serve with fairness and objectivity in the matter. In the event the challenged member chooses not to serve, the President shall appoint a substitute.
 - (2) The faculty member shall have a right to attend the hearing; confront and cross-examine adverse witnesses; present relevant evidence on his or her own behalf; testify or choose not to testify; and, be assisted or represented by counsel. The hearing shall be closed although the faculty member may request that it be open to the public. Notwithstanding a faculty member's request, the tribunal may close all or a portion of a hearing to deliberate or if it appears likely that privacy interests of others are relevant and could be affected by an open hearing.
 - (3) The Component, through a representative and/or through counsel, shall have the right to attend proceedings; present witnesses and evidence against the faculty member; and, cross-examine the faculty member (if the faculty member testifies) and his or her witnesses.

- (4) The hearing tribunal, by a majority of the total membership, shall make written findings on the material facts and a recommendation of the continuance or termination of the faculty member's tenure as well as any supplementary suggestions it may have concerning the case. The original of such findings, the recommendation, any supplementary suggestions, and the record of the hearing shall be delivered to the President and a copy thereof sent to the faculty member. Any minority findings, recommendations, or suggestions shall be distributed in the same manner.
 - (5) A stenographic or electronic record of the such record shall be made accessible to the faculty member.
- 4.55 Review by President. The President shall review the record, plus any additional written briefs the parties wish to submit, and render a decision, stating his or her reasons therefore in writing and communicating the same to the faculty member. The President may recommit the matter to the same tribunal to hear additional evidence and/or to reconsider its findings, recommendations, or suggestions, if any. The original findings, recommendations, and suggestions of the hearing tribunal, a transcript of the hearing, any briefs submitted, and the decisions, recommendations, findings, and suggestions of the President shall be delivered to the Board.
- 4.56 Appeal to the Board. Upon written request by the faculty member, received in the System Administration Office within thirty (30) calendar days of the faculty member's receipt of the President's decision, the Board shall review the record before it. Such request should specifically address any defects in procedure or substance which require reversal of the President's decision. The President may submit a written response to the request for review. By a majority of the total membership, the Board may approve, reject, or amend any decisions, findings, recommendations, and suggestions before it, or recommit the matter to the President for reconsideration or the hearing of additional evidence. The Board shall notify the faculty member in writing of the reasons for its decision.
- 4.6 Termination of Faculty Employment Under Special Circumstances. If, in the judgment and discretion of the Board, reductions in legislative appropriations for faculty salaries; governmentally mandated reductions in faculty positions; significant loss of enrollment; consolidation of departments or other reorganization; dropping of courses, programs, or activities for educational or financial reasons; or financial exigency make such action advisable, the employment of a faculty member who has been granted tenure or of any other faculty member before the expiration of the stated period of his or her employment, may be terminated in accordance with the provisions of this *Subparagraph*.

- 4.61 A faculty member whose employment will be recommended for termination under this *Subparagraph 4.6* shall be given:
- (1) a statement of the basis for the decision to terminate the faculty member's employment, together with a description of the manner in which the recommendation of termination was made;
 - (2) access the information and data upon which the recommendation was based; and,
 - (3) an opportunity to respond consistent with the requirements of due process.
- 4.62 In cases involving the termination of faculty employment under the provisions of this *Subparagraph*, the guidelines to be used to identify faculty members in a designated program whose employment will be recommended for termination shall include the following:
- (1) Whenever possible, faculty reduction will be accomplished through attrition;
 - (2) Within a designated program, the termination of the employment of a faculty member with tenure may not be recommended in favor of retaining a faculty member without tenure unless:
 - (a) The removal of a non-tenured faculty member would eliminate an essential part of a program or render a program dysfunctional; or,
 - (b) The removal of a non-tenured faculty member who is deemed to be of equal or greater merit than a tenured faculty member would jeopardize the advances achieved by the Component under its diversity program.
- 4.63 A faculty member recommended for termination under the provisions of *Subparagraph 4.6* should be given the opportunity for appointment in a related area provided: (a) the faculty member is qualified professionally to teach in such area or is willing to undergo the appropriate professional retraining that will qualify him or her to do so; and (b) a position is available.
- 4.64 A faculty member whose position has been terminated will be given first consideration for rehiring, should the position be re-established within a three-year period.
- 4.65 The President of each Component shall develop and publish in the Component's faculty handbook the Component's policy regarding termination of employment under *Subparagraph 4.5*, subject to the reviews and approvals specified in these *Rules and Regulations*.

- 4.7 Rights and Responsibilities as a Teacher and as a Citizen.
- 4.71 Classroom. The faculty member is entitled to freedom in the classroom in discussing the faculty member's subject but should be judicious in the use of controversial material in the classroom and should introduce such material only as it has clear relationship to the subject field.
- 4.72 Research and Publication. The faculty member is entitled to freedom in research and in the publication of the results in accordance with responsible academic and professional practices.
- 4.73 Licenses and Permits. The faculty member shall be responsible for securing and maintaining any and all federal, state, and local licenses and permits required for his or her classroom, research, or other professional activities.
- 4.74 Speaking as a Citizen. The faculty member is a citizen, a member of a learned profession, and an employee of an educational component supported by the State. When the faculty member speaks or writes as a citizen, the faculty member should be free from Component censorship or discipline; but, the faculty member's special position in the community imposes special obligations. As a person of learning and a faculty member of a state funded educational component, the faculty member should remember that the public may judge his or her profession and Component by his or her utterance. Hence, the faculty member should at all times be accurate, exercise appropriate restraint, and should show respect for the opinions of others.
- 4.75 Partisan Political Activities. The Board of Regents recognizes and affirms a faculty member's right to participate in political activities as long as such political activities do not interfere with the discharge of the duties and responsibilities that a member of the faculty owes to the System or a Component or otherwise involve the System or a Component in partisan politics. If, in the President's or Board's judgment, the interest of the System or a Component so require, they may grant a leave of absence without pay to a member of the faculty. If a member of the faculty, who has not been granted a leave of absence, wishes to engage in political activity that interferes with the discharge of the duties and responsibilities that are owed to the System or a Component, the faculty member should voluntarily terminate employment with the Component. If the faculty member does not voluntarily terminate his or her employment and the President or the Board finds that the faculty member's political activity interferes with the discharge of the duties and responsibilities that are owed to the System or a Component, the President or the Board shall terminate such faculty member's employment by the Component.

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

4.8 Terms and Conditions of Employment.

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

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

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

- (1) Professional meetings when, in the judgment of the President or his/her designee, attendance at such a meeting would contribute to the improvement of teaching or scholarship at the Component;
- (2) Personal or immediate family illness;
- (3) Family emergencies;
- (4) Specific assignments of the President of short duration (the Board of Regents discourages specific assignments which will cause a faculty member to be absent from assigned classes);
- (5) Special circumstances where the President considers such absences to be for valid reasons and

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

- 4.822 Unauthorized Absences. Unauthorized absences on the part of the faculty member are not permitted. Each Component shall regard such absences as a violation of the terms of the faculty member's appointment.
- 4.83 Outside Employment. The President of each Component shall approve and incorporate in the faculty handbook specific policies governing outside employment by all faculty members. These guidelines shall include but not be limited to the provisions and conditions of this *Subparagraph*.
- 4.831 Faculty members should not be discouraged from accepting appropriate appointments of a consultative or advisory capacity with governmental agencies, industry, or other educational institutions as long as such activities do not conflict with the individual's work at the Component. The consideration to the System of such activity is the improvement of the individual through contact with the non-academic world. Faculty members should be discouraged from accepting regular employment outside the Component because such does not directly benefit the Component as indicated herein.
- 4.832 Conflict of interest must be avoided in all instances of outside employment. Conflict of interest means any outside activity which intrudes upon the faculty member's responsibility to the Component. See *Subparagraph 2.4* of this *Chapter* and *Chapter VIII (Ethics Code)*.
- 4.833 No member of the faculty engaged in outside remunerative activities shall use in connection therewith the official stationery, supplies, equipment, personnel services, or other resources of the System or any of its Component universities. Nor shall such member of the faculty accept pay from private persons or corporations for tests, essays, chemical analysis, computer programming, bacteriological examinations, or other work of a routine character which involves the use of property owned by the System or its Components.
- 4.834 Every member of the faculty who gives professional opinions must protect the System and its Components against the use of such opinions for advertising purposes. That is, when work is done in a private capacity, the faculty member must make it clear to the employer that such work is unofficial and that, absent the President's prior approval, the name of the System and its Components are not in any way to be connected with the faculty member's name. Exceptions may be made for the name of the author attached to books, pamphlets, and articles in periodicals,

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

- 4.835 A faculty member (as defined in *Subparagraph 1.11* of this *Chapter*) may not engage in any outside work or receive compensation from an outside source that creates a conflict of interest with the faculty member's duties at the Component. A conflict of interest includes the actions prohibited in *Subparagraph 3.2* of *Chapter VIII* of these rules. The faculty member shall notify the President or his/her designee of such activity.
- 4.836 Reporting Requirements. Any faculty member who seeks to engage in remunerative employment or consulting outside of his or her primary employment relationship with the Component, shall notify and obtain written permission from the head of his or her department before beginning such outside employment or consulting. If his or her department head determines that the employment or consulting serves a public purpose and does not unreasonably interfere or conflict with the faculty member's obligations or duties to the Component, the department head may authorize the employment or consulting.
- 4.84 Textbooks and Other Course Materials. Policies which govern textbooks and other materials prescribed for use by students will be specified for each Component in the faculty handbook for that Component.
- 4.841 Generally, the individual faculty member or the academic department should have wide discretion in the choice of materials to be used in the courses offered by the department with the approval by the chairman or head of the department. Although the authorship of books, outlines, manuals, and similar materials by members of the faculty should be encouraged, the prescribed use of these for students is a responsibility that goes beyond that of the individual author. Where practicable and equitable, the charge for outlines, syllabi, and similar materials prescribed for the use of students should be borne by the instructional department concerned. Whenever a charge is authorized for such copied materials, the prices should be as low as possible, consistent with the payment of a fair and reasonable royalty to the author or authors. This charge must be considered in conjunction with the a incidental course fees or charges" such that students are not charged more than once for the same material(s).
- 4.842 Textbooks, notebooks, manuals, or other materials for the use of students of a Component, written or prepared by a member of the faculty of that Component, shall not be

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

- 4.85 Acceptance of Money from Students. Faculty members shall not, without approval of the President or his/her designee, collect from students any fees or charges to be expended for Component purposes or sell to students books, notes, materials or supplies. Faculty of the rank of lecturer or above, and other instructional personnel as designated by the Component President, may not accept pay from students for extra instruction or teaching of students registered in the Component. With prior written approval of the President or his or her designee, instructional employees below the rank of lecturer may accept pay from students for extra-class instruction or coaching but only in courses or sections of courses with which they have no instructional connection. The faculty handbook of the Component shall specify the procedure for approval at the Component level.
- 4.86 Knowledge of These *Rules & Regulations*. Each faculty member shall become acquainted with these *Rules and Regulations*, Component policies and faculty handbooks, catalogues, announcements of courses, other official publications, and printed or other material regularly prepared for the use of the faculty. The President shall have copies of these *Rules and Regulations*, Component policies and faculty handbook available at the President's office, the library, and other appropriate campus locations.
- 4.9 Honorary Titles and *Emeritus* Faculty.
- 4.91 Honorary Titles. Several honorary titles - Regents' Professor, University Distinguished Professor, *Emeritus* (or distinguished *emeritus*) Status - recognize long and distinguished service.
- 4.92 Regents' Professor. Upon the recommendation of the Chancellor, the Board of Regents, from time to time, may bestow the title of "Regents' Professor" upon a very select number of tenured faculty members who have demonstrated the following:
- (1) Excellence in teaching and exceptional dedication to students;
 - (2) National or international distinction and acclaim for academic achievement or scholarship; and,
 - (3) Notable contributions and commitment to their Component institutions and communities.

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

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

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

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

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

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

- (1) Use of the title "distinguished professor *emeritus*" or "distinguished associate professor *emeritus*."
- (2) Membership (without vote) in the general faculty and in the college and department faculties in which membership was held at the time of retirement.
- (3) Membership in the graduate faculty (without vote) if membership was held at the time of retirement.
- (4) Eligibility for service on Component committees upon appointment by the President of the Component.

- (5) Assignments of office space and use of laboratory facilities, when available, with the approval of the department head, dean of the college, and Provost and Vice President for Academic Affairs.
 - (6) Listing in the faculty directory and applicable publications.
- 4.96 Duration of Honorary Titles. The Board of Regents prefers and intends that honorary titles be held in perpetuity (for example, if a faculty member enjoying *emeritus* status is recalled to service in the interest of the Component after an intervening period, *emeritus* status is not affected); notwithstanding anything to the contrary in this *Paragraph 4.9*, conferring any such title shall not create a property right or entitlement in the holder. The Board reserves the right to revoke a title if, in its sole judgment and discretion, the best interests of the Texas State University System or of a Component warrant such action.

4.10 Miscellaneous Provisions.

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

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

- (1) General academic policies and procedures;
- (2) Student life and activities;
- (3) Requirements of admission and graduation;
- (4) Honors and scholastic performance generally;
- (5) Approval of candidates for degrees; and,
- (6) Faculty rules of procedure.

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

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

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

- (1) Recruitment Negotiations. Negotiations looking to the possible appointment of persons for the following fall semester who are faculty members of other universities in active service or on leave-of-absence and should be begun and completed as early as possible in the academic year and the appropriate other Component officers informed of such negotiations.
- (2) Notification of Resignation. A faculty member should not resign later than May 15 or thirty days after receiving notification of the terms of continued employment for the following year, whichever date occurs later.
- (3) Appointment Offer. To permit a faculty member to give due consideration and timely notice to his or her Component, an offer of appointment for the following fall at a Component should be made before May 1 whenever possible.

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

- (1) A faculty identification card denoting previous academic rank and the designation "Retired". In the case of holders of an emeritus title, the identification card shall denote the applicable emeritus title;
- (2) Faculty library privileges;
- (3) Use of Component dining services;
- (4) Authority to purchase a faculty-staff activity card on the same basis as active faculty members;

- (5) Parking privileges provided to active faculty members of the Component;
- (6) Continued eligibility for Component group health and life insurance as provided by statute;
- (7) Use of internal Component mail service and facilities; and,
- (8) Other privileges for retired faculty approved by the President of the Component.

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

5. UNCLASSIFIED AND CLASSIFIED STAFF EMPLOYEES.

5.1 Employment.

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

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

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

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

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

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

- 5.2 Terminations. The President of each Component is authorized to establish terms and conditions of employment, in accordance with law, and to terminate at any time the employment of any employee covered by *Subparagraph 5.11* of this *Chapter*.
- 5.3 Absences. The President of each Component shall adopt policies and guidelines covering the authorized absences for all personnel covered by *Paragraph 5* of this *Chapter*. Such policies and guidelines shall be in accordance with the provisions of current statutes and these *Rules and Regulations* (see *Subparagraph 2.51* of this *Chapter*).
- 5.4 Outside Employment. The provisions and conditions for outside employment by all classified and unclassified staff employees, including administrative officers, shall be the same as those established for faculty members under *Subparagraph 4.83* of this *Chapter*.
- 5.5 Acceptance of Money from Students. Administrative and staff employees shall not, without previous and special written approval of the Component administration, collect from students any fees or charges to be expended for Component purposes. Certain positions, such as cashiers and similar positions, may have this approval as part of their job descriptions. Acceptance of funds by Component employees, in any case, shall be only via official Component receipt mechanisms as approved by the Component's chief fiscal officer.
- 5.6 Sexual Misconduct. Unclassified employees and all classified employees shall comply with the System's "*Sexual Misconduct*" policy found in *Chapter III, Paragraph 22* and *Appendix A-6*.

6. EMPLOYEE TRAINING.

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

- 6.1 Seminars and Workshops.
 - 6.11 Employees may take time off from regularly assigned duties to participate in seminars, workshops or similar training events of limited duration if the employee's supervisor determines that the seminar, workshop, or similar training events will enhance the employee's job performance.
 - 6.12 Subject to availability, funds may be expended for employee participation in seminars, workshops or similar training events of limited duration if the following conditions are met:

- 6.121 The employee's supervisor has determined that the seminar, workshop, or similar event will enhance the employee's job performance;
 - 6.122 Reimbursable expenses incurred (i.e., attendance charges, tuition course-related materials, and travel expenses) are determined to be cost-effective;
 - 6.123 Travel expenses will be reimbursed if the necessity of travel is justified (e.g., the training is not available through a local source);
 - 6.124 The travel request was approved by the employee's supervisor in advance of the training.
- 6.13 Travel expense reimbursement for seminars, workshops and similar training events must meet all applicable policies, rules and statutory provisions regarding travel by State employees.
- 6.2 Continuing Professional Education (CPE). Funds may be expended for continuing professional education required to maintain a professional license or certification for those positions which require such licenses or certificates and for positions in which licensure or certification is desirable. Employees in such positions may have time off from regularly assigned duties to satisfy CPE requirements. Expenditures for the training are subject to availability of funds.
- 6.3 College Courses. Subject to availability of funding, employees may be reimbursed for certain college courses if the following conditions are met.
- 6.31 The employee's supervisor has determined that the course will enhance the employee's job performance.
 - 6.32 The course is taken in accordance with the Component's written policies and appropriate written approval is obtained prior to enrolling in the course.
- 6.4 Training Subject to *Subchapter D, Chapter 656, Title 6, Texas Government Code* (Restrictions on Certain Training).
- 6.41 "Training" means instruction, teaching, or other education received by a Component employee that is not normally received by other Component employees and that is designed to enhance the ability of the employee to perform the employee's job. The term includes a course of study at an institution of higher education if the employing Component spends money to assist the Component employee to meet the expense of the course of study or pays salary to the employee to undertake the course of study as an assigned duty. The term does not include training required either by state or federal law or that is determined necessary by the Component and offered to all employees of the Component performing jobs.

- 6.42 If an employee receives training, as defined in *Subparagraph 6.41* of this *Paragraph* that is paid for by a Component, and during the training period the employee does not perform the employee's regular duties for three or more months as a result of the training, then the employee must agree in writing before the training begins to:
- 6.421 Work for the Component following the training for at least one month for each month of the training period; or
 - 6.422 Reimburse the Component for all the costs associated with the training that were paid during the training period, including any amounts of the employee's salary that were paid and that were not accounted for as paid vacation or compensatory leave.
- 6.43 An employee may make a written request to the President of his or her Component to waive the requirements in *Subparagraph 6.42* of this *Paragraph* and release an employee from the obligation to meet those requirements. Each President may authorize such a waiver if he or she finds that such action is in the best interest of the Component or is warranted because of an extreme personal hardship suffered by the employee.
- 6.44 If an employee does not provide the services required in *Subparagraph 6.42* of this *Paragraph*, provides those services for less than the required term, or fails to make any required payments and is not released from the obligation, the employee is liable to the Component for the obligated amount and reasonable expenses incurred in obtaining payment, including reasonable attorney's fees and other collection costs.

1. PURPOSE

- 1.01 The purpose of this document is to define the categories of academic instructional and research personnel at Sam Houston State University (SHSU).
- 1.02 For purposes of clarification, the term “academic administrative unit” and herein referred to as “academic unit” and “hiring unit” is either a chair (academic department/school) or director (e.g., the School of Music or School of Nursing). A chair or director of an academic department/school reports to the Provost and Sr. Vice President for Academic Affairs through the appropriate academic dean.

2. COMMITMENT TO DIVERSITY, EQUITY, AND INCLUSION

- 2.01 SHSU is committed to promoting diversity, equity, and inclusiveness on campus, and to providing a safe, supportive workplace for all faculty, staff, and students. Qualified applicants and employees receive consideration for employment or promotion without regard to race, creed, ancestry, marital status, citizenship, color, religion, sex, national origin, age, veteran status, disability status, sexual orientation, or gender identity.
- 2.02 The overall responsibility for the implementation and administration of Diversity Plans is included in the job duties of the President of SHSU. As the chief administrator, the President has delegated to the vice presidents, deans, directors, department/school chairs, the authority and responsibility for diversity plans and procedures at each corresponding level. Each of these individuals is expected to put forth a good-faith effort to ensure the success of this plan. The Office of Institutional Diversity & Inclusion and Human Resources assists search committees and chairs with their diversity efforts.
- 2.03 SHSU is committed to a rigorous recruitment and selection system to ensure the consideration of a diverse pool of candidates for each vacant position listed in this policy. It is expected that consideration will be given to attracting and selecting qualified candidates reflective of the diverse populations that comprise the State of Texas. Please see also FO-HR-ER-4 Finance & Operations Human Resources Policy ER-4, Affirmative Action Recruitment Plan.

3. ACADEMIC INSTRUCTIONAL & RESEARCH POSITIONS

- 3.01 The University assumes responsibility for instructional and research faculty staffing, and it is expected that all instructional and research personnel shall be employed in accordance with the procedures established in this policy and the Texas State University System Rules and Regulations (hereafter System Rules and Regulations).

- 3.02 It is expected that instructional and research personnel who are assigned to teach graduate-level coursework will hold a terminal degree in the teaching discipline. Instructional and research personnel who are assigned to teach baccalaureate-level coursework will hold a terminal degree or a master's degree with at least 18 graduate semester credit hours in the teaching discipline. Department chairs/school directors may submit to the Provost and Sr. Vice President for Academic Affairs, through the appropriate channels, a request for an exception based on non-academic considerations such as exceptional work experience, professional certification, national recognitions and other demonstrated competencies that are directly related to quality teaching.
- 3.03 Instructional and research personnel are defined to include those persons who are employed principally to perform instructional and/or research duties, i.e., classroom teaching and the directing of research.

4. TITLES AND DEFINITIONS OF ACADEMIC POSITIONS

4.01 Tenured and Tenure-Track Faculty Titles

Titles for tenure positions include: Assistant Professor, Associate Professor, Professor, Regents' Professor, and Distinguished Professor.

4.02 Tenure Positions (Tenured and Tenure-Track Positions)

- a. A tenured position denotes an entitlement to continued employment as a member of the faculty in accordance with the provisions of System Rules and Regulations.
- b. A tenure-track position denotes the probationary period in which the faculty member is expected to progress toward a tenure decision in accord with established University and System tenure policy.

4.03 Non-Tenure Faculty Titles

Titles for non-tenure track positions include: Lecturer-Pool, Lecturer, Senior Lecturer, Clinical Lecturer, Senior Clinical Lecturer, Clinical Assistant Professor, Clinical Associate Professor, Clinical Professor, Lecturer of Practice, Senior Lecturer of Practice, Assistant Professor of Practice, Associate Professor of Practice, Professor of Practice, Assistant Research Professor, Associate Research Professor, Research Professor, Medical Educator Assistant Professor, Medical Educator Associate Professor, Medical Educator Professor, Visiting Assistant Professor, Visiting Associate

Professor, Visiting Professor, Visiting Scholar, Scholar-in-Residence, Writer-In-Residence, and Artist-in-Residence.

4.04 Additional Non-Tenure Faculty Titles for SHSU-COM

SHSU-COM utilizes the following titles for non-tenure track faculty for those (e.g. preceptors) engaged primarily in clinical practice and education: Assistant Professor, Associate Professor, Professor. These faculty may have a secondary appointment with another medical or educational institution, so long as the secondary appointment is approved in advance and approval is renewed on an annual basis.

4.05 Determination of Rank for Non-Tenure Faculty

Non-tenure faculty will receive an initial appointment at a rank consistent with discipline-specific justification determined by the colleges, such as education level, years of experience, certification, and licensure. Exceptions may be made on a case-by-case basis with approval of the Provost and Sr. Vice President for Academic Affairs. Promotion to a higher rank will occur in accordance with discipline-specific standards determined by the colleges. In general, faculty at the rank of Assistant are eligible for promotion after six years of service at the Assistant level, and faculty at the rank of Associate are eligible for promotion after five years of service at the Associate level.

4.06 Non-Tenure Faculty Positions. Faculty who are not eligible for tenure, including Emeritus faculty, may be appointed as follows:

- a. Lecturer-Pool Appointments. Lecturer-Pool faculty are employed by colleges for one semester on a course-by-course basis.
- b. Lecturer Appointments.
 - (1) Lecturer. Lecturers are hired for one academic year on a Full-Time Equivalent (FTE) appointment. Lecturer duties include teaching and other duties as assigned. Lecturers are eligible for promotion to Senior Lecturer in accordance with college-level justification.
 - (2) Senior Lecturer. Senior Lecturers are hired for one academic year on a Full-Time Equivalent (FTE) appointment.
- c. Clinical Appointments. Clinical faculty are practitioners in their chosen fields whose primary mission is clinical practice and, secondarily, clinical education.

They may instruct in a traditional classroom setting, or in the setting of their practices, such as a hospital, an elementary classroom, or in industry. Clinical track is determined at the time of hire. While clinical faculty are not eligible for tenure, they are eligible for promotion. Clinical faculty, depending on specific requirements of the college, may have additional research, service, or outreach obligations, however, teaching will be their primary responsibility. The title may not be used for positions whose responsibilities largely replicate those of tenure-track faculty. During their terms of service, clinical faculty members' performance shall be evaluated in a manner consistent with their assignments using the current FES instruments weighted for the clinical professor's assigned duties.

Clinical faculty are generally full-time faculty who are not only engaged in teaching, but also clinical scheduling, clinical training, supervision evaluation, and program development. Clinical faculty members have extensive experience and professional practice expertise, and they may also be engaged in practice concurrent with teaching assignments.

- (1) Movement from Tenure-Track to Clinical Faculty Status. The request is initiated by the faculty member and endorsed by the chair, dean, Provost and Sr. Vice President for Academic Affairs, and President. Under normal circumstances, such a request would have to be taken prior to the start of the faculty member's fifth year. Although a faculty member may request to return to a tenure-track position, no guarantee exists that such a request would be granted. Tenured faculty members opting to move to clinical faculty status will forfeit their tenure.
- (2) The duration of each appointment will be for one year. Additional one-year appointments may be made at the discretion of the University, and no property right in the title shall be conferred by virtue of this appointment. Appointment renewal will be contingent upon the University's sole judgment as to the quality and level of service provided by the clinical faculty member to the University.
- (3) During a term of service, clinical faculty members' performance shall be evaluated in a manner consistent with their assignments. Since the clinical professor will not have the same research and service expectations, the evaluation will use the current FES instruments weighted for the clinical professor's assigned duties.

- d. Practice Appointments. Faculty of Practice are generally full-time faculty who have acquired extensive experience in professional practice or management and who bring insights to the classroom that are unique to the practicing professional. Faculty of Practice are engaged in teaching, and also industry/private/public sector outreach, internship or cooperative education supervision, program development and/or other areas of practical application relating to the interface between the University and private and public sectors.
- e. Research Appointments. A research faculty member is one whose primary assignment is in research and who is paid primarily or exclusively from externally-funded research and/or grant activities. As such, it is expected that research faculty engage in the following research and/or grant activities: (1) Activities supported by research grants from outside organizations; (2) University research grants; (3) Non-funded research activities.
- f. Medical Educator Appointments. Medical Educator faculty are SHSU-COM faculty engaged primarily in medical education. Medical Educator Assistant Professors can, upon request and receipt of written approval by the SHSU-COM dean, followed by approval from the Provost and Sr. Vice President for Academic Affairs, President, and Texas State University System, transition to the tenure track within the first three years of employment with SHSU. However, no time spent in service as a Medical Educator shall be applied toward the tenure-track probationary period.
- g. Visiting Appointments. Visiting faculty are those employed for a limited period of time, generally one to three academic years.
- h. Visiting Scholar Appointments. Occasionally, a faculty member from another university may wish to affiliate with SHSU for the purpose of research or creative endeavors. These individuals may provide temporary service to the University without remuneration, and may be given the title of Visiting Scholar.
 - (1) The appointment of such scholars is expected to result in an enhancement of the undergraduate, graduate, or research and professional programs of an academic department/school and/or college and to provide a significant contribution to the educational goals of the University.
 - (2) Visiting Scholars must provide a service to the University that is specified in a letter of appointment from the President of the University. The specified service may consist of duties such as presentation of seminars, guest lectures, serving on thesis committees, collaborating on research proposals, or any

other education-related function mutually agreed upon by the University and the appointee.

- (3) Subject to written approval by the appropriate academic dean, Visiting Scholars may co-supervise, in cooperation with a member of the regular academic faculty, one or more graduate students.
- (4) Visiting Scholars will not have voting rights within the University community, (i.e., tenure elections, post-tenure review) but may serve on University committees as advisors/observers.
- (5) Visiting Scholars may also serve as non-voting members on thesis and dissertation committees upon the recommendation of the thesis or dissertation committee chair and with the written approval of the appropriate academic dean.
- (6) Visiting Scholars may use their association with the University for purposes of submitting external applications for funding when such funding benefits the University. Such applications must be approved by the University and will be governed by the same regulations as apply to regular faculty research.
- (7) Visiting Scholars are not employees of the University while serving during a Visiting Scholar faculty term of appointment.
- (8) The University will not be obligated to provide working space, administrative assistance, or other support to Visiting Scholars unless specifically approved by the appropriate academic dean.
- (9) Visiting Scholars shall be accorded the following privileges and perquisites at the University during their term of service:
 - i. A temporary faculty identification card denoting status as a Visiting Scholar.
 - ii. Faculty library privileges.
 - iii. Use of University dining services on the same basis as active faculty members.

- iv. Parking privileges as provided to active faculty members of the University.
 - v. Use of internal University mail service and facilities.
 - vi. Other privileges as may be approved by the President of the University.
 - i. In-Residence Appointments. The titles Scholar-in-Residence, Writer-in-Residence, and Artist-in-Residence are reserved for those visiting faculty who serve as a visiting scholar for a predetermined period of time for teaching or collaborating. The only difference between these designations and the Visiting Scholar designation is that In-Residence scholars may receive, but are not entitled to, remuneration from SHSU. All other conditions of Visiting Scholars apply to ‘In Residence’ designations (sections 4.06 h. [1] through [9]).
 - j. Postdoctoral Fellow Appointments. Postdoctoral fellows are those who have recently earned a doctoral degree and are assigned teaching and/or research responsibilities as part of enhancing their professional training.
- 4.07 Graduate Student Positions. Both master’s and doctoral level students may be employed by the University on a part-time basis as teaching assistants or research assistants. For more specific information on the employment of graduate assistants, please see APS 890303.
- a. Graduate Student Titles. Titles for graduate student teaching and research positions include: Graduate Teaching Assistant, Graduate Research Assistant, Doctoral Teaching Assistant, and Doctoral Research Assistant.
 - (1) Teaching Assistants. Graduate Teaching Assistants and Doctoral Teaching Assistants are graduate students employed on a part-time basis, usually one-quarter or one-half time, to teach laboratories and lower division courses under the supervision of a full-time faculty member.
 - i. Teaching Assistant positions are allocated by the appropriate academic dean based upon available funding. Once a preferred candidate has been selected by the hiring unit, it is the responsibility of the dean to make a written offer to the candidate. If the position is accepted, the dean will forward the entire personnel file to the Provost and Sr. Vice President for Academic Affairs. The file should contain an Application for Teaching Assistant, official transcript(s), at least three letters of

recommendation, an ePAF, and other pertinent documents as required by the Department of Human Resources.

- ii. Information used in the selection of Teaching Assistants includes but is not limited to experience, academic credentials, and letters of recommendation.
 - iii. Teaching Assistants at SHSU are expected to be enrolled in a graduate program and must maintain a minimum 3.0 grade point average.
- (2) Research Assistants. Graduate Research Assistants and Doctoral Research Assistants are graduate students employed on a part-time basis, usually one-quarter or one-half time, to conduct research under the supervision of a full-time faculty member, based upon available funding.
- i. Information used in the selection of Research Assistants may include experience, academic credentials, and letters of recommendation.
 - ii. Research Assistants at SHSU are expected to be enrolled in a graduate program and must maintain a minimum 3.0 grade point average.

5. RECRUITMENT FOR POSITION ALLOWANCES

- 5.01 Once a position allowance has been officially allocated to an academic unit, recruitment for filling the position shall begin.
- 5.02 The academic unit shall create a posting and route through the required approval channels in the online employment system.
- 5.03 All faculty job vacancies are posted and publicized in accordance with University policy to maintain EEO compliance.
- a. It is the responsibility of the administrator of the hiring unit to ensure that, at a minimum, all faculty vacancies are posted in an appropriate professional publication or other outlet.
 - b. All position ads must have approval of the department of Human Resources.
- 5.04 All full-time and part-time faculty vacancies will be posted for at least ten (10) working days prior to filling a faculty vacancy.

- 5.05 Except in cases of bona fide emergency (see Section 7), a tenure/tenure-track faculty position vacancy will be advertised locally, statewide, and nationally. Advertisement takes place throughout the appropriate media. It is policy to advertise the position through professional journals, through professional organizations, and through notices to graduate schools producing specialties in the area of the vacancy.
- 5.06 An individual expressing an interest in employment is expected to complete the online employment application process and to furnish official transcript(s) of all academic work. Applicants deemed to be best qualified for the position are to be interviewed by the administrator of the SHSU hiring unit and, in the case of tenure-track and full-time non tenure-track faculty, by faculty members within the hiring unit. Use of search and screening committees in the selection process of new faculty appointments is encouraged. It is the responsibility of the administrator of the hiring unit to recommend through channels the priority list of the candidates deemed to be best qualified. It is expected that every possible consideration is to be given to attracting and selecting qualified minority candidates.
- 5.07 Criteria for selection from among the applicants include: competitive quality of academic transcripts; recommendations from prior employers; the caliber of previous academic and nonacademic work experience; established record of or potential for research publications or creative activity; and the alignment of the expertise possessed by the applicant with that required of the position.

6. HIRING PROCESS

- 6.01 The hiring unit will notify the Department of Human Resources as soon as it is determined that a sufficient number of applicants has been secured. The job will be placed in a “closed” status and advertising discontinued for that position. Additional applicants should not be considered unless the job is reopened with proper administrative approvals.
- 6.02 From each applicant, the hiring unit will request pertinent, job-related information (e.g., vitas, copies of research, teaching evaluations, compositions, and references). Using an initial screening device (referring to elements cited in the advertisement), the hiring unit will evaluate each candidate and may choose to invite one or more applicants to provide additional job-related information or to visit the campus for a more detailed interview. During the campus interview, candidates may be scheduled to meet with the dean, departmental/school chair, faculty, staff, and students as appropriate, and may be required to make a professional presentation. Candidates will be evaluated with respect to the posted job requirements. The hiring unit will develop job-related interview

questions to be asked of all candidates during the interview. Questions and answers will be written down and maintained.

The hiring unit will provide Human Resources a list of applicants requested for interview. The Human Resources Staffing Team will compare applicants for interview with the job applicant pool to ensure alignment with SHSU's Affirmative Action Plan goals. The Staffing Team will work directly with hiring managers to promote diversity of interview pools. Once diversity of the interview pool is confirmed, the Staffing Team will notify the hiring unit that scheduling of interviews may commence.

If six or fewer applicants are chosen for interview, a qualified veteran's preference applicant must be one of those interviewed. If more than six are interviewed, 20% of qualified veteran's preference applicants must be interviewed. If the pool does not have any applicants who self-identify as eligible for veteran's preference, this interview requirement does not apply to the hiring process for that vacancy.

- 6.03 Once a priority list has been established, the administrator of the hiring unit presents a written recommendation through channels for the employment of the preferred candidate. Along with the proposed rank, salary level, and recommendation for years transferred for tenure purposes, the preliminary file will contain transcripts, the faculty credential review form, and the curriculum vita. The dean will ensure AA/EEO compliance in the hiring procedure by reviewing the evaluation tool that shows how the candidate compared to the requirements for the position, the criteria used in the evaluation, and the interview questions and answers.

If the dean concurs, their written recommendation, along with the preliminary file is forwarded to the Provost and Sr. Vice President for Academic Affairs. With the approval of the Provost and Sr. Vice President for Academic Affairs, the dean may immediately provide the candidate with a tentative letter of offer pending approval of the President and of The Texas State University System Board of Regents.

Upon acceptance of the position by the candidate, the hiring unit will forward the SHSU faculty application, official transcripts, at least three letters of recommendation, the English Language Proficiency form, the evaluation tool, criteria for ranking candidates, and the interview questions and answers through the appropriate channels.

Upon final recommendation of the Provost and Sr. Vice President for Academic Affairs, a letter of offer for the position will be issued to the successful candidate by the President with appropriate notification to the administrators involved.

- 6.04 When a signed response from the potential faculty member accepting the employment offer is received by the President, the position is considered to be filled.
- a. Upon issuance of the appointment, a signed copy of the contract must be returned to the Office of the Provost as soon as possible but no later than October 1 (fall semester), February 1 (spring semester), June 1 (summer I term), or July 15 (summer II term).
 - b. Appointments to the faculty must be approved by The Texas State University System Board of Regents.
- 6.05 Each office within the recruiting/hiring function is expected to be prepared to offer cogent reasons with appropriate documentation for the endorsement or non-endorsement of preferred candidates.
- 6.06 Upon request, all applications for a faculty position may be examined by the appropriate academic dean, the Provost and Sr. Vice President for Academic Affairs, or the President.
- 6.07 It is the prerogative of the academic dean, the Provost and Sr. Vice President for Academic Affairs, or the President to request a reconsideration of the recommendation for employment if it is judged that a well-qualified minority candidate may have been omitted.

7. APPOINTMENT OF INTERIM FACULTY MEMBERS ON AN EMERGENCY BASIS

- 7.01 As a result of the need for unique academic expertise, unexpected increases in student enrollment or other unforeseen events, it may become necessary for the University to authorize the emergency employment of interim faculty members on a semester-by-semester or summer basis. In such cases, the following procedures will apply.
- a. This requirement may be waived only under the most urgent circumstances by special permission of the Provost and Sr. Vice President for Academic Affairs.
 - b. The filling of such positions on an interim basis must be recommended by the appropriate academic dean/director and approved by the Provost and Sr. Vice President for Academic Affairs. Recommendation(s) for employment are to be accompanied by an official SHSU faculty application, official transcripts, the faculty credential review form, letters of recommendation, and the Employee

CERTIFICATION STATEMENT

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

Original: January 14, 1980
Reviewer(s): Academic Affairs Council

Review Cycle: Five years*
Review Date: Fall 2026

Approved: < signed >
Michael T. Stephenson, Ph.D.
Provost and Sr. Vice President
for Academic Affairs

Date: 1/14/22

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

Process Document to Accompany APS 800114: Academic Instructional and Research Personnel

FACULTY HIRING AND EPAF PROCEDURES

- A new/vacant position is identified within the department.
- The department chair/director requests permission to hire from the dean.
- If approved, the department creates a position posting in PeopleAdmin.
 - Department requests HR approval for external advertising prior to placing ad.
- The search committee and department chair/director evaluate applicants and identify candidates to be interviewed, following the guidelines given by HR.
- The finalists may be invited to visit campus for their interview.
- The department may schedule a time for the finalists to meet the dean.
- The department finalizes the search, and the department chair/director visits with the dean about the selected candidate.
 - Informal salary discussions take place based on median CUPA salary for the rank/discipline.
 - Rank and years towards tenure informal discussions take place.
- Preliminary, informal negotiations may occur with the candidate.
- With dean approval, the department notifies HR to initiate the background check.
- Once the department receives approval from HR and the dean, the department chair/director drafts a memo to the dean with the specifications of the hire.
- After review, the dean's office emails the following documents to the Office of the Provost (facultyrecords@shsu.edu with college and faculty name in the subject line) for review and approval before the official offer can be extended:
 - Offer letter (created using the templates provided by the Office of the Provost)
 - [Faculty credential review form](#)
 - Curriculum Vita
 - Transcripts (can be unofficial)
 - [Moving Reimbursement Pre-approval Request Form](#)
 - If the salary is not in line with CUPA, an exception memo must also be included
- The Office of the Provost will notify dean's offices that a formal offer may be extended
 - Within 1-2 business days if the candidate possesses the terminal degree in the teaching discipline.
 - Within 2-4 business days if they do not possess the terminal degree in the teaching discipline.
- If the candidate accepts the offer, the department collects all the remaining necessary paperwork on the New Hire checklist.
- The department or dean's office works with HR to create a position number and with Budget to ensure the correct FOAP.
- The department creates the new hire EPAF and forwards the completed hire packet to the dean's office for processing.
- Dean's office processes the hire packet and forwards the completed packet to the Office of the Provost for processing.

VISITING SCHOLAR APPOINTMENT PROCEDURES

The recommendation of a Visiting Scholar appointment may come from any level within an academic unit. All recommendations must have the written concurrence of the appropriate department chair/director and academic dean before being routed to the Office of the Provost.

- The department chair/director requests permission to appoint from the dean.
- After review, the dean's office emails the following documents to the Office of the Provost for review and approval before the official offer can be extended:
 - Appointment recommendation letter, including:
 - A comprehensive description of the specific service to be provided by the appointee
 - Specific dates of appointment (typically for a maximum of one year)
 - Curriculum Vita
- If the Office of the Provost concurs with the recommendation, the President and appropriate academic dean are informed.
- A formal letter of appointment is issued to the Visiting Scholar.
- The department works with HR to finalize the appointment.

The reappointment of a Visiting Scholar to additional terms will proceed in the same manner as the original appointment.

1. THE BOARD OF REGENTS

- 1.01 Policies concerning reappointment, tenure, and promotion in The Texas State University System are set forth in The Texas State University System (TSUS) Rules and Regulations [<https://www.tsus.edu/tsus-rules-and-regulations/chapter-5/faculty.html>], hereafter referred to as the Rules and Regulations. In any case of contradiction between this policy and the Rules and Regulations, the Rules and Regulations shall govern.
- 1.02 Exceptions to the policies and procedures set forth herein may be authorized only by the President of the University.
- 1.03 Authority to approve reappointment, tenure, and/or promotion rests with the President, subject to the approval of the Board of Regents (hereafter the Board).

2. GENERAL PROVISIONS

- 2.01 *Tenure*. Tenure is the most important decision a university makes regarding its faculty. The quality of tenure decisions over the years determines in large measure the quality of the university. Tenure denotes a status of continuing appointment as a member of the faculty at Sam Houston State University (SHSU or University). It is not granted automatically because of seniority. Tenure is granted to faculty, after a rigorous probationary period, based on meritorious performance in teaching, scholarly and creative activities, and service. In lieu of teaching, faculty members in the Newton Gresham Library are evaluated on effective librarianship. Tenure ensures academic freedom and protects faculty from inappropriate retribution. It allows faculty members to take a long-term approach to their work while still requiring faculty accountability. It assists in attracting and retaining excellent faculty and promotes the orderly induction of new faculty into the community of mature scholars. “However, tenure does not create a property interest in any attributes of the faculty position beyond the annual salary. By way of example only, tenure does not create a property interest in laboratory space, a particular office, the right to teach graduate students, or use of research materials or equipment” (see Rules and Regulations, Chapter V, Subsection 4.21).

A faculty member is normally reviewed for tenure during the sixth year in a tenure-track position. The length of the probationary period may be modified in accordance with Section 4.05 of this policy.

On rare occasions, truly outstanding faculty may be considered for tenure prior to completion of the probationary period. Early consideration of tenure requires the approval of the appropriate chair/director and dean (or appropriate administrator of the tenure unit) prior to the second Monday of October in the academic year in which tenure is to be considered. Special permission by the chair/director and/or dean (or appropriate administrators) does not imply a subsequently favorable recommendation. If approved for early consideration for tenure, the probationary period for that faculty member is effectively modified and the current year will be deemed the terminal year of the probationary period. No subsequent consideration of tenure shall be allowed beyond the new terminal year.

- 2.02 *Promotion.* Promotion to associate professor occurs in conjunction with tenure. Promotion to professor is granted as recognition of sustained, high-quality performance, combined with efforts of continuous improvement. Promotion does not come automatically or with length of service. A faculty member normally establishes eligibility for consideration for tenure and promotion or promotion upon the completion of five and one-half (5-½) years in a tenure-track position or in the rank of associate professor, respectively. On rare occasions, truly outstanding faculty may be considered prior to this time. Early consideration of promotion requires the approval of the appropriate chair/director and dean prior to the second Monday of October in the academic year in which promotion is to be considered. Special permission by the chair/director and/or dean does not imply a subsequent favorable recommendation.

Nominations for consideration for promotion shall be addressed to the Department Promotion and Tenure Advisory Committee (DPTAC) in any of three (3) ways: (1) by the faculty member seeking promotion; (2) by another faculty member; or (3) by the department/school chair. (Note: For composition of the DPTAC, see Section 7 below and see Section 4.02 for a definition of the term “department/school chair” in this policy statement.) A faculty member is allowed to self-nominate for promotion to full professor once every three (3) years.

- 2.03 *Discretionary Nature of Promotion.* “The academic promotion of a faculty member is discretionary on the part of the President of the Component, the Chancellor, and the Board. Faculty members do not have an entitlement to a prospective promotion rising to the level of a property interest; and the denial of a prospective promotion is not sufficiently stigmatic to constitute a liberty interest. No commitments, implied or otherwise, shall be made by any individual regarding faculty promotions without the prior written approval of the President, and all faculty promotions shall be subject to the approval of the Chancellor and Board. Faculty members who are not recommended

for promotion shall not be entitled to a statement of reasons for the decision against the recommendation. However, supervisors are encouraged to offer suggestions for a program of professional development in teaching, scholarly or creative work, and leadership or service that may enhance the likelihood of promotion in the future” (see Rules and Regulations, Chapter V, Subsection 4.31).

- 2.04 Only members of the faculty with the academic rank of associate professor or professor may be granted tenure. Tenure and promotion from assistant professor to associate professor are linked at SHSU. A faculty member cannot be promoted to the rank of associate professor without a concomitant award of tenure. Tenure may be granted at the time of appointment to an academic rank of associate professor or professor. If tenure is not granted at time of appointment to an academic rank of associate professor or professor, the faculty member shall follow the full probationary period unless service credit is negotiated. Any instructors or assistant professors with tenure as of 2022 shall not be automatically promoted.

3. THE ACADEMIC RANKS

- 3.01 SHSU shall utilize the following academic ranks for tenure-track and tenured faculty: assistant professor, associate professor, and professor. A terminal degree or special credentials are required for all tenure-track ranks.

3.02 Terminal Degrees and Special Credentials

- a. The term “special credentials” as used in this policy shall be defined to include the Certified Public Accountant license and other special credentials, insofar as these signify generally recognized levels of achievement, competence, and experience specifically applicable to particular academic fields.
- b. The term “terminal degree” as used in this document shall be defined as the highest academic degree customarily awarded in the field of study. This term may include the Master of Fine Arts, the Doctor of Jurisprudence, the Master of Social Work, and a degree from an American Library Association accredited master’s program.
- c. The term terminal degree for the SHSU College of Osteopathic Medicine (SHSU-COM) faculty implies Doctor of Osteopathic Medicine, Doctor of Medicine, Doctor of Philosophy, or Doctor of Pharmacy from accredited institutions. This may also include other doctoral level or terminal professional degrees in related areas with

appropriate training and licensure/certification (if applicable). Practicing physician faculty, including Medical Educator and Clinical faculty, must hold an unrestricted license or be eligible for an unrestricted license to practice medicine in the State of Texas.

3.03 SHSU also recognizes dual appointments for SHSU-COM, as defined here.

Faculty members with dual appointments in SHSU-COM are faculty that hold a primary appointment at SHSU. These faculty members are only eligible for tenure and/or promotion through the process at their SHSU college of primary appointment.

4. GENERAL PROCEDURAL GUIDELINES

- 4.01 For purposes of tenure, the term “tenure unit” is defined as the faculty of a college which is not divided into smaller units, or of a department, or of an officially designated program or group of programs within a department, or of the Newton Gresham Library, who share in the obligations, rights, and protections of tenure within their discipline(s). An up-to-date list of the designated tenure units, within the present administrative structure at SHSU, shall be kept on file with the Provost and Senior Vice President for Academic Affairs (hereafter Provost) and available on the Academic Affairs website.
- 4.02 For ease of reference in the remainder of this document, the term “department” refers to each of the tenure units listed with the Office of the Provost. Furthermore, the term “department chair” refers to the relevant administrative official of the department/school within which the tenure unit is located.
- 4.03 *Years of service as tenure-track probationary faculty.* Only full-time service in the academic ranks of professor, associate professor, assistant professor or any combination thereof shall be counted toward fulfillment of a required probationary period related to the award of tenure. Periods during which a faculty member is on a personal leave of absence (including Family and Medical Leave) shall not be counted toward fulfillment of a required probationary period unless negotiated otherwise with the Provost through the chair and dean of the respective tenure unit.
- 4.04 *Calculating years of service.* For purposes of calculating the period of probationary service, an “academic year” shall be the approximate nine-month period from September through May. If a faculty member is initially appointed during an academic year, the period of service from the date of appointment until the beginning of the

following academic year shall not be counted as academic service toward fulfillment of the maximum probationary period.

- 4.05 *Prior service credit.* At the discretion of SHSU, prior service in a tenure-track/tenured position of up to three (3) years at another university may be counted toward fulfillment of the required probationary period for tenure and promotion. Prior service credit shall be applied to the beginning of the probationary period (years 1-3). Teaching, scholarship and creative activities, and service activities during the years of credit shall be counted and included in the tenure and promotion portfolio and shared with the DPTAC. Generally, any such agreement appears in the offer letter and initial contract of the faculty member at the discretion of the dean and Provost.
- 4.06 *Maximum probationary service and the duty of the University to give notice.* The maximum period of probationary faculty service at SHSU in tenure-track status in any academic rank or combination of the academic ranks of assistant professor, associate professor, or professor shall not exceed six (6) years of full-time academic service. Years during which the tenure clock is suspended (i.e., stopped or tolled) shall not count toward the maximum period of probationary service for that faculty member. However, any and all work accomplished while the tenure clock is suspended shall be included in the faculty member's portfolio and count as contributions toward tenure. Not later than August 31 of the last academic year of the maximum probationary period in effect, a tenure-track faculty member shall be given written notice that the subsequent academic year shall be the terminal year of employment or that beginning with the subsequent academic year, tenure shall be granted. In the event that the employment of a tenure-track faculty member is to be terminated prior to the end of the maximum probationary period, notice shall be given in accordance with Subsection 4.10 below. Faculty members who have not been granted tenure by the Board shall not be entitled to tenure by virtue of being employed past the probationary period, i.e., such faculty members do not have *de facto* tenure.
- 4.07 Suspension of the Probationary Period
- 4.071 Personal circumstances may justify the suspension of the tenure clock. It is the responsibility of the faculty member to provide appropriate documentation to demonstrate sufficiently why the request should be granted.
- 4.072 The department chair shall provide a recommendation concerning the request for a suspension of the tenure clock to the dean within ten (10) working days from receipt of the request.

- 4.073 The dean shall provide a recommendation concerning the request for a suspension of the tenure clock to the Provost within ten (10) working days from receipt of the department chair's recommendation.
- 4.074 The decision regarding the request for a suspension of the tenure clock shall be made by the Provost within ten (10) working days from the date of receipt of the dean's recommendation.
- 4.08 *Employment continuance for non-tenured faculty on the tenure track.* All faculty appointments are subject to the approval of the Board. The University's commitment to employ a nontenured faculty member during the probationary period is limited to the term specified in the faculty member's contract for that appointment period. Any commitment to employ a nontenured member of the faculty beyond the period of current appointment shall have no force and effect until approved by the Board.
- 4.09 *No conflicting appointments.* A person appointed to a faculty position with the rank of assistant professor, associate professor, or professor at SHSU may not, during the term of such appointment, hold a tenured or tenure-track position on the faculty of another educational institution. Appointments at SHSU to the above-specified ranks shall be conditional upon the appointee having resigned any tenured position that the appointee may then hold as the faculty of another educational institution. The resignation must be effective prior to the effective date of the appointment at SHSU; otherwise, such appointment shall be void and of no effect. The acceptance of an appointment to a tenured or tenure-track position on the faculty of an educational institution outside SHSU shall be considered as a resignation of any faculty position with the rank of assistant professor, associate professor, or professor that such appointee may hold at SHSU.
- 4.10 *Written notice of non-reappointment and denial of tenure.* Written notice of a decision not to reappoint shall be given to a tenure-track faculty member no later than March 1 of the first or not later than December 15 of the second academic year of probationary service. After two (2) or more academic years, written notice shall be given not later than August 31 that the subsequent academic year shall be the terminal year of appointment. The notice required by this section is not applicable where termination of employment is for good cause or for faculty members who are appointed on a term basis.

- 4.11 *Reappointment and award of tenure.* Reappointment of nontenured members of the faculty to a succeeding academic year or the award of tenure shall be accomplished only upon the President's written recommendation and Board approval.

5. CATEGORIES AND STANDARDS OF PERFORMANCE

- 5.01 Recommendations for reappointment, tenure, and/or promotion shall consider the following categories and examples of standards of performance.

a. Categories of Performance

- (1) *Teaching:* This category includes, among other things, classroom and laboratory instruction; development of new courses, laboratories, and teaching methods; publication of and/or development of electronic instructional materials; academic advising; and supervision of undergraduate and graduate students. This category shall be replaced by librarianship for faculty in the Newton Gresham Library.
- (2) *Scholarly and/or Creative Accomplishment:* For most disciplines, this category consists of research and publication. For some disciplines, however, it may include other forms of creative works and activities, such as instructional technology, patents or commercialization of research (where applicable), poetry, painting, musical performance or composition, and sculpture.
- (3) *Service:* This category includes service to students, colleagues, program, department, school, college, and the University; administrative and committee service; and service beyond the University to the profession, community, state, and nation, including academic or professionally related public service.
- (4) Meeting of the above criteria does not guarantee or confer an entitlement to tenure and/or promotion.
- (5) For evaluative criteria pertaining to faculty members who are librarians, see Academic Policy Statement 810814, *Tenets for Academic Status for Professional Librarians*.

b. Examples of Standards of Performance

The standards of performance shall align with those established in *The Faculty Evaluation System of Tenured and Tenure-Track Faculty* (APS 820317) by the tenured and tenure-track faculty at the department level, be approved by the respective chair and academic dean, be retained on file in the Office of the Provost and made publicly available on the Academic Affairs website.

To be recommended for an award of tenure and/or promotion, an applicant must document a sustained pattern of professional competence and effectiveness in each of the categories of performance listed in Section 5.01(a). In addition, the applicant shall have a clearly developed, ongoing strategy for sustaining professional development throughout the applicant's career.

(1) Associate Professor:

- sustained effective teaching and mentoring of students as documented by student evaluations and peer and chair review. Other possible measures may include an exemplary record of academic advisement, supervision of student research, or thesis/dissertation direction, as appropriate for the discipline
- sustained contribution to program support, such as course and curriculum development, innovations in teaching methodology, electronic instruction development, or participation in interdisciplinary academic programs
- participation in professional development activities to update skills or to gain new expertise
- sustained pattern of peer-reviewed research/publications, creative activities, or scholarly work that contributes to the applicant's discipline; evidence of growth in quality/significance of scholarly or creative contributions
- sustained, documented service to the University, profession, or community, as appropriate for the discipline
- demonstrated effectiveness as a contributing member in accomplishing the goals of the department/college/University

(2) Professor

- sustained, effective teaching and mentoring of students as documented by student evaluations and peer and chair review. Other measures may include an exemplary record of academic advisement, supervision of student research, or thesis/dissertation direction, as appropriate for the discipline since the last promotion
- leadership in program support, such as course and curriculum development, innovations in teaching methodology, electronic instruction development, participation in interdisciplinary programs, or mentoring of less-experienced faculty
- participation in professional development activities to update skills or to gain new expertise
- leadership in peer-reviewed research/publication, grantsmanship, creative activities, or scholarly work that contributes to the applicant's discipline; evidence of growth in quality/significance of scholarly or creative contributions; sustained contribution to the intellectual culture of the University
- sustained, documented leadership in service to the University, profession, or community, as appropriate for the discipline
- demonstrated leadership in accomplishing the goals of the department/college/University

5.02 Faculty applicants for tenure and promotion are evaluated based on accomplishments in each of the three (3) categories of performance (i.e., Teaching, Scholarly and/or Creative Accomplishment, and Service). Successful performance in any or all of such categories does not guarantee or entitle the applicant to tenure and/or promotion.

5.03 All recommendations for reappointment, tenure, and/or promotion or assessment of progress toward such shall be based on the above categories and standards specified in *The Faculty Evaluation System for Tenured and Tenure-Track Faculty* (APS 820317). Department- and college-specific requirements relating to these categories and standards must be approved and be on file with the Office of the Provost. Although these documents shall be provided to the faculty member at the outset of employment in a tenure-track position, it is the faculty member's responsibility to know these

criteria. Each time such criteria are updated, tenure-track faculty shall choose, at the time of their annual probationary evaluation, whether to remain on the standards that previously applied or switch to the updated standards, and the selection shall be final. If no selection is made, the standards of evaluation shall default to the updated standards. Tenure-track faculty may only be evaluated on standards that were current during some portion of the probationary period.

For promotion to professor, a faculty member shall elect to be evaluated by the updated standards or by any standards that previously applied that are both no older than six (6) years and were current during some portion of the faculty member's service at the rank of associate professor. The faculty member's selection of evaluation standards shall be communicated at the time of any DPTAC review of progress toward promotion to professor and at the time the faculty member's portfolio for promotion is submitted for review. If no selection is made, the standards of evaluation shall default to the updated standards.

6. FACULTY REVIEW PORTFOLIO

- 6.01 For a faculty member to be considered for promotion and/or tenure, the faculty member must prepare a Faculty Review Portfolio. The Faculty Review Portfolio may contain any information or materials that the individual deems pertinent for consideration. The department chair and college dean may, on behalf of the University, place in the portfolio file any additional information that may be pertinent to the faculty member's status.
- 6.02 The individual departments shall establish and maintain guidelines that define the documents required in the tenure and/or promotion portfolio. At a minimum, for faculty members to have an application considered for promotion and/or tenure, they must assure that the Faculty Review Portfolio contains a complete, accurate and truthful record of accomplishments that is organized under the following headings:
 - a. Curriculum vitae including at least:
 - (1) Academic training
 - (2) Summary of work experience
 - (3) Scholarly and creative contributions (juried contributions must be listed separately)

- (4) Funded grants (external and institutional grants must be listed separately)
 - (5) Honors, awards, and other special recognitions
 - b. Activities reported in the annual portfolios used for *The Faculty Evaluation System for Tenured and Tenure-Track Faculty* (APS 820317) that pertain to the period of review.
 - c. Narratives that provide context to the activities reported in the annual FES documents and that describe accomplishments in teaching, scholarly and creative activities, and service.
 - d. Any further documentation that clarifies achievements in other areas or includes other material supporting promotion or tenure, such as examples of publications/creative works.
- 6.03 Inclusion of external letters of evaluation are recommended, especially regarding scholarly and/or creative activity, as well as community and professional engagement, and may be required at the discretion of the college. Each tenure unit shall develop and document, in writing (with approval by the dean), a process for implementation.
- 6.04 Faculty are expected to maintain the highest level of standards and integrity and, therefore, proven instances of academic fraud or dishonesty by faculty regarding submitted material within the portfolio may be grounds for denial of tenure and/or promotion.
7. DEPARTMENT PROMOTION AND TENURE ADVISORY COMMITTEE (DPTAC)
- 7.01 The DPTAC shall be an advisory body composed ordinarily of all tenured faculty members appointed in the tenure unit with the exception of the department chair or any faculty member with more than 0.5 FTE administrative assignment. The DPTAC shall elect a chair in collaboration with and subject to the approval of the respective department chair and college dean. The chair of the department shall make introductory comments and answer questions of an administrative nature before recusing themselves from the DPTAC deliberations.

- 7.02 If the DPTAC, when constituted in accordance with section 7.01, has fewer than four (4) tenured members, then the department chair and either (a) the probationary faculty member or (b) the person to be considered for promotion shall each submit to the dean a list of three (3) names of tenured faculty members from other tenure units who are qualified to serve on the DPTAC. The nominations shall be accompanied by documentation of the nominees' relevant qualifications. The dean shall appoint members from these lists until there are at least four (4) members of the DPTAC. The DPTAC shall elect a chair in collaboration with and subject to the approval of the department chair and college dean. If the need arises to replace a member of the DPTAC, the dean shall follow the same procedure.
- 7.03 The DPTAC shall review the performance of the probationary faculty member every year beginning with the second year of employment and continuing until a final recommendation concerning tenure is made. In the case of promotion of tenured faculty (e.g., associate professor to professor), the DPTAC shall conduct a review of progress toward promotion for any year(s) requested by the faculty member beginning with the second year after the previous promotion and continuing until promotion occurs. Beginning in 2025, a minimum of one (1) DPTAC formative review of progress toward promotion to professor is required for any associate professor seeking promotion and may occur in any year prior to the year of a formal vote on promotion to professor. Exceptions require approval of the dean and Provost and Sr. Vice President for Academic Affairs. A review of progress toward promotion to professor shall be separate from any review required by APS 980204, *Performance Evaluation of Tenured Faculty*. All DPTAC formative reviews of progress toward professor shall be communicated only to the faculty member being evaluated.

To the greatest extent possible, the DPTAC for a tenure-track faculty member shall remain consistent until the tenure review/vote of that respective faculty member.

- 7.04 The full DPTAC shall limit its recommendations to tenure decisions. Decisions about promotion shall be made by all members of the DPTAC holding at least the rank for which the candidate is being considered for promotion. Each DPTAC member shall vote on a recommendation for or against tenure and/or promotion (including recusals or abstentions), and all votes by the committee shall be by secret ballot. DPTAC members must be present to vote unless on faculty developmental leave or other approved leave. In accordance with section 2.04 of this policy, since a faculty member may not be promoted to the rank of associate professor without a concomitant award of tenure, a single combined vote shall be taken for candidates being considered for tenure and promotion to associate professor. A separate record of the vote count for tenure

and/or promotion from the DPTAC members shall be transmitted to the appropriate administrator for each candidate.

All DPTAC discussions during review of tenure and/or promotion portfolios shall remain confidential unless precluded by law, court order, or the Rules and Regulations. Electronic recording of DPTAC proceedings is prohibited. A DPTAC-approved written recommendation summary, including formative feedback and DPTAC votes, shall be the only records created by the committee.

- 7.05 In addition to annual reviews, an extensive review shall be conducted during the spring semester of the faculty member's third academic year of probationary service by the DPTAC, as well as the department chair and dean. The review shall include an indication of the degree of consensus of the DPTAC, in the form of a preview vote, regarding the probationer's progress toward tenure. The actual result of the DPTAC vote shall be reported in a DPTAC-approved written summary by the DPTAC chair to the department chair, with a copy of the result sent to the faculty member. A written summary of the DPTAC's assessment and the department chair's review shall be kept in the probationer's tenure file and sent to the respective dean's office for the faculty member's permanent files.
- 7.06 If a department chair does not hold either tenure or the rank under consideration for the faculty member under DPTAC review, the dean of that college shall appoint a chair with tenure and appropriate rank for the department chair review. The appointed chair shall work in consultation with the department chair of the tenure unit when making the recommendation. The department chair shall submit a letter of evaluation (but not recommendation) to the appointed chair, and the department chair's letter shall be submitted with the appointed chair's recommendation. If a college dean does not hold either tenure or the rank under consideration for the faculty member under DPTAC review, the Provost shall appoint a dean with tenure and appropriate rank for the college review. The appointed dean shall work in consultation with the college dean of the tenure unit when making the recommendation. The college dean shall submit a letter of evaluation (but not recommendation) to the appointed dean, and the college dean's letter shall be submitted with the appointed dean's recommendation.
8. REVIEW OF PROBATIONARY FACULTY
- 8.01 Formative review of faculty is an ongoing process and is informed by annual FES reviews as described in APS 820317, *The Faculty Evaluation System for Tenured and*

Tenure-Track Faculty. A faculty member in the first year of probationary service as an assistant professor, or nontenured associate professor is reviewed by the department chair based on the performance categories outlined above. If the progress of the faculty member toward meeting the required standards of performance is found to be insufficient, the chair may recommend to the dean a non-reappointment of the faculty member.

- 8.02 Beginning with the second year of probationary service, the faculty member shall be reviewed annually by the DPTAC. Copies of the annual DPTAC reviews shall be provided to the department chair and the chair shall review DPTAC findings with the probationary faculty member. If the progress of the faculty member toward meeting the standards of performance required for eligibility for tenure and promotion to associate professor is found to be inadequate, the chair shall make a recommendation to the dean. The dean shall make a decision and, if the faculty member is not to be renewed, notify the faculty member in writing in accordance with section 4.10 of this policy.
- 8.03 If the performance of the faculty member is found to be satisfactory to continue in probationary status based on performance expectations established at the departmental level, the department chair shall discuss the results of the review with the faculty member (with a view toward improving performance) and provide the faculty member with a copy of the DPTAC's written summary. This written summary shall also be shared with the dean who may provide written feedback to the probationary faculty member under review as part of the annual review process.

9. ELIGIBILITY FOR COMMITTEE SERVICE

Department chairs, deans, and vice presidents are not eligible to serve on the DPTAC in their respective tenure units. Faculty members with an administrative appointment of 0.5 FTE or less, shall retain voting rights on the DPTAC in their tenure unit. Faculty members who hold administrative appointments of greater than 0.5 FTE may serve on DPTACs outside of their tenure unit with the approval of the Provost.

10. APPOINTMENTS OF PROFESSORS

Special appointments to the rank of professor may be with tenure except when the appointment is that of visiting professor, which is a nontenure-track rank.

11. REVIEW TIMETABLE AND PROCEDURES

The individual faculty member is responsible for preparing and submitting all materials to be considered for promotion and tenure. The Office of the Provost shall post a specific calendar at the start of each academic year. However, the review process and the approximate annual timetable for the review procedure are as follows:

a. By First Monday in October

Deans shall receive a list from the Office of the Provost of all faculty members who are eligible for either promotion and/or tenure.

b. By Second Monday in October

The respective chairs shall notify each faculty member who is eligible for consideration for promotion and/or tenure. Individual faculty members who are not notified may also choose to apply; these faculty members must meet the same standards of performance as those who are notified by their chairs and must notify their chairs and deans in writing of their intention to apply by the second Monday in October.

c. By First Monday in November

The DPTAC shall submit the name of the elected DPTAC chair to the department chair.

d. By Second Monday in January

Each individual faculty member who intends to be considered for promotion and/or tenure must submit a complete Faculty Review Portfolio to the chairperson of the DPTAC.

e. Upon submission, the DPTAC shall have three (3) weeks to evaluate the portfolio (Weeks 1-3 after second Monday in January).

The chairperson of the DPTAC shall submit a DPTAC-approved summary recommendation including formative feedback with DPTAC vote to the department chair and shall send a copy of the summary recommendation letter and vote to the candidate. Each Faculty Review Portfolio must be forwarded with a separate recommendation for or against promotion and/or tenure. The recommendation letter shall also include a tally of the vote in terms of the number in favor and against. In matters where a conflict of interest arises, members of the DPTAC shall recuse themselves from the process, and the reason

for the recusal documented. Abstentions are permitted but should be rare. If DPTAC members participating in the review process choose to abstain from voting, any abstentions must be included in the tally. This recommendation becomes part of the Faculty Review Portfolio.

- f. The department chair shall have one (1) week to make a recommendation (week 4).

The department chair shall forward each Faculty Review Portfolio with a recommendation for or against promotion and/or tenure to the dean and shall send a copy of the recommendation letter to the candidate. A separate recommendation letter must accompany each portfolio. This recommendation becomes part of the Faculty Review Portfolio. In the case when a department chair does not have tenure and/or does not hold the rank for which the candidate is being considered for promotion, the chair shall not make a recommendation but instead shall consult with a chair who does meet these criteria (preferably from the same college) who shall make the recommendation.

- g. The dean will have two (2) weeks to make a recommendation (weeks 5-6).

The dean shall forward each Faculty Review Portfolio with a recommendation for or against promotion and/or tenure to the Provost, and shall send a copy of the recommendation letter to the candidate. This recommendation becomes part of the Faculty Review Portfolio. In the case when a college dean does not have tenure and/or does not hold the rank for which the candidate is being considered for promotion, the dean shall not make a recommendation but instead shall consult with a dean who does meet these criteria who shall make the recommendation.

- h. The Provost shall have six (6) weeks to make a recommendation (weeks 7-12).

The Provost shall forward each Faculty Review Portfolio with a recommendation for or against promotion and/or tenure to the University President and shall send a copy of the recommendation letter to the applicant. This recommendation becomes part of the Faculty Review Portfolio.

- i. The University President shall send a recommendation to the Board for consideration at its spring meeting. The President shall officially notify the faculty member after the Board has acted on the recommendation.

12. APPEALS

CERTIFICATION STATEMENT

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

Original: April 17, 1990
Reviewer: Academic Affairs Council

Review Cycle: Five years*
Review Date: Fall 2027

Approved: _____ <signed> _____
Michael T. Stephenson, Ph.D.,
Provost and Sr. Vice President
for Academic Affairs

Date: _____ 01/19/2023 _____

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

1. GENERAL

This policy provides clarification and information regarding the preceptor recruitment and renewal process in the Undergraduate Medical Education program. The preceptor will act as a facilitator and resource person to the medical student during the clinical learning experiences and will participate in the evaluation of the student's learning.

2. DEFINITIONS

Clinical Teaching Faculty (Preceptor) are fully qualified and credentialed physicians who have a clinical adjunct faculty appointment through SHSU and provide clinical instruction and supervision to SHSU medical students within an affiliated hospital or other medical facility during the 3rd and 4th-year clerkships. A preceptor is not only a teacher, but also an observer, mentor, and evaluator.

3. FACULTY APPOINTMENT PROCESS

In accordance with the mission, this policy is developed to provide preceptors with a method to obtain an appointment. SHSU-COM will document the qualifications and skills of our preceptors and provide the educational support and development essential to the delivery of a quality curriculum. Preceptors that demonstrate an interest in training SHSU-COM student doctors are reviewed for eligibility and granted an appointment with the title, Clinical Assistant Professor. This process includes the following:

- 3.1. The physician that is under consideration as a preceptor provides a completed Clinical Faculty Request Form to the Office of Clinical Education.
- 3.2. The Office of Clinical Education verifies the following: Medical License, Board Actions, and Board Certification.
- 3.3. The Clinical Education Credentialing Coordinator prepares a completed application packet for review by the SHSU-COM Faculty Evaluation and Selection Committee (FESC).
- 3.4. The SHSU-COM Faculty Evaluation and Selection Committee (FESC) will review the physician's file and recommend approval or denial of credentialing. This recommendation will be submitted to the Dean for final approval.
- 3.5. The approved preceptor will be appointed as (Volunteer) Adjunct Clinical Assistant Professor, unless otherwise approved by the Dean.
- 3.6. The new preceptor will receive a Welcome Letter and SHSU-COM certificate.
- 3.7. The credentialing coordinator will
 - 3.7.1. enter the preceptor's information into *Watermark*,
 - 3.7.2. secure an SHSU email address for the preceptor,
 - 3.7.3. arrange for preceptor access to SHSU library services,
 - 3.7.4. provide the preceptor with instructions for access to SHSU software products and services.
- 3.8. The professional development coordinator will be notified each time a new preceptor has been processed to review training materials, the Preceptor Handbook, provide training on the student

evaluation process, preceptor roles, and responsibilities.

3.9. Once a preceptor has been approved by the Faculty Evaluation and Selection Committee (FESC) review the applicant's information. Preceptors receive the following benefits:

3.9.1. Access to the SHSU library

3.9.2. Subscription to UpToDate®

3.9.3. Subscription to Prescriber's Letter

3.9.4. Access to *The Teaching Physician* from the Society of Teachers of Family Medicine (STFM)

3.9.5. Formal letter and certificate confirming the rank awarded and dates of the appointment.

3.9.6. CME credits for teaching medical students. CME Credits for attending faculty development sessions.

4. PRECEPTOR'S SUPERVISION OF STUDENTS

Patient safety and quality of care are the primary priorities. Supervising physicians are to be engaged and retain responsibility for all aspects of patient care. The supervising physician should have privileges to perform the duties or tasks that are to be performed by the student. It is of utmost importance that preceptors acknowledge that the student must be supervised as SHSU medical students are *unlicensed*.

5. PRECEPTOR RESPONSIBILITIES

5.1. Maintain professional license and board certification (*if applicable*).

5.2. Continue appointment with SHSU.

5.3. Supervise students during all aspects of clinical training.

5.3.1. *Complete* the Family Educational Rights and Privacy Act training and review the SHSU FERPA Policy.

5.3.2. *Complete* the SHSU Title IX Training and review the Title IX Guidelines.

5.3.3. Utilize the SHSU course or specialty syllabus as a training guide.

6. EVALUATION

6.1 Provide an introduction to the student that includes: to whom the student directly reports; detailed expectations of the student per the preceptor (e.g., time commitment and service duties); and a discussion of grading policies and expectations.

6.2 Discuss preceptor expectations on the first day of clerkship.

6.3 Provide informal Mid-Clerkship Evaluation.

6.4 Submit a Final Evaluation of the student's performance within 10 days of the clerkship end date.

6.5 Provide a letter of recommendation as requested by the student when appropriate.

7. SHSU LEAD AND REGIONAL CLINICAL CLERKSHIP COORDINATORS RESPONSIBILITIES

SHSU Regional Clinical Clerkship Coordinators are the initial point of contact for all matters that pertain to clinical education. The coordinators' primary responsibilities are to be available to assist students and preceptors in the navigation of the clinical rotation. They are expected to be available by email or telephone during regular University business hours (8:00 am to 5:00 pm Monday through Friday).

8. DOCUMENT UPDATES (ONGOING) AND RECREDENTIALING (EVERY 3 YEARS)

8.1. The credentialing coordinator in the Office of Clinical Education will maintain current files/verification for the preceptor's medical license and board actions.

8.2. Three months prior to the expiration of the preceptor's credentials the credentialing coordinator in the Office of Clinical Education along with the regional clinical coordinator and/or the Lead Clinical Coordinator will verify the medical license and board actions. This file will be submitted to the FESC for approval by the credentialing coordinator.

- 8.3. The SHSU-COM Faculty Evaluation and Selection Committee will review the physician's file and recommend approval or denial of credentialing.
- 8.4. This recommendation will be routed to the Dean for final approval. The preceptor will receive a Notice of Renewal and a new SHSU-COM certificate

Workflow – Preceptor Credentialing

Phase 1: Preceptor Recruitment (Ongoing)

- Preceptor is recruited by a member of Sam Houston State University College of Osteopathic Medicine
- Preceptor sends the completed Clinical Faculty Request Form along with a copy of the face sheet of their malpractice insurance via email to COMcredentials@shsu.edu or fax to 936-202-5260.

Phase 2: Preceptor Application Process (1 week)

- The Office of Clinical Education verifies the following: Medical License, Board Actions, and Board Certification.
- The Clinical Education Credentialing Coordinator prepares a completed application packet for review by the SHSU COM Faculty Evaluation and Selection Committee (FESC).

Phase 3: Preceptor Application Review (2 weeks)

- The SHSU-COM Faculty Evaluation and Selection Committee will review the physician's file and recommend approval or denial credentialing. This recommendation will be submitted to the Dean for final approval.
- The approved preceptor will be appointed as (Volunteer) Adjunct Clinical Assistant Professor. A preceptor will be considered for a higher rank if the preceptor provides documentation of that rank with another institution.

Phase 4: Preceptor Onboarding (1-2 weeks)

- The new preceptor will receive a Welcome Letter and SHSU-COM certificate.
- The credentialing coordinator will enter the preceptor's information into Digital Measures, obtain the SHSU email address, and access to the Library and other software for preceptors.
- The professional development coordinator will be notified each time a new preceptor has been processed to review training materials, the Preceptor Handbook, provide training on evaluations, roles, and responsibilities.

Phase 5: Student Engagement (Ongoing)

- The Office of Clinical Education will collaborate with the preceptors to assign students during rotations based on availability.
- Communication will be monitored through the Excel database.

Phase 6: Document Update (Ongoing) and Recredentialing (Every 3 years)

- The credentialing coordinator in the Office of Clinical Education will maintain current files/verification for the preceptor's medical license and board actions.
- Three months prior to the expiration of the preceptor's credentials the credentialing coordinator in the Office of Clinical Education along with the regional clinical coordinator will verify the medical license and board actions. This file will be submitted to the FESC for approval.
- The SHSU COM Faculty Evaluation and Selection Committee will review the physician's file and recommend approval or denial of recredentialing. This recommendation will be submitted to the Dean for final approval.
- The preceptor will receive a Notice of Renewal and a new SHSU-COM certificate.